

**FIRST DAY - JANUARY 5, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 5, 2011

**PRAYER**

The prayer was offered by Senator Harms.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Second Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 5, 2011, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Gloor, Mike	McGill, Amanda M.
Ashford, Brad	Haar, Ken	Mello, Heath
Avery, Bill	Hadley, Galen	Nelson, John E.
Bloomfield, Dave	Hansen, Thomas F.	Nordquist, Jeremy
Brasch, Lydia	Harms, John N.	Pahls, Rich
Campbell, Kathy	Harr, Burke J.	Pankonin, Dave
Carlson, Tom	Heidemann, Lavon L.	Pirsch, Pete
Christensen, Mark	Howard, Gwen	Price, Scott
Coash, Colby	Janssen, Charlie	Schilz, Ken
Conrad, Danielle	Karpisek, Russ	Schumacher, Paul
Cook, Tanya	Krist, Bob	Smith, Jim
Cornett, Abbie	Langemeier, Chris	Sullivan, Kate
Council, Brenda J.	Larson, Tyson	Utter, Dennis
Dubas, Annette M.	Lathrop, Steve	Wallman, Norman
Fischer, Deb	Lautenbaugh, Scott	Wightman, John
Flood, Mike	Louden, LeRoy J.	
Fulton, Tony	McCoy, Beau	

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Wightman moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

**RESIGNATION**

November 12, 2010

Governor Dave Heineman  
P.O. Box 94848  
2nd Floor, State Capitol  
Lincoln, NE 68509-4848

Dear Governor Heineman:

Please accept this letter as notification that effective December 1, 2010, I am resigning from my position as State Senator for the 17th Legislative District in the State of Nebraska. I was elected Dakota County Treasurer at the statewide general election on November 2, 2010, and I am constitutionally and statutorily required to resign from the Legislature prior to assuming that office. Pursuant to the requirements of Nebraska Revised Statute § 32-562, subsection (3), I am delivering this notice to you in written form.

It has truly been a privilege to serve as a member of the Nebraska Legislature for the past two years. I wish to take the opportunity to thank the residents of the 17th Legislative District, and of this state, for granting me the opportunity to serve them in this capacity.

Sincerely,  
(Signed) Robert Giese

CC: Patrick O'Donnell, Clerk of the Legislature

**MESSAGE FROM THE GOVERNOR**

December 2, 2010

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

Dear Mr. President, Speaker Flood and Senators:

I hereby appoint Dave Bloomfield to fill the vacancy in the 17th Legislative District created by the resignation of Senator Robert Giese. This appointment takes effect on December 2, 2010.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint Dave Bloomfield as a member of the Nebraska Legislature representing District 17.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law:

This appointment shall take effect on December 2, 2010, and continue until as provided by law provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman  
Governor

(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, )  
  ) ss. Secretary of State  
State of Nebraska            )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that Dave Bloomfield has been appointed as a Member of the Nebraska Unicameral Legislature from the Seventeenth District for the unexpired term of Robert J. Giese. The term beginning December 2, 2010, shall continue until January 8, 2013, or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Dave Heineman under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, two thousand and eleven.

(SEAL) (Signed) John A. Gale  
Secretary of State

### **OFFICIAL OATH**

STATE OF NEBRASKA )  
 ) ss.  
County of Lancaster )

"I, Dave Bloomfield, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 17 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."\*

(Signed) Dave Bloomfield

Subscribed in my presence and sworn to before me this 2nd day of December, 2010.

(SEAL) (Signed) John A. Gale  
Secretary of State

\*Constitution of the State of Nebraska, Article XV, Section One.  
For Executive, Judicial Officers and Members of the Legislature.

### **MOTION - Committee on Credentials**

Senator Cornett moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2010.

The motion prevailed.

Senator Wallman moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Langemeier, Louden, Pahls, Fischer, and Flood.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

United States of America, )  
 ) ss. Secretary of State  
 State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Second Legislature, First Session, 2011.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Second Legislature, First Session, 2011.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, two thousand and eleven.

(SEAL) (Signed) John A. Gale  
 Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 4, 2008
2 Dave Pankonin	November 2, 2010
3 Scott Price	November 4, 2008
4 Pete Pirsch	November 2, 2010
5 Heath Mello	November 4, 2008
6 John E. Nelson	November 2, 2010
7 Jeremiah Nordquist	November 4, 2008
8 Burke J. Harr	November 2, 2010
9 Gwen Howard	November 4, 2008
10 Bob Krist	November 2, 2010
11 Brenda J. Council	November 4, 2008
12 Steve Lathrop	November 2, 2010
13 Tanya Cook	November 4, 2008
14 Jim Smith	November 2, 2010

15	Charlie Janssen	November 4, 2008
16	Lydia Brasch	November 2, 2010
17	Dave Bloomfield	Appointed December 2, 2010
18	Scott Lautenbaugh	November 2, 2010
19	Mike Flood	November 4, 2008
20	Brad Ashford	November 2, 2010
21	Ken Haar	November 4, 2008
22	Paul Schumacher	November 2, 2010
23	Chris Langemeier	November 4, 2008
24	Greg L. Adams	November 2, 2010
25	Kathy Campbell	November 4, 2008
26	Amanda M. McGill	November 2, 2010
27	Colby Coash	November 4, 2008
28	Bill Avery	November 2, 2010
29	Tony Fulton	November 4, 2008
30	Norman Wallman	November 2, 2010
31	Rich Pahls	November 4, 2008
32	Russ Karpisek	November 2, 2010
33	Dennis Utter	November 4, 2008
34	Annette M. Dubas	November 2, 2010
35	Mike Gloor	November 4, 2008
36	John Wightman	November 2, 2010
37	Galen Hadley	November 4, 2008
38	Tom Carlson	November 2, 2010
39	Beau McCoy	November 4, 2008
40	Tyson Larson	November 2, 2010
41	Kate Sullivan	November 4, 2008
42	Thomas F. Hansen	November 2, 2010
43	Deb Fischer	November 4, 2008
44	Mark Christensen	November 2, 2010
45	Abbie Cornett	November 4, 2008
46	Danielle Conrad	November 2, 2010
47	Ken Schilz	November 4, 2008
48	John N. Harms	November 2, 2010
49	LeRoy J. Loudon	November 4, 2008

### **MOTION - Credentials Committee Report**

Senator Langemeier moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

**MOTION - Escort Chief Justice**

Senator Schilz moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

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

**MEMBERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
 ) ss.  
 LANCASTER COUNTY )

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Adams, Greg L.	Harms, John N.	Pankonin, Dave
Ashford, Brad	Harr, Burke J.	Pirsch, Pete
Avery, Bill	Karpisek, Russ	Schumacher, Paul
Brasch, Lydia	Krist, Bob	Smith, Jim
Carlson, Tom	Lathrop, Steve	Wallman, Norman
Christensen, Mark	Larson, Tyson	Wightman, John
Conrad, Danielle	Lautenbaugh, Scott	
Dubas, Annette M.	McGill, Amanda M.	
Hansen, Thomas F.	Nelson, John E.	

The committee escorted the Chief Justice from the Chamber.

**MOTION - Adopt Temporary Rules**

Senator K. Haar moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 5, 2011.

The motion prevailed.

**MOTION - Election of Officers**

Senator Wightman moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Second Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

**MOTION - Election of Speaker**

Senator Mello moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Flood placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Flood.

The motion prevailed.

Senator Flood was duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

Senator Conrad moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Harms, Karpisek, Lautenbaugh, Howard, and Janssen to serve on said committee.

**OFFICERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
) ss.  
LANCASTER COUNTY )

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.



Speaker  
Clerk of the Legislature  
Assistant Clerk of the Legislature  
Sergeant at Arms

Mike Flood  
Patrick J. O'Donnell  
Richard K. Brown  
Ron Witkowski

The committee escorted the Chief Justice from the Chamber.

**MOTION - Chairperson of Committee on Committees**

Senator Heidemann moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Hansen placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hansen.

The motion prevailed.

Senator Hansen was duly elected Chairperson of the Committee on Committees.

**MOTION - Committee on Committees Members**

Senator Fischer moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Adams, Conrad, Langemeier, and Pankonin were nominated from District 1.

Senators Ashford, Cornett, Howard, and Lathrop were nominated from District 2.

Senators Carlson, Fischer, Flood, and Loudon were nominated from District 3.

Senator Harms moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator Pirsch moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Wightman placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wightman.

The motion prevailed.

Senator Wightman was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Price moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Nelson placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Nelson.

The motion prevailed.

Senator Nelson was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Pankonin moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Karpisek and Langemeier were nominated from District 1.

Senators Lathrop and Pahls were nominated from District 2.

Senators Christensen and Fischer were nominated from District 3.

Senator Hansen moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Sullivan moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Carlson placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Carlson.

The motion prevailed.

Senator Carlson was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Heidemann placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Heidemann.

The motion prevailed.

Senator Heidemann was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Pahls placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Pahls.

The motion prevailed.

Senator Pahls was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Lathrop placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lathrop.

The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Adams placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Adams.

The motion prevailed.

Senator Adams was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Karpisek placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Karpisek.

The motion prevailed.

Senator Karpisek was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Avery placed his name in nomination.

Senator Krist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Gloor, Nordquist, and Lautenbaugh as tellers.

Senator Avery	41
Senator Krist	<u>8</u>
	49

Senator Avery was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Campbell placed her name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Campbell.

The motion prevailed.

Senator Campbell was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ashford.

The motion prevailed.

Senator Ashford was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Langemeier placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Langemeier.

The motion prevailed.

Senator Langemeier was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Gloor placed his name in nomination.

Senator Nordquist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Utter, McGill, and Fulton as tellers.

Senator Gloor	23
Senator Nordquist	<u>26</u>
	49

Senator Nordquist was duly elected Chairperson of the Nebraska Retirement Systems Committee.

#### CHAIRPERSON - Revenue

Senator Cornett placed her name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Cornett.

The motion prevailed.

Senator Cornett was duly elected Chairperson of the Revenue Committee.

#### CHAIRPERSON - Transportation and Telecommunications

Senator Fischer placed her name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Fischer.

The motion prevailed.

Senator Fischer was duly elected Chairperson of the Transportation and Telecommunications Committee.

#### CHAIRPERSON - Urban Affairs

Senator McGill placed her name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McGill.

The motion prevailed.

Senator McGill was duly elected Chairperson of the Urban Affairs Committee.

#### **MOTION - Special and Select Committee Chairpersons**

Senator McCoy moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Senator Janssen placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Janssen.

The motion prevailed.

Senator Janssen was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Senator Lautenbaugh placed his name in nomination.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lautenbaugh.

The motion prevailed.

Senator Lautenbaugh was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Nordquist nominated Senator Larson.

Senator Cook moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Larson.

The motion prevailed.

Senator Larson was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Karpisek moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2010.

The motion prevailed.

The Chair appointed Senators Gloor, Mello, and Council to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 5, 2011

Speaker of the Legislature  
 One Hundred Second Legislature, First Session 2011  
 State Capitol  
 Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 2, 2010 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2000 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to two Constitutional Amendments are on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,  
 (Signed) John A. Gale  
 Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, )  
 ) ss. Secretary of State  
 State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public



Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 2, 2010.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, two thousand and eleven.

(SEAL) (Signed) John A. Gale  
Secretary of State

- Governor Dave Heineman
- Lieutenant Governor Rick Sheehy
- Attorney General - Jon Bruning
- Secretary of State - John A. Gale
- Auditor of Public Accounts - Mike Foley
- State Treasurer - Don Stenberg
- Public Service Commission, District 4 - Rod Johnson
- Public Service Commission, District 5 - Jerry Vap
- Board of Regents of the University of Nebraska - Dist 6 - Kent Schroeder
- Board of Regents of the University of Nebraska - Dist 7 - Bob Phares
- State Board of Education - Dist 5 - Patricia H. Timm
- State Board of Education - Dist 6 - Lynn R. Cronk
- State Board of Education - Dist 7 - Molly O'Holleran
- State Board of Education - Dist 8 - John Sieler
- Supreme Court Judge, Chief Justice - Michael G. Heavican
- Supreme Court Judge, District 3 - John M. Gerrard
- Supreme Court Judge, District 5 - William M. Connolly
- Supreme Court Judge, District 6 - John F. Wright
- Court of Appeals Judge, District 5 - Everett O. Inbody
- Court of Appeals Judge, District 6 - Frankie J. Moore
- Nebraska Workers Compensation Judge James R. Coe
- Nebraska Workers Compensation Judge John R. Hoffert
- Nebraska Workers Compensation Michael P. Cavel
- Nebraska Workers Compensation Ronald Brown

**CERTIFICATE**

State of Nebraska

United States of America, )  
 ) ss. Secretary of State  
 State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendment proposed by the Legislature showing the number of votes cast for and against the amendment at the Primary Election held on May 11, 2010, and Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against at the General Election held on November 2, 2010, is also attached.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of January in the year of our Lord, two thousand and eleven.

(SEAL) (Signed) John A. Gale  
Secretary of State

2010 Primary Election

Amendment

Amendment 1

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For	129,018
Against	116,708

2010 General Election

Amendments

Amendment 1

A constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development.

For	221,295
Against	216,419

Amendment 2

A constitutional amendment to abolish the office of the State Treasurer on January 8, 2015.

For	146,935
Against	299,882

Senator Coash moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

**MOTION - Inaugural Ceremonies**

Senator Christensen moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 6, 2011, at 1:30 p.m.

The motion prevailed.

**VISITOR**

The Doctor of the Day was Dr. Ronald Klutman from Columbus.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, January 6, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - JANUARY 6, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 6, 2011

**PRAYER**

The prayer was offered by Pastor Nate Reckling, Countryside Alliance Church, Princeton.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Utter moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**MESSAGES FROM THE GOVERNOR**

April 16, 2010

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Information Technology Commission:

Dan Shundoff, 2611 Country Club Lane, Kearney, NE 68845

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Information Technology Commission:

Doug Kristensen, 219 North Brown, Minden, NE 68959

Lance Hedquist, 905 E. 29th Street, South Sioux City, NE 68776

Patrick Flanagan, 7710 S. 45th Ave., Omaha, NE 68157

Harold Huggenberger, 3281 County Rd P 43, Fort Calhoun, NE 68023

Daniel Hoelsing, 101 7th Street, Laurel, NE 68745

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 1, 2010

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the State Personnel Board:

Samuel Seever, 6425 Lone Tree Drive, Lincoln, NE 68512

Brian Tessman, 12929 Jessie Avenue, Omaha, NE 68164

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 10, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the State Energy Office:

Ginger S. Langemeier, 2019 Raven Oaks Drive, Lincoln, NE 68521

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 18, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Roger Bradford (Brad) von Gillern, 1532 North 159th Street, Omaha, NE 68118

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 28, 2010

Mr. President, Speaker Flood and

Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Ethanol Board:

Mark McColley, 13505 B Street, Omaha, NE 68144  
Michael Thede, 327 "R" Street, Palmer, NE 68864

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 28, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Robert "Bob" Culver Jr., 1008 Dodge St., #305, Omaha, NE 69102  
Donna Hastings, 212 Forest Blvd., Hastings, NE 68901  
Nana Smith, 2221 Sheridan Blvd., Lincoln, NE 68502

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 30, 2010

Mr. President, Speaker Flood and



Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Blake Dillon, 1444 N. Nye Ave., Fremont, NE 68025

Contingent upon your approval, the following individual is being reappointed to the Nebraska Motor Vehicle Industry Licensing Board:

Fred Stone, 2710 Kucera Dr., Lincoln, NE 68502

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 8, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Thomas Knutson, 102 Custer, St. Paul, NE 68873

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 14, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Technical Advisory Committee for Statewide Assessment:

Dallas Watkins, P.O. Box 94, Benkelman, NE 69021  
Wayne Camara, College Board, 45 Columbus Ave., New York, NY 10053

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 14, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Railway Council:

Frank Landis, 3400 Calvert, Lincoln, NE 68502  
John Rebensdorf, 651 North 57th Ave., Omaha, NE 68132  
Ralph Holzfafter, 77045 Road 343, Paxton, NE 69155  
Gary Rasmussen, Box 6, Elba, NE 68835

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 23, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

William Reeg, 1023 Hillcrest Road, Wayne, NE 68787

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 28, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Electrical Board:

Edwin Bergstraesser, 1300 SW 24th St., Lincoln, NE 68522  
Cory Mueller, 238 S. 2nd St., Seward, NE 68434

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 5, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Highway Commission:

E.J. Militti Jr., 1349 South 101st Street, Unit #115, Omaha, NE 68124

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 30, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Kathy Boswell, 214 West Second St., Allen, NE 68710  
Dr. Douglas Dilly, 101 Eden Rock Lane, Neligh, NE 68756  
Martin Fattig, 73091 643A Ave., Auburn, NE 68305  
Dr. Shawn Kralik, 438 23rd, West Point, NE 68788  
Sharon Vandegrift, 71015 560 Ave., Fairbury, NE 68352

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Dr. Zachary Frey, 2332 N. 88th Street, Lincoln, NE 68507

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 31, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Dr. Dale Michels, 11800 Van Dorn, Walton, NE 68461  
Roger Reamer, 1616 Karol Kay Blvd., Seward, NE 68434  
Dr. Daryl Wills, 1590 Park Terrace, Gering, NE 69341  
Janet Coleman, 6049 Franklin, Lincoln, NE 68506

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Wayne Stuberg, 3708 Farnam St., Omaha, NE 68131  
Diane Jackson, 346 Gold St., Riverton, NE 68972  
Debra Parsow, 812 South 67th St., Omaha, NE 68106

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 10, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Board of Trustees of the Nebraska State Colleges:

Gary Bieganski, 706 Bordeaux Road, Chadron, NE 69337  
Carter Peterson, 502 Douglas Street, Wayne, NE 68787

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 10, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Nebraska Child Abuse Prevention Fund Board:

Rev. Dr. Rebecca Brown, 7001 Edenton Road, Lincoln, NE 68516

Contingent upon your approval, the following individuals are being  
appointed to the Nebraska Child Abuse Prevention Fund Board:

Martha Parker, 2619 Browne Street, Omaha, NE 68111  
Brandon Verzal, 631 Sycamore Drive, Lincoln, NE 68510

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 10, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Community Corrections Council:

Jeffrey Davis, 1104 Crest Road, Papillion, NE 68046  
The Honorable Thomas Dorwart, 2310 11th Avenue, Sidney, NE 69162  
Frank Peak, 5523 N. 34th, Omaha, NE 68111

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 10, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Educational Telecommunications Commission:

Darlene Starman, 1030 Rockhurst, Lincoln, NE 68510

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 16, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing Commission:

Jeffrey Galyen, 3205 Golf View Drive, Norfolk, NE 68701

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 16, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Educational Lands and Funds:

Charles Ward, HC 13, Box 701, Valentine, NE 69201

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 17, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:



Lynn Roper, 3227 South 29th St., Lincoln, NE 68502  
Mark Laughlin, 5106 California St., Omaha, NE 68132

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 8, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the State Emergency Response Commission:

Dana Miller, 110 21st St., Gering, NE 69341  
Tim Hofbauer, 2328 34th Street, Columbus, NE 68601  
Keith Hansen, 10700 Dawn Ave., Lincoln, NE 68516

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 9, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed  
to the State Racing Commission:

Kristopher Covi, 6526 S. 172nd Ave., Omaha, NE 68135

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 9, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Fair Board:

Tam Allan, 5405 A Street, Lincoln, NE 68510

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 15, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Insurance:

Bruce Ramage, 9329 Krug Avenue, Omaha, NE 68124

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 16, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Timothy Weander, 17734 Castelar Circle, Omaha, NE 68145

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 2, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Public Employees Retirement Board:

The Hon. Randall Rehmeier, 705 Wildwood Lane, Nebraska City, NE  
68410

Richard Wassinger, 1213 Cambridge Court, Plattsmouth, NE 68048

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 20, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Susan Staab, 10740 South 98th Street, Lincoln, NE 68526

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 20, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

John Maginn, 14001 Eagle Run Drive, Omaha, NE 68375

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 20, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Nebraska Power Review Board:

Mark Graham, 6550 S. 34th Street, Lincoln, NE 68516

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## REPORTS

The following reports were received by the Legislature:

### **Agriculture, Department of**

Commercial Dog and Cat Operator Inspection Act Fiscal Report for  
2009/10

### **Appropriations Committee, Legislative**

Agency Efficiency Review Plans (LB935, 2010)

### **Arts Council, Nebraska**

Nebraska Arts and Humanities Cash Fund Report

### **Auditor of Public Accounts**

Attestation Report of the Nebraska Motor Vehicle Industry Licensing  
Board for the year ended June 30, 2009

Audit Report of Nebraska Lottery for fiscal year ended June 30, 2010

Nebraska Public Employees Retirement Systems - State and County

Employees Retirement Plans for the year ended December 31, 2009

Revenue, Department of, Cigarette Tax Receipts, Attestation Report

**Banking and Finance, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections Update

**Chief Information Officer, Office of the**

2009 Annual Report

Report on the Status of Enterprise Projects

**Children's Behavioral Health Oversight Committee**

2010 Report

**Coordinating Commission for Postsecondary Education**

2010 Biennial Report

Capital Construction Budget Recommendations and Prioritization for 2011-2013 Biennium

Postsecondary Education Operating Budget Recommendations for 2011-2013 Biennium

Postsecondary Education Operating Budget Recommendations/Capital Construction Budget Recommendations and Prioritization Executive Summaries

**Correctional Services, Department of**

Annual Report for the Work Ethic Camp

**Economic Development, Department of**

2009 Annual Performance Report (APR) for Nebraska's Housing and Community Development Program's Consolidated Plan

Local Civic, Cultural, and Convention Center Financing Fund 2010 Annual Report

Nebraska Advantage Annual Job Training Cash Fund Report

Nebraska Housing and Community Development Programs Proposed 2011 Annual Action Plan

**Education, Department of**

Report on the Status of Negotiations for 2011-2013 between the Nebraska Department of Education and the Nebraska Association of Public Employees/AFSCME, Local 61

**Environmental Quality, Department of**

2010 Annual Report

Clean Water State Revolving Fund Annual Report

Drinking Water State Revolving Fund Annual Report

**Equal Opportunity Commission, Nebraska**

Annual Report, Fiscal Year 2009/2010

**Fiscal Office, Legislative**

Monthly Consensus Estimate of General Fund Receipts

**Game and Parks Commission**

Game Law Investigation Cash Fund Annual Report

**Health and Human Services Committee, Legislature**

Health Care Facility Licensure Act Report (LB999, 2010)

**Health and Human Services, Department of**

2010 Nebraska Health Care Funding Act Report

Developmental Disabilities Court-Ordered Custody Act Report

Director's Report on the Proposal to Expand the Scope of Practice of

Optometrists

Division of Behavioral Health Division of Children and Family Services  
Annual Report (LB603)

Division of Children and Family Services 2009 Caseload Report  
Division of Developmental Disabilities, Beatrice State Developmental  
Center Baseline Quarterly Reports

Supplemental Nutrition Assistance Program Benefits (formerly Food  
Stamp Program)

Women's Health Initiative Annual Report

### **Information Technology Commission, Nebraska**

Progress Report of the Nebraska Information Technology Commission  
Recommendations on Technology Investments for the FY2011-2013  
Biennium

### **Innovation and Entrepreneurship Task Force**

Nebraska's Innovation and Entrepreneurial Ecosystem (LB1109, 2010)

### **Investment Council**

Northern Ireland Reporting Requirements Report  
Sustainability of Healthcare Transfer

### **Investment Finance Authority, Nebraska (NIFA)**

2009 Series A, B, C, D, E, and F Community Development Loan Notes  
(City of Lincoln Program-2009) Reports

Agricultural Loans Report – Fiscal Year Ending 6-30-10

Clean Water State Revolving Fund Revenue Bonds and Drinking Water  
State Revolving Fund Revenue Bonds Notice

Clean Water State Revolving Fund Revenue Bonds Series 2010 B  
Quarterly Report

Series 2010A Drinking Water State Revolving Fund Revenue Bonds

Series 2010B Clean Water State Revolving Fund Revenue Bonds Notice

Single Family Housing Bonds and General Obligation Bonds Notice

### **Labor, Department of**

Nebraska State Workforce Investment Board Significant Modifications to  
Nebraska's Strategic State Plan for PY 2010

Strategic Five-Year State Workforce Investment Plan for Title I of the  
Workforce Investment Act of 1998 and the Wagner-Peyser Act

Workforce Investment Act 2009 Annual Report

### **Natural Resources, Department of**

2010 Biennial Report on the Nebraska Resources Development Fund

Annual Report and Plan of Work for the Nebraska State Water Planning  
and Review Process

Water Resources Cash Fund Uses for the Previous Fiscal Year 2009-2010

### **Ombudsman/Public Counsel (See Public Counsel)**

### **Parole, Board of**

36th Annual Report

### **Performance Audit, Legislative**

Annual Report to the Legislature

### **Power Review Board**

"Conditions Certain" Issues Annual Report

Sixteenth Biennial Report

**Propane Education and Research Safety Council, Nebraska**

Independent Auditors' Report Years Ended December 31, 2009 and 2008

**Public Counsel/Ombudsman**

Thirty-ninth Annual Report

**Public Service Commission**

2010 Annual Report on Telecommunications

**Research Division, Legislative**

Boards and Commissions in Nebraska, 2010

**Retirement Systems, Public Employees**

Annual Investment Reports for Year Ending 12/31/09

County Employees' Retirement System Cash Balance Benefit Fund,  
Actuarial Valuation Results as of January 1, 2010 for State Fiscal Year  
Ending June 30, 2012

County Equal Retirement Benefit Fund, Actuarial Valuation Results as of  
January 1, 2010 for Fiscal Year Ending June 30, 2011

Judges' Retirement Systems Fifty-eighth Actuarial Report for State Fiscal  
Year Ending June 30, 2012 and System Plan Year Beginning July 1,  
2010

Plan Investment Review prepared for State of Nebraska

School Retirement Systems Fifty-eighth Actuarial Report for State Fiscal  
Year Ending June 30, 2012 and System Plan Year Beginning July 1,  
2010

State Employees' Retirement System Cash Balance Benefit Fund,  
Actuarial Valuation Results as of January 1, 2010 for State Fiscal Year  
Ending June 30, 2012

State Equal Retirement Benefit Fund, Actuarial Valuation Results as of  
January 1, 2010 for State Fiscal Year Ending June 30, 2011

State Patrol Retirement Systems Fifty-eighth Actuarial Report for State  
Fiscal Year Ending June 30, 2012 and System Plan Year Beginning July  
1, 2010

**Revenue, Nebraska Department of**

Monthly Consensus Estimate of General Fund Receipts

Nebraska Lottery 2010 Annual Report and Resource Guide

**Roads, Nebraska Department of**

Board of Public Roads Classifications and Standards Specifying Criteria  
for Remote Roads as Required by LB 1068 (2008) Reports

State Highway Commission Quarterly Reports

Traffic Crash Facts 2009 Annual Report

**Rural Development Commission**

2010 Annual Report

**Sentencing and Recidivism Task Force**

LR171 (2009) Report

**State Fair Board**

Expenditures from State Fair Funds Account, July 1, 2009 through June  
30, 2010

**Southeast Community College**

Financial Condition of the Center, Funding Received from Nonstate  
Sources, Training Conducted, and Testing and Evaluation Services  
Provided



**Uniform State Laws, Nebraska Commission on**  
 Nebraska Commission on Uniform State Laws Report  
**University of Nebraska**

Nebraska Innovation Campus Annual Update of the Master Plan and  
 Business Plan

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Heidemann has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**2010 INTERIM REPORT  
 ON THE DISPOSITION OF  
 INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
426	Examine issues relating to beekeeping and honey production and marketing		X	
444	Examine constraints under law to necessary vegetation abatement in relation to division fences		X	
445	Examine livestock disease mitigation and response capabilities of the department of Agriculture		X	
446	Develop a long-term streambed vegetation management framework			X
447	Compile and synthesize literature relating to relative societal benefits and tradeoffs of diverse models of agricultural production			X
448	Explore and recommend alternatives to fund the Water Resources Cash Fund		X	
452	Examine means to reduce general fund obligations	X		
453	Examine the concept of "food deserts"		X	
475	Examine means to avoid and reduce potential conflicts relating to pesticide applications		X	

## Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
460(1)	Relating to the implementation and funding of the Medicaid state plan amendment or waiver for secure residential and sub acute behavioral health services		X	
534(2)	To examine aspects of the Nebraska Economic Forecasting Advisory Board	X		
436(1)	Review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act	X		
452	Provide the Budget Reform Task Force shall continue until December 31, 2010		X	
535(3)	To evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol	X		
463	To examine the feasibility of implementing a program similar to the State Stat management accountability process used for executive agencies in the State of Maryland			X
509(1)	To explore the implementation of ACCESS Nebraska relating to public benefits processing		X	
520	Examine the impact of illegal immigration on the state's budget			X

(1) Joint reference with Health and Human Services Committee

(2) Joint reference with Revenue Committee

(3) Joint reference with Judiciary Committee

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
439	Federal Health Care Insurance		X	
413	Real Property Appraiser Act		X	
503	Uniform Unincorporated Nonprofit Association Act		X	

483	Motor Vehicle Insurance Fraud		X	
334	Prescription Drug Coverage		X	
406	Physician and Patient Prescription Protection Act		X	
424	Uniform Commercial Code		X	
438	NE Trust Company Act			X

## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
451	Interim study to examine issues relating to the Small Business Regulatory Flexibility Act proposed by LB709			X
486	Interim study to examine issues relating to the health, safety, and working conditions of Nebraska meat and poultry workers			X
494	Interim study to examine the effect of Nebraska's workers' compensation statutes on businesses, other than agricultural operations, that employ only related employees			X

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
433	Interim study to examine student expression in Nebraska's public schools			X
490	Interim study to examine imposing a limitation on how much a school's state aid can change from one year to the next			X
514	Interim study to examine Nebraska's capacity to best serve lower-educated workers through adult education programs			X
521	Interim study to examine whether Nebraska should repeal provisions allowing persons not lawfully present in the United States to pay resident tuition at postsecondary educational institutions			X

526	Interim study to examine the governing structure and function of Nebraska's higher education system			X
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## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
482	Interim study to examine changes in Nebraska's demographics and the effect on governmental services			X

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
527	Interim study to examine issues under the jurisdiction of the General Affairs Committee			X
528	Interim study to examine issues regarding area restrictions in the Nebraska Liquor Control Act	X		

## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
409	Interim study to examine the subject of online voter registration		X	
507	Interim study to examine ways to streamline all levels of government including, but not limited to, elimination, consolidation or reassignment		X	
470	Interim study to examine the issue of how political subdivisions may be impacted by the 2010 United States Census		X	
472	Interim study to examine the issue of using electronic and digital signatures on initiative and referendum petitions		X	
492	Interim study to examine issues relating to adding a fiftieth senator to the Legislature		X	

471	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
519	Interim study to examine issues relating to Firearms Freedom Acts which have been enacted or introduced by other state legislatures		X	
431	Interim study to examine how private sources of money given to public institutions should be disclosed		X	
423	Interim study to examine the way Nebraska awards electoral votes in presidential elections		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
467	Interim study to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act (federal healthcare act)	X		
372	Interim study to examine the potential effect of national health care reform proposals on Nebraska		X	
568	Interim study to review implementation of reforms by the Dept. of Health and Human Services regarding how children and families are served by the child welfare and juvenile services system in Nebraska		X	
436	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act	X		
513	Interim study to review the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services	X		

501	Interim study to examine costs to the state and infant and child outcomes associated with not providing prenatal services through the Medicaid program to low-income women in Nebraska		X	
466	Interim study to examine the operation and accomplishments of the Drug Use Review and preferred drug list activities of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services			X
509	Interim study to explore the implementation of ACCESS Nebraska relating to public benefits processing			X
512	Interim study to examine the responsibilities of Nebraska nonprofit corporations and health care delivery systems when implementing LB403, 2009, relating to immigration			X
425	Interim study to examine issues relating to brain injuries			X
459	Interim study to examine Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children			X
502	Interim study to review the status of trauma care in Nebraska			X
460	Interim study relating to the implementation and funding of the Medicaid state plan amendment or waiver for secure residential and subacute behavioral health services			X
462	Interim study to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody			X
434	Interim study to examine the factors contributing to childhood obesity, as well as its consequences			X
485	Interim study to examine issues relating to the shortage of social workers			X

517	Interim study to review the operations and usefulness of the Regulation of Health Professions Act			X
464	Interim study to examine staffing requirements for nursing homes			X
493	Interim study to determine whether there are enough resources present in school to detect and treat mental illness in school-age children			X
515	Interim study to examine the benefits associated with the pulse oximetry procedure performed on newborns			X
489	Interim study to examine raising revenue from misdemeanors and felonies or from other sources to help fund a grant program for rural emergency medical services			X
440	Interim study to examine issues relating to mobile home parks			X
454	Interim study to conduct research and provide recommendations regarding for-profit, specialty, or physician-owned hospitals			X
427	Interim study to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly licensed hospitals affect the cost of health care			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
571	Study the implementation of Office of Violence Prevention created under LB63 (2009) and study the implementation of LB800 (2010)		X	
488	Interim study to analyze the provisions of LB756, a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law	X		

430	Interim study to examine Nebraska's laws regarding a person's right to self-defense by the use of force and to review the Castle Doctrine laws in other states		X	
535	Interim study to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol		X	
479	Interim study to review matters under the jurisdiction of the Judiciary Committee			X
495	Interim study to examine district probation offices			X
432	Interim study to examine Nebraska's child support collection methods			X
525	Interim study to examine Nebraska's laws on unlawful intrusion, stalking, and criminal trespass			X
522	Interim study to examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants			X

## Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
474	Interim study to examine aquifer depletions in the State of Nebraska			X
465	Interim study to examine the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska		X	
473	Interim study to examine the correlative rights doctrine			X
478	Interim study to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources			X
435	Interim study to examine issues relating to oil and natural gas pipelines in Nebraska	X		



450	Interim study to examine the establishment of an electronic waste recycling program in Nebraska			X
481	Interim study to examine the practice of prescribed burning such as controlled burns and the function of prescribed burning managing plant and animal communities	X		
491	Interim study to examine requiring a boating education course in order to reduce the number of accidents	X		
523	Interim study to examine the impact of LB436 which established a statewide net metering policy			X
508	Interim study to examine the availability of land for hunters in the State of Nebraska		X	
524	Interim study to examine regulation of renewable energy generation in other states and in regional transmission organizations			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
421	Examine retirement plans administered by Nebraska Public Employees Retirement System and receive actuarial reports on defined benefit plans	Final Actuarial Reports released in January 2011		
422	Review and update the General Principles of Sound Retirement Planning	X		
477	Examine issues related to sustainability of defined benefit plans			Ongoing

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
496	Wind energy	X		
504	Property tax relief	X		
505	Local Civic Financing Act	X		

510	Nebraska Advantage Act refunds	X		
566	Water compact funding			X
497	Commercial development			X
437	Interlocal agreements	X		
487	Film industry tax incentives	X		
498	Tax expenditure report	X		
499	Low income household taxes			X
500	Examine tax policies	X		
506	Valuation appeal procedures	X		
511	Local Civic Financing Act		X	
536	Gross receipts taxation	X		
534	Economic Forecasting Board		X	

#### Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
419	Determine the need to create a licensing process for NE boat dealers		X	
442	Examine the issues under the jurisdiction of the committee			X
443	Review and monitor the progress of the FCC's National Broadband Plan		X	
484	Examine issues relating to the towing industry		X	
516	Analyze the VTR System that is developed and maintained by the DMV.		X	
518	Review the efficiency of DMV's sole responsibility for driver's license issuance and collection of fees			X

#### Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
324	Interim study to examine the need for public utility ratepayer assistance programs in the state		X	
384	Interim study to examine the fire sprinkler mandate contained in the 2009 building code		X	

449	Interim study to examine energy efficiency financing options and sources of funds for residential, commercial, and industrial property owners		X	
461	Interim study to examine the federal Americans with Disabilities Act as it relates to parking accessibility for handicapped or disabled persons			X
468	Interim study to examine the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code		X	
469	Interim study to examine the economic development programs available to municipalities		X	
497	Interim study to examine urban and commercial area development laws, policies, and programs			X
533	Interim study to examine the State Natural Gas Regulation Act of 2003		X	

**COMMUNICATION**

Received a copy of Senate Joint Resolution No. 27 from the state of Alabama relating to claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

**COMMUNICATION**

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2011, as George W. Norris Day.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Hansen offered the following Committee on Committees report:

	Agriculture - Carlson (C)		
Ashford	Brasch	Harr, B.	Karpisek
Larson	Lathrop	Wallman	
	Appropriations - Heidemann (C)		
Conrad	Fulton	Hansen	Harms
Mello	Nelson	Nordquist	Wightman

	Banking, Commerce and Insurance - Pahls (C)		
Christensen	Gloor	Langemeier	McCoy
Pankonin	Pirsch	Utter	
	Business and Labor - Lathrop (C)		
Ashford	Carlson	Harr, B.	McGill
Smith	Wallman		
	Education - Adams (C)		
Avery	Cornett	Council	Haar, K.
Howard	Schilz	Sullivan	
	General Affairs - Karpisek (C)		
Bloomfield	Brasch	Coash	Cook
Krist	Larson	Schumacher	
	Government, Military and Veterans Affairs - Avery (C)		
Brasch	Janssen	Karpisek	Krist
Pahls	Price	Sullivan	
	Health and Human Services - Campbell (C)		
Bloomfield	Cook	Gloor	Howard
Schumacher	Wallman		
	Judiciary - Ashford (C)		
Coash	Council	Harr, B.	Larson
Lathrop	Lautenbaugh	McGill	
	Natural Resources - Langemeier (C)		
Carlson	Christensen	Dubas	Haar, K.
McCoy	Schilz	Smith	
	Nebraska Retirement Systems - Nordquist (C)		
Heidemann	Karpisek	Louden	Mello
Pankonin			
	Revenue - Cornett (C)		
Adams	Fischer	Hadley	Louden
Pankonin	Pirsch	Utter	
	Transportation and Telecommunications - Fischer (C)		
Campbell	Dubas	Hadley	Janssen
Lautenbaugh	Louden	Price	
	Urban Affairs - McGill (C)		
Bloomfield	Coash	Cook	Krist
Schumacher	Smith		

## Committee on Committees - Hansen (C)

District 1:	District 2:	District 3:
Adams	Ashford	Carlson
Conrad	Cornett	Fischer
Langemeier	Howard	Flood
Pankonin	Lathrop	Louden

## Enrollment and Review - Larson (C)

## Reference - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Lathrop	Nelson (VC)	Pahls
Heidemann (nonvoting ex officio)			

## Rules - Lautenbaugh (C)

Brasch	Dubas	Lathrop	Utter
Flood (ex officio)			

## Executive Board - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Lathrop	Nelson (VC)	Pahls
Heidemann (nonvoting ex officio)			

## Intergovernmental Cooperation - Janssen (C)

Christensen	Cornett	Howard	Langemeier
Flood (nonvoting ex officio)			
Lt. Gov. Sheehy (nonvoting ex officio)			

**ANNOUNCEMENT**

The Committee on Committees elected Senator Howard as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Republican River; to repeal a cost-share program that is no longer needed; and to outright repeal section 46-692, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to irrigation; to amend sections 2-1579, 46-2,141, 46-753, 46-1117, 46-1125, and 66-1519, Reissue Revised Statutes

of Nebraska; to eliminate obsolete statutes, the Water Policy Task Force, and the Water Policy Task Force Cash Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-2,131, 46-2,132, 46-2,133, 46-2,134, 46-2,135, 46-2,136, 46-2,137, 46-2,138, 46-633, 46-634.01, and 46-1118, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 3.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Construction Lien Act; to eliminate obsolete provisions relating to the enforcement of certain liens; and to outright repeal section 52-158, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 4.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Small Business Development Authority; to eliminate obsolete provisions relating to the authority and a repealed fund; and to outright repeal section 58-326, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 5.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Research and Development Authority; to eliminate obsolete provisions; and to outright repeal section 58-443, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 6.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-701, Reissue Revised Statutes of Nebraska; to eliminate obsolete language relating to acting judges of the county court; and to repeal the original section.

**LEGISLATIVE BILL 7.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to repeal a transitional provision relating to Laws 1992, LB360; and to outright repeal section 48-181, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 8.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to schools; to amend section 79-413, Reissue Revised Statutes of Nebraska, and section 79-1008.01, Revised Statutes Cumulative Supplement, 2010; to repeal a provision governing incentive payments to school districts that were to be made prior to July 1,

2004; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1010, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 9.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-212, Reissue Revised Statutes of Nebraska; to change an erroneous reference to previous sections rather than the entire chapter; and to repeal the original section.

**LEGISLATIVE BILL 10.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Retirement Systems Committee; to amend section 50-417, Reissue Revised Statutes of Nebraska; to clarify the reference to committee; and to repeal the original section.

**LEGISLATIVE BILL 11.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-631, Reissue Revised Statutes of Nebraska; to correct a recodification internal reference error from 1943; and to repeal the original section.

**LEGISLATIVE BILL 12.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change the statutes to reflect the Nebraska Supreme Court opinion *State v. Conover*, 270 Neb. 446, 703 N.W.2d 898 (2005); to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 13.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change provisions relating to life imprisonment without parole; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, 60-169, and 77-3903, Reissue Revised Statutes of Nebraska; to change and eliminate fees received by registers of deeds and clerks; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 15.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to courts; to allow aids of execution in district court to cross county lines.

**LEGISLATIVE BILL 16.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2010; to change the composition of certain district court judicial districts; and to repeal the original section.

**LEGISLATIVE BILL 17.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to courts; to amend sections 25-1319, 25-1320, 25-1321, and 33-106, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the complete record of a case and court fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 18.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022.02, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1007.07, 79-1007.09, 79-1008.01, 79-1022, 79-1023, 79-1026.01, 79-1027, 79-1028.02, and 79-1031.01, Revised Statutes Cumulative Supplement, 2010; to redefine terms; to provide for distribution of allocations from the federal Education Jobs Fund as prescribed; to change provisions relating to certifications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 19.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Uniform Controlled Substances Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 20.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-401.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to regulate the sale of methamphetamine precursors as prescribed; to define terms; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 21.** Introduced by McCoy, 39.



A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 22.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to adopt the Mandate Opt-Out and Insurance Coverage Clarification Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 23.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.20, Reissue Revised Statutes of Nebraska, and sections 81-885.14 and 81-885.19, Revised Statutes Cumulative Supplement, 2010; to change license renewal provisions and eliminate a fee exemption; to eliminate the requirements for pocket cards; and to repeal the original sections.

**LEGISLATIVE BILL 24.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.49, 81-885.51, 81-885.52, and 81-885.53, Reissue Revised Statutes of Nebraska; to provide training requirements for licensees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 25.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real property; to amend sections 76-2402, 76-2405, 76-2407, 76-2416, 76-2417, 76-2418, 76-2421, 76-2422, 76-2423, 76-2425, 76-2427, 76-2429, 76-2430, and 81-885.17, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Supplement, 2010; to define a term; to provide exemptions from certain requirements for asset management companies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to adopt the Private Transfer Fee Obligation Act; to change a disclosure requirement; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 27.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to water; to amend sections 46-236 and 46-1224, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations for water power and water well registration fees;

and to repeal the original sections.

**LEGISLATIVE BILL 28.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1117 and 46-1123, Reissue Revised Statutes of Nebraska; to change application and reporting requirements; and to repeal the original sections.

**LEGISLATIVE BILL 29.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 66-1519 and 81-15,162, Reissue Revised Statutes of Nebraska, and section 13-2042, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the use of certain funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 30.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to change provisions relating to composting sites; and to repeal the original section.

**LEGISLATIVE BILL 31.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to water; to amend sections 46-240.01 and 46-290, Reissue Revised Statutes of Nebraska; to change provisions relating to supplemental agricultural appropriations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 32.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to water; to amend section 46-1654, Reissue Revised Statutes of Nebraska; to change provisions relating to dam and appropriation application approval; and to repeal the original section.

**LEGISLATIVE BILL 33.** Introduced by Loudon, 49; Carlson, 38; Hansen, 42; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 34.** Introduced by Loudon, 49; Campbell, 25; Carlson, 38; Utter, 33.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend sections 71-401 and 71-403, Revised Statutes Cumulative

Supplement, 2010; to define a term; to exempt convents from licensure as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 35.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Reissue Revised Statutes of Nebraska; to change provisions relating to oversize vehicle permits; and to repeal the original section.

**LEGISLATIVE BILL 36.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to public water supplies; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to provide for a vote on adding fluoride to the public water supply in certain cities and villages; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 37.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to audits; to amend sections 50-1213 and 84-305, Reissue Revised Statutes of Nebraska, and sections 77-2711 and 77-27,119, Revised Statutes Cumulative Supplement, 2010; to provide requirements relating to access to information by the Legislative Performance Audit Section and the Auditor of Public Accounts; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 38.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on boards; and to repeal the original section.

**LEGISLATIVE BILL 39.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-150, 20-151, 20-159, and 71-4728, Reissue Revised Statutes of Nebraska, and section 20-156, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to licensure of interpreters for deaf and hard of hearing persons; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 40.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska; to change a sales tax exemption for health clinics; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 41.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Game Law; to amend sections

37-238, 37-405, 37-420, 37-421, 37-421.01, 37-427, 37-461, 37-464, 37-483, 37-484, 37-485, 37-487, 37-488, 37-489, 37-490, 37-492, 37-497, 37-498, 37-4,103, 37-503, and 37-512, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-407, 37-411, 37-426, 37-431, and 37-450, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to fees, falconry, beaver and muskrat damage, controlled shooting areas, and possession of game; to change and eliminate provisions relating to licenses, permits, and stamps issued under the Game Law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-460, 37-499, 37-4,100, 37-4,101, 37-4,102, and 37-562, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 42.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132, 18-1915, and 23-172, Reissue Revised Statutes of Nebraska; to update references to the 2009 Uniform Plumbing Code for counties, cities, and villages; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to the limiting of optional future advances; to correct an internal reference; and to repeal the original section.

**LEGISLATIVE BILL 44.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1005, Reissue Revised Statutes of Nebraska; to change provisions relating to power of sale conferred on a trustee; to provide for retroactive application; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 45.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3403, 81-3429, 81-3441, 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3449, 81-3451, 81-3452, and 81-3453, Reissue Revised Statutes of Nebraska, and section 81-3401, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to members of the Board of Engineers and Architects, enforcement procedures, disciplinary actions, exempted activities, licenses, and engineering examinations; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 46.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Barber Act; to amend sections 71-202.01 and 71-208.01, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 47.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to railroad carriers; to amend section 86-164, Revised Statutes Cumulative Supplement, 2010; to include certain third parties in the definition of railroad carrier; and to repeal the original section.

**LEGISLATIVE BILL 48.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to immigration; to adopt the Illegal Immigration Enforcement Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 49.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to change filing provisions relating to nonconsensual liens.

**LEGISLATIVE BILL 50.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Elementary and Secondary Educational Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 51.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to health clinics; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to require patient transfer agreements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 52.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

### **MOTION - Escort Committees**

Senator Langemeier moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

**SENATOR LANGEMEIER PRESIDING**

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 53.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to free transportation for students in learning communities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 54.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2147, Reissue Revised Statutes of Nebraska; to change provisions relating to tax-increment financing; and to repeal the original section.

**LEGISLATIVE BILL 55.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, and 81-1614, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 56.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2010; to update the reference to the National Electrical Code; and to repeal the original section.

**LEGISLATIVE BILL 57.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2709 and 18-2717, Reissue Revised Statutes of Nebraska; to redefine a qualifying business; to remove a restriction on appropriations of funds; and to repeal the original sections.

**LEGISLATIVE BILL 58.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2010; to provide for a study relating to dual-enrollment courses and career academies; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to community college funding; to amend

sections 81-1118.02 and 85-1535, Reissue Revised Statutes of Nebraska, and sections 13-518, 77-3442, 85-1418, 85-1503, 85-1517, and 90-517, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to aid to community colleges; to eliminate an obsolete reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 60.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,122, Reissue Revised Statutes of Nebraska; to change provisions relating to compliance checks; and to repeal the original section.

**LEGISLATIVE BILL 61.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.08, Reissue Revised Statutes of Nebraska; to change and provide penalties relating to unlawful intrusion; and to repeal the original section.

**LEGISLATIVE BILL 62.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to counties; to amend sections 23-908 and 23-1111, Reissue Revised Statutes of Nebraska; to provide requirements for the budget revision process; to change requirements relating to the salaries of clerks and assistants of county officers; and to repeal the original sections.

**LEGISLATIVE BILL 63.** Introduced by Cornett, 45; Krist, 10; Mello, 5; Price, 3; Smith, 14.

A BILL FOR AN ACT relating to education; to ratify the Interstate Compact on Educational Opportunity for Military Children on behalf of the State of Nebraska with any other state legally joining thereon; and to create the State Council on Educational Opportunity for Military Children and the positions of compact commissioner and military family education liaison within the Department of Veterans' Affairs as prescribed.

**LEGISLATIVE BILL 64.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to wildlife; to amend sections 37-202, 37-209.01, 37-210.01, 37-246, and 37-478, Reissue Revised Statutes of Nebraska, and sections 29-818, 37-201, 37-477, 37-479, and 37-481, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to seized property, wildlife in captivity, and captive wildlife permits; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 65.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.57, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to C-BED projects; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4106, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to DNA collection; and to repeal the original section.

**LEGISLATIVE BILL 67.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,267 and 60-6,268, Reissue Revised Statutes of Nebraska; to clarify references to required use of occupant protection systems and related enforcement; and to repeal the original sections.

**LEGISLATIVE BILL 68.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

**LEGISLATIVE BILL 69.** Introduced by Louden, 49; Fischer, 43; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to comparable sales; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 70.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5502, 44-5504, 44-5505, 44-5506, 44-5508, 44-5510, 44-5511, and 44-5515, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide an exemption for commercial purchasers; to change provisions relating to records, annual statements, tax payments, solvency requirements, and nonadmitted insurers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 71.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend section 12-1102, Revised Statutes Cumulative Supplement, 2010; to broaden the definition of trustee; and to repeal the original section.

**LEGISLATIVE BILL 72.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,143, 44-402.01, 44-710.03, 44-710.04, 44-1540, 44-4803, and 44-4862, Reissue



Revised Statutes of Nebraska; to change provisions relating to unfair claims settlement practices, life insurance reserves, and sickness and accident insurance policy provisions; to provide requirements and define terms under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 73.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4217, 44-4219, 44-4220.02, 44-4223, 44-4224, 44-4225, and 77-918, Reissue Revised Statutes of Nebraska; to provide for a pool administrator under the Comprehensive Health Insurance Pool Act; to delete obsolete language; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 74.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, 8-602, 8-1510, and 21-17,115, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to impairment of bank capital; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to the schedule of fees; to change provisions relating to acquisitions and mergers; to provide operative dates; to repeal the original sections; to outright repeal section 8-132.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 75.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-189, 45-190, and 45-742, Reissue Revised Statutes of Nebraska, and section 8-702, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to loan brokers, mortgage loan originators, and residential mortgage licensing; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 76.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1101, 8-1704, 8-1707, 69-2103, 69-2104, and 69-2112, Reissue Revised Statutes of Nebraska, and section 8-1111, Revised Statutes Cumulative Supplement, 2010; to adopt updated federal laws in the areas of securities, commodities, and consumer rental purchase agreements; to change internal references; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 77.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to installment sales and loans; to amend sections 45-335, 45-336, 45-1002, and 45-1024, Reissue Revised Statutes of Nebraska; to change provisions relating to debt cancellation contracts and

debt suspension contracts; and to repeal the original sections.

**LEGISLATIVE BILL 78.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 79.** Introduced by McGill, 26; Ashford, 20; Avery, 28; Campbell, 25; Christensen, 44; Cook, 13; Council, 11; Dubas, 34; Hadley, 37; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to courts; to amend section 43-3701, Reissue Revised Statutes of Nebraska; to state intent; to create a fund; to provide for grants to court appointed special advocate programs; to provide duties; to create a court fee; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 80.** Introduced by McGill, 26; Avery, 28; Campbell, 25; Christensen, 44; Coash, 27; Council, 11; Dubas, 34; Hadley, 37; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to juveniles; to amend section 43-285, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the department's care plan for certain juveniles; and to repeal the original section.

**LEGISLATIVE BILL 81.** Introduced by Cornett, 45; Fischer, 43; Fulton, 29; Heidemann, 1; Janssen, 15; Langemeier, 23; McCoy, 39; Pankonin, 2; Price, 3; Smith, 14.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-109, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska, and section 18-1214, Revised Statutes Cumulative Supplement, 2010; to prohibit the charging of a motor vehicle registration tax and the levying of a license or occupation tax on a nonresident as prescribed; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 82.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine contractor or repairperson and gross receipts to exclude sod as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 83.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention

Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2707, 13-2708, 13-2709, and 13-2710, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-2704, 13-2705, 13-2706, 13-3108, and 77-5601, Revised Statutes Cumulative Supplement, 2010; to rename the act and a fund; to expand the purposes of the act; to provide for financial assistance as prescribed; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 84.** Introduced by Fischer, 43; Campbell, 25; Hadley, 37; Loudon, 49.

A BILL FOR AN ACT relating to roads; to amend sections 39-2201, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2215.01, 39-2216, 39-2223, 39-2224, and 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to authorize issuance of highway bonds; to change distribution of sales tax revenue; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 85.** Introduced by Karpisek, 32; Coash, 27; Council, 11.

A BILL FOR AN ACT relating to adult guardianship jurisdiction; to amend sections 30-2603, 30-2607, 30-2610, 30-2611, 30-2616, 30-2636, 30-2639, and 30-2647, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 86.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-416, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the legislative reference library; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 87.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change provisions relating to mowing weeds in ditches as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 88.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2010; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 89.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2001, Reissue Revised Statutes of Nebraska; to change the qualifications of the Superintendent of Law Enforcement and Public Safety; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 90.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-105, 9-304, 9-307, 9-309, 9-316, 9-326, 9-406, 9-408, 9-502, 9-503, 9-507, 9-515, 9-518, and 9-607, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and sections 2A-103, 9-102, 9-311, 9-317, 9-506, and 9-516, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to update uniform laws and change provisions relating to financing statements; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 9-521, Uniform Commercial Code, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 91.** Introduced by Price, 3.

A BILL FOR AN ACT relating to tractor testing; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to increase the minimum horsepower of a tractor that is required to be tested; and to repeal the original section.

**LEGISLATIVE BILL 92.** Introduced by Howard, 9; Cook, 13; Cornett, 45; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to public child welfare services; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska; to change provisions relating to caseloads; and to repeal the original sections.

**LEGISLATIVE BILL 93.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to state intent relating to administrators' salaries; and to declare an emergency.

**LEGISLATIVE BILL 94.** Introduced by Howard, 9; Christensen, 44; Cook, 13; Cornett, 45; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, and 43-146.01, Reissue Revised Statutes of Nebraska; to provide a requirement for the adoption of children committed to the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 95.** Introduced by Howard, 9; Cook, 13; Cornett, 45; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to infants; to require accreditation for lead agencies contracting with the Department of Health and Human Services as prescribed.

**LEGISLATIVE BILL 96.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Fischer, 43; Hadley, 37; Pirsch, 4; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.03, Reissue Revised Statutes of Nebraska; to change state aid to counties; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 97.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-202, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to require the Secretary of State to provide uniform guidelines for election workers; and to repeal the original sections.

**LEGISLATIVE BILL 98.** Introduced by Fischer, 43; Heidemann, 1.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1307 and 66-4,100, Reissue Revised Statutes of Nebraska; to provide powers relating to federal-aid transportation funds; and to repeal the original sections.

**LEGISLATIVE BILL 99.** Introduced by Coash, 27; Cornett, 45; Hadley, 37; Karpisek, 32; Lathrop, 12; Louden, 49; McGill, 26; Mello, 5; Nordquist, 7; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 13-2704, Revised Statutes Cumulative Supplement, 2010; to adopt the Nebraska Film Advantage Act; to provide for transfers from the Local Civic, Cultural, and Convention Center Financing Fund; to provide a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 100.** Introduced by Coash, 27; Fulton, 29; Gloor, 35; McCoy, 39; McGill, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2203, Reissue Revised Statutes of Nebraska; to provide for the criminal responsibility of intoxicated persons as prescribed; to change provisions relating to the defense of not responsible by reason of insanity; and to repeal the original section.

**LEGISLATIVE BILL 101.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to time; to amend sections 32-908 and 49-1301, Reissue Revised Statutes of Nebraska; to eliminate daylight saving

time; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 49-1302, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 102.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle loads; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to water; to amend section 46-2,115, Reissue Revised Statutes of Nebraska; to change provisions relating to instream appropriations; and to repeal the original section.

**LEGISLATIVE BILL 104.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,144 and 60-6,294, Reissue Revised Statutes of Nebraska; to change certain weight provisions; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1241.06, Reissue Revised Statutes of Nebraska, and section 37-1241.08, Revised Statutes Cumulative Supplement, 2010; to change restrictions on operation of motorboats and personal watercraft; to eliminate an obsolete provision; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 106.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-318, 13-319, 13-322, 13-323, 13-324, 13-325, 13-326, 13-804, 13-2504, 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2712.05, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-5725, and 77-5726, Revised Statutes Cumulative Supplement, 2010; to name the County Option Sales Tax Act; to authorize a county sales tax for capital improvements for public safety services and transportation infrastructure projects; to require planning; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 107.** Introduced by Carlson, 38; Sullivan, 41.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4004, 2-4005, 2-4006, and 2-4007, Reissue Revised Statutes of Nebraska; to change Grain Sorghum Development, Utilization, and Marketing Board provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 108.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to division fences; to amend section 34-112.01, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to fence maintenance; and to repeal the original section.

**LEGISLATIVE BILL 109.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4322 and 2-4323, Reissue Revised Statutes of Nebraska; to eliminate certain registration provisions of the Agricultural Liming Materials Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 110.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.06, and 81-2,162.13, Reissue Revised Statutes of Nebraska; to eliminate soil conditioner registration in the Nebraska Commercial Fertilizer and Soil Conditioner Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-2,162.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 111.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to mental health boards; to amend section 71-915, Reissue Revised Statutes of Nebraska; to change the membership of mental health boards; and to repeal the original section.

**LEGISLATIVE BILL 112.** Introduced by Coash, 27; Campbell, 25.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-302 and 75-303, Reissue Revised Statutes of Nebraska; to define a term; to provide an exemption from regulation for comprehensive services transport; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 113.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1101 and 48-1104, Reissue Revised Statutes of Nebraska; to prohibit discrimination based upon an individual's credit history or credit report as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to provide for a standard for honey, labeling restrictions, and an action for damages as prescribed.

**LEGISLATIVE BILL 115.** Introduced by Council, 11.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

**SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 116.** Introduced by Avery, 28; Karpisek, 32; Louden, 49; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to the Veterans' Aid Income Fund; to amend section 80-401, Reissue Revised Statutes of Nebraska; to provide for use of the fund for the state veteran cemetery system; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 117.** Introduced by Avery, 28; Karpisek, 32; Price, 3.

A BILL FOR AN ACT relating to elections; to amend sections 32-1413 and 49-202, Reissue Revised Statutes of Nebraska; to change provisions relating to publication of notice of proposed constitutional amendments and initiative and referendum measures; and to repeal the original sections.

**LEGISLATIVE BILL 118.** Introduced by Avery, 28; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 71-5326 and 77-27,136, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to aid to natural resources districts; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 77-27,137.02, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 119.** Introduced by Avery, 28; Cornett, 45; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119, 77-27,137.01, 77-27,139.02, and 77-27,139.03, Reissue Revised Statutes of Nebraska; to change provisions relating to aid to incorporated municipalities; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 120.** Introduced by Avery, 28; Brasch, 16; Karpisek, 32; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to the Risk Management Program; to amend sections 48-1,103, 81-8,239.01, and 81-8,239.02, Reissue Revised Statutes of Nebraska; to provide for the costs of administering the program to be paid



out of the Workers' Compensation Claims Revolving Fund and the State Insurance Fund; to eliminate the appropriation of General Fund money for the program; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 121.** Introduced by Avery, 28; Brasch, 16; Karpisek, 32; Sullivan, 41.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Recruitment and Retention Act; to amend section 35-1309, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the State Fire Marshal; to harmonize provisions; to repeal the original section; and to outright repeal sections 35-1311.01 and 35-1321, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 122.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to state buildings; to amend section 90-115, Reissue Revised Statutes of Nebraska; to rename an educational telecommunications building; and to repeal the original section.

**LEGISLATIVE BILL 123.** Introduced by Heidemann, 1; Adams, 24; Avery, 28; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; K. Haar, 21; Hansen, 42; Howard, 9; Krist, 10; Mello, 5; Schilz, 47; Sullivan, 41; Wightman, 36.

A BILL FOR AN ACT relating to schools; to amend sections 79-283 and 79-2,137, Reissue Revised Statutes of Nebraska, and section 79-267, Revised Statutes Cumulative Supplement, 2010; to provide for disciplinary actions against students and policies relating to cyber-bullying; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 124.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107 and 43-123.01, Reissue Revised Statutes of Nebraska; to include cultural history in the medical histories of the biological parents; and to repeal the original sections.

**LEGISLATIVE BILL 125.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to children; to create and provide duties for the Children's Health Advisory Committee; to provide duties for the chief executive officer of the Department of Health and Human Services and the Commissioner of Education; to provide for and require schools to implement nutrition and physical activity standards; and to provide for rules and regulations.

**LEGISLATIVE BILL 126.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to marketing; to adopt the Children's Health and Responsible Corporate Marketing Act.

**LEGISLATIVE BILL 127.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to water; to amend sections 46-714, 46-715, and 46-717, Reissue Revised Statutes of Nebraska; to change provisions relating to input into determinations and management plans; and to repeal the original sections.

**LEGISLATIVE BILL 128.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4106, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to DNA collection; and to repeal the original section.

**LEGISLATIVE BILL 129.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Cumulative Supplement, 2010; to change the statute of limitations for crimes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 130.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to determination of state aid; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 131.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2010; to delete obsolete transfer provisions; and to repeal the original section.

**LEGISLATIVE BILL 132.** Introduced by Dubas, 34; Coash, 27; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4; Schilz, 47; Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to insurance; to adopt the Abortion Mandate Opt-Out Act.

**LEGISLATIVE BILL 133.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Reissue Revised Statutes of Nebraska, and section 29-2269, Revised Statutes Cumulative Supplement, 2010; to require inclusion of sentencing costs in presentence investigation reports; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 134.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 135.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-161, Reissue Revised Statutes of Nebraska; to change the date for remitting certain funds; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 1.** Introduced by Langemeier, 23.

WHEREAS, the Wahoo Warriors won the 2010 Class C State Softball Championship; and

WHEREAS, the Warriors defeated Ashland-Greenwood 12-4 in the championship game; and

WHEREAS, the Warriors finished their outstanding season with a record of twenty-six wins and only two losses; 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, FIRST SESSION:

1. That the Legislature congratulates the Wahoo Warriors on winning the 2010 Class C State Softball Championship.

2. That a copy of this resolution be sent to the Wahoo Warriors and their coach, Katrina Christen.

Laid over.

**LEGISLATIVE RESOLUTION 2CA.** Introduced by Harms, 48.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. Each; Provided, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county

manager form of county government in which county officers may be appointed, but such form shall be optional for each county and shall occur in any county only upon adoption by a majority vote.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county manager form of government.

For

Against.

**LEGISLATIVE RESOLUTION 3CA.** Introduced by Fischer, 43.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 1:

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, ~~except; Provided,~~ that (1) if the Legislature determines by a three-fifths vote of the members elected thereto that ~~(1)-(a)~~ the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees, or state sales and use tax revenue and ~~(2)-(b)~~ the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; ~~and provided further, that~~ and (2) the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for

parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to irrevocably pledge sales and use tax revenue for highway construction bonds.

For

Against.

**LEGISLATIVE RESOLUTION 4.** Introduced by McCoy, 39; Louden, 49.

WHEREAS, Dean Gorsuch, from Gering, Nebraska, won the steer wrestling world championship at the 2010 Wrangler National Finals Rodeo held in Las Vegas, Nevada; and

WHEREAS, Dean Gorsuch is an accomplished professional rodeo cowboy who competes on the professional rodeo circuit; and

WHEREAS, the Legislature recognizes the outstanding achievements of Nebraska residents.

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

1. That the Legislature congratulates Dean Gorsuch on winning the steer wrestling world championship at the 2010 Wrangler National Finals Rodeo.

2. That a copy of this resolution be sent to Dean Gorsuch.

Laid over.

**LEGISLATIVE RESOLUTION 5CA.** Introduced by Krist, 10.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ~~ninety-sixty~~ legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed ~~sixty-forty-five~~ legislative days in

even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to reduce the maximum number of days for regular legislative sessions to sixty days in odd-numbered years and forty-five days in even-numbered years.

For

Against.

#### **LEGISLATIVE RESOLUTION 6.** Introduced by Karpisek, 32.

WHEREAS, the Exeter-Milligan Timberwolves won the 2010 Class D-1 State Volleyball Championship; and

WHEREAS, the Timberwolves defeated Howells High School in the championship match, giving the Timberwolves their second straight state title; and

WHEREAS, Heather Pribyl, Claire White, and Kelsey Moore were named by the Lincoln Journal Star to the Class D-1 All-Tournament team and the Class D-1 first-team All-State team; and

WHEREAS, Cassie Harre, Jackie Luzum, and Taylor Erdkamp earned honorable mention in Class D-1; 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, FIRST SESSION:

1. That the Legislature congratulates the Exeter-Milligan Timberwolves on winning the 2010 Class D-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Exeter-Milligan Timberwolves and their coach, Darcy White.

Laid over.

**LEGISLATIVE RESOLUTION 7.** Introduced by Karpisek, 32.

WHEREAS, the Crete Cardinals won the 2010 Class B State Football Championship; and

WHEREAS, the Cardinals defeated Elkhorn High School 34-0 to win the state title, giving the Cardinals their fourth state title since 2000; and

WHEREAS, the Cardinals finished the season undefeated at 13-0; 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, FIRST SESSION:

1. That the Legislature congratulates the Crete Cardinals on winning the 2010 Class B State Football Championship.

2. That a copy of this resolution be sent to the Crete Cardinals and their coach, Chuck McGinnis.

Laid over.

**LEGISLATIVE RESOLUTION 8.** Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2010 recipients of the 78th 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 2010 recipients of the 78th Annual Ten Outstanding Young Omahans Award are Mike Battershell, Jessica Gall, Daniel Lawse, Sharif Liwaru, Marjorie Maas, Carla O'Donnell-Rizzo, Kerri Peterson, Jacqueline Pueppke, Beth Riley, and Nichole Turgeon; and

WHEREAS, these ten individuals will be recognized at an award dinner to be held on Wednesday, January 26, 2011; and

WHEREAS, the Legislature recognizes outstanding individual achievements like receiving the 78th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Mike Battershell, Jessica Gall, Daniel Lawse, Sharif Liwaru, Marjorie Maas, Carla O'Donnell-Rizzo, Kerri Peterson, Jacqueline Pueppke, Beth Riley, and Nichole Turgeon on receiving the 78th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Mike Battershell, Jessica Gall, Daniel Lawse, Sharif Liwaru, Marjorie Maas, Carla O'Donnell-Rizzo, Kerri Peterson, Jacqueline Pueppke, Beth Riley, and Nichole Turgeon.

Laid over.

**LEGISLATIVE RESOLUTION 9CA.** Introduced by Schilz, 47; Brasch, 16; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hansen, 42; Harms, 48; Heidemann, 1; Louden, 49; Sullivan, 41.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land and subclasses of agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct ~~class~~ classes of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land and subclasses of agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the ~~class~~ subclasses of agricultural land and horticultural land as defined by the Legislature; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in



furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that the Legislature may define subclasses of agricultural land and horticultural land and provide for a different method of taxing such subclasses of land.

For

Against.

**LEGISLATIVE RESOLUTION 10.** Introduced by Gloor, 35; Dubas, 34.

WHEREAS, the Grand Island Central Catholic Crusaders won the 2010 Class C-1 State Volleyball Championship; and

WHEREAS, the Crusaders defeated Kearney Catholic High School in the championship match to give coach Sharon Zavala her ninth state volleyball title; and

WHEREAS, the state title marked the end of an era for the senior class of Crusaders, who finished with a remarkable record of 136-6; 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, FIRST SESSION:

1. That the Legislature congratulates the Grand Island Central Catholic Crusaders on winning the 2010 Class C-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Crusaders and their coach, Sharon Zavala.

Laid over.

**LEGISLATIVE RESOLUTION 11.** Introduced by Gloor, 35; Dubas, 34.

WHEREAS, the Grand Island Senior High School wrestling team won the 2010 Flatwater Fracas Wrestling Tournament; and

WHEREAS, Grand Island Senior High School won six straight matches to defeat Kearney High School in the final dual and finished the two-day tournament with a record of 8-0; and

WHEREAS, Grand Island Senior High School has won the Flatwater Fracas Wrestling Tournament three years in a row; and

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

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

1. That the Legislature congratulates the Grand Island Senior High School wrestling team on winning the 2010 Flatwater Fracas Wrestling Tournament.

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

Laid over.

### ANNOUNCEMENTS

The Appropriations Committee elected Senator Harms as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator McCoy as Vice Chairperson.

The Transportation and Telecommunications Committee elected Senator Hadley as Vice Chairperson.

### RECESS

At 11:57 a.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Janssen, Larson, and Pankonin who were excused.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

**PRESIDENT SHEEHY PRESIDING**

Governor Dave Heineman delivered the following inaugural address:

**GOVERNOR'S INAUGURAL ADDRESS**

"Because of our work together over the past several years, Nebraska is a better place to live, to work, and to raise a family. Our job is to make it even better tomorrow. I am excited about the opportunities in front of us and I am enthusiastic about finding ways to resolve the challenges we face."

Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the Legislature, Tribal Leaders, Distinguished Guests, Friends and Fellow Nebraskans;

I am honored and pleased to have the opportunity to continue as the 39th Governor of this great state.

I want to congratulate my fellow constitutional officers and the newly installed members of the Nebraska Legislature. It is an incredible opportunity to be able to serve the citizens of Nebraska.

A remarkable trust has been placed in our hands and it is our duty to make Nebraska's best interests our first priority. It is an awesome responsibility.

And as we reflect on today, our thoughts and prayers are with the Millard South families, and all Nebraska families, impacted by this tragedy.

As we begin this session, I look forward to working with you on the challenges that lie ahead. I have great respect for the Legislature.

I'm just as excited and passionate about being Governor today as I was when I first took the oath of office in January of 2005. I'm optimistic about our future because I believe in the people of Nebraska.

Our greatest asset is our people. Nebraskans are common-sense minded people. We don't spend money we don't have. We know when family income is down, reducing expenses is key. We understand that when business revenue is down, you have to tighten your belt. And that's exactly what Nebraskans expect us to do in state government.

One week from today I will present the members of this body with a balanced budget proposal that includes no tax increases. We've worked together in the past to control state spending. We know how to make tough decisions. It will require the elimination of some programs.

The days when state government could provide funding for every program are over.

Our previous work together has put Nebraska in better shape than most of America. The budget that I will submit capitalizes on our momentum. My focus will be on initiatives that further economic growth and that strengthen education.

We face difficult financial challenges and we will have to make hard decisions about the most important responsibilities of state government. Yet I will advocate that we have an extraordinary potential when it comes to making the strategic investments that will move Nebraska forward. We've improved Nebraska's business climate, but there's more work to do. We have good schools in our state but we must have even better schools in the future. We cannot ignore the academic achievement gaps that exist in Nebraska. They must be addressed.

Because of our work together over the past several years, Nebraska is a better place to live, to work, and to raise a family. Our job is to make it even better tomorrow. I am excited about the opportunities in front of us and I am enthusiastic about finding ways to resolve the challenges we face.

Nebraska is a very special place and we proudly call Nebraska our home.

Thank you.

## **SPEAKER FLOOD PRESIDING**

The Governor, Lt. Governor, their families, and other newly elected state officials were escorted from the Chamber.

## **VISITORS**

Visitor to the Chamber was Director General Jacqueline Liu from the Taipei Economic and Cultural Office, Kansas City, Missouri.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 2:40 p.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Friday, January 7, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRD DAY - JANUARY 7, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 7, 2011

**PRAYER**

The prayer was offered by Senator Christensen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**ANNOUNCEMENT**

The Nebraska Retirement Systems Committee elected Senator Louden as Vice Chairperson.

**REPORTS**

The following reports were received by the Legislature:

**Education, Department of**

2010 Status of the Programs Report, Programs of the Excellence in Teaching Act

**Workers' Compensation Court**

68th Annual Report

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 136.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Board of Pardons; to amend section 83-1,130, Reissue Revised Statutes of Nebraska; to change the number of years between appearances before the board from two years to five years; and to repeal the original section.

**LEGISLATIVE BILL 137.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction relief; and to repeal the original section.

**LEGISLATIVE BILL 138.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2010; to change application requirements relating to residency; and to repeal the original section.

**LEGISLATIVE BILL 139.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3104 and 23-3115, Reissue Revised Statutes of Nebraska; to allow for the sale of mobile equipment as surplus personal property; to increase the monetary restriction on the sale of surplus personal property; and to repeal the original sections.

**LEGISLATIVE BILL 140.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to health and human services; to amend section 81-6,120, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to criminal background checks required for transportation services; and to repeal the original section.

**LEGISLATIVE BILL 141.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to provide additional records that may be withheld; and to repeal the original section.

**LEGISLATIVE BILL 142.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1401, 49-1415, 49-1446, 49-1446.04,



49-1447, 49-1455, 49-1456, 49-1457, 49-1458, 49-1459, 49-1461, 49-1463, 49-1463.01, 49-1465, 49-1467, 49-1469, 49-1470, 49-1478, 49-1478.01, 49-1479.01, 49-1479.02, 49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,126, 49-14,129, 49-14,133, 49-14,140, and 49-14,141, Reissue Revised Statutes of Nebraska; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 143.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Reissue Revised Statutes of Nebraska; to require public education institutions to file certain contracts of employment with the Nebraska Accountability and Disclosure Commission; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 144.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Uniform Standard Code for Mobile Home Parks; to amend sections 71-4625, 71-4630, 71-4631, 71-4632, 71-4633, 71-4634, Reissue Revised Statutes of Nebraska; to require plans for shelter and evacuation as prescribed; to provide duties for the Nebraska Emergency Management Agency; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 145.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to provide for school transportation safety committees; and to require transportation plans as prescribed.

**LEGISLATIVE BILL 146.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to zoning; to amend section 19-4401, Reissue Revised Statutes of Nebraska; to authorize cities and villages to regulate planned unit developments as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 147.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to family law; to amend sections 42-357, 43-1244, 43-2920, and 43-3342.05, Reissue Revised Statutes of Nebraska; to change provisions relating to orders, inconvenient forums, visitation, and child support; to provide a duty for a commission and the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 148.** Introduced by Avery, 28; Fulton, 29; Loudon,

49; Utter, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Cumulative Supplement, 2010; to exclude lobbying expenses from the definition of general fund operating expenditures; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 149.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to special education; to adopt the Blind Persons Literacy Rights and Education Act.

**LEGISLATIVE BILL 150.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to require Internet notice of public meetings by state agencies, state boards, state commissions, state councils, and state committees; and to repeal the original section.

**LEGISLATIVE BILL 151.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-167, 48-175.01, 48-177, and 48-191, Reissue Revised Statutes of Nebraska; to change provisions relating to location, hearings, and documents; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 152.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-120.04, Reissue Revised Statutes of Nebraska; to change applicability of a medical fee schedule; and to repeal the original section.

**LEGISLATIVE BILL 153.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Reissue Revised Statutes of Nebraska; to change reimbursement for medical services; to clarify provisions; and to repeal the original section.

**LEGISLATIVE BILL 154.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on the boards of directors; and to repeal the original section.

**LEGISLATIVE BILL 155.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend

section 13-824.01, Revised Statutes Cumulative Supplement, 2010; to change sealed bid requirements for certain contracts entered into by a joint entity; and to repeal the original section.

**LEGISLATIVE BILL 156.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change annual emission fee provisions; and to repeal the original section.

**LEGISLATIVE BILL 157.** Introduced by Coash, 27; Ashford, 20; Council, 11; Nelson, 6; Wightman, 36.

A BILL FOR AN ACT relating to guardianship and conservatorship; to amend sections 25-2708, 25-2911, 25-2943, 30-1601, 30-2601.01, 30-2613, 30-2620, 30-2626, 30-2628, 30-2630.01, 30-2640, 30-2647, 30-2648, and 30-2655, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2010; to provide for real estate filings, use of dispute resolution, duties for the State Court Administrator, and ex parte proceedings; to provide and change duties for guardians and conservators; to provide a penalty; to provide a duty for the Revisor of Statutes; to provide an operative date; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 158.** Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-4,112, and 60-4,122, Reissue Revised Statutes of Nebraska; to provide requirements for retaking the driving skills examination as prescribed; to provide for and change provisions relating to electronic issuance and renewal of operators' licenses and state identification cards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 159.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22.

A BILL FOR AN ACT relating to cities, villages, and counties; to amend sections 13-1101, 13-1102, 13-1104, 13-1105, and 13-1109, Reissue Revised Statutes of Nebraska; to provide for bonds for nonprofit enterprises; and to repeal the original sections.

**LEGISLATIVE BILL 160.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to agricultural lands; to amend sections 76-1507, 76-1516, and 76-1523, Reissue Revised Statutes of Nebraska; to eliminate a duty of the county assessor relating to information on certain trusts; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-1517, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 161.** Introduced by Karpisek, 32; Avery, 28; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1514, Reissue Revised Statutes of Nebraska; to change provisions relating to abstracts of property assessment rolls; and to repeal the original section.

**LEGISLATIVE BILL 163.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 18-1738, 18-1738.01, 18-1738.02, 18-1740, 18-1741, 18-1741.03, 18-1741.04, 18-1742, 60-151, 60-153, 60-301, 60-302, and 60-3,113, Reissue Revised Statutes of Nebraska, and sections 18-1739, 18-1741.02, and 23-186, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions relating to parking permits and license plates for handicapped or disabled persons; to define terms; to authorize the development of an electronic application system for parking permits for handicapped or disabled persons; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 164.** Introduced by Loudon, 49; Dubas, 34; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-6,291, Reissue Revised Statutes of Nebraska; to provide notification requirements prior to moving a building or object over a certain height or width; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 165.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications; to amend sections 14-109, 15-202, 15-203, 16-205, 17-525, and 86-704, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Telecommunications Service Occupation Tax Act; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 166.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217.01, Reissue Revised Statutes of Nebraska, and sections 83-1217.02 and 84-712.05, Revised Statutes Cumulative

Supplement, 2010; to authorize a private preemployment screening service to conduct criminal history record information checks as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 167.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Relocation Assistance Act; to amend sections 76-1221 and 76-1228, Reissue Revised Statutes of Nebraska; to add categories of persons excluded from the definition of displaced persons; to authorize rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-312, 32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 60-484.02, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-915, Revised Statutes Cumulative Supplement, 2010; to provide for voter registration on the Secretary of State's web site; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 169.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-929, 32-933, 32-935, 32-936, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-329, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 170.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motorcycle Safety Education Act; to amend sections 39-2215, 60-4,115, 60-4,127, 60-2120, 60-2121, 60-2125, 60-2126, 60-2127, 60-2128, 60-2129, 60-2130, 60-2131, and 60-2139, Reissue Revised Statutes of Nebraska; to eliminate a fund; to eliminate funding and grants to motorcycle instructors and motorcycle courses; to change provisions relating to regulation of motorcycle safety instructors, motorcycle trainers, and motorcycle safety courses; to change and provide powers and duties for the Department of Motor Vehicles and the Director of Motor Vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-2132, 60-2133, 60-2134, 60-2135, 60-2136, 60-2137, and 60-2138, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 171.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 69-1204, 69-1206, 81-1921, 81-1922, and 81-1924, Reissue Revised

Statutes of Nebraska, and section 33-102, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the establishment of certain fees; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 172.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to commissions; to amend sections 12-1208, 71-1906.01, 82-504, and 84-104.08, Reissue Revised Statutes of Nebraska, and sections 20-506 and 81-2509, Revised Statutes Cumulative Supplement, 2010; to eliminate the Commission on Latino-Americans and the Commission on Indian Affairs; to create the Commission on Indian and Multicultural Affairs; to provide powers and duties for the commission; to provide an operative date; to repeal the original sections; to outright repeal sections 81-8,263, 81-8,264, 81-8,266, 81-8,267, 81-8,268, 81-8,269, 81-8,271, 81-2501, 81-2502, 81-2503, 81-2505, 81-2506, 81-2507, and 81-2508, Reissue Revised Statutes of Nebraska, and sections 81-8,262, 81-8,265, 81-8,270, 81-8,271.01, and 81-2504, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 173.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-604, Revised Statutes Cumulative Supplement, 2010; to redefine high elective office to include natural resources districts for purposes of restrictions on multiple office holding; and to repeal the original section.

**LEGISLATIVE BILL 174.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119.04, Reissue Revised Statutes of Nebraska; to change provisions relating to certain contributions on the income tax form; and to repeal the original section.

**LEGISLATIVE BILL 175.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend section 32-1610, Reissue Revised Statutes of Nebraska; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 176.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,126 and 49-14,140, Reissue Revised Statutes of Nebraska; to provide for payment of hearing costs by violators; to provide for placement of proceeds; and to repeal the original sections.

**LEGISLATIVE BILL 177.** Introduced by Campbell, 25; Hansen, 42.

A BILL FOR AN ACT relating to foster care; to amend sections 43-905, 43-1301, 43-1311, 43-1312, 43-1318, 68-1202, 68-1204, 71-1901, 71-1902, 71-1903, and 71-1904, Reissue Revised Statutes of Nebraska, and section 43-285, Revised Statutes Cumulative Supplement, 2010, to provide for kinship guardianships; to provide for notification of relatives when a child is removed from his or her home; to require reasonable efforts for joint-sibling placement or sibling visitation or ongoing interactions; to provide for a written independent living transition proposal from foster care; to harmonize provisions; and to repeal the original sections.

### COMMITTEE ON COMMITTEES FINAL REPORT

Senator Hansen moved to approve the following final Committee on Committees report:

	Agriculture - Carlson (C)		
Bloomfield	Brasch	Harr, B.	Karpisek
Larson	Lathrop	Wallman	
	Appropriations - Heidemann (C)		
Conrad	Fulton	Hansen	Harms
Mello	Nelson	Nordquist	Wightman
	Banking, Commerce and Insurance - Pahls (C)		
Christensen	Gloor	Langemeier	McCoy
Pankonin	Pirsch	Utter	
	Business and Labor - Lathrop (C)		
Ashford	Carlson	Cook	Harr, B.
Smith	Wallman		
	Education - Adams (C)		
Avery	Cornett	Council	Haar, K.
Howard	Schilz	Sullivan	
	General Affairs - Karpisek (C)		
Bloomfield	Brasch	Coash	Krist
Larson	McGill	Schumacher	
	Government, Military and Veterans Affairs - Avery (C)		
Brasch	Janssen	Karpisek	Pahls
Price	Schumacher	Sullivan	
	Health and Human Services - Campbell (C)		
Bloomfield	Cook	Gloor	Howard
Krist	Wallman		

## Judiciary - Ashford (C)

Coash	Council	Harr, B.	Larson
Lathrop	Lautenbaugh	McGill	

## Natural Resources - Langemeier (C)

Carlson	Christensen	Dubas	Haar, K.
McCoy	Schilz	Smith	

## Nebraska Retirement Systems - Nordquist (C)

Heidemann	Karpisek	Louden	Mello
Pankonin			

## Revenue - Cornett (C)

Adams	Fischer	Hadley	Louden
Pankonin	Pirsch	Utter	

## Transportation and Telecommunications - Fischer (C)

Campbell	Dubas	Hadley	Janssen
Lautenbaugh	Louden	Price	

## Urban Affairs - McGill (C)

Ashford	Coash	Cook	Krist
Schumacher	Smith		

## Committee on Committees - Hansen (C)

District 1:	District 2:	District 3:
Adams	Ashford	Carlson
Conrad	Cornett	Fischer
Langemeier	Howard	Flood
Pankonin	Lathrop	Louden

## Enrollment and Review - Larson (C)

## Reference - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Lathrop	Nelson (VC)	Pahls
Heidemann (nonvoting ex officio)			

## Rules - Lautenbaugh (C)

Brasch	Dubas	Lathrop	Utter
Flood (ex officio)			

## Executive Board - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Lathrop	Nelson (VC)	Pahls
Heidemann (nonvoting ex officio)			

## Intergovernmental Cooperation - Janssen (C)

Christensen	Cornett	Howard	Langemeier
Flood (nonvoting ex officio)			
Lt. Gov. Sheehy (nonvoting ex officio)			



The Committee on Committees report was approved with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

## **SENATOR GLOOR PRESIDING**

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 178.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Janssen, 15; Lautenbaugh, 18; Louden, 49.

A BILL FOR AN ACT relating to drivers' licenses; to amend sections 29-3608, 60-462, 60-462.01, 60-4,116, 60-4,131, 60-4,131.01, 60-4,132, 60-4,137, 60-4,138, 60-4,139, 60-4,143, 60-4,144, 60-4,145, 60-4,146, 60-4,153, 60-4,154, and 60-2909.01, Reissue Revised Statutes of Nebraska, and sections 75-363 and 75-364, Revised Statutes Cumulative Supplement, 2010; to adopt updated federal regulations; to define and redefine terms; to adopt provisions relating to commercial driver medical examinations; to provide duties for the Department of Motor Vehicles; to change provisions relating to license issuance; to change provisions relating to commercial driver disqualification; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 179.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to pharmacy; to amend section 38-2851, Reissue Revised Statutes of Nebraska, and sections 28-414, 38-2801, and 38-2802, Revised Statutes Cumulative Supplement, 2010; to change prescribing provisions under the Uniform Controlled Substances Act; to define a term; to change provisions relating to licensure as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 180.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to veterinary medicine and surgery; to amend sections 38-108, 38-158, and 38-3319, Reissue Revised Statutes of Nebraska; to provide for gubernatorial appointment of the Board of Veterinary Medicine and Surgery; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 181.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-1,108, 54-1,121, 54-1,122, and 54-1,122.02, Reissue Revised Statutes of Nebraska; to establish a surcharge; to harmonize provisions; and

to repeal the original sections.

**LEGISLATIVE BILL 182.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Reissue Revised Statutes of Nebraska; to change provisions relating to the issuance of one license plate; and to repeal the original section.

**LEGISLATIVE BILL 183.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to abandoned motorboats; to amend sections 37-1299, 37-12,100, 37-12,101, 37-12,102, 37-12,103, 37-12,104, 37-12,105, 37-12,106, 37-12,107, 37-12,108, and 37-12,109, Reissue Revised Statutes of Nebraska; to provide for certain motorboats and trailers to be considered abandoned; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 184.** Introduced by Smith, 14; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Reissue Revised Statutes of Nebraska; to change interest rate provisions on certain compensation court awards; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 185.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-501, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, 60-1903, 60-1908, 66-1406.02, and 81-2005, Reissue Revised Statutes of Nebraska; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 186.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-519 and 32-524, Revised Statutes Cumulative Supplement, 2010; to require nonpartisan ballots for nomination and election of county officers; to

harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 187.** Introduced by Council, 11.

A BILL FOR AN ACT relating to recall petitions; to amend section 32-1303, Reissue Revised Statutes of Nebraska; to change the number of signatures required on certain recall petitions; and to repeal the original section.

**LEGISLATIVE BILL 188.** Introduced by Council, 11.

A BILL FOR AN ACT relating to recall petitions; to amend sections 32-1302, 32-1303, 32-1304, and 32-1305, Reissue Revised Statutes of Nebraska; to change requirements for registered voters signing recall petitions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 189.** Introduced by Council, 11.

A BILL FOR AN ACT relating to public employment; to amend sections 9-808, 14-702, and 19-1831, Reissue Revised Statutes of Nebraska; to adopt the Criminal Offender Employment Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 190.** Introduced by Council, 11.

A BILL FOR AN ACT relating to public utilities districts; to amend sections 32-540, 70-612, and 70-619, Reissue Revised Statutes of Nebraska, and section 14-2102, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election of directors as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 191.** Introduced by Council, 11; Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-1,107 and 83-1,108, Reissue Revised Statutes of Nebraska; to change provisions relating to sentence reductions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 192.** Introduced by Council, 11.

A BILL FOR AN ACT relating to schools; to define terms; to require instruction in sexual health education; to provide curriculum requirements; and to provide for rules and regulations.

**LEGISLATIVE BILL 193.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend sections 53-1,115 and 84-914, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of costs for certain proceedings before the commission as prescribed; to harmonize

provisions; and to repeal the original sections.

**LEGISLATIVE BILL 194.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-112, Reissue Revised Statutes of Nebraska; to change and eliminate salary and expenses provisions relating to members of the Nebraska Liquor Control Commission; to prohibit participation in an insurance program as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 195.** Introduced by Sullivan, 41; Dubas, 34.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to change the number of members of the Legislature; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 196.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 197.** Introduced by Dubas, 34; Campbell, 25; Christensen, 44; Conrad, 46; Gloor, 35; Haar, 21; Harms, 48; McGill, 26; Sullivan, 41.

A BILL FOR AN ACT relating to civil rights; to allow breast-feeding as prescribed.

**LEGISLATIVE BILL 198.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the transportation services bureau; to amend section 81-1018, Reissue Revised Statutes of Nebraska; to change provisions relating to the purchase or lease of state-owned passenger cars; and to repeal the original section.

**LEGISLATIVE BILL 199.** Introduced by Dubas, 34; Campbell, 25; Christensen, 44; Coash, 27; Hadley, 37; Harms, 48; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to foster care; to amend section 43-1319, Reissue Revised Statutes of Nebraska; to require adequate financial support to foster parents to support foster children; and to repeal the original section.

**LEGISLATIVE BILL 200.** Introduced by Council, 11; Ashford, 20; Avery, 28; Carlson, 38; Cook, 13; Dubas, 34; B. Harr, 8; Lathrop, 12; McGill, 26; Mello, 5; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-5424 and

81-3603, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Healthy Food Financing Initiative Act; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 201.** Introduced by Council, 11; McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to probation; to amend section 29-2262.06, Reissue Revised Statutes of Nebraska; to change fees; and to repeal the original section.

**LEGISLATIVE BILL 202.** Introduced by Council, 11; Avery, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment; and to repeal the original section.

**LEGISLATIVE BILL 203.** Introduced by Council, 11; Avery, 28; B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 204.** Introduced by Council, 11; Cook, 13.

A BILL FOR AN ACT relating to students; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and sections 79-217 and 79-1601, Revised Statutes Cumulative Supplement, 2010; to require blood lead testing prior to school enrollment; to provide for exceptions; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 205.** Introduced by Mello, 5; Conrad, 46; Cook, 13; Council, 11; B. Harr, 8; Larson, 40; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to economic development; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Next Generation Nebraska Commission; to state intent; to provide duties for the commission; to harmonize provisions; to provide a termination date; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 12.** Introduced by Pirsch, 4.

WHEREAS, David J. Burns, a beloved husband, father, brother, uncle, and friend, passed away on June 11, 2010, at the age of fifty-nine; and

WHEREAS, David J. Burns proudly served in and retired from the United States Army Reserve with the rank of major, and his service included a tour of duty in Iraq; and

WHEREAS, David J. Burns is survived by his wife, Doris, his two daughters, Alicia Larrick and Clara Burns, his mother, Emogene Burns, brothers and sisters, nieces and nephews, and two granddaughters.

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

1. That the Legislature extends its sympathy and condolences to the family of David J. Burns.

2. That a copy of this resolution be sent to the family of David J. Burns.

Laid over.

**LEGISLATIVE RESOLUTION 13.** Introduced by Gloor, 35; Carlson, 38; Dubas, 34; Flood, 19; Hadley, 37; Sullivan, 41; Utter, 33; Wightman, 36.

WHEREAS, the 141st Nebraska State Fair was held in a new location in Grand Island, Nebraska, in 2010; and

WHEREAS, a new forty-million-dollar complex in Grand Island was built in just thirteen months between July 2009 and August 2010; and

WHEREAS, the first year of the Nebraska State Fair's new location in Grand Island attracted three hundred nine thousand four hundred people in attendance; and

WHEREAS, six hundred seventy-nine volunteers from the Grand Island area gave over eleven thousand hours over the eleven days of the Nebraska State Fair; and

WHEREAS, draft horse entries numbered more than at any previous Nebraska State Fair; and

WHEREAS, 4-H, FFA, and open class entries all increased nearly twenty-five percent; and

WHEREAS, the livestock entries included more than one thousand seven hundred animals and a popular birthing pavilion; and

WHEREAS, the Older Nebraskans Festival brought record numbers to fill the Heartland Events Center for the Mel Tillis concert; and

WHEREAS, the Nebraska Cattlemen served nine thousand more meals than their previous best for a total of almost twenty-five thousand meals; and

WHEREAS, the 2010 Nebraska State Fair was a great success.

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

1. That the Legislature congratulates the city of Grand Island and the Nebraska State Fair Board on a successful 2010 Nebraska State Fair.

2. That a copy of this resolution be sent to the city of Grand Island and the Nebraska State Fair Board.

Laid over.

**LEGISLATIVE RESOLUTION 14.** Introduced by Pahls, 31.

WHEREAS, Nebraska was ranked first among all states for the lowest per capita debt by CNNMoney.com in 2010; and

WHEREAS, Nebraska was ranked in a tie for first place among states for condition of urban and rural interstates by the Reason Foundation in 2010; and

WHEREAS, Nebraska was ranked first among all states for commercial red meat production in 2009, for commercial cattle slaughter and live weight slaughter in 2009, and for great northern bean production in 2009; and

WHEREAS, Nebraska was ranked second among states for employment leaders by Business Facilities in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked second among states for avoiding fiscal peril by the Pew Center on the States in 2009; and

WHEREAS, Nebraska was ranked second among states for fiscal constraint on growth by GrowthEconomics in 2010; and

WHEREAS, Nebraska was ranked second among states for best job markets in the Gallup Job Creation Index in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked second among all states for total number of all cattle and calves on January 1, 2010, and for total number of cattle on feed on January 1, 2010; and

WHEREAS, Nebraska was ranked second among all states for pinto bean and millet production in 2009; and

WHEREAS, Nebraska was ranked third among the states for fiscal fitness in the global debt crisis by Forbes.com in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked third among states for low unemployment by Business Insider in 2010; and

WHEREAS, Nebraska was ranked as the third best legal climate among states by the U.S. Chamber Institute for Legal Reform and by GrowthEconomics in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska tied for third among states for economic confidence in a ranking by Gallup in 2010; and

WHEREAS, Nebraska was ranked third among all states for corn and grain sorghum production in 2009; and

WHEREAS, Nebraska was ranked third lowest among states experiencing economic stress by the Associated Press in 2010; and

WHEREAS, Nebraska was ranked fourth among states for quality of life by Business Facilities in 2010; and

WHEREAS, Nebraska was ranked fourth among states for volunteering by the Corporation for National and Community Service in 2010; and

WHEREAS, Nebraska was ranked fourth among states for lowest commercial and residential electricity prices by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked fourth among states for production of all leading commodities by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked fourth among all states for all dry edible bean production in 2009; and

WHEREAS, Nebraska was ranked as the fifth best state for business by Directorship in 2009; and

WHEREAS, Nebraska was ranked fifth among all states for strongest job market by Juju.com in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked fifth among states for best education climate by Business Facilities in 2010; and

WHEREAS, Nebraska was ranked fifth among states for performance of state highway systems by the Reason Foundation in 2010; and

WHEREAS, Nebraska was ranked fifth among states for lowest state debt per capita by the Tax Foundation in 2010; and

WHEREAS, Nebraska was ranked fifth among states for all crop production by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked fifth among states for lowest average daily traffic per lane on all principal arterials by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked fifth among states for soybean production in 2009; and

WHEREAS, Nebraska was ranked sixth among states for pro-business environment by Pollina Corporate Real Estate, Inc. in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked sixth among states for business costs by Forbes.com in 2010; and

WHEREAS, Nebraska was ranked sixth among all states for most affordable car insurance by InsWeb in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked sixth among states for lowest commercial natural gas prices by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked sixth among states for best litigation climate by Directorship in 2009; and

WHEREAS, Nebraska was ranked sixth among all states for the number of hogs and pigs on farms on December 1, 2009, and for winter wheat production in 2009; and

WHEREAS, Nebraska was ranked seventh among states for lowest energy cost in an energy cost index developed by the Small Business and Entrepreneurship Council in 2009; and

WHEREAS, Nebraska was ranked seventh among all states for alfalfa hay and all hay production, and for commercial hog slaughter and live weight slaughter in 2009; and



WHEREAS, Nebraska was ranked eighth among states for least expensive closing costs by U.S. News and World Report in 2009; and

WHEREAS, Nebraska was ranked eighth among states in biofuels manufacturing research leaders by Business Facilities in 2010; and

WHEREAS, Nebraska was one of eight states to receive a green rating for the best places to avoid a recession by NewGeography.com in 2009; and

WHEREAS, Nebraska was ranked eighth among states for lowest incarceration rate by the Taxpayers Network in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked eighth among states for highest SAT scores by the College Board in 2009 and was ranked ninth in 2010; and

WHEREAS, Nebraska was ranked ninth among best states for business by Forbes.com in 2009 and 2010; and

WHEREAS, Nebraska was ranked ninth among the most enterprise-friendly states by the U.S. Chamber of Commerce and the National Chamber Foundation in 2010; and

WHEREAS, Nebraska was ranked ninth among states for interstate, freeway, and arterial condition rating by the Taxpayers Network in 2010, putting Nebraska ahead of all six of its surrounding states; and

WHEREAS, Nebraska was ranked ninth among states for lowest industrial electricity prices by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked tenth among states for lowest industrial and residential natural gas prices by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked tenth among all states for wheat production by the Taxpayers Network in 2010; and

WHEREAS, Nebraska was ranked eleventh in human capital investment by the Milken Institute in 2008; and

WHEREAS, Omaha was ranked first in a list of recession-proof cities by the Metropolitan Policy Program of the Brookings Institution in 2010; and

WHEREAS, Omaha was ranked first in a list of fastest recovering cities, and the Omaha-Council Bluffs metro area was ranked best bang-for-the-buck city by Forbes.com in 2009; and

WHEREAS, Omaha was ranked second among cities for business resiliency by MarketWatch in 2010, putting Omaha ahead of all cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked third among cities as best for business by MarketWatch in 2009; and

WHEREAS, Omaha was ranked third among mid-sized metro cities for small business startups by CNNMoney.com in 2009, putting Omaha ahead of all the mid-sized metro cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked third among cities where Americans are getting richer in 2009 and was ranked third safest for traffic fatality rank in cities with a population over two hundred fifty thousand in 2010 by Forbes.com; and

WHEREAS, Omaha was ranked fifth among best places to start over by Bloomberg Businessweek in 2009, putting Omaha ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked fifth safest city among cities with a population over two hundred fifty thousand by Forbes.com in 2010, putting Omaha ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked sixth among affordable places to retire by Yahoo! Real Estate in 2009, putting Omaha ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked sixth among mid-sized cities for best places to live and work for next generation workers by Next Generation Consulting in 2009; and

WHEREAS, the Omaha-Council Bluffs metro area was named the nation's sixth most livable metro area by Forbes.com in 2010, and none of the six states surrounding Nebraska, with the exception of the connection to Council Bluffs, Iowa, had a metro area in the top ten; and

WHEREAS, Omaha was ranked seventh in the nation among metro cities as the best place for business and careers by Forbes.com in 2010; and

WHEREAS, Omaha was ranked eighth among cities for best undervalued places to live by IHS Global Insight in 2009, putting Omaha ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked as the eighth top metro area for corporate real estate projects by Site Selection Magazine in 2009; and

WHEREAS, Omaha was ranked eighth among top growth cities by U-Haul International in 2009, putting Omaha ahead of all the cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked ninth in a list of the best cities for families by Parenting.com in 2010, putting Omaha ahead of any other city in the six states surrounding Nebraska, and Lincoln was ranked twelfth in the same list; and

WHEREAS, Omaha was ranked ninth among cities having an awesome recovery by Business Insider in 2010, putting Omaha ahead of all the cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked ninth among the top ten fittest cities in America by Men's Fitness in 2009; and

WHEREAS, Omaha was ranked tenth among the most recession-resistant cities by the Brookings Institution in 2009, putting Omaha ahead of all the cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked eleventh among the best large cities for job growth by NewGeography.com in 2009, putting Omaha ahead of all other large cities in the six states surrounding Nebraska; and

WHEREAS, Omaha was ranked twelfth among the best cheap cities by Forbes.com in 2009; and

WHEREAS, Omaha was ranked sixteenth and Lincoln was ranked thirty-third in a list of the top one hundred best places in the nation to raise a family by Best Life in 2010; and

WHEREAS, Omaha was ranked twentieth among cities in a list of the best labor markets for young adults by Portfolio.com in 2010; and

WHEREAS, Omaha was ranked twenty-fifth among cities for sustainability by SustainLane.com in 2009; and

WHEREAS, Omaha was ranked forty-second in a list of the top fifty best bike cities by Bicycling Magazine in 2010; and

WHEREAS, Omaha was listed in the top twenty most employed cities by Business Insider in 2010; and

WHEREAS, Omaha was listed as one of America's twenty-five strongest housing markets by Forbes.com in 2009, putting Omaha ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Lincoln was ranked second in a list of the best cities for a housing recovery by Forbes.com in 2009, putting Lincoln ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Lincoln was ranked third among cities for longest life for women and sixteenth overall for women, and Omaha was ranked twenty-eighth overall among cities for women by Women's Health in 2010; and

WHEREAS, Lincoln was ranked third in a list of the best cities for babies by Parents.com in 2010, putting Lincoln ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Lincoln was ranked fourth in a list of the best cities to raise a family by Children's Health Magazine in 2009; and

WHEREAS, Lincoln was ranked fifth in the nation among metro cities as the best place for business and careers by Forbes.com in 2010; and

WHEREAS, Lincoln tied for ninth place in a list of the nation's most livable metro areas by Forbes.com in 2010; and

WHEREAS, Lincoln was ranked ninth among cities for safest drivers by Allstate Insurance Company in 2010; and

WHEREAS, Lincoln was ranked ninth overall among cities for men by Men's Health in 2010, putting Lincoln ahead of all other cities in the six states surrounding Nebraska; and

WHEREAS, Lincoln was ranked thirteenth among small metro college cities to live in by the American Institute for Economic Research in 2010; and

WHEREAS, Lincoln was ranked sixteenth among cities for most affordable housing by CNNMoney.com in 2010; and

WHEREAS, Lincoln was listed among the top one hundred places to live in 2010 by RelocateAmerica; and

WHEREAS, Papillion was ranked third among cities in a list of best places to live and fourteenth for affordable housing by CNNMoney.com in 2009; and

WHEREAS, Norfolk was ranked eighteenth among cities for quality of life and ninety-eighth for best places to live by CNNMoney.com in 2009; and

WHEREAS, Kearney was ranked twenty-fourth among cities for quality of life and quickest commute by CNNMoney.com in 2009; and

WHEREAS, Columbus was ranked ninety-ninth among cities for best places to live by CNNMoney.com in 2009; and

WHEREAS, Madison County was ranked second, Platte County was ranked third, and Sarpy County was ranked fourth in the top ten best places for jobs in the United States by Money Magazine in 2009, putting these three counties ahead of all the counties of all six of Nebraska's surrounding states; and

WHEREAS, Kool-Aid Days in Hastings and the North Platte Rail Fest have been selected among the top one hundred events for 2011 by the American Bus Association and Destinations magazine.

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

1. That the Legislature congratulates the Department of Economic Development and its affiliates, the Nebraska Chamber of Commerce and Industry and its affiliates, the Greater Omaha Chamber of Commerce and its affiliates, the Lincoln Chamber of Commerce and its affiliates, the Sarpy County Chamber of Commerce and its affiliates, the Norfolk Area Chamber of Commerce and its affiliates, the Kearney Area Chamber of Commerce and its affiliates, the Hastings Area Chamber of Commerce and its affiliates, the North Platte Area Chamber of Commerce and Development Corporation, and the Columbus Area Chamber of Commerce and its affiliates for their diligence and efforts to keep Nebraska competitive and vibrant.

2. That a copy of this resolution be sent to the Department of Economic Development, the Nebraska Chamber of Commerce and Industry, the Greater Omaha Chamber of Commerce, the Lincoln Chamber of Commerce, the Sarpy County Chamber of Commerce, the Norfolk Area Chamber of Commerce, the Kearney Area Chamber of Commerce, the Hastings Area Chamber of Commerce, the North Platte Area Chamber of Commerce and Development Corporation, and the Columbus Area Chamber of Commerce.

Laid over.

### ANNOUNCEMENTS

The Judiciary Committee elected Senator Lathrop as Vice Chairperson.

The Education Committee elected Senator Howard as Vice Chairperson.

The Health and Human Services Committee elected Senator Gloor as Vice Chairperson.

The Agriculture Committee elected Senator Wallman as Vice Chairperson.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Brasch asked unanimous consent to add her name as cointroducer to LB48. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LR5CA. No objections. So ordered.

### VISITOR

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

**ADJOURNMENT**

At 11:23 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Monday, January 10, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 10, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 10, 2011

**PRAYER**

The prayer was offered by Reverend Steve Flader, South Gate United Methodist Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cook, Council, Heidemann, Howard, and Lautenbaugh who were excused; and Senator Pirsch who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1	General File
LB2	General File
LB3	General File
LB4	General File
LB5	General File
LB6	General File
LB7	General File
LB8	General File
LB9	General File
LB10	General File
LB11	General File
LB12	Judiciary
LB13	Judiciary
LB14	Government, Military and Veterans Affairs

LB15	Judiciary
LB16	Judiciary
LB17	Judiciary
LB18	Education
LB19	Judiciary
LB20	Judiciary
LB21	Government, Military and Veterans Affairs
LB22	Banking, Commerce and Insurance
LB23	Banking, Commerce and Insurance
LB24	Banking, Commerce and Insurance
LB25	Banking, Commerce and Insurance
LB26	Banking, Commerce and Insurance
LB27	Natural Resources
LB28	Natural Resources
LB29	Natural Resources
LB30	Natural Resources
LB31	Natural Resources
LB32	Natural Resources
LB33	Revenue
LB34	Health and Human Services
LB35	Transportation and Telecommunications
LB36	Health and Human Services
LB37	Government, Military and Veterans Affairs
LB38	Natural Resources
LB39	Health and Human Services
LB40	Revenue
LB41	Natural Resources
LB42	Urban Affairs
LB43	Banking, Commerce and Insurance
LB44	Banking, Commerce and Insurance
LB45	Health and Human Services
LB46	Health and Human Services
LB47	Transportation and Telecommunications
LB48	Judiciary
LB49	Banking, Commerce and Insurance
LB50	Revenue
LB51	Health and Human Services
LB52	Transportation and Telecommunications
LB53	Education
LB54	Urban Affairs
LB55	Urban Affairs
LB56	General Affairs
LB57	Urban Affairs
LB58	Education
LB59	Education
LB60	General Affairs
LB61	Judiciary
LB62	Government, Military and Veterans Affairs
LB63	Education



LB64	Natural Resources
LB65	Revenue
LB66	Judiciary
LB67	Transportation and Telecommunications
LB68	Health and Human Services
LB69	Revenue
LB70	Banking, Commerce and Insurance
LB71	Banking, Commerce and Insurance
LB72	Banking, Commerce and Insurance
LB73	Banking, Commerce and Insurance
LB74	Banking, Commerce and Insurance
LB75	Banking, Commerce and Insurance
LB76	Banking, Commerce and Insurance
LB77	Banking, Commerce and Insurance
LB78	Banking, Commerce and Insurance
LB79	Judiciary
LB80	Judiciary
LB81	Revenue
LB82	Revenue
LB83	Revenue
LB84	Revenue
LB85	Judiciary
LB86	Executive Board
LB87	Transportation and Telecommunications
LB88	Judiciary
LB89	Government, Military and Veterans Affairs
LB90	Banking, Commerce and Insurance
LB91	Agriculture
LB92	Health and Human Services
LB93	Appropriations
LB94	Judiciary
LB95	Health and Human Services
LB96	Revenue
LB97	Government, Military and Veterans Affairs
LB98	Transportation and Telecommunications
LB99	Revenue
LB100	Judiciary
LB101	Government, Military and Veterans Affairs
LB102	Transportation and Telecommunications
LB103	Natural Resources
LB104	Transportation and Telecommunications
LB105	Natural Resources
LB106	Revenue
LB107	Agriculture
LB108	Agriculture
LB109	Agriculture
LB110	Agriculture
LB111	Health and Human Services
LB112	Transportation and Telecommunications

LB113	Business and Labor
LB114	Agriculture
LB115	Judiciary
LB116	Government, Military and Veterans Affairs
LB117	Government, Military and Veterans Affairs
LB119	Revenue
LB121	Urban Affairs
LB122	Government, Military and Veterans Affairs
LB123	Education
LB124	Judiciary
LB125	Health and Human Services
LB126	Agriculture
LB127	Natural Resources
LB128	Judiciary
LB129	Judiciary
LB130	Education
LB131	Appropriations
LB132	Banking, Commerce and Insurance
LB133	Judiciary
LB134	Revenue
LB135	Transportation and Telecommunications
LR2CA	Government, Military and Veterans Affairs
LR3CA	Transportation and Telecommunications
LR5CA	Executive Board
LR9CA	Revenue

Allan, Tam - Nebraska State Fair Board - Agriculture  
 Bergstraesser, Edwin - State Electrical Board - General Affairs  
 Bieganski, Gary - Board of Trustees of the Nebraska State Colleges -  
 Education  
 Boswell, Kathy - Nebraska Rural Health Advisory Commission - Health and  
 Human Services  
 Brown, Rebecca - Nebraska Child Abuse Prevention Fund Board - Health  
 and Human Services  
 Camara, Wayne - Technical Advisory Committee for Statewide Assessment  
 - Education  
 Coleman, Janet - State Board of Health - Health and Human Services  
 Covi, Kristopher - State Racing Commission - General Affairs  
 Culver, Robert "Bob", Jr. - Nebraska Arts Council - General Affairs  
 Davis, Jeffrey - Community Corrections Council - Judiciary  
 Dillon, Blake - Nebraska Motor Vehicle Industry Licensing Board -  
 Transportation and Telecommunications  
 Dilly, Douglas - Nebraska Rural Health Advisory Commission - Health and  
 Human Services  
 Dorwart, Thomas - Community Corrections Council - Judiciary  
 Fattig, Martin - Nebraska Rural Health Advisory Commission - Health and  
 Human Services  
 Flanagan, Patrick - Nebraska Information Technology Commission -  
 Transportation and Telecommunications

- Frey, Zachary - Nebraska Rural Health Advisory Commission - Health and Human Services
- Galyen, Jeffrey - State Racing Commission - General Affairs
- Graham, Mark - Nebraska Power Review Board - Natural Resources
- Hansen, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs
- Hastings, Donna - Nebraska Arts Council - General Affairs
- Hedquist, Lance - Nebraska Information Technology Commission - Transportation and Telecommunications
- Hoelsing, Daniel - Nebraska Information Technology Commission - Transportation and Telecommunications
- Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs
- Holzfafter, Ralph - Nebraska Railway Council - Transportation and Telecommunications
- Huggenberger, Harold - Nebraska Information Technology Commission - Transportation and Telecommunications
- Jackson, Diane - State Board of Health - Health and Human Services
- Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources
- Kralik, Shawn - Nebraska Rural Health Advisory Commission - Health and Human Services
- Kristensen, Doug - Nebraska Information Technology Commission - Transportation and Telecommunications
- Landis, Frank - Nebraska Railway Council - Transportation and Telecommunications
- Langemeier, Ginger S. - Director, State Energy Office - Natural Resources
- Laughlin, Mark - Nebraska Arts Council - General Affairs
- Maginn, John - Nebraska Investment Council - Nebraska Retirement Systems
- McColley, Mark - Nebraska Ethanol Board - Natural Resources
- Michels, Dale - State Board of Health - Health and Human Services
- Militti, E.J., Jr. - State Highway Commission - Transportation and Telecommunications
- Miller, Dana - State Emergency Response Commission - Government, Military and Veterans Affairs
- Mueller, Cory - State Electrical Board - General Affairs
- Parker, Martha - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
- Parsow, Debra - State Board of Health - Health and Human Services
- Peak, Frank - Community Corrections Council - Judiciary
- Peterson, Carter - Board of Trustees of the Nebraska State Colleges - Education
- Ramge, Bruce - Director, Department of Insurance - Banking, Commerce and Insurance
- Rasmussen, Gary - Nebraska Railway Council - Transportation and Telecommunications
- Reamer, Roger - State Board of Health - Health and Human Services

Rebensdorf, John - Nebraska Railway Council - Transportation and Telecommunications  
 Reeg, William - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
 Rehmeier, Randall - Public Employees Retirement Board - Nebraska Retirement Systems  
 Roper, Lynn - Nebraska Arts Council - General Affairs  
 Seever, Samuel - State Personnel Board - Government, Military and Veterans Affairs  
 Shundoff, Dan - Nebraska Information Technology Commission - Transportation and Telecommunications  
 Smith, Nana - Nebraska Arts Council - General Affairs  
 Staab, Susan - Foster Care Review Board - Health and Human Services  
 Starman, Darlene - Nebraska Educational Telecommunications Commission - Education  
 Stone, Fred - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications  
 Stuberg, Wayne - State Board of Health - Health and Human Services  
 Tessman, Brian - State Personnel Board - Government, Military and Veterans Affairs  
 Thede, Michael - Nebraska Ethanol Board - Natural Resources  
 Vandegrift, Sharon - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Verzal, Brandon - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
 von Gillern, Roger Bradford "Brad" - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
 Ward, Charles - Board of Educational Lands and Funds - Education  
 Wassinger, Richard - Public Employees Retirement Board - Nebraska Retirement Systems  
 Watkins, Dallas - Technical Advisory Committee for Statewide Assessment - Education  
 Weander, Timothy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Wills, Daryl - State Board of Health - Health and Human Services

(Signed) John Wightman, Chairperson  
 Executive Board

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 7, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Abboud, Chris, Public Affairs Group

Agri-Business Association, Nebraska  
Lincoln Police Union  
Manheims Omaha Auto Auction  
Monsanto  
Omaha Police Union, Local 101

Adair, Peggy  
CASA for Douglas County  
League of Women Voters of Nebraska

Adams, Donald D., Jr.  
Nebraskans First, Inc.

Adams, John H.  
International Gamco, Inc.

Amack, Angela K.  
Advocacy and Issue Management, Inc.  
Columbus Public Schools  
Electrical Workers, International Brotherhood of  
Fire Fighters Association, Nebraska Professional  
Grand Island Public Schools  
Nielsen, Coleen J.

American Communications Group, Inc.  
American Cancer Society  
American Heart Association  
Behavioral Health Organizations, Nebraska Association of  
Center for Rural Affairs  
Child Healthcare Alliance, Nebraska  
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
Emergency Medical Service Association, Nebraska  
Empyrean Brewing Company  
Engineers and Architects, Nebraska Board of  
Goodwill Industries, Nebraska  
Iowa/Nebraska Primary Care Association  
Physical Therapy Association, Nebraska Chapter of American  
Physician Assistants, Nebraska Academy of  
Psychological Association, Nebraska  
Public Employees, AFSCME Local 61, Nebraska Association of  
Public Health, Friends of in Nebraska  
Research Nebraska!  
Respiratory Care, Nebraska Society for  
Speech, Language, & Hearing Association, Nebraska  
Surgical Technologists, Association of  
Teamsters Local Union 554  
Wind Coalition, The  
YMCA of Nebraska

Andersen, Robert C.  
Cooperative Council, Nebraska

Anderson, Kristen  
Realtors Association, Nebraska

Anderson, Robert L.  
Agri-Business Association, Nebraska

- Anderson Management Services, Inc.  
Anderson, Tim W.  
Central Nebraska Public Power & Irrigation District  
Austin, Jordan  
National Rifle Association Institute for Legislative Action  
Baack, Dennis G.  
Community College Association, Nebraska  
Babcock, Marsha L.  
Mechanical Contractors Assn. of Omaha  
Barefoot, Linda  
Purdue Pharma LP  
Bateman, Joseph R.  
Union Pacific Railroad  
Beattie, George  
Bankers Association, Nebraska  
Becker, Jill  
Black Hills Corporation (formerly Aquila)  
Beermann, Allen J.  
Press Association, Nebraska  
Belcher, Barbara N.  
Merck Sharp & Dohme Corp. and its Affiliates  
Bell, David  
Loup River Public Power District  
Benjamin, Melody  
Cattlemen, Inc., Nebraska  
Benson, Sandra E.  
AARP  
Blomstedt, Matthew L.  
Educational Service Unit Coordinating Council  
Boddy, Heath  
Health Care Association, Nebraska  
Boehm, John M.  
Mortgage Association, Nebraska  
Boesch, Elizabeth L.  
Nebraska Public Power District  
Bohrer, Bruce J.  
Lincoln Chamber of Commerce  
Bonaiuto, John A.  
School Boards, Nebraska Association of  
Bowling, Karen  
Family Council, Nebraska  
Boyer, Steve  
Third Planet Windpower  
Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe & Associates  
Brandt, Horan, Hallstrom and Stilmock  
Bankers Association, Nebraska  
Bankers Insurance and Services Company, Nebraska (NBISCO)  
Firefighters Association, Nebraska State Volunteer

National Federation of Independent Business  
Nebraskans For Workers Compensation Equity  
NETWORKS, Inc.  
Pharmacists Association, Nebraska

Bromm, Curt  
AFLAC  
Cable Communications Association, Nebraska  
KZ Co.  
Verizon Wireless

Bromm, Jason  
Bromm, Curtis A.

Bruckner, Traci  
Center for Rural Affairs

Bruning, Deonne L.  
Cox Communications  
Northern Natural Gas  
U. S. Cellular

Buntain, David R.  
Medical Association, Nebraska  
Regions I, II and V Services

Burroughs, Sheila K.  
Certified Public Accountants, Nebraska Society of

Byers, Thomas L.  
Magellan Midstream Partners

Campbell, Mary  
Lincoln Public Schools

Carlson, Kyle  
Planned Parenthood of the Heartland

Carstenson, Eric B.  
Telecommunications Association, Nebraska

Carter, Jennifer  
Appleseed Center for Law in the Public Interest, Nebraska

Cavanaugh Law Firm, PC, LLO  
Creighton University  
Explore Information Services, LLC  
Independent Insurance Agents of Nebraska  
Tenet Health System

Cavanaugh, James P.  
Cavanaugh Law Firm PC, LLO

Cavanaugh, Patrick B.  
Cavanaugh Law Firm PC, LLO

Cheloha, John A. 'Jack'  
City of Omaha

Christiansen, Craig R.  
Education Association, Nebraska State

Clark, Douglas R.  
Metropolitan Utilities District

Clayburn, Neal  
Education Association, Nebraska State

- Coleman, Steven D.  
Papillion - La Vista Public Schools
- Cook, Autumn Foster  
Nebraska Friends of Midwives
- Courtney, Robert  
AARP
- Cover, Joni R.  
Pharmacists Association, Nebraska
- Cox, Christopher  
National Rifle Association Institute for Legislative Action
- Crouchley, Daniel G.  
Metropolitan Utilities District
- Cunningham, Douglas  
Affiliated Foods Midwest
- Cunningham, James R.  
Catholic Conference, Nebraska
- Cutshall & Nowka  
Anheuser-Busch Companies  
Area Agencies on Aging, Nebraska Association of  
BryanLGH Health System  
County Attorneys Association, Nebraska  
Dietetic Association, Nebraska  
Digital Gaming Solutions, Inc.  
Elkhorn Public Schools  
Family Physicians, Nebraska Academy of  
Funeral Directors Association, Nebraska  
Home & Community Health Agencies, Nebraska Association of  
Metropolitan Utilities District  
Nebraska Public Power District  
Nebraska State College Systems, Board of Trustees of the  
NET Foundation for Television  
Peetz & Company  
Pfizer, Inc.  
Pork Producers Association, Nebraska  
Poultry Industries, Inc., Nebraska  
Radiologic Technologists, Nebraska Society of  
Resources Districts, Nebraska Association of  
Rural Community School Association, Nebraska  
Sheriffs Association, Nebraska  
Society of Human Resources Management's (SHRM) Nebraska State  
Council  
Southern Public Power District  
Trucking Association, Nebraska  
Union Pacific Railroad  
Water Coalition, Nebraska
- Cutshall, Bruce A.  
Cutshall & Nowka
- Dake Abel, Julie  
Public Employees, AFSCME Local 61, Nebraska Association of



Dibbern, Chris M.  
Nebraska Municipal Power Pool

Dittmer, Judy  
AARP

Dix, Larry  
County Officials, Nebraska Association of

Dobler, James B.  
Farmers Mutual of Nebraska

Donaldson, R. Eric  
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

Donovan, Steve  
Ducks Unlimited, Great Plains

Downey, Robert A.  
Capital Humane Society

Dudley, William H.  
AFLAC

Duensing, David A.  
ABATE of Nebraska, Inc.

Dukesherer, James C.  
Rural Electric Association, Nebraska

Dulaney, Michael S.  
School Administrators, Nebraska Council of

Edson, Dean E.  
Resources Districts, Nebraska Association of

Edwards, Jon  
County Officials, Nebraska Association of

Egr, James M.  
Firefighters Association, Nebraska State Volunteer

Eppler, Robert  
AARP

Eret, Don  
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.  
American Communications Group, Inc.

Ernst, Dan E.  
School Administrators, Nebraska Council of

Evans, Eric A.  
Advocacy Services, Inc., Nebraska

Faustman, Nick  
Hospital Association, Nebraska

Ferrell, Beth Bazyn  
County Officials, Nebraska Association of

Fischer-Lempke, Marla J.  
ARC of Nebraska

Forbes, Jarrod  
United Healthcare Services, Inc. and Affiliates

Forrest, Sarah  
Voices for Children

- Fraizer, Theodore D. (Tad)  
Insurance Association, American  
Mutual of Omaha Insurance Company  
Updowntowners, Inc.
- Freeman, Clayton  
Alzheimer's Association, Midlands Chapter
- Freeman, Jessica  
Nebraska Friends of Midwives
- Fritz, Teresa Stitcher  
Alzheimer's Association of the Great Plains
- Gage, Suzanne  
Americans United for Life
- Gay, Tim  
Husch Blackwell Sanders, LLP
- Genrich, Richard L.  
Eagles, Fraternal Order of, NE State Aerie  
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
- Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe & Associates  
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
- Goldberg, Jordan  
Center for Reproductive Rights
- Gossman, Abigail  
MedImmune, Inc.
- Gottschalk, Kristen  
Rural Electric Association, Nebraska
- Gould, John 'Jack'  
Common Cause National  
Common Cause Nebraska
- Guinan, Trish  
Education Association, Nebraska State
- Gutierrez, Carlos I.  
Consumer Healthcare Products Association
- Habben, Jon  
Rural Community School Association, Nebraska
- Hack, Mace A.  
Nature Conservancy, The
- Hale, Brian R.  
School Boards, Nebraska Association of
- Hale, Susan  
Planned Parenthood of the Heartland
- Hallstrom, Robert J.  
Brandt, Horan, Hallstrom and Stilmock
- Hammer, Mike L.  
Hammer, Mike L.
- Hansen, John K.  
Farmers Union, Nebraska
- Harding, William A.  
League of Nebraska Municipalities

Hartmann, William  
One-Call Notification Center, Nebraska Statewide

Harvey, William F.  
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
Vigilnet America Inc.

Hassebrook, Charles, Jr.  
Center for Rural Affairs

Haubensak, Richard  
Constellation NewEnergy Gas Division (formerly Cornerstone Energy,  
Inc.)

Head, Craig J.  
Farm Bureau Federation, Nebraska

Hedman, Gary  
Southern Public Power District

Hernandez, Jennifer  
Children & Families Foundation, Nebraska

Herzog, Frank  
AARP

Higgins, Shirley  
Nebraska Public Power District

Hinds, Carolyn C  
AARP

Hoffman, Jerry  
Education Association, Nebraska State

Holmquist, David W.  
American Cancer Society

Holmquist, Jay  
Rural Electric Association, Nebraska

Hunt, Billi  
Dupont

Husch Blackwell Sanders, LLP  
Chiropractic Physicians Association, Nebraska  
Crown Cork and Seal Company, Inc.  
Home Instead, Inc.  
Indoor Tanning Association, Nebraska  
Papio-Missouri Natural Resources District, Nebraska  
Wal-Mart Stores, Inc.  
Waste Management

Intermill, Mark  
AARP

Jeffers, Thomas E.  
Cooperative Council, Nebraska

Jensen, Ronald L./Jensen Associates, Inc.  
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA  
Inc.)  
Children's Respite Care Center, Inc.  
Dental Hygienists Association, Nebraska  
Eli Lilly and Company  
Health Management Systems

- Horsemens Benevolent & Protective Association  
 Intellectual Disabilities Services Providers, Nebraska  
 Johnson, DeMaris/The Johnson Group  
 LeadingAge (formerly Homes and Services for the Aging, Nebraska Association of)  
 Magellan Health Services, Inc.  
 Mosaic  
 National Rifle Association Institute for Legislative Action  
 Nurse Anesthetists, Nebraska Association of  
 Optometric Association, Nebraska  
 Podiatric Medical Association, Nebraska  
 Jensen, S. Michael  
   Great Plains Communications  
 Johnson, DeMaris  
   Financial Services Association, Nebraska  
 Johnson, DeMaris - The Johnson Group  
   Bromm, Curtis A.  
   Cable Communications Association, Nebraska  
   County Attorneys Association, Nebraska  
   Industrial Energy Users of Nebraska  
   Jensen, Ronald/Jensen & Associates  
   LeadingAge (formerly Homes and Services for the Aging, Nebraska Association of)  
   Water Resources Association, Nebraska  
 Johnson, Kevin  
   AstraZeneca Pharmaceuticals  
 Johnson, Kimberly  
   United Parcel Service  
 Johnson, Larry A.  
   Trucking Association, Nebraska  
 Johnson, Mary A.  
   Mueller Robak LLC  
 Jordison, John C.  
   Great Plains Communications  
 Jordison, Thomas R.  
   Renaissance Nebraska Project, Inc.  
 Kamm, Richard D.  
   Adams Central Junior-Senior High  
   Grand Island Northwest Public Schools  
   Lakeview Community Schools  
 Karl, Jamie T.  
   Chamber of Commerce & Industry, Nebraska  
 Karnes, David  
   EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
   Father Flanagans Boys Home aka Boys Town  
   KVC Behavioral Healthcare Nebraska, Inc.  
   Vigilnet America Inc.  
 Kay, Sara A.  
   AIA Nebraska

Keigher & Associates, LLC  
AirBoat Association, Nebraska  
Credit Management  
Iowa/Nebraska Equipment Dealers Association  
Land Improvement Contractors Association, Nebraska  
LensCrafters  
MillerCoors LLC (formerly Miller Brewing Company)  
National Guard Assn. of Nebraska

Keigher, Timothy P.  
Community College Association, Nebraska  
Keigher & Associates, LLC  
Petroleum Marketers & Convenience Store Assn., Nebraska

Kelley and Jerram, P.C.  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
Elevator Industry Work Preservation  
Fraternal Order of Police, Nebraska  
Omaha Exposition & Racing, Inc.

Kelley Governmental Relations, LLC  
Beverage Operators of Nebraska, Responsible  
Brix Wine and Spirits  
Johnson Brothers of Nebraska  
Metro Area Transit  
Omaha Airport Authority

Kelley, Michael  
Kelley and Jerram, P.C.  
Kelley Governmental Relations, LLC

Kelley, Sean  
Kelley and Jerram, P.C.  
Kelley Governmental Relations, LLC

Kelsey, Michael D.  
Cattlemen, Inc., Nebraska

Kennedy, Barry L.  
Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.  
Investment Finance Authority, Nebraska

Kidman, Victoria  
State Farm Insurance Companies

Kilgarin, Karen  
Education Association, Nebraska State

Kissel Erickson and Sederstrom Associates, LLC  
American Petroleum Institute  
Ameristar Casinos, Inc.  
Beverage Distributors of Nebraska, Associated  
CASA Association, Nebraska  
Cooperative Council, Nebraska  
County Court Association, Nebraska  
Engineers, Nebraska Society of Professional  
Erickson & Sederstrom, PC

- Golf Course Superintendents Association, Nebraska
- Hearing Society, Nebraska
- Historical Society, Nebraska State
- Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
- Lancaster County Board of Commissioners
- March of Dimes Birth Defects Foundation
- Nebraska Municipal Power Pool
- Professional Engineers Coalition
- Professional Surveyors Association of Nebraska
- Ralston Public School District
- Regional Administrators, Nebraska Association of
- Sarpy County, United Cities of
- Telecare Corporation
- TransCanada Pipelines Limited
- West Corporation
- Kissel, Gordon
  - Kissel/E&S Associates, LLC
- Koch, Kristen
  - Cattlemen, Inc., Nebraska
- Kohout, Joseph D.
  - Kissel/E&S Associates, LLC
- Kolterman, Jessica A.
  - Farm Bureau Federation, Nebraska
- Krannawitter, Brian
  - American Heart Association
- Krumland, Gary G.
  - League of Nebraska Municipalities
- Kruse, Dacia D.
  - Omaha Chamber of Commerce, Greater
- Kulesher Jarecke, Kate M.
  - Athletic Trainers Association, Nebraska State
  - Brain Injury Association of Nebraska (formerly Brain Injury Group of Nebraska (BIG-N))
- Lange, Robert G.
  - Ameritas Life Insurance Corporation
- Levy, David C.
  - Bluestem LLC
  - Electronic Disposal Technologies, Inc.
  - Midwest Wind Energy
- Licht, Alice L.
  - Agri-Business Association, Nebraska
  - Anderson Management Services, Inc.
  - Auctioneers Association, Nebraska
  - Automotive Recycling Industry of Nebraska
  - Hotel & Motel Association, Inc., Nebraska
  - Pest Control Association, Nebraska State
- Licht, Andrew W.
  - Anderson Management Services, Inc.
- Likes, Steven C., Esq.

Investment Finance Authority, Nebraska  
Lindsay, John  
O'Hara, Lindsay & Associates, Inc.  
Lineweber, Ray L.  
United Transportation Union  
Loeffler, Michael T.  
Northern Natural Gas  
Logsdon, Robert R.  
Cox Communications  
Lombardi, Richard A.  
American Communications Group, Inc.  
Lostroh, David L.  
Christian Home Educators Association, Nebraska  
Lucey, Scott  
ABATE of Nebraska, Inc.  
Luetkenhaus, Brandon M.  
Credit Union League and Affiliates, Nebraska  
Mahlman, Dale L.  
Medical Association, Nebraska  
Mainwaring, Brenda  
Union Pacific Railroad  
Marsh, Laurel S.  
ACLU Nebraska  
Martinez, Larry M.  
Glaxo Smith Kline  
Mass, Ken E.  
AFL-CIO, Nebraska State  
McBride, David S.  
Insurance and Financial Advisors, National Association of  
Optometric Association, Nebraska  
McClure, Jeanne L.  
Alegent Health  
McClure, John  
Nebraska Public Power District  
McClymont, Pete  
Cattlemen, Inc., Nebraska  
McCullough, Jacqueline K.  
Engineering Companies/Nebraska, American Council of  
McGuire, Mark D.  
Cameco (formerly Crow Butte) Resources, Inc.  
Education Association, Nebraska State  
McKenzie, Janis M.  
Insurance Federation, Nebraska  
Meek, Randy D.  
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board  
Menzel, Elaine  
County Officials, Nebraska Association of  
Meradith, Steve  
Windstream

Merritt, Gary James  
Auto Dealers Association, Nebraska Independent

Meurrens, Bradley A.  
Advocacy Services, Inc., Nebraska

Micek, Cora  
Peetz & Company

Mikkelsen, Brian  
Education Association, Nebraska State

Miller, Amy  
ACLU Nebraska

Mills, Jack D.  
Risk Management Association, Nebraska Intergovernmental

Mischo, Craig  
Bayer Health Care

Moylan, James H.  
Beverage Association, Nebraska Licensed  
Reynolds American (formerly RJ Reynolds Tobacco)

Mueller Robak LLC  
Airport Officials, Nebraska Association of  
American Express Travel Related Services, Inc.  
Ash Grove Cement Co.  
AT&T Corporation  
Bankers Association, Heartland Community  
Better Nebraska Association  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
Commercial Property Owners, Nebraska Association of  
Constellation NewEnergy Gas Division (formerly Cornerstone Energy,  
Inc.)  
Copic Companies  
Court Reporters Association, Nebraska  
Dental Association, Nebraska  
District Court Judges Association, Nebraska  
Duncan Aviation  
Eastern Nebraska Development Council  
eBay, Inc.  
Eye Physicians and Surgeons, Nebraska Academy of  
First Data Corporation  
General Contractors of America, NE Chapter, Associated  
Home Builders Association, Nebraska State  
Independent Accountants, Nebraska Society of  
Land Title Association, Nebraska  
Lincoln Airport Authority  
Lower Republican NRD  
Lyman-Richey Corporation  
Machinery Company, Nebraska  
Madonna Rehabilitation Hospital  
MedImmune Incorporated  
Methodist Health Systems, Nebraska



Millard Public Schools  
Nebraska Interactive  
Nebraska State Bar Association  
Pharmaceutical Research and Manufacturers of America  
Press Association, Nebraska  
Sterling Distribution Co.  
Veterinary Medical Association, Nebraska  
Viaero Wireless

Mueller, William J.  
Mueller Robak LLC

Munguia, Roberto F.  
Burlington Northern Santa Fe

Murphy, Jeremy P.  
Catholic Conference, Nebraska

Nabb, Douglas  
Fremont Public Schools

Nathan, Robbie  
AARP

Neville, Brennan S.  
National Indemnity Company

Nickerson, Jocelyn S.  
Humane Society of the United States, The

Nielsen, Coleen J.  
Advocacy and Issue Management Inc.  
Amack, Angela K.  
Criminal Defense Attorneys Association, Nebraska  
Insurance Information Service, Nebraska  
Medco Health Solutions, Inc. and Affiliates  
Merck Sharp & Dohme Corp. and its Affiliates  
State Farm Insurance Companies

Nilsen, Patrick M.  
Carpenters, North Central States Regional Council of

Nolan, Michael  
League of Nebraska Municipalities

Nowka, Trent P.  
Cutshall & Nowka

O'Hara, Lindsay and Associates, Inc.  
AIA Nebraska  
Ambulatory Centers, Nebraska Association of Independent  
Automobile Manufacturers, Alliance of  
Beverage Association, Nebraska  
Black Hills Corporation (formerly Aquila)  
Blue Cross & Blue Shield of Nebraska  
City of Hastings  
City of Lincoln  
County Judges Association, Nebraska  
First National of Nebraska, Inc.  
Housing & Redevelopment Officials, Nebraska Chapter of the National  
Association of

- Humane Society of the United States, The (Withdrawn 01/06/2011)  
 Humanities Council, Nebraska  
 Nebraskans Against the Death Penalty  
 Nebraskans for the Arts  
 Nucor Corporation  
 Nurses Association, Nebraska  
 Omaha Public Power District  
 Omaha Public Schools  
 SourceGas Distribution, LLC  
 Teradata  
 Trial Attorneys, Nebraska Association of  
 Valmont Industries, Inc.  
 Winnebago Tribe of Nebraska
- O'Neill, Thomas J., Jr.  
 Independent Colleges & Universities of Nebraska (AICUN), Association  
 of
- Olhausen, Vaun C.  
 Novartis Pharmaceuticals Corporation
- Olsen, Keith R.  
 Farm Bureau Federation, Nebraska
- Orton, Leroy  
 Irrigation Association, Nebraska State  
 Waste Water Assn., Nebraska On-Site  
 Well Drillers Association, Nebraska
- Othmer, Mark F.  
 Iowa/Nebraska Equipment Dealers Association
- Otto, James A.  
 Restaurant Association, Nebraska  
 Retail Federation, Nebraska  
 Wineries and Grape Growers Association, Nebraska
- Pack, Mary M.  
 Radcliffe, Walter H. of Radcliffe & Associates
- Paden, Nicholas  
 Broadband Coalition, Nebraska  
 Cambridge Telephone Company  
 Consolidated Telephone Company  
 Great Plains Communications  
 Hamilton Telecommunications  
 Hartelco (formerly Hartington Telecommunications, Inc.)  
 Hershey Coop Telephone Co.  
 HunTel Systems, Inc.  
 Ignition Interlock Systems of IA, Inc.  
 K & M Telephone Company  
 Nebraska Central Telephone Company  
 Northeast Nebraska Telephone Co.  
 Stanton Telecom, Inc.  
 Three River Telco
- Parker, David R.  
 Great West Casualty Company

Partington, Jim  
Restaurant Association, Nebraska

Passarelli, Angelo D.  
Millard Public Schools

Pearce, Denise K.  
City of Lincoln

Peez, Natalie, Peez & Company  
Alegent Health  
Apollo Group, Inc./Univ. of Phoenix  
Behavioral Health, Advocates for  
Boys and Girls Club of America  
Children & Families Foundation, Nebraska  
Coventry Insurance  
Cutshall & Nowka  
Kiewit Corporation  
Metropolitan Entertainment & Convention Authority (Qwest Center  
Omaha)  
Nurse Practitioners, Nebraska  
Omaha Zoological Society  
Tenaska

Peters, William E.  
Burlington Northern Santa Fe  
Cigar Association of America, Inc.

Peterson, Alan E.  
ACLU Nebraska

Peterson, Patricia Schuett  
Investment Finance Authority, Nebraska

Petsch, Jean M.  
General Contractors, Associated (NE Building Chapter)

Pierson, Darwin R.  
Oil & Gas Association, Nebraska Independent

Plofchan, Paul  
Pfizer, Inc.

Pollock, Andy  
Gottsch Enterprises  
Morrison Enterprises, LLC  
Nebraska Energy Export Association  
NorthWestern Energy  
Progressive Swine Technologies  
Waste Connections, Inc.

Polt, Brendon A.  
Health Care Association, Nebraska

Popken, Kent T.  
Qwest Communications

Prenda, Amy  
Cutshall & Nowka

Propst, Kevin  
Papio Valley Preservation Association

Ptacek, Patrick J.

Grain and Feed Association, Nebraska  
 Schmit Industries  
 Radcliffe, Walter H. of Radcliffe & Associates  
 2013 US Senior Open Local Organizing Committee  
 Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)  
 Bellevue Public Schools  
 Broadcasters Association, Nebraska  
 Cable Communications Association, Nebraska  
 Cemetery Association, Nebraska State  
 Certified Public Accountants, Nebraska Society of  
 Community Financial Services of America (CFSA) c/o MultiStates Associates Inc.  
 Compensation Insurance, National Council on (NCCI)  
 Enterprise Rent-A-Car  
 Fair Board, Nebraska State  
 Father Flanagans Boys Home aka Boys Town  
 Father Flanagans Boys Home d/b/a Boys Town National Research Hospital  
 Health Care Association, Nebraska  
 Health Underwriters, Nebraska Association of  
 Home Builders Association, Nebraska State  
 Indigenous Peoples Fund  
 League of Nebraska Municipalities  
 Lincoln Public Schools  
 Media of Nebraska, Inc.  
 Medical Center, Nebraska  
 Metropolitan Community College  
 Motion Picture Association of America  
 Nebraska Expressways for Economic Development (NEED)  
 Nebraskans for Public Health Funding  
 Optometric Association, Nebraska  
 Property Casualty Insurers Association of America  
 Pyrotechnics Association, Nebraska  
 Realtors Association, Nebraska  
 Republic National Distributing Company (Formerly Wholesale Liquor Distributors Association, Nebraska)  
 Sanofi Pasteur, (MultiState Associates, Inc on behalf of)  
 State Troopers Association of Nebraska, Inc.  
 Telecommunications Association, Nebraska  
 Tyson Foods, Inc.  
 University of Nebraska  
 Rea, James M.  
 Lincoln Education Association  
 Redoutey, Laura J.  
 Hospital Association, Nebraska  
 Reiman, Charlene  
 SourceGas Distribution, LLC  
 Rempe, Jay E.

Farm Bureau Federation, Nebraska  
Renner, Shawn D.  
Media of Nebraska, Inc.  
Rex, L. Lynn  
League of Nebraska Municipalities  
Reynolds, Jeff  
Center for Rural Affairs  
Richards, Thomas  
Omaha Public Power District  
Rieker, Bruce R.  
Hospital Association, Nebraska  
Riibe, Diane  
Project Extra Mile  
Riley, Christopher T.  
Archer Daniels Midland Company  
Ring, Kenneth T.  
AARP  
Riskowski, Al  
Family Council, Nebraska  
Robak, Kim M.  
Mueller Robak LLC  
Rogert, Kent  
Burt County Economic Development Corp.  
Learning Community of Douglas and Sarpy County  
Omaha Area Board of Realtors  
Root, David  
Medco Health Solutions, Inc. and Affiliates  
Ryan, Beth  
Cutshall & Nowka  
Sahling-Zart, Shelley R.  
Lincoln Electric System  
Schaefer, Matthew T.  
Mueller Robak LLC  
Schafer, Andrea R.  
Norris Public Power District  
Scherer, Larry  
Education Association, Nebraska State  
Schimek, Herbert H.  
Westside Community Schools  
Schleppenbach, Greg  
Catholic Conference, Nebraska  
Schmit Industries, Inc.  
Ethanol Producers, Assoc. of Nebraska  
Schmit-Albin, Julie  
Nebraska Right to Life  
Schuller, Lynne  
Horsemen's Benevolent & Protective Association  
Propane Gas Association, Nebraska  
Schultz, William E.

Marksmanship Association, Nebraska  
Schumacher, Jearlyn  
Nurse-Midwives, American College of, Nebraska Affiliate  
Sears, T. Jay  
Education Association, Nebraska State  
Sedlacek, Ronald J.  
Chamber of Commerce & Industry, Nebraska  
Husch Blackwell Sanders, LLP  
Sheard, James W., Jr.  
Nebraska Change to Win Coalition c/o Teamsters Local 554  
Siefken, Kathy  
Grocery Industry Association, Nebraska  
Shazam  
Spatz, John  
School Boards, Nebraska Association of  
Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock  
Sullivan, J. Scott  
Credit Union League and Affiliates, Nebraska  
Swanson, Heather  
Nurse-Midwives, American College of, Nebraska Affiliate  
Todd, A. Loy, Jr.  
Car & Truck Dealers Association, Nebraska New  
Uhe, Fred J.  
Sarpy County Board of Commissioners  
Ullstrom, Galen F.  
Mutual of Omaha Insurance Company  
Valentin, Michaela L.  
Blue Cross & Blue Shield of Nebraska  
Vasina, Mark A.  
Nebraskans for Peace, Inc.  
Veak, Becky  
Children & Families Foundation, Nebraska  
Vodvarka, Dan  
Certified Public Accountants, Nebraska Society of  
Wagner, Connie  
Licensed Practical Nurse Association of Nebraska  
Weber, Rocky  
Cooperative Council, Nebraska  
Werner, Terry  
Social Workers, Nebraska Chapter, National Association of  
Wesely, Don  
O'Hara, Lindsay & Associates, Inc.  
Wheeler, Harold  
AARP  
White, Rosemary  
AAA Nebraska and The Auto Club Group  
Wieczorek, Bridget  
Nurse-Midwives, American College of, Nebraska Affiliate

Wightman, Anna Castner  
 First National of Nebraska, Inc.

Williams, David M.  
 Ameritas Life Insurance Corporation

Wimmer, J. Kent  
 Western Sugar Cooperative (CO)

Winger, Dwight  
 Rural Telecommunications Coalition, Nebraska

Winston, Ken  
 Library Association, Nebraska  
 Sierra Club, Nebraska  
 Wachiska Audubon Society

Withem, Ron  
 University of Nebraska

Wolf, Jesse  
 Education Association, Nebraska State

Woods, Kara  
 Johnson, DeMaris/The Johnson Group

Wray, Connie M.  
 ABATE of Nebraska, Inc.

Wray, James J.  
 ABATE of Nebraska, Inc.

Wurster, Donald F.  
 National Indemnity Company

Yost, Jeffrey G.  
 Community Foundation, Nebraska

Yost, Kurt T.  
 Bankers, Nebraska Independent Community  
 Central Nebraska Public Power & Irrigation District  
 Midwest Check Cashiers, Inc.

Young, Justin  
 Occupational Therapy Association, Nebraska

Zaenglein, Norbert  
 Autobody Association, Nebraska

Zalenski, Susan D.  
 Johnson & Johnson

Zulkowski, Katie W.  
 Mueller Robak LLC

Zumwinkle, Mike  
 Cargill/Excel

### **PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

#### **PROPOSED RULES CHANGE 1**

**Rule 7, Sec. 3. Motion, in Writing, Withdrawal.** (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is

taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To recess
- b. To adjourn
- c. For cloture
- d. To reconsider
- e. For the previous question
- f. To postpone to a time certain
- g. To recommit to a committee
- h. To amend
- i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
- b. Motion to place on General File pursuant to Rule 3, Section 20(b).
- c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.



(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

**Rule 7, Sec. 7. Reconsideration.** (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

*Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.*

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency

- clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.
- iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.
  - iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

### **PROPOSED RULES CHANGE 2**

**Rule 6, Sec. 7. Final Reading.** No bill shall be voted on for final passage until:

- (a) After five legislative days following the introduction of the bill.
- (b) One legislative day after its reference to Final Reading.
- (c) ~~Printed copies of The~~ The bill in its final form, as amended, shall have been available to members ~~and on their desks~~ for at least one legislative day.

### **PROPOSED RULES CHANGE 3**

**Rule 1, Sec. 17. Speaker's Major Proposals.** The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. During the 2011 Session, the Speaker may designate any of the redistricting bills as major proposals with the approval of two-thirds of the Executive Board. Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with the redistricting of legislative districts subject to the approval of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:  
(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

**Rule 3, Sec. 6. Redistricting Committee.** (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research.

(f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) ~~The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.~~ The committee, with approval of a

majority of its members, may introduce bills at any time during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

#### **PROPOSED RULES CHANGE 4**

#### **Rule 3, Sec. 20.**

**Add a new sub-section (c) and renumber the remaining section.**

(c) Any amendment offered which is substantially the same as a pending bill shall require a three-fifths vote of the elected members if offered within twenty calendar days of the committee hearing.

#### **ANNOUNCEMENT**

The Revenue Committee elected Senator Utter as Vice Chairperson.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 206.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to personal property; to amend sections 60-1801, 60-1802, 60-1803, 60-1807, 60-1808, 60-1901, 60-1904, and 60-1907, Reissue Revised Statutes of Nebraska; to name an act; to define terms; to delete obsolete provisions; to provide for disposition of abandoned camper units; to provide a penalty; to change provisions relating to abandoned vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 207.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 208.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1015 and 76-3001, Reissue Revised Statutes of Nebraska, and sections 70-1001.01, 70-1013, and 70-1014.02, Revised Statutes Cumulative Supplement, 2010; to provide waiver and injunctive relief powers to the board as prescribed; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 209.** Introduced by Cornett, 45; Hadley, 37; Heidemann, 1; Schilz, 47; Utter, 33; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change a provision relating to the proceeds of local sales and use taxes; and to repeal the original section.

**LEGISLATIVE BILL 210.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2609, 72-258.03, 77-702, 77-1327, 77-1783.01, 77-2704.50, 77-2705.01, 77-2708, 77-2709, 81-1260, and 81-15,164, Reissue Revised Statutes of Nebraska, and sections 13-3107 and 81-8,128, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the due dates for certain sales tax returns, sales and use taxes, and certain fees; to change provisions relating to school lands, qualifications of the Property Tax Administrator, data reporting, personal liability for corporate taxes, common or contract carrier exemption certificates, and supervision of the State Athletic Commissioner; to eliminate the Greenbelt Advisory Committee; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-1355, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 211.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324, 13-2814, 77-2703, 77-2703.03, 77-2704.10, and 77-27,143, Reissue Revised Statutes of Nebraska, and section 77-2712.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to collection of sales tax on rented and leased motor vehicles, direct mail sourcing, a sales and use tax exemption for certain food, and the streamlined sales and use tax agreement; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 212.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Janssen, 15; Lautenbaugh, 18; Louden, 49; Price, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,193.01, 60-3,221, 60-462.01, 60-4,147.02, and 75-393, Reissue Revised Statutes of Nebraska, and sections 18-1739, 75-363, and 75-364, Revised Statutes Cumulative Supplement, 2010; to adopt revisions of federal laws and regulations and a registration reciprocity agreement by reference; to change provisions relating to towing trailers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 213.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 214.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 32-312, 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, 32-529, 32-557, 32-610, 32-618, and 32-810, Reissue Revised Statutes of Nebraska, and sections 32-519 and 32-524, Revised Statutes Cumulative Supplement, 2010; to require nonpartisan ballots for nomination and election of county and city officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 215.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-462.02, 60-479, 60-479.01, 60-484, 60-487, 60-4,113, 60-4,114, 60-4,115, 60-4,117, 60-4,120, 60-4,121, 60-4,122, 60-4,127, 60-4,144, 60-4,149, 60-4,150, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska; to adopt certain federal regulations; to provide powers and duties for the Department of Motor Vehicles regarding the design, production, issuance, and renewal of and payment for operators' licenses and state identification cards; to provide implementation dates; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 216.** Introduced by Coash, 27; Fulton, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-301 and 60-3,100, Reissue Revised Statutes of Nebraska; to change license plate issuance and display provisions for certain motor vehicles; to provide for a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 217.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-301, 86-303, and 86-314, Reissue Revised Statutes of Nebraska, and section 86-313, Revised Statutes Cumulative Supplement, 2010; to define and eliminate terms; to change provisions relating to surcharges for wireless service; to state intent; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-309, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 218.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

**LEGISLATIVE BILL 219.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Freedom Act.

**LEGISLATIVE BILL 220.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska; to change appeal procedures as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 221.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1708, 68-1723, and 68-1724, Reissue Revised Statutes of Nebraska; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 222.** Introduced by Gloor, 35; Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6221, Reissue Revised Statutes of Nebraska; to change provisions regarding changes in scope of practice; and to repeal the original section.

**LEGISLATIVE BILL 223.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

**LEGISLATIVE BILL 224.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 225.** Introduced by Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-129, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of credentials as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 226.** Introduced by Gloor, 35; Bloomfield, 17; Carlson, 38; Coash, 27; Dubas, 34; Hadley, 37; Lautenbaugh, 18; McCoy, 39; Utter, 33; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to provide for assault with a bodily fluid against a public safety officer; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 227.** Introduced by Mello, 5; Dubas, 34; K. Haar, 21.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 81-1601, 81-1603, 81-1605, and 81-1606, Reissue Revised Statutes of Nebraska, and section 81-1607.01, Revised Statutes Cumulative Supplement, 2010; to require a state energy assessment; to provide duties to the office; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Mello, 5; Dubas, 34; K. Haar, 21.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173 and 81-190, Reissue Revised Statutes of Nebraska; to provide for energy audits to be conducted under the act; to require a report; to remove obsolete language; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-191.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 229.** Introduced by Fischer, 43; Carlson, 38; Christensen, 44; Dubas, 34; Langemeier, 23; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to water resources; to amend section 81-15,174, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2010; to transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund as prescribed; to provide an additional purpose for expenditure as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 230.** Introduced by Sullivan, 41; Campbell, 25; Hansen, 42; Karpisek, 32; Krist, 10; Price, 3; Schumacher, 22.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to public records; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 15.** Introduced by Pankonin, 2.

WHEREAS, Gerald "Jerry" Heylmun, son of Bruce and Carol Heylmun, while a sophomore at Conestoga High School, completed the requirements to attain the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot; Second Class; First Class; Star; Life; and finally Eagle. Throughout his Scouting experience, Jerry Heylmun has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, Jerry Heylmun served his troop in a variety of leadership roles, including Chaplain Aide, Librarian, Patrol Leader, and Senior Patrol Leader. To achieve the rank of Eagle Scout, Jerry earned thirty-one merit badges, ten more than the required twenty-one badges, and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Jerry Heylmun directed thirty-one people in the construction of a new trail at Schramm State Park in Louisville, Nebraska. The original trail was near a dangerous ravine. Jerry's newly designed trail is farther from the ravine and safer for trail users, especially children from a nearby 4-H camp. Jerry also relocated barriers, built new park benches, and coordinated donations of time, cash, and materials for his project. By completing his service project, Jerry fulfilled a personal goal that he has had since fifth grade; and

WHEREAS, the redesigned and enhanced trail at Schramm State Park in Louisville will more safely serve the citizens of Cass County for many years in the future.

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

1. That the Legislature congratulates Gerald "Jerry" Heylmun for the exemplary achievement of fulfilling the requirements for obtaining the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jerry Heylmun.

Laid over.

**LEGISLATIVE RESOLUTION 16.** Introduced by Pankonin, 2.

WHEREAS, Ed Kasl has provided great consistency and continuity and a stable learning environment for more than twenty years as the superintendent of the Louisville Public Schools; and

WHEREAS, only six superintendents in Nebraska have had a longer tenure in one school than Superintendent Ed Kasl; and

WHEREAS, Superintendent Ed Kasl's professional training for his career began thirty-six years ago with a Bachelor's degree in Mathematics, followed in the 1970s by Masters' degrees in Education and Administration; and

WHEREAS, Superintendent Ed Kasl's visionary leadership has helped to position the Louisville School District as one of the finest in Nebraska. Superintendent Kasl has provided direction in the development of an instructional delivery system, based on a curriculum that prepares students for success in the twenty-first century; and

WHEREAS, to recognize the respect and appreciation demonstrated by Superintendent Ed Kasl for the Louisville Public Schools, in May 2010 he was named Superintendent of the Year for Region Six of the Nebraska Association of School Administrators.

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

1. That the Legislature expresses its appreciation for the achievements of Superintendent Ed Kasl and for his positive impact on the State of Nebraska.

2. That a copy of this resolution be sent to Superintendent Kasl and the Louisville Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 17.** Introduced by Pankonin, 2.

WHEREAS, Andrew Parker, son of Jeff and Janice Parker and a junior at Nebraska City High School, completed the requirements to attain the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Andrew Parker has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Andrew Parker served his troop in a variety of leadership roles, including patrol leader, assistant patrol leader, senior patrol leader, troop guide, and junior assistant scout master. To achieve the rank of Eagle Scout, Andrew earned thirty-five merit badges, fourteen more than the required twenty-one badges, and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Andrew Parker devoted more than seventy-one hours to create low maintenance landscaping for the new Northside Elementary School in Nebraska City. The project involved thirty-one volunteers who, under Andrew's direction, spent almost two hundred forty-seven man hours leveling planting areas, planting one hundred eighty-seven assorted plants, shrubs, and trees, installing a weed barrier, applying mulch, and watering the new plants. To complete the project, Andrew collaborated with a local nursery to design the landscaping plan and sought implementation approval from the local school board; and

WHEREAS, the newly designed grounds of the Northside Elementary School in Nebraska City will provide scenic beauty for the citizens of Otoe County for many years.

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

1. That the Legislature congratulates Andrew Parker for the exemplary achievement of fulfilling the requirements for attaining the rank of Eagle Scout.

2. That a copy of this resolution be sent to Andrew Parker.

Laid over.

**LEGISLATIVE RESOLUTION 18.** Introduced by Pankonin, 2.

WHEREAS, Jeff Talmon, son of Larry and Marcia Talmon and a junior at Nebraska City High School, completed the requirements to attain the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jeff Talmon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Jeff Talmon served his troop in a variety of leadership roles, including chaplain, assistant patrol leader, patrol leader, assistant senior patrol leader, senior patrol leader, and junior assistant scoutmaster. To achieve the rank of Eagle Scout, Jeff earned twenty-nine merit badges, eight more than the required twenty-one badges, and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Jeff Talmon directed thirteen volunteers who spent one hundred seventy-two man hours to create parking improvements at Steinhart Park in Nebraska City. The project included replacing broken parking curbs, straightening existing parking curbs, and installing new cement parking curbs. A park bench was also rebuilt. To complete the project, Jeff sought plan and design approval from scout leaders and the Nebraska City public properties manager,

tabulated and recorded hours spent on the project, and created a before and after photographic record of the work that was performed; and

WHEREAS, the redesigned and enhanced facilities at Steinhart Park in Nebraska City will more safely and conveniently serve the citizens of Otoe County for many years.

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

1. That the Legislature congratulates Jeff Talmon for the exemplary achievement of fulfilling the requirements for attaining the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jeff Talmon.

Laid over.

**LEGISLATIVE RESOLUTION 19CA.** Introduced by Avery, 28.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 5:

IV-5 ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For

Against.

### **NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 18, 2011 1:30 p.m.

Bruce Ramage - Department of Insurance

LB70

LB71

LB72

LB73

(Signed) Rich Pahls, Chairperson

Education

Room 1525

Tuesday, January 18, 2011 1:30 p.m.

LB18

LB59

(Signed) Greg Adams, Chairperson

### **ANNOUNCEMENTS**

The Natural Resources Committee elected Senator Schilz as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Price as Vice Chairperson.

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

Senators Hansen, Karpisek, McCoy, and Schilz asked unanimous consent to add their names as cointroducers to LB48. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Randy Kohl from Firth.

### **ADJOURNMENT**

At 11:03 a.m., on a motion by Senator Gloor, the Legislature adjourned until 10:00 a.m., Tuesday, January 11, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTH DAY - JANUARY 11, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 11, 2011

**PRAYER**

The prayer was offered by Senator Hansen.

**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 Senators Lautenbaugh and Pankonin who were excused; and Senators Cornett, Heidemann, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB118	Revenue
LB120	Appropriations
LB136	Judiciary
LB137	Judiciary
LB138	Judiciary
LB139	Government, Military and Veterans Affairs
LB140	Health and Human Services
LB141	Business and Labor
LB142	Government, Military and Veterans Affairs
LB143	Government, Military and Veterans Affairs
LB144	Health and Human Services
LB145	Education
LB146	Urban Affairs
LB147	Judiciary
LB148	Education

LB149	Education
LB150	Government, Military and Veterans Affairs
LB151	Business and Labor
LB152	Business and Labor
LB153	Business and Labor
LB154	Natural Resources
LB155	Natural Resources
LB156	Natural Resources
LB157	Judiciary
LB158	Transportation and Telecommunications
LB159	Urban Affairs
LB160	Agriculture
LB161	Government, Military and Veterans Affairs
LB162	Revenue
LB163	Transportation and Telecommunications
LB164	Transportation and Telecommunications
LB165	Revenue
LB166	Health and Human Services
LB167	Judiciary
LB168	Government, Military and Veterans Affairs
LB169	Government, Military and Veterans Affairs
LB170	Transportation and Telecommunications
LB171	Government, Military and Veterans Affairs
LB172	Government, Military and Veterans Affairs
LB173	Government, Military and Veterans Affairs
LB174	Revenue
LB175	Government, Military and Veterans Affairs
LB176	Government, Military and Veterans Affairs
LB177	Health and Human Services
LB178	Transportation and Telecommunications
LB179	Health and Human Services
LB180	Health and Human Services
LB181	Agriculture
LB182	Transportation and Telecommunications
LB183	Transportation and Telecommunications
LB184	Business and Labor
LB185	Transportation and Telecommunications
LB186	Government, Military and Veterans Affairs
LB187	Government, Military and Veterans Affairs
LB188	Government, Military and Veterans Affairs
LB189	Business and Labor
LB190	Urban Affairs
LB191	Judiciary
LB192	Education
LB193	General Affairs
LB194	General Affairs
LB195	Executive Board
LB196	Banking, Commerce and Insurance
LB197	Judiciary



LB198 Government, Military and Veterans Affairs  
LB199 Health and Human Services  
LB200 Agriculture  
LB201 Judiciary  
LB202 Judiciary  
LB203 Judiciary  
LB204 Education  
LB205 Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, January 18, 2011 1:30 p.m.

Tam Allan - Nebraska State Fair Board

LB109  
LB110

(Signed) Tom Carlson, Chairperson

Education

Room 1525

Tuesday, January 18, 2011 1:30 p.m.

LB123

(Signed) Greg Adams, Chairperson

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Schumacher has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 231.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to issuing a bad check; and to repeal the original section.

**LEGISLATIVE BILL 232.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to self-defense; to amend section 28-1410, Reissue Revised Statutes of Nebraska; to authorize protection of an unborn child; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 233.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to state intent; to change the number of members of the Legislature; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 234.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Reissue Revised Statutes of Nebraska; to change provisions relating to county office and service facilities; and to repeal the original section.

**LEGISLATIVE BILL 235.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-413, 79-1008.02, 79-1009, 79-1015.01, 79-1025, and 79-1029, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1003, 79-1005.01, 79-1007.04, 79-1007.07, 79-1007.09, 79-1007.10, 79-1007.11, 79-1007.16, 79-1007.18, 79-1008.01, 79-1017.01, 79-1023, and 79-1030, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to state aid to schools; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1005.02, 79-1007.01, 79-1007.02, 79-1010, 79-1022.02, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes of Nebraska, and sections 79-1007.19, 79-1007.24, and 79-1026.01, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 236.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1015.01, 79-1025, and 79-1029, Reissue Revised Statutes of Nebraska, and sections 77-3446,

79-1003, 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.18, 79-1023, and 79-1030, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to state aid to schools; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1022.02, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes of Nebraska, and section 79-1026.01, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 237.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to prescription drugs; to state intent; and to provide for creation of a prescription drug monitoring program.

**LEGISLATIVE BILL 238.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-125, 48-145.01, 48-155, 48-156, 48-170, 48-178, 48-180, 48-182, 48-185, and 48-1,110, Reissue Revised Statutes of Nebraska; to eliminate review by a three-judge panel; to authorize modification of awards and orders; to harmonize provisions; to provide operative provisions; to repeal the original sections; and to outright repeal sections 48-179 and 48-181, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 239.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-944, 32-947, 32-953, 32-1027, 60-4,115, and 60-4,181, Reissue Revised Statutes of Nebraska, and sections 32-915 and 32-1002, Revised Statutes Cumulative Supplement, 2010; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 240.** Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Hadley, 37; Mello, 5.

A BILL FOR AN ACT relating to insurance; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Nebraska Insurance Choices Exchange Task Force; to provide powers and duties for the task force; to require a report; to provide a termination date; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 241.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-126, 60-139, 60-140, 60-142, and 60-344, Reissue Revised Statutes of

Nebraska; to redefine parts vehicle; to require use of a bill of sale for a parts vehicle; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 242.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-309, 28-929, 28-930, 28-931, 28-931.01, 28-932, and 28-933, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to assault, assault on an officer, and offenses by a confined person; and to repeal the original sections.

**LEGISLATIVE BILL 243.** Introduced by Carlson, 38; Hadley, 37; Hansen, 42; B. Harr, 8; Karpisek, 32; Price, 3; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to water; to amend section 46-2,140, Reissue Revised Statutes of Nebraska; to change membership provisions relating to the Republican River Basin Water Sustainability Task Force; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 244.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to highways; to amend section 39-218, Reissue Revised Statutes of Nebraska; to allow certain signs along scenic byways as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 245.** Introduced by Carlson, 38; Fulton, 29; Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-146.02, Reissue Revised Statutes of Nebraska; to provide for release of employee medical records as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 246.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2026, Reissue Revised Statutes of Nebraska; to provide benefits to a surviving spouse that has remarried; and to repeal the original section.

**LEGISLATIVE BILL 247.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-703, Reissue Revised Statutes of Nebraska; to adopt the Classrooms First Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 248.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to fires; to amend sections 81-520.01, 81-520.03, 81-520.04, and 81-520.05, Reissue Revised Statutes of Nebraska; to change provisions relating to burning permits and range-management burning; to provide for land-management burning; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 249.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-177, Reissue Revised Statutes of Nebraska; to provide for a waiver of restrictions on sales of alcoholic liquor near a campus of a college or university; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 250.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Janssen, 15; Lautenbaugh, 18; Price, 3.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-303, Reissue Revised Statutes of Nebraska; to exempt limousine service from regulation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 251.** Introduced by Council, 11.

A BILL FOR AN ACT relating to courts; to amend sections 33-103, 33-106, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.04, and 33-126.06, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Cumulative Supplement, 2010; to change fees; and to repeal the original sections.

**LEGISLATIVE BILL 252.** Introduced by Cornett, 45; Fischer, 43; Hadley, 37; Larson, 40; Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Reissue Revised Statutes of Nebraska; to exempt admissions to indoor tanning services from sales and use taxes; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 253.** Introduced by Larson, 40; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6203, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to a tax credit relative to wind energy generating facilities; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 254.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the register of deeds; to amend sections

23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 255.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Janssen, 15; Lautenbaugh, 18; Louden, 49; Price, 3.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 74-1313, 75-401, and 75-426, Reissue Revised Statutes of Nebraska; to eliminate certain duties of the Public Service Commission relating to railroads; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 256.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Revised Statutes Cumulative Supplement, 2010; to change terms of certain members; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 257.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-143, Reissue Revised Statutes of Nebraska; to remove a filing requirement for telecommunications companies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 258.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to land surveying; to amend sections 23-1901, 23-1908, 23-1911, 25-223, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska, and section 81-8,110.07, Revised Statutes Cumulative Supplement, 2010; to provide that the entry of a surveyor onto any land is not criminal trespass; to provide duties for land surveyors and for damages as prescribed; to provide for limitations on actions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 259.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to railroads; to amend sections 37-914 and 74-1427, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Railway Council, the Light-Density Rail Line Assistance Act, and funds; to provide duties for the Department of Roads; to change provisions relating to the use of local tax funds for light-density rail lines as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal

sections 74-1401, 74-1402, 74-1402.01, 74-1403, 74-1404, 74-1405, 74-1405.01, 74-1405.02, 74-1405.03, 74-1406, 74-1407.01, 74-1408, 74-1410, 74-1410.01, 74-1411, 74-1411.01, 74-1412, 74-1412.01, 74-1413, 74-1414, 74-1415, 74-1415.01, 74-1415.03, 74-1415.04, 74-1415.05, 74-1415.06, 74-1419.02, 74-1420, 74-1420.01, 74-1420.02, 74-1420.03, 74-1428.01, 74-1428.02, 74-1428.03, and 74-1429, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 260.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to sports-related injuries; to adopt the Concussion Awareness Act; and to provide an operative date.

**LEGISLATIVE BILL 261.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to provide a direct seller exemption; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 262.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend sections 44-3,158 and 48-144.03, Reissue Revised Statutes of Nebraska; to eliminate certain health and safety regulations, penalties, a program, a fund, and a committee; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-401, 48-402, 48-403, 48-404, 48-405, 48-406, 48-407, 48-408, 48-409, 48-410, 48-411, 48-412, 48-413, 48-414, 48-415, 48-416, 48-417, 48-419, 48-420, 48-421, 48-422, 48-423, 48-424, 48-425, 48-426, 48-427, 48-428, 48-429, 48-430, 48-431, 48-432, 48-433, 48-434, 48-435, 48-436, 48-437, 48-438, 48-439, 48-440, 48-441, 48-442, 48-443, 48-444, 48-445, and 48-446, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 263.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to eliminate the Nebraska Worker Training Board; and to outright repeal section 48-622.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 264.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to state government; to amend sections 30-241, 81-176, and 81-1108.33, Reissue Revised Statutes of Nebraska, and section 12-1301, Revised Statutes Cumulative Supplement, 2010; to provide requirements for certain acquisitions of real property, structures, or improvements; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 265.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to family support; to amend section

81-3120, Reissue Revised Statutes of Nebraska; to change provisions relating to department petty cash funds; and to repeal the original section.

**LEGISLATIVE BILL 266.** Introduced by Sullivan, 41; Brasch, 16.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to closed sessions; and to repeal the original section.

**LEGISLATIVE BILL 267.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to Supplemental Nutrition Assistance Benefits; and to repeal the original section.

**LEGISLATIVE BILL 268.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-101.01, Revised Statutes Cumulative Supplement, 2010; to require return to the payee of insufficient funds checks, drafts, assignments of funds, and similar signed orders as prescribed; to provide powers and duties for the Department of Banking and Finance; to provide for a civil penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 269.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-910, and 45-927, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and the distribution of fees; to create a fund; to provide powers and duties for the Director of Banking and Finance; and to repeal the original sections.

**LEGISLATIVE BILL 270.** Introduced by Executive Board; Wightman, 36, Chairperson; Christensen, 44; Fischer, 43; Flood, 19; Heidemann, 1; Karpisek, 32; Langemeier, 23; Nelson, 6; Pahls, 31.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to eliminate duties and positions relating to county or municipal correctional and jail facilities, mental health and veterans institutions, regional behavioral health authorities, and community-based behavioral health services providers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 271.** Introduced by Executive Board; Wightman, 36, Chairperson; Christensen, 44; Fischer, 43; Flood, 19; Heidemann, 1; Karpisek, 32; Langemeier, 23; Pahls, 31.



A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-1206, and 50-1304, Reissue Revised Statutes of Nebraska, and section 71-465, Revised Statutes Cumulative Supplement, 2010; to eliminate the office of Legislative Research and the position of Director of Research; to harmonize provisions; to repeal the original sections; and to outright repeal section 50-416, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 272.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for confidentiality and limited access to first-injury reports; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 273.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1009, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, and 79-1018.01, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to net option students; to provide for converted contracts and converted contract option students; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 274.** Introduced by Gloor, 35; Bloomfield, 17; Campbell, 25; Dubas, 34; Fulton, 29; Hadley, 37; Krist, 10; Schumacher, 22; Wallman, 30.

A BILL FOR AN ACT relating to dispensed drugs and devices; to amend sections 71-2421 and 71-2453, Reissue Revised Statutes of Nebraska; to change provisions relating to return of dispensed drugs and devices; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 275.** Introduced by Fulton, 29; Avery, 28; Coash, 27; K. Haar, 21; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-912, Reissue Revised Statutes of Nebraska; to change provisions relating to escape; and to repeal the original section.

**LEGISLATIVE BILL 276.** Introduced by Council, 11; Conrad, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, and 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections 29-3922 and 83-4,143, Revised Statutes Cumulative Supplement, 2010; to change a penalty from death to life imprisonment without

possibility of parole and change other penalties as prescribed; to eliminate capital punishment and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2010.

**LEGISLATIVE BILL 277.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to counties; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to provide for the advice of a visitors committee to the governing body of a county; and to repeal the original section.

**LEGISLATIVE BILL 278.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska; to authorize county officer and employee salary and reimbursable expenses payments to be made by electronic funds transfer or direct deposit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 279.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-169.01, Reissue Revised Statutes of Nebraska; to change provisions regarding an interest in licensed wholesalers; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to adopt the Discretionary Clause Prohibition Act; to create an unfair trade practice in the business of insurance; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 281.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 53-186, 53-186.01, and 60-6,211.08, Reissue Revised Statutes of Nebraska; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to define a term; to

harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 20.** Introduced by Dubas, 34.

WHEREAS, trap shooting is one of the three major forms of competitive clay pigeon shooting and is growing in popularity throughout the United States and Nebraska; and

WHEREAS, trap shooting games were originally meant for hunters to develop their skills, but have obtained international recognition and are encouraged by sports associations; and

WHEREAS, trap shooting is considered to be an exciting and challenging sport where many people, young and old, male and female, of all abilities, compete in trap shooting events; and

WHEREAS, trap shooting has been a sport since at least 1793, when real birds were used. Clay targets were introduced in the 1880s; and

WHEREAS, Olympic trap is one of the International Shooting Sport Federation shooting events, introduced to the Olympic program in 1900. The current version of the sport was introduced in 1950; and

WHEREAS, the Game and Parks Commission sponsors the annual Cornhusker Trapshoot, which is the largest youth trap shoot in the United States; and

WHEREAS, trap shooting competitions promote tourism in Nebraska by bringing in participants and their families from around the country to stay in motels, eat in restaurants, shop in retail stores, and purchase products from vendors at events; and

WHEREAS, a great deal of coordination and discipline is needed for trap shooting. Trap shooting tests a player's skills in marksmanship and strategy and improves confidence of youth who may not possess the physical attributes to compete in other competitive sports offered at their schools; and

WHEREAS, the goal of any program of youth trap shooting should be to provide instruction and promote gun safety, personal responsibility, and sportsmanship among primary and secondary students; and

WHEREAS, many state organizations award scholarships to college-bound trap shooters based on citizenship, scholarship, and need. Many youth trap shooters are now attending college with the help of those scholarships; and

WHEREAS, our youth should have the opportunity and be encouraged to participate in trap shooting in the same manner as other youth extracurricular activities, including football, baseball, softball, basketball, track, scouting, or band; and

WHEREAS, the school boards of every Nebraska school district are encouraged to promote and include trap shooting as a high school sport.

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

1. That the Legislature hereby encourages the school boards of every school district in the State of Nebraska, in conjunction with the Game and

Parks Commission, to voluntarily promote and include trap shooting as a high school sport for the youth of our state.

2. That a copy of this resolution be sent to the Commissioner of Education, the Game and Parks Commission, the Nebraska School Activities Association, and the Cornhusker Trapshoot.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR20 was referred to the Reference Committee.

### **ANNOUNCEMENTS**

The Business and Labor Committee elected Senator Cook as Vice Chairperson.

The Urban Affairs Committee elected Senator Coash as Vice Chairperson.

### **NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Tuesday, January 18, 2011 1:30 p.m.

LB67  
LB135  
LB158  
LB170

(Signed) Deb Fischer, Chairperson

Judiciary

Room 1113

Wednesday, January 19, 2011 1:30 p.m.

LB19  
LB20  
LB66  
LB128  
LB136

Thursday, January 20, 2011 1:30 p.m.

LB157  
LB85  
LB124  
LB94  
LB79

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Wednesday, January 19, 2011 1:30 p.m.

LB39  
LB144  
LB34  
LB111

Thursday, January 20, 2011 1:30 p.m.

LB180  
LB45  
LB46  
LB68

(Signed) Kathy Campbell, Chairperson

Urban Affairs

Room 1510

Tuesday, January 18, 2011 1:30 p.m.

LB146  
LB159

(Signed) Amanda McGill, Chairperson

**VISITOR**

The Doctor of the Day was Dr. Christi Keim from Lincoln.

**ADJOURNMENT**

At 11:28 a.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Wednesday, January 12, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTH DAY - JANUARY 12, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 12, 2011

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Council who was excused; and Senators Cornett and Utter who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB206	Transportation and Telecommunications
LB207	Natural Resources
LB208	Natural Resources
LB209	Revenue
LB210	Revenue
LB211	Revenue
LB212	Transportation and Telecommunications
LB213	Appropriations
LB214	Government, Military and Veterans Affairs
LB215	Transportation and Telecommunications
LB216	Transportation and Telecommunications
LB217	Transportation and Telecommunications
LB218	Government, Military and Veterans Affairs
LB219	Health and Human Services
LB220	Transportation and Telecommunications

LB221	Health and Human Services
LB222	Health and Human Services
LB223	Banking, Commerce and Insurance
LB224	Government, Military and Veterans Affairs
LB225	Health and Human Services
LB226	Judiciary
LB227	Natural Resources
LB228	Government, Military and Veterans Affairs
LB229	Natural Resources
LB230	Government, Military and Veterans Affairs
LR19CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 19, 2011 2:00 p.m.

LB14  
LB89  
LB122

Thursday, January 20, 2011 1:30 p.m.

LB37  
LB62  
LB101  
LB116

Friday, January 21, 2011 1:30 p.m.

LB97  
LB161  
LB117  
LB168

(Signed) Bill Avery, Chairperson

**ANNOUNCEMENT**

The General Affairs Committee elected Senator Krist as Vice Chairperson.



**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 282.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend section 81-2514, Revised Statutes Cumulative Supplement, 2010; to appropriate funds to the Designated Collection Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 283.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to provide for a tax levy and bond authority relating to energy efficiency projects as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 284.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1320.02, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful picketing of a funeral; and to repeal the original section.

**LEGISLATIVE BILL 285.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to veterans; to amend sections 80-317 and 80-401.03, Reissue Revised Statutes of Nebraska; to change application procedures for Nebraska veterans homes; to change eligibility for assistance from the Nebraska Veterans' Aid Fund; and to repeal the original sections.

**LEGISLATIVE BILL 286.** Introduced by Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipping license fee; and to repeal the original section.

**MOTION - Adopt Permanent Rules**

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Second Legislature, First Session, and any special sessions held during the 2011 calendar year.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 1, found on page 135, to Rule 7, Sec. 3 and Rule 7, Sec. 7.

The Rules Committee's proposed rules change, Proposed Rules Change 1, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused

and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 2, found on page 138, to Rule 6, Sec. 7.

The Rules Committee's proposed rules change, Proposed Rules Change 2, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 3, found on page 138, to Rule 1, Sec. 17 and Rule 3, Sec. 6.

The Rules Committee's proposed rules change, Proposed Rules Change 3, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 4, found on page 140, to Rule 3, Sec. 20.

Senator Langemeier offered the following amendment to the Rules Committee's proposed rules change, Proposed Rules Change 4:

**Amend Proposed Rules Change 4**

After the word amendment in line 1 add "other than a committee amendment"

Change "twenty" to "ten"

The Langemeier amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Rules Committee's proposed rules change, Proposed Rules Change 4, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Pahls offered the following proposed rules change:

**Rule 8, Sec. 2. Appropriations Committee Report.** The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, (7) a list of each statutory sales and use tax exemption for tangible personal property and the annual estimated loss to the General Fund

as a result of each express exemption, and (8) economic conditions affecting the State of Nebraska.

Senator Pahls withdrew his proposed rules change.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 287.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend section 79-536, Reissue Revised Statutes of Nebraska, and sections 79-1003.01 and 79-1103, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to summer school and early childhood education summer sessions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 288.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Small Business Regulatory Flexibility Act.

**LEGISLATIVE BILL 289.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-2215, 39-2215.01, 39-2216, 60-101, 60-119.01, 60-123, 60-137, 60-301, 60-302, 60-306, 60-336.01, 60-339, 60-386, 60-388, 60-393, 60-395, 60-398, 60-3,113, 60-3,166, 60-3,200, 60-471, 60-501, 60-601, 60-605, 60-6,348, and 60-6,349, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2010; to allow operation of low-speed vehicles on highways as prescribed; to define and redefine terms; to require titling and registration for low-speed vehicles; to provide powers for counties; to change and eliminate provisions relating to the use of alternative fuels; to change provisions relating to motor vehicle registration; to change and provide fees relating to the use of alternative fuels; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, and 66-695, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 290.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to health care; to amend section 71-464, Reissue Revised Statutes of Nebraska; to change information required to be given to a patient upon request; and to repeal the original section.

**LEGISLATIVE BILL 291.** Introduced by Nelson, 6; Carlson, 38; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to periodic payment modification; and to repeal the original section.

**LEGISLATIVE BILL 292.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend section 49-14,120, Reissue Revised Statutes of Nebraska; to eliminate per diems for members of the commission as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 293.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-204, Reissue Revised Statutes of Nebraska; to change provisions relating to reclaiming property by an owner; and to repeal the original section.

**LEGISLATIVE BILL 294.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to prohibit sales during certain hours to persons who are twenty-one years old; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2408 and 60-2410, Reissue Revised Statutes of Nebraska; to change provisions relating to towing and storage; to provide powers and duties for the Public Service Commission; and to repeal the original sections.

**LEGISLATIVE BILL 296.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-404 and 29-1603, Reissue Revised Statutes of Nebraska; to eliminate the oath requirements for filing of a criminal complaint and for verifying of informations; and to repeal the original sections.

**LEGISLATIVE BILL 297.** Introduced by Dubas, 34; Heidemann, 1.

A BILL FOR AN ACT relating to the Local, Civic, Cultural, and Convention Center Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2707, and 13-2710, Reissue Revised Statutes of Nebraska, and sections

13-2610, 13-2704, 13-3108, and 77-5601, Revised Statutes Cumulative Supplement, 2010; to rename the act; to define and redefine terms; to provide funding for community centers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 298.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1409, 28-1410, 28-1411, and 28-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to self-protection; and to repeal the original sections.

**LEGISLATIVE BILL 299.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska; to authorize contracts for live race meetings as prescribed; to change requirements for a license to conduct horseracing or to simulcast horseracing; and to repeal the original sections.

**LEGISLATIVE BILL 300.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to victims of tragedies; to amend sections 81-8,239.01 and 84-1410, Reissue Revised Statutes of Nebraska, and sections 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the Community Trust; to state intent; to change provisions relating to closed sessions of public bodies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 301.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-412 and 43-416, Reissue Revised Statutes of Nebraska, and sections 43-2,108.03, 43-2,108.04, and 43-2,108.05, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions for sealing of records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 302.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to provide for an analysis and restructuring plan for the court system by the Supreme Court.

**LEGISLATIVE BILL 303.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to investment of state funds; to eliminate the restriction on investments in certain corporations doing business in Northern Ireland; and to outright repeal sections 72-1246.06, 72-1246.07, and 72-1246.08, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 304.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to sexually transmitted disease as prescribed; to provide for immunity; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Larson, 40; Avery, 28; Brasch, 16; Carlson, 38; Christensen, 44; Dubas, 34; Hansen, 42; Louden, 49; Schilz, 47; Schumacher, 22; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-857 and 54-1901, Reissue Revised Statutes of Nebraska; to state intent to implement a state meat and poultry inspection program under federal law; to provide powers and duties to the Department of Agriculture; to create a fund and transfer funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 306.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to animals; to amend section 54-901, Reissue Revised Statutes of Nebraska; to require certain entities to provide care and shelter to equine animals; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 307.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2041, Reissue Revised Statutes of Nebraska; to require a member participating in DROP to continue making required contributions; and to repeal the original section.

**LEGISLATIVE BILL 308.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Cumulative Supplement, 2010; to provide for terms of office for certain officers; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to municipalities; to provide for reapportionment of special assessments as prescribed.

**LEGISLATIVE BILL 310.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-311.09, 42-903, 42-924, and 42-924.01, Reissue Revised Statutes of Nebraska; to change provisions relating to protection order petitions, definitions, and penalties; to provide for appointment of counsel for certain protection order hearings; and to repeal the original sections.

**LEGISLATIVE BILL 311.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change penalties for violations by licensees domiciled outside the state as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Coash, 27; Avery, 28; Fulton, 29; Karpisek, 32; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

**LEGISLATIVE BILL 313.** Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-714, Reissue Revised Statutes of Nebraska; to adopt the Tobacco-Free Schools Act; to change provisions relating to accreditation; and to repeal the original section.

**LEGISLATIVE BILL 314.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-183, Reissue Revised Statutes of Nebraska; to provide an exception for wine relating to certain sales practices; and to repeal the original section.

**LEGISLATIVE BILL 315.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.11, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Cumulative Supplement, 2010; to permit licensure of real estate salespersons as individuals, corporations, partnerships, and limited liability companies; and to repeal the original sections.

**LEGISLATIVE BILL 316.** Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2607, 38-2608, and 38-2614, Reissue Revised Statutes of Nebraska, and sections 38-2605 and 38-2617, Revised Statutes

Cumulative Supplement, 2010; to redefine terms; to change provisions relating to the practice of optometry; to change provisions relating to certification; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 317.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to unincorporated nonprofit associations; to adopt the Nebraska Revised Uniform Unincorporated Nonprofit Association Act; and to provide an operative date.

**LEGISLATIVE BILL 318.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3505, Reissue Revised Statutes of Nebraska; to redefine qualified claimant; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3523, Reissue Revised Statutes of Nebraska; to change reimbursement amounts to taxing agencies; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 320.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change homestead exemption income limitations; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501.01 and 77-3505.02, Reissue Revised Statutes of Nebraska; to change definitions and calculations; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 322.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers for prescription drug coverage; to state findings and intent; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 323.** Introduced by Cornett, 45; Schilz, 47.



A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5723, Reissue Revised Statutes of Nebraska, and sections 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to change application procedures and local option sales and use tax refunds; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 324.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, 43-146.01, 43-146.02, 43-146.05, 43-146.06, and 43-146.07, Reissue Revised Statutes of Nebraska; to require a fetal alcohol spectrum disorders evaluation or statement prior to adoption of a child who is a ward of the state as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 325.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for behavioral health care as prescribed.

**LEGISLATIVE BILL 326.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to government; to eliminate the Legislative Committee on Intergovernmental Cooperation and the Governor's Committee on Intergovernmental Cooperation; and to outright repeal sections 81-816, 81-817, and 81-819, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 327.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,190, Reissue Revised Statutes of Nebraska; to change the motor vehicle fee as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 328.** Introduced by Fischer, 43; Langemeier, 23.

A BILL FOR AN ACT relating to water resources; to amend section 46-233, Reissue Revised Statutes of Nebraska; to provide for amendment of instream hydropower appropriations to recognize certain other purposes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 329.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, 81-1618, and 81-1620, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to change provisions relating to the Nebraska Energy Code; and to repeal the original sections.

**LEGISLATIVE BILL 330.** Introduced by Cook, 13; Karpisek, 32.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

**LEGISLATIVE BILL 331.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-1316, Reissue Revised Statutes of Nebraska; to change powers and duties relating to a network; and to repeal the original section.

**LEGISLATIVE BILL 332.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation; and to repeal the original section.

**LEGISLATIVE BILL 333.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-703, 79-760.04, 79-760.05, 79-1108, and 79-1108.02, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-810, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and eliminate allocation provisions relating to the Education Innovation Fund; to change provisions relating to a certification fund and fees, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, and allocation and transfer of certain funds as prescribed; to eliminate provisions relating to multicultural education and a student achievement coordinator; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-719, 79-720, 79-721, 79-722, 79-723, and 79-11,150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 334.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275, 85-214,

85-215, and 85-1005, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poultry pathologist, an aquaculturist, the Nebraska Optometry Education Assistance Contract Program, the Nebraska Business Development Center, the agricultural laboratory in Box Butte County, and the Nebraska Safety Center; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 335.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321.01 and 17-568.02, Reissue Revised Statutes of Nebraska; to provide for the waiver of bidding procedures as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 336.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend section 53-110, Reissue Revised Statutes of Nebraska; to authorize employment by staff of the commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Fulton, 29; Avery, 28.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-362, 23-2301, 39-2204, 60-1409, 66-738, 72-1255, 77-2608, and 84-1301, Reissue Revised Statutes of Nebraska; to change timeframes for certain audits; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 338.** Introduced by Howard, 9; Conrad, 46; Cook, 13; Dubas, 34; K. Haar, 21; Lathrop, 12; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 16-321.01, 17-568.02, 60-3,100, 73-301, 73-304, 73-306, 81-145, 81-146, 81-153, 81-154, 81-159, 81-1108.16, and 81-1118.03, Reissue Revised Statutes of Nebraska; to provide preference requirements for services and personal property contracts as prescribed; to provide powers and duties for the Director of Administrative Services and the materiel division; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 339.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-258, Revised Statutes Cumulative Supplement, 2010; to change predisposition evaluation provisions; and to repeal the original section.

**LEGISLATIVE BILL 340.** Introduced by Dubas, 34; Fischer, 43; Fulton, 29; K. Haar, 21; Sullivan, 41.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1102, 57-1103, 57-1104, 57-1105, and 57-1106, Reissue Revised Statutes of Nebraska; to adopt the Hazardous Liquid Pipeline Notification Act; to change provisions relating to eminent domain for pipelines; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 341.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to workers' compensation benefits; to amend sections 43-1709, 48-149, and 48-161, Reissue Revised Statutes of Nebraska; to include workers' compensation benefits as income for support payments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 342.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to drainage districts; to amend section 31-409, Reissue Revised Statutes of Nebraska; to change the hours of annual elections as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 343.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,109, 81-8,110.02, 81-8,110.12, 81-8,110.13, 81-8,117, 81-8,121, 81-8,122, and 81-8,122.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change land surveyor registration requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 344.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801 and 13-2810, Reissue Revised Statutes of Nebraska; to change creation provisions; to provide for development of a plan to merge governmental services; to change voting requirements to establish a municipal county; and to repeal the original sections.

**LEGISLATIVE BILL 345.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska; to adopt the Economic Gardening Technical Assistance Act; to provide funding and a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 346.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation

Court; to amend section 48-152, Reissue Revised Statutes of Nebraska; to authorize contempt and other sanctions; and to repeal the original section.

**LEGISLATIVE BILL 347.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2010; to authorize interest-bearing trust accounts as prescribed; to harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 21.** Introduced by Janssen, 15.

WHEREAS, the United States Congress passed and the President signed into law the federal Patient Protection and Affordable Care Act, Public Law 111-148, on March 23, 2010; and

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, comprises America's comprehensive federal health care reform, which is commonly referred to as the Affordable Care Act; and

WHEREAS, the result of the Affordable Care Act will be to create a government takeover of the health care industry that will increase health care costs, raise taxes, hurt senior citizens, destroy jobs, reduce the quality of care that Americans will receive, restrict consumer choice, limit individuals' access to private health insurance, and reduce the ability of American companies to compete; and

WHEREAS, the Affordable Care Act will constrain the freedom of individuals to choose their own doctor and will interfere with individuals' ability to make personal health care decisions; and

WHEREAS, the Affordable Care Act will cause spending for health care to escalate and policymakers to ration care as a cost-containment measure; and

WHEREAS, according to the Congressional Budget Office, the Affordable Care Act could cause millions of Americans who receive health insurance through their employer to lose their health insurance coverage. In addition, the Congressional Budget Office reports that premiums in the individual and small group markets may substantially increase; and

WHEREAS, the United States Department of Health and Human Services will dictate what benefits insurers must offer and how much they may charge; and

WHEREAS, in view of the fact that physicians lose money servicing government patients on medicare and medicaid, the Affordable Care Act will increase this problem by further reducing medicare and medicaid fees to doctors and hospitals and will discourage persons from entering the health care field; and

WHEREAS, the Affordable Care Act will increase taxes on employers who do not offer adequate insurance and will increase taxes on investment

income, which in turn will reduce capital available for job expansion, reduce economic growth, and result in fewer jobs for Americans; and

WHEREAS, the Affordable Care Act will harm seniors by making cuts from the medicare budget, causing seniors to lose the health insurance coverage they currently possess; and

WHEREAS, the Affordable Care Act will add to the national debt; and

WHEREAS, the provisions of the Affordable Care Act aimed at reducing health care spending address the symptoms of the cost of health care rather than the root causes of growth in health care spending.

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

1. That the Legislature rejects the Affordable Care Act and calls for the repeal of the Affordable Care Act by the Congress of the United States.

2. That it is the opinion of the Legislature that all individuals should have the right to make decisions about their health care, and no law should be in effect that restricts a person's freedom of choice of private health care systems or private plans of any type.

3. That it is the opinion of the Legislature that no law should interfere with a person's or entity's right to pay directly for lawful medical services, nor should any law impose a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.

4. That the Clerk of the Legislature transmit copies of this Legislative Resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Nebraska Congressional Delegation.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR21 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 22.** Introduced by Fulton, 29.

WHEREAS, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress"; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers; and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future,

unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority"; and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states and to prevent the denial or disparagement of the rights retained by the people.

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

1. That the Legislature hereby applies to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

2. That the Nebraska Delegation to such convention, when called, shall propose the following amendment:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."

3. That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Nebraska congressional delegation so that they may be apprised of the sense of the Legislature in this matter.

## **NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 19, 2011 1:30 p.m.

LB134

LB210

LB211

Thursday, January 20, 2011 1:30 p.m.

LB96  
LB118  
LB119

Friday, January 21, 2011 1:30 p.m.

LB81

(Signed) Abbie Cornett, Chairperson

Natural Resources

Room 1525

Wednesday, January 19, 2011 2:00 p.m.

LB229

(Signed) Chris Langemeier, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, January 24, 2011 9:00 a.m.

Randall Rehmeier - Public Employees Retirement Board  
Richard Wassinger - Public Employees Retirement Board  
John Maginn - Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

Judiciary

Room 1113

Friday, January 21, 2011 1:30 p.m.

LB12  
LB13  
LB61  
LB88  
LB100

(Signed) Brad Ashford, Chairperson



**UNANIMOUS CONSENT - Add Cointroducers**

Senator Conrad asked unanimous consent to add her name as cointroducer to LB200. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB145. No objections. So ordered.

Senator Heidemann asked unanimous consent to add his name as cointroducer to LB230. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB84. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB123. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB286. No objections. So ordered.

**VISITOR**

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

**ADJOURNMENT**

At 10:59 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:30 a.m., Thursday, January 13, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTH DAY - JANUARY 13, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 13, 2011

**PRAYER**

The prayer was offered by Father Ryan Lewis, St. Thomas More Catholic Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Christensen who was excused; and 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:

<b>LB/LR</b>	<b>Committee</b>
LB231	Judiciary
LB232	Judiciary
LB233	Executive Board
LB234	Government, Military and Veterans Affairs
LB235	Education
LB236	Education
LB237	Health and Human Services
LB238	Business and Labor
LB239	Government, Military and Veterans Affairs
LB240	Banking, Commerce and Insurance
LB241	Transportation and Telecommunications
LB242	Judiciary
LB243	Natural Resources
LB244	Transportation and Telecommunications

LB245	Business and Labor
LB246	Nebraska Retirement Systems
LB247	Education
LB248	Natural Resources
LB249	General Affairs
LB250	Transportation and Telecommunications
LB251	Judiciary
LB252	Revenue
LB253	Revenue
LB254	Government, Military and Veterans Affairs
LB255	Transportation and Telecommunications
LB256	General Affairs
LB257	Transportation and Telecommunications
LB258	Judiciary
LB259	Transportation and Telecommunications
LB260	Health and Human Services
LB261	Business and Labor
LB262	Business and Labor
LB263	Business and Labor
LB264	Executive Board
LB265	Health and Human Services
LB266	Government, Military and Veterans Affairs
LB267	Health and Human Services
LB268	Banking, Commerce and Insurance
LB269	Banking, Commerce and Insurance
LB270	Executive Board
LB271	Executive Board
LB272	Business and Labor
LB273	Education
LB274	Health and Human Services
LB275	Judiciary
LB276	Judiciary
LB277	Government, Military and Veterans Affairs
LB278	Government, Military and Veterans Affairs
LB279	General Affairs
LB280	Banking, Commerce and Insurance
LB281	General Affairs
LR20	Education

(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 - Louden (C)		
Hansen	Mello	Sullivan	Wallman
Heidemann			

	Midwestern Higher Education Compact Commission (Midwest Compact)	
Adams	Fischer	

	Legislative Performance Audit Committee		
Dubas	Harms	Krist	Mello
Heidemann	Flood	Wightman	

	Midwest Interstate Passenger Rail Compact	
Cornett	Fischer	

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

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Monday, January 24, 2011 1:30 p.m.

LB74  
LB75  
LB76  
LB77  
LB78

(Signed) Rich Pahls, Chairperson

Natural Resources

Room 1525

Thursday, January 20, 2011 1:30 p.m.

Mark Graham - Nebraska Power Review Board  
Thomas Knutson - Nebraska Natural Resources Commission

LB208  
LB154

Friday, January 21, 2011 1:30 p.m.

LB28  
LB29  
LB30

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Thursday, January 20, 2011 1:30 pm

LB96 (cancel)  
LB118 (cancel)  
LB119 (cancel)

Friday, January 21, 2011 1:30 pm

LB96 (reschedule)  
LB118 (reschedule)  
LB119 (reschedule)

Friday, January 21, 2011 1:30 pm

LB81 (cancel)

Thursday, January 20, 2011 1:30 pm

LB81 (reschedule)

(Signed) Abbie Cornett, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 348.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to change employer liability provisions; and to repeal the original section.

**LEGISLATIVE BILL 349.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-2705 and 25-2805, Reissue Revised Statutes of Nebraska; to change demand for trial by jury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 350.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions and provide personal injury damage suit provisions; and to repeal the original section.

**LEGISLATIVE BILL 351.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-322, Reissue Revised Statutes of Nebraska; to change provisions relating to substitution of parties; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend section 3-301, Reissue Revised Statutes of Nebraska; to define and provide dimensions of zones for airport hazard areas; and to repeal the original section.

**LEGISLATIVE BILL 353.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,297, Reissue Revised Statutes of Nebraska; to change provisions relating to the towing of vehicles and exemptions from size, weight, and load restrictions; and to repeal the original section.

**LEGISLATIVE BILL 354.** Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 66-1519 and 89-187, Reissue Revised Statutes of Nebraska, and section 89-1,100,

Revised Statutes Cumulative Supplement, 2010; to transfer funds to the Weights and Measures Administrative Fund; to provide for a late registration fee and use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 355.** Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to provide for an agricultural trade representative and state funding intent; and to repeal the original section.

**LEGISLATIVE BILL 356.** Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2103, Reissue Revised Statutes of Nebraska; to authorize funding for the Beginning Farmer Tax Credit Act administration as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 357.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,142.01, Reissue Revised Statutes of Nebraska; to authorize an increase in local option sales tax for municipalities; to change an election requirement; and to repeal the original sections.

**LEGISLATIVE BILL 358.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to change provisions relating to sales taxation of net metering; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 359.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Reissue Revised Statutes of Nebraska; to change a renewable energy tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 360.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-105, 77-202, and 77-6203, Revised Statutes Cumulative Supplement, 2010; to redefine a term; to change a property tax exemption; to eliminate provisions relating to a tax credit relative to wind energy generating facilities; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 361.** Introduced by Cornett, 45; Hadley, 37; Louden, 49; Pirsch, 4; Utter, 33.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5004, Revised Statutes Cumulative Supplement, 2010; to set the salary of commissioners; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 362.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5708, 77-5714, 77-5723, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715 and 77-5725, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for renewable energy projects as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 363.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.12, 77-702, 77-1504, 77-1504.01, 77-3519, 77-5001, 77-5008, 77-5015, 77-5017, 77-5022, 77-5024.01, and 84-502, Reissue Revised Statutes of Nebraska, and sections 77-202.04, 77-1502, 77-1507, 77-5004, 77-5007, 77-5013, and 77-5019, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Tax Equalization and Review Commission; to change notice provisions relating to property tax protests; to change provisions relating to decisions of county boards of equalization; to provide a duty for the Secretary of State; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 364.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007.11, 79-1007.20, 79-1007.23, and 79-1007.25, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to calculation of state aid as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 365.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-330, Reissue Revised Statutes of Nebraska; to change provisions relating to access to the voter registration register and voter information; and to repeal the original section.

**LEGISLATIVE BILL 366.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,175, Reissue Revised Statutes of Nebraska; to change provisions relating to subcommittee recommendations on fund allocations; and to repeal the original section.

**LEGISLATIVE BILL 367.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-713 and 32-714, Reissue Revised Statutes of Nebraska; to require a pledge; to change balloting and vacancy provisions; and to repeal the original sections.

**LEGISLATIVE BILL 368.** Introduced by Brasch, 16; Bloomfield, 17.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616 and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nominations for office; and to repeal the original sections.

**LEGISLATIVE BILL 369.** Introduced by Howard, 9; K. Haar, 21.

A BILL FOR AN ACT relating to state government; to amend section 81-1603, Reissue Revised Statutes of Nebraska; to require energy conservation plans; to provide duties for the State Energy Office; and to repeal the original section.

**LEGISLATIVE BILL 370.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1822, 77-1823, 77-1824, 77-1830, 77-1856, 77-1857, 77-1902, 77-1903, and 77-1908, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to issuance of treasurer's tax deeds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1836, 77-1837, 77-1838, 77-1839, 77-1840, 77-1841, 77-1842, 77-1843, 77-1844, 77-1845, and 77-1846, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 371.** Introduced by Schumacher, 22; McCoy, 39.

A BILL FOR AN ACT relating to the Unfair Insurance Trade Practices Act; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to provide that certain actions relating to providing insurance for a public official are unfair trade practices in the business of insurance; and to repeal the original section.

**LEGISLATIVE BILL 372.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-943 and 85-961, Reissue Revised Statutes of Nebraska; to

change provisions relating to authorized offerings as prescribed; and to repeal the original sections.

### **NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Friday, January 21, 2011 1:30 p.m.

Rebecca Brown - Nebraska Child Abuse Prevention Fund Board

Martha Parker - Nebraska Child Abuse Prevention Fund Board

Brandon Verzal - Nebraska Child Abuse Prevention Fund Board

LB222

LB225

(Signed) Kathy Campbell, Chairperson

### **MOTION - Escort Governor**

Senator Hadley moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Hadley, Cornett, Conrad, Sullivan, and Fulton to serve on said committee.

### **STATE OF THE STATE ADDRESS**

*"Today I am submitting a bold, innovative and strategic two-year budget and a four-year vision to make Nebraska the ideal place to create jobs and grow a business, the best place to obtain an education for students of all ages, and the perfect place to raise a family."*

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

I am honored and pleased to have the opportunity to continue as the 39th Governor of the best state in the United States of America.

Today I am submitting a bold, innovative and strategic two-year budget and a four-year vision to make Nebraska the ideal place to create jobs and grow a business, the best place to obtain an education for students of all ages, and the perfect place to raise a family.

Our state is in a position to make these goals a reality because of what we

have accomplished together during the past several years.

We've made tough decisions. We have harnessed technology to offer useful, customer-driven online services to our citizens and businesses. Most importantly, we've made fundamental investments in education and the economic vitality of our state and as a result Nebraska has made significant progress.

Who would have imagined a decade ago that one of America's most well-known technology companies would complete a data center and customer service center in the Omaha area last year and would be moving to double its presence?

Who would have imagined a decade ago that one of Denmark's leading biotechnology companies would select Nebraska as the home of its ethanol enzyme research facility in Blair? Who would have imagined a decade ago that a Nebraska small business would have installed an all fiber network in western Nebraska?

Who would have imagined a decade ago the new opportunities Nebraska companies would have when the state opened its first ever international trade office in Japan? Who would have imagined a decade ago that an outdated State Fair could be successfully relocated to a state of the art facility in Grand Island?

Who would have imagined a decade ago that as America faced a gripping economic slowdown, Nebraska would emerge as a state with one of the lowest foreclosure rates, the third lowest unemployment rate and a destination for companies looking to expand and create jobs?

Several important decisions have put Nebraska in this enviable position.

Working together we modernized our economic incentives through the creation of The Nebraska Advantage and this incredibly successful effort has helped 245 companies decide to expand or locate in Nebraska during the past five years. These companies are planning to invest \$5.5 billion in our economy and create more than 18,500 new jobs.

Working together we passed the largest tax relief package in Nebraska's history that repealed the estate tax, eliminated the marriage penalty in the income tax system, repealed the sales tax on construction labor and lowered income taxes.

We wisely built up our cash reserve as a hedge against the slowing national economy. We worked together to control the growth of state spending and to pass balanced budgets without raising taxes. We did this in spite of the fact that revenues in fiscal years 2009 and 2010 were less than fiscal year 2008. Now Nebraska is in better shape than most of America.

Together we built a strong foundation for the future because we didn't spend money we didn't have and while three-fourths of the states have raised taxes since 2008, Nebraska has not.

The budget that I am submitting today capitalizes on our positive momentum and sets the stage for a prosperous decade.

We will invest in Nebraska's future by focusing on economic growth and jobs. We will invest in Nebraska's young people by prioritizing education and by focusing on education accountability.

Economic success and education success are linked together. We need both. We are focused on creating higher paying jobs and developing a more highly educated work force. We want our graduates and young professionals to be prepared for high-quality, high-skill jobs with dynamic companies doing business right here in Nebraska.

In preparing for our future, the Nebraska Department of Economic Development conducted a review of Nebraska's economic standing. The resulting Battelle study was a thorough assessment of Nebraska's competitive advantages that suggested strategies for growing new and innovative jobs, industries and talent.

The study revealed that Nebraska has succeeded in developing an unusually diverse economy and a number of industries are ideally positioned for new growth. Twelve industries have a strong presence in Nebraska with additional potential to grow, including: agriculture and food processing, financial services, biosciences, computer and software services, renewable energy, transportation, warehousing and logistics, research and development and engineering services, health services, business management and administrative services, hospitality and tourism, precision metals manufacturing and agricultural machinery.

The Battelle study provided recommendations on how to strengthen support for the companies that make up our fastest growing sectors and the people they employ. Another report prepared by your Innovation and Entrepreneurial Task Force, chaired by Senator Conrad, outlined the need to improve Nebraska's entrepreneurial environment. Many of the recommendations in your legislative report are similar to the Battelle study.

It is critical that we invest in economic growth and jobs. That's why I am pleased to announce today the Talent and Innovation Initiative, a four-part plan designed to enhance our economic momentum.

First, I am proposing a Nebraska Internship Program to increase the number of college and university students interning with Nebraska businesses. This \$1.5 million training program will be funded by redirecting resources from the Nebraska Job Training Cash Fund and matched by funds from the private sector.

Second, I am proposing the creation of the Business Innovation Act to leverage entrepreneurship, to increase private sector research and innovation, and to expand small business outreach efforts. This \$7 million program would be funded by redirecting resources within the Department of Economic Development and new general funds.

Third, I am proposing the creation of a new Site and Building Development Fund to increase the number of sites and buildings available for business development projects. This fund is needed now in order to continue Nebraska's economic growth. This \$3 million fund would be created by redirecting resources from the Nebraska Affordable Housing Trust Fund.

Fourth, I am proposing a \$5 million Angel Investment Tax Credit Program to foster high-tech startups in Nebraska. The Angel Investment Tax Credit Program is key to increasing the number of higher paying jobs in our state.

These investments in economic growth would be combined with two new education initiatives.

First, my budget recommendations support the Department of Education, the University of Nebraska and Nebraska's P-16 Initiative in their joint efforts to develop a virtual high school. A rigorous online high school curriculum offers important opportunities to rural Nebraska and urban areas alike. The \$8.5 million initiative will be funded from lottery funds.

A virtual high school would allow Nebraska high school students to take courses ranging from basic Spanish classes to advanced placement courses. In rural Nebraska, it can be difficult to hire foreign language, math and science teachers. A virtual high school would allow rural schools and rural communities the opportunity to survive. Online courses allow students to complete course work on their timetable in the evenings or on weekends. A virtual high school is a way to expand learning beyond the traditional school day and school year.

My second education proposal is a one-time \$25 million investment in the University of Nebraska's Innovation Campus. This proposal would jump start and accelerate the development of Innovation Campus.

The University of Nebraska is a critical component to our state's economic future. With its pending move to the Big Ten, the University of Nebraska has an outstanding opportunity to significantly increase student enrollment, expand its rapidly growing research base and develop public-private partnerships at Innovation Campus that will increase job opportunities for Nebraskans. This bold investment is needed now, not five years from now.

Additionally, I am very supportive of Senator Ashford's efforts to reduce truancy. Last year, 22,000 Nebraska students missed more than 20 days of school, and students can't learn if they are not in school. For example,

Commissioner of Education Roger Breed has informed me that students who miss more than 20 days of school score approximately 30 points less on the reading assessment. Many schools would see a significant increase in reading scores if truancy were reduced.

Even though Nebraska has a nearly \$1 billion projected shortfall, our two-year budget prioritizes education.

State funded state aid to education in FY12 remains at \$810 million and increases by \$50 million to \$860 million in FY13. I am not proposing any reduction in higher education funding for the University of Nebraska, our state colleges and Nebraska's community colleges.

In order to prioritize education and economic growth, my budget proposal significantly reduces funding for many agencies and eliminates several programs. Many of the proposals in your LR542 report have been included in my budget recommendations. The decisions were difficult but necessary. We are facing unprecedented financial challenges. The national economy is recovering slowly and many are predicting a jobless recovery. I have tried to minimize the reductions by transferring \$260 million from the cash reserve, and using cash transfers of \$68 million and re-appropriations of \$15.5 million.

This budget is about priorities and making difficult decisions about the most important responsibilities of state government. I've listened to our citizens and their priorities are creating jobs, improving the economy and strengthening education. This budget reflects those priorities.

It will be easy for lobbyists and special interest groups to criticize individual components of this budget but in this challenging financial environment, their criticism will lack credibility unless they are willing to offer an alternative budget proposal for the State of Nebraska.

You and I have to pass a balanced budget. If special interests want to be critical, then they need to present their own plan. If they want to spend more on Medicaid, then the question is do they want to reduce education funding or raise taxes? If they want to spend more on state aid to education, do they want to cut Medicaid provider rates further or raise taxes?

These are the challenges and tradeoffs we face in developing a budget.

And on the issue of taxes, I want to be very clear. I am opposed to any income, sales, alcohol, cigarette or gas tax increases. I fully fund the Property Tax Credit Program and I will oppose any attempt to reduce funding for this program that provides direct property tax relief to homeowners and businesses.

For the final minutes of my State of the State address, I want to focus on my vision for the next four years. We have an extraordinary opportunity to

reshape the economic, education and family landscape of Nebraska.

We've made exceptional progress during the past few years but we have more work to do. I have high expectations for our state and for what we can do for our citizens.

For example, our efforts to lower taxes three years ago and our determined resolve not to raise them the past three years has resulted in a more competitive business environment and improved rankings in the annual Tax Foundation survey.

In 2006, Nebraska's business climate was ranked 45th of 50 states. We were one of the top 10 highest taxed states in America. Today Nebraska is 29th. We have improved our ranking more than any other state except one.

During the next four years, we need to reform our income tax system so that middle class families and small business owners don't pay at the same marginal rate as Nebraska's richest citizen. We need to lower corporate tax rates. Lowering taxes will create more job opportunities for our citizens.

To improve the state's financial strength, we need structural balance in the state budget.

We need to restore the cash reserve to previous levels so that we are prepared to weather future shortfalls.

We need to resolve the state's roads infrastructure funding challenges.

To strengthen families, we need to improve Nebraska's child welfare system. Nebraska continues to have one of the nation's highest rates of out-of-home placements. That is unacceptable. We need to reform the failed policies of the past.

Just as Health and Human Services had to change the culture at the Beatrice State Developmental Center and work with private providers to develop community based services for individuals with developmental disabilities, Health and Human Services must make similar changes to improve the child welfare system for the benefit of children and their families. The goal is more in-home services, less out-of-home care, and a permanent, loving family for every child.

One of our most important future challenges is education accountability.

We have good schools in our state but as good as they are we must do even better in the future. Thanks to the leadership of the Legislature, Nebraska is moving to statewide reading and math assessments. The recently announced reading results are the benchmark for comparing future results. The focus is on demonstrating student and school academic achievement and student and school academic growth.



While poverty and diversity are challenges for our schools, I would note that two high schools with a high free and reduced lunch percentage, Gering and Crete, scored significantly higher than other high schools with less poverty and less diversity.

Nebraska's P-16 Initiative is committed and determined to strengthen Nebraska's education system. Senator Adams, thank you for your leadership as a Co-Chair of the P-16 Initiative.

One of the goals of the P-16 Initiative is to eliminate academic achievement gaps. This is a very important goal because every child deserves a quality education. The best opportunity to reduce poverty and to provide every young person hope is a good education.

I want to quote from a recent issue of Education Next and an article entitled "An Effective Teacher in Every Classroom." The article stated, "An analysis of data from Los Angeles found that the impact of individual teachers is so great that providing top-quartile teachers rather than bottom-quartile teachers for four years in a row would be enough to completely close the achievement gap between white and African American students."

I want to conclude by praising the extraordinary commitment and dedication of the men and women serving in the Nebraska National Guard. In 2011, one-third of the Nebraska National Guard will be deployed to Iraq, Afghanistan and other places throughout the world defending our freedoms and our liberties, many for a second or third time. As their Commander in Chief and a veteran, I am very proud of these men and women.

Ladies and gentlemen, governing requires making tough decisions and I am committed to tackling the challenges that lie ahead.

We have worked together to put Nebraska in a strong financial position and I have every confidence that by continuing to work together we can put Nebraska in an even stronger financial position in the years ahead.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

**SENATOR GLOOR PRESIDING**

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 373.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 314, section 31, Laws 2009, LB 315, section 216, Laws 2009, First Special Session, LB 1, sections 14, 51, 91, 96, 101, 103, and 122, and Laws 2010, LB 935, sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112, and section 90-519, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 374.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2013; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 375.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2011-12 and FY2012-13; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 376.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2011-12 and FY2012-13; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 377.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 378.** Introduced by Speaker Flood, 19; at the

request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 66-1345.04 and 81-1120.22, Reissue Revised Statutes of Nebraska, and section 81-1120.23, Revised Statutes Cumulative Supplement, 2010; to provide for, change, and eliminate provisions relating to the use and transfer of funds; to eliminate funds; to harmonize provisions; to repeal the original sections; to outright repeal section 81-3606, Reissue Revised Statutes of Nebraska, and section 77-3,111, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 379.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2010; to provide for transfers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 380.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to capital improvement projects; to amend sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes Cumulative Supplement, 2010; to change provisions governing depreciation charges; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 381.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 32-515, 79-748, 79-760.04, 79-760.05, 79-1201, 79-1202, 79-1217.01, and 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217 and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to educational service units; to eliminate provisions relating to and withdraw from the Compact for Education; to eliminate provisions relating to a student achievement coordinator; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 79-11,150, 79-1501, 79-1503, and 79-1504, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 382.** Introduced by Nordquist, 7; at the request of the Governor.

A BILL FOR AN ACT relating to retirement; to amend sections 79-958 and 81-2017, Revised Statutes Cumulative Supplement, 2010; to change employee deposit rates for the School Retirement Fund; to change contribution rates for the Nebraska State Patrol Retirement System; to repeal

the original sections; and to declare an emergency.

**LEGISLATIVE BILL 383.** Introduced by Cornett, 45; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119, 77-27,139.02, 77-27,139.03, and 81-15,147, Reissue Revised Statutes of Nebraska, and sections 13-518 and 83-380, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to aid to municipalities, counties, and natural resources districts; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-5326, 77-27,136, 77-27,137.01, 77-27,137.03, and 77-27,139, Reissue Revised Statutes of Nebraska, and sections 77-27,137.02 and 81-15,158, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 384.** Introduced by Cornett, 45; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5003, and 77-5005, Reissue Revised Statutes of Nebraska, and sections 77-5004, 77-5016, and 77-5018, Revised Statutes Cumulative Supplement, 2010; to eliminate a commissioner of the Tax Equalization and Review Commission; to change provisions relating to the Tax Equalization and Review Commission; to authorize single commissioner hearings of the Tax Equalization and Review Commission; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 385.** Introduced by Utter, 33; at the request of the Governor.

A BILL FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1015 and 66-1016, Reissue Revised Statutes of Nebraska; to terminate the Energy Conservation Improvement Fund and distributions from the fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 386.** Introduced by Heidemann, 1; at the request of the Governor.

A BILL FOR AN ACT relating to job training grants; to amend section 81-1201.21, Revised Statutes Cumulative Supplement, 2010; to provide grants for internships; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 387.** Introduced by Hadley, 37; Conrad, 46; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to adopt the

Business Innovation Act; to create and eliminate funds; to eliminate certain economic development acts and programs; to state intent regarding funding; to provide an operative date; and to outright repeal sections 2-5415, 2-5417, 2-5418, 2-5421, 2-5422, 2-5423, 2-5424, 81-1295, 81-1296, 81-1297, 81-1298, 81-1299, 81-12,100, 81-12,101, 81-12,102, 81-12,103, 81-12,104, 81-12,105, 81-12,126, 81-12,127, and 81-12,128, Reissue Revised Statutes of Nebraska, and sections 2-5413, 2-5414, 2-5416, 2-5419, 2-5420, 81-12,105.01, and 81-12,125, Revised Statutes Cumulative Supplement, 2010.

**LEGISLATIVE BILL 388.** Introduced by Wightman, 36; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to amend sections 58-702, 58-703, 58-706, and 76-903, Reissue Revised Statutes of Nebraska; to adopt the Site and Building Development Act; to create a fund; to provide funding; to authorize uses of the Affordable Housing Trust Fund and provide for transfers; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Cornett, 45; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, 77-27,187.02, and 77-5905, Reissue Revised Statutes of Nebraska; to adopt the Angel Investment Tax Credit Act; to provide income tax credits; to provide funding; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 390.** Introduced by Ashford, 20; at the request of the Governor.

A BILL FOR AN ACT relating to state agencies; to amend sections 23-2802, 29-2252, 29-2255, 29-2261, 29-2521.02, 47-101, 47-102, 47-103, 47-104, 47-106, 47-108, 47-109, 47-110, 47-202, 47-204, 47-205, 47-621, 47-622, 47-624, 47-624.01, 47-627, 47-628, 47-629, 47-632, 47-634, 71-2453, 81-1403, 81-1404, 81-1407, 81-1423, 81-1425, 83-1,102, and 83-1,107.02, Reissue Revised Statutes of Nebraska, and sections 29-2262.07, 43-245, and 81-1447, Revised Statutes Cumulative Supplement, 2010; to eliminate the Jail Standards Board, the Community Corrections Council, the Probation and Parole Services Study Act, rules relating to jail standards, a penalty, and sentencing guidelines; to create and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for a manual of guidelines relating to jail operations; to change powers, duties, and provisions relating to the Nebraska Commission on Law Enforcement and Criminal Justice and the Office of Violence Prevention; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 47-105, 47-105.01, 47-116, 47-201, 47-203, 47-206,

47-623, 47-625, 47-630, 47-631, 47-635, 47-636, 47-637, 47-638, 47-639, 83-4,124, 83-4,125, 83-4,126, 83-4,127, 83-4,128, 83-4,129, 83-4,130, 83-4,131, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, and section 83-4,133, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 391.** Introduced by Schilz, 47; Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Invasive Species Council; to state intent, define terms, and provide powers and duties.

**LEGISLATIVE BILL 392.** Introduced by Schilz, 47; Carlson, 38.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-524, 37-547, 37-548, 37-1214, and 37-1215, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide for inspection, impoundment, and decontamination relating to aquatic invasive species; to provide duties for the Game and Parks Commission; to provide for an aquatic invasive species stamp; to create a program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 393.** Introduced by Schilz, 47; K. Haar, 21.

A BILL FOR AN ACT relating to state government; to require state agencies to use Nebraska biodiesel fuel as prescribed.

**LEGISLATIVE BILL 394.** Introduced by Schilz, 47; Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3745, 2-3746, 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of Nebraska; to change Dry Bean Commission provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 395.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,170, 81-15,170.01, and 81-15,175, Reissue Revised Statutes of Nebraska; to change provisions relating to voting by members of the Nebraska Environmental Trust Board; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 396.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2318, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of bonds; and to repeal the original section.

**LEGISLATIVE BILL 397.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-801, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 398.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to notaries public; to amend sections 23-1307, 64-101, 64-104, 64-105.01, 64-107, and 64-113, Reissue Revised Statutes of Nebraska; to change provisions relating to oaths, acknowledgments, appointments, applications, disqualifications, powers and duties, and removal from office; to provide for rule and regulation authority for the Secretary of State; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 399.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change the number of signatures needed for nomination by petition in certain partisan offices; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 400.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Long-Term Care Savings Plan Act; to amend section 77-6103, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Cumulative Supplement, 2010; to eliminate the act and long-term care savings plans; to provide for the return of money contributed by participants of the plan; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-6101, 77-6102, 77-6104, and 77-6105, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 401.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5905, Reissue Revised Statutes of Nebraska; to change requirements for operating assisted-living facilities; and to repeal the original section.

**LEGISLATIVE BILL 402.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to social workers; to amend sections 28-310, 38-2101, and 38-2128, Reissue Revised Statutes of Nebraska; to change penalties relating to assault in the third degree; to provide requirements for safety awareness training; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 403.** Introduced by Council, 11; Conrad, 46; Cook, 13; Dubas, 34; K. Haar, 21; Harms, 48; Mello, 5; Nelson, 6; Nordquist, 7; Pirsch, 4; Wallman, 30.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Cumulative Supplement, 2010; to change allocation of the Education Innovation Fund as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 404.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-5422, 13-2709, 58-711, 81-1201.11, 81-1277, 81-12,104, 81-12,135, and 81-3605, Reissue Revised Statutes of Nebraska, and section 81-1205, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain reports; to provide an operative date; and to repeal the original sections.

#### EASE

The Legislature was at ease from 10:34 a.m. until 10:53 a.m.

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 405.** Introduced by Cornett, 45; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5005, and 77-5017, Reissue Revised Statutes of Nebraska, and sections 77-5016 and 77-5018, Revised Statutes Cumulative Supplement, 2010; to authorize hearings by a single commissioner of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 406.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2026, Reissue Revised Statutes of Nebraska, and section 38-2001, Revised Statutes Cumulative Supplement, 2010; to provide for reentry licenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 407.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-124.12, 53-131, and 53-133, Reissue Revised Statutes of Nebraska; to provide for mailing and electronic delivery of certain notices as prescribed; and to repeal the original sections.



**LEGISLATIVE BILL 408.** Introduced by Fulton, 29; Bloomfield, 17.

A BILL FOR AN ACT relating to divorce; to amend sections 42-360 and 42-361, Reissue Revised Statutes of Nebraska; to change provisions relating to reconciliation; and to repeal the original sections.

**LEGISLATIVE BILL 409.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to political subdivisions; to provide for the withholding and deposit of insurance proceeds into a trust or escrow account maintained by a county, city, or village for the repair or demolition of real property as prescribed.

**LEGISLATIVE BILL 410.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to appraisers; to amend section 76-2222, Reissue Revised Statutes of Nebraska, and section 76-2223, Revised Statutes Cumulative Supplement, 2010; to adopt the Nebraska Appraisal Management Company Registration Act; to add a member to the Real Property Appraiser Board; to provide powers and duties for the board; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 411.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-124.11 and 53-124.12, Reissue Revised Statutes of Nebraska; to change fees for a special designated license and a catering license; and to repeal the original sections.

**LEGISLATIVE BILL 412.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to dissolved candidate committees; to prohibit contributions and expenditures by certain committees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 413.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-706, Reissue Revised Statutes of Nebraska; to authorize support for programs benefiting homeless youth; and to repeal the original section.

**LEGISLATIVE BILL 414.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska; to provide that university funds not lapse; to change provisions

relating to certain cash funds and trust funds; and to repeal the original sections.

**LEGISLATIVE BILL 415.** Introduced by Wallman, 30; Karpisek, 32; Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-913, Reissue Revised Statutes of Nebraska; to change provisions relating to introducing contraband within a detention facility or providing an inmate with contraband; and to repeal the original section.

**LEGISLATIVE BILL 416.** Introduced by Wallman, 30; Lathrop, 12; Schilz, 47; Smith, 14.

A BILL FOR AN ACT relating to firefighters; to amend section 35-302, Revised Statutes Cumulative Supplement, 2010; to clarify provisions and change hours and schedule provisions; and to repeal the original section.

**LEGISLATIVE BILL 417.** Introduced by Wallman, 30; Smith, 14.

A BILL FOR AN ACT relating to the Civil Service Act; to amend section 19-1835, Reissue Revised Statutes of Nebraska; to extend the time period for probationary service of firefighters; and to repeal the original section.

**LEGISLATIVE BILL 418.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend section 86-256, Reissue Revised Statutes of Nebraska; to exclude from registration devices used for messages regulated under the Nebraska Political Accountability and Disclosure Act; and to repeal the original section.

**LEGISLATIVE BILL 419.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1478, Reissue Revised Statutes of Nebraska; to change restrictions on expenditures as prescribed; to eliminate certain reports; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 23.** Introduced by Smith, 14; Fulton, 29; B. Harr, 8; Howard, 9; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Price, 3.

WHEREAS, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

WHEREAS, pregnancy care centers serve women in Nebraska and across the United States with integrity and compassion; and

WHEREAS, more than two thousand five hundred pregnancy care centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and

WHEREAS, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, twenty-four-hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other support services; and

WHEREAS, many medical pregnancy care centers offer ultrasounds and other medical services; and

WHEREAS, many pregnancy care centers provide information on adoption and adoption referrals to pregnant women; and

WHEREAS, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, pregnancy care centers provide important support and resources for women who choose childbirth; and

WHEREAS, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

WHEREAS, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education; and

WHEREAS, pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and children.

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

1. That the Legislature recognizes pregnancy care centers for their unique and positive contributions to the individual lives of women, men, and children.

2. That the Legislature commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Nebraska and across the United States.

3. That the Clerk of the Legislature transmit a copy of this resolution to each pregnancy care center in Nebraska.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR23 was referred to the Reference Committee.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 24.** Introduced by Utter, 33.

WHEREAS, Zachary Kirkegaard has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Zachary has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Zachary built table risers for the annual B.L.U.E. fundraiser of Hastings Catholic Schools; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zachary, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Zachary Kirkegaard on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zachary Kirkegaard.

Laid over.

**LEGISLATIVE RESOLUTION 25.** Introduced by Utter, 33.

WHEREAS, Tony Batenhorst has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tony has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Tony built horseshoe pits and

benches at the Adams County Senior Services Center in Hastings, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tony, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tony Batenhorst on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tony Batenhorst.

Laid over.

**LEGISLATIVE RESOLUTION 26.** Introduced by Utter, 33.

WHEREAS, Luke Borgeling has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Borgeling on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Borgeling.

Laid over.

**LEGISLATIVE RESOLUTION 27.** Introduced by Larson, 40.

WHEREAS, Eleanor Wrede Nielsen, born January 26, 1903, will be celebrating her 108th birthday on January 26, 2011; and

WHEREAS, Eleanor Wrede Nielsen is currently the third-oldest living Nebraskan and a longtime resident of Knox County.

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

1. That the Legislature congratulates Eleanor Wrede Nielsen on her 108th birthday.
2. That a copy of this resolution be sent to Eleanor Wrede Nielsen.

Laid over.

**LEGISLATIVE RESOLUTION 28.** Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal law enforcement resources in cooperation with state and local law enforcement; and

WHEREAS, the United States Department of Homeland Security has implemented the Secure Communities program whereby all fingerprints taken by participating state and local law enforcement agencies are matched against the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT), the Automated Biometric Identification System (IDENT), and other federal data bases used to determine immigration status; and

WHEREAS, the Secure Communities program properly places the responsibility of selecting criminal aliens for removal with the federal government; and

WHEREAS, the Secure Communities program has resulted in over three hundred thousand data base matches leading to the removal of over sixty-four thousand criminal aliens; and

WHEREAS, the Secure Communities program has been implemented in approximately seven hundred jurisdictions in over thirty states, including in at least ten of Nebraska's largest communities; and

WHEREAS, United States Immigration and Customs Enforcement plans to implement the Secure Communities program in each of the three thousand one hundred state and local jails nationwide by the year 2013.

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

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in the State of Nebraska to participate in the Secure Communities program by the year 2012.
2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR28 was referred to the Reference Committee.

**WITHDRAW - Cointroducer**

Senator Cook withdrew her name as cointroducer to LB92.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB204. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB200. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB14. No objections. So ordered.

Senator Campbell asked unanimous consent to add her name as cointroducer to LB275. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB286. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB284. No objections. So ordered.

**VISITOR**

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

**ADJOURNMENT**

At 11:03 a.m., on a motion by Senator Price, the Legislature adjourned until 10:00 a.m., Friday, January 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTH DAY - JANUARY 14, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 14, 2011

**PRAYER**

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

**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 Senators Carlson, Christensen, Cook, Council, and Janssen who were excused; and Senator Karpisek who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB282	Appropriations
LB283	Education
LB284	Judiciary
LB285	Government, Military and Veterans Affairs
LB286	General Affairs
LB287	Education
LB288	Business and Labor
LB289	Transportation and Telecommunications
LB290	Health and Human Services
LB291	Business and Labor
LB292	Government, Military and Veterans Affairs
LB293	Judiciary
LB294	General Affairs
LB295	Transportation and Telecommunications
LB296	Judiciary

LB297	Revenue
LB298	Judiciary
LB299	General Affairs
LB300	Judiciary
LB301	Judiciary
LB302	Judiciary
LB303	Banking, Commerce and Insurance
LB304	Health and Human Services
LB305	Agriculture
LB306	Agriculture
LB307	Nebraska Retirement Systems
LB308	Urban Affairs
LB309	Urban Affairs
LB310	Judiciary
LB311	General Affairs
LB312	Government, Military and Veterans Affairs
LB313	Education
LB314	General Affairs
LB315	Banking, Commerce and Insurance
LB316	Health and Human Services
LB317	Banking, Commerce and Insurance
LB318	Revenue
LB319	Revenue
LB320	Revenue
LB321	Revenue
LB322	Banking, Commerce and Insurance
LB323	Revenue
LB324	Judiciary
LB325	Appropriations
LB326	Executive Board
LB327	Transportation and Telecommunications
LB328	Natural Resources
LB329	Urban Affairs
LB330	Health and Human Services
LB331	Education
LB332	Education
LB333	Education
LB334	Education
LB335	Urban Affairs
LB336	General Affairs
LB337	Government, Military and Veterans Affairs
LB338	Government, Military and Veterans Affairs
LB339	Judiciary
LB340	Natural Resources
LB341	Business and Labor
LB342	Natural Resources
LB343	Government, Military and Veterans Affairs
LB344	Government, Military and Veterans Affairs
LB345	Banking, Commerce and Insurance

LB346 Business and Labor  
LB347 Banking, Commerce and Insurance  
LR21 Health and Human Services  
LR22 Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, January 24, 2011 1:30 p.m.

LB332  
LB333  
LB331  
LB334

Tuesday, January 25, 2011 1:30 p.m.

LB235  
LB236  
LB130  
LB247

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 24, 2011 1:30 p.m.

LB47  
LB112  
LB163

Tuesday, March 1, 2011 2:30 p.m.

Patrick Flanagan - Nebraska Information Technology Commission  
Lance Hedquist - Nebraska Information Technology Commission  
Daniel Hoelsing - Nebraska Information Technology Commission  
Harold Huggenberger - Nebraska Information Technology Commission  
Doug Kristensen - Nebraska Information Technology Commission  
Dan Shundoff - Nebraska Information Technology Commission

(Signed) Deb Fischer, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 13, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Alberts, Dan  
Wendlab Development USA

Barrett, John  
Cox Communications

Goc, John J.  
Metropolitan Utilities District

Howell, Rachel  
Nebraska Friends of Midwives

Karavas, Julie M.  
GeneSeek, a Neogen Corporation Company

Mines, Mick  
3M Traffic Safety Systems  
Cameco (formerly Crow Butte) Resources, Inc.  
Cargill/Excel  
Corn Growers Association, American  
Humane Society, Nebraska  
Insurance and Financial Advisors, National Association of  
Johnson & Johnson  
League of Nebraska Municipalities  
Mines & Associates  
Papio Valley Preservation Association  
Syngenta  
Tobacco & Candy Distributors, Nebraska Association of

Mueller Robak LLC  
National Popular Vote  
Plasma Therabies, Alliance for

Radcliffe, Walter H. of Radcliffe & Associates  
Church Street Health Management, dba CSHM.LLC c/o MultiState  
Associates, Inc.  
National Football League  
Nebraska Citizens for the Arts Education Fund

Sanford, Robert A.  
Domestic Violence Sexual Assault Coalition, Nebraska

Segura, April  
Nebraska Friends of Midwives

**REPORTS**

The following reports were received by the Legislature:

**Criminal Justice, Commission on Law Enforcement and**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Health and Human Services Committee, Legislature**

Waiver of Training Requirements for Relative Foster Care Annual Report

**Investment Finance Authority, Nebraska (NIFA)**

Clean Water State Revolving Fund Revenue Bond Series 2010B

Drinking Water State Revolving Fund Revenue Bond Series 2010A

**Natural Resources, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**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:

Children's Behavioral Health Oversight Committee (terminates 12-31-12)

*Members from Appropriations Committee:*

Hansen Nordquist

*Members from Health and Human Services Committee:*

Campbell Cook

*Members from Judiciary Committee:*

McGill Coash

*Members from other than the above committees:*

Avery Dubas Pirsch

The Community Corrections Council

Council

Pirsch

Homeland Security Policy Group

Fulton

Price

The Interstate Compact for Adult Supervision

Christensen

State Council for Interstate Juvenile Supervision

Council

Nebraska Information Technology Commission

Hadley

Streamlined Sales and Use Tax System

Cornett

Smith

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

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 420.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601, 60-605, and 60-6,301, Reissue Revised Statutes of Nebraska; to define farm wagon; to provide for an exception from load limits for farm tractor-farm wagon combinations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 421.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to motor vehicle park entry permits; to amend section 37-438, Reissue Revised Statutes of Nebraska, and section 37-440, Revised Statutes Cumulative Supplement, 2010; to change fees for annual and temporary permits and fees for issuance of the permits; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 422.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend sections 44-4221 and 44-4228, Reissue Revised Statutes of Nebraska; to expand eligibility for pool coverage; to require notice of ineligibility as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 423.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1901, 77-1902, 77-1909, 77-1914, 77-1915, and 77-1916, Reissue Revised Statutes of Nebraska; to change tax foreclosure provisions relating to liens of sanitary and improvement districts as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 424.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to bonds; to amend section 85-1738, Reissue Revised Statutes of Nebraska; to change provisions relating to

personal liability on Nebraska Educational Finance Authority Act bonds; and to repeal the original section.

**LEGISLATIVE BILL 425.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections 13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 426.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the use of multiple grants; and to repeal the original section.

**LEGISLATIVE BILL 427.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-625, 54-626, 54-627, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised Statutes of Nebraska; to provide enhanced requirements and an outstanding designation for commercial dog breeders; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 428.** Introduced by Cornett, 45; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 429.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-486 and 66-6,113, Reissue Revised Statutes of Nebraska; to change provisions relating to collection commissions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 430.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2010; to change property tax levy limitations as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 431.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to health care; to amend sections 28-435.01, 38-1,126, 38-1,127, 71-6736, and 71-7460.02, Reissue Revised Statutes of Nebraska; to adopt the Health Care Quality Improvement Act; to eliminate provisions relating to peer review committees; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-2046, 71-2047, 71-2048, 71-7901, 71-7902, and 71-7903, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 432.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to create sales and use tax credits for certified renewable export facilities; to create a fund and a board; to provide powers and duties; and to define terms.

**LEGISLATIVE BILL 433.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require restriction, monitoring, and reporting on contracts with private agencies for the provision of child welfare and related services and programs.

**LEGISLATIVE BILL 434.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1272 and 81-1274, Reissue Revised Statutes of Nebraska; to provide a termination date for the Business Development Partnership Act; to prohibit appropriation of General Funds to carry out the act; to state purpose and intent of legislation; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 435.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1201.01, 81-1201.03, 81-1201.07, and 81-1201.20, Reissue Revised Statutes of Nebraska; to create the Business Ombudsman Division; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 436.** Introduced by Gloor, 35; Campbell, 25; Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2602 and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of cigarettes and other tobacco products; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 437.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Krist, 10; Schumacher, 22.



A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to adoption of the state building code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 438.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to handicapped parking; to amend section 18-1741.02, Revised Statutes Cumulative Supplement, 2010; to increase fines for handicapped parking infractions; and to repeal the original section.

**LEGISLATIVE BILL 439.** Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

### NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, January 26, 2011 1:30 p.m.

LB197  
LB167  
LB293  
LB310  
LB296

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Friday, January 21, 2011 1:30 p.m.

LB96 (cancel)  
LB118 (cancel)  
LB119 (cancel)

Friday, January 21, 2011 1:30 p.m.

LB33

LB69

(Signed) Abbie Cornett, Chairperson

Business and Labor

Room 2102

Monday, January 24, 2011 1:30 p.m.

LB261

LB262

LB263

LB151

LB189

(Signed) Steve Lathrop, Chairperson

General Affairs

Room 1510

Monday, January 24, 2011 1:30 p.m.

LB249

LB256

LB279

LB294

LB311

(Signed) Russ Karpisek, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 440.** Introduced by Heidemann, 1; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Cornett, 45; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Hansen, 42; Harms, 48; Karpisek, 32; Langemeier, 23; Schilz, 47; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to adjusted valuation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 441.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2010; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 442.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to outdoor outfitters; to adopt the Outdoor Outfitters and Guides Licensure Act.

**LEGISLATIVE BILL 443.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 81-505.01 and 81-1575, Reissue Revised Statutes of Nebraska, and section 81-15,121, Revised Statutes Cumulative Supplement, 2010; to increase certain fees relating to services performed by the State Fire Marshal, registration of aboveground storage tanks, and permits for underground storage tanks; and to repeal the original sections.

**LEGISLATIVE BILL 444.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to provide examples of methods for giving public notice; and to repeal the original section.

**LEGISLATIVE BILL 445.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Commissioner of Education; to amend sections 79-1044, 79-1047, and 79-1051, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Cumulative Supplement, 2010; to change and eliminate duties as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 446.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217 and 79-1241.03, Revised Statutes Cumulative Supplement, 2010; to provide for participation in statewide projects as prescribed; to change a tax levy limitation; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 447.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicular pursuit; and to repeal the original sections.

**LEGISLATIVE BILL 448.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend section 81-1252, Reissue Revised Statutes of Nebraska; to prohibit appropriation of General Funds to carry out the Nebraska Visitors Development Act; to state purpose and intent of legislation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 449.** Introduced by Nelson, 6; Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-208, 32-219, 32-305, 32-312, 32-615, 32-617, 32-811, 32-903, 32-910, 32-913, 32-947, 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-606, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election commissioners, deputy election commissioners, deputy registrars, voter registration, filing for office, nominations by petition, nominations without opposition, creation of precincts, access to polling places, inspection of election records, procedures for voting early, payment of costs of elections, recall petitions, and recall elections; and to repeal the original sections.

**LEGISLATIVE BILL 450.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-205, 24-227.01, 25-2921, 29-2259.02, and 29-2262.07, Revised Statutes Cumulative Supplement, 2010; to extend Supreme Court cash fund authority in the next biennium; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 451.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 20-159, 24-502, 24-507, 24-515, 25-2221, 25-2406, 29-2259, and 42-361, Reissue Revised Statutes of Nebraska, and sections 24-301.02 and 32-524, Revised Statutes Cumulative Supplement, 2010; to change payment of certain fees; to delay implementation of a district court judgeship; to change and eliminate county court and court office provisions; to provide for judicial hearing officers; to change election provisions for district court clerk; to provide for dissolution of marriage without a hearing; to harmonize provisions; to repeal the original sections; and to outright repeal section 24-512, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 452.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 9-810, Reissue Revised Statutes of Nebraska; to provide for lottery winnings and tax refund intercept for debts owed to a court; to harmonize provisions; to repeal the original section; and to outright repeal section 77-27,208, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 453.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a fund; and to outright repeal section 81-1211, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 454.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate obsolete provisions relating to certain property controlled by the department; and to outright repeal sections 81-1222.01 and 81-1222.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 455.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to repeal the Venture Capital Network Act; and to outright repeal sections 81-1265, 81-1266, 81-1267, 81-1268, 81-1269, 81-1270, and 81-1271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 456.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Gloor, 35; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-457, 71-503.01, 71-6037, 71-6052, 77-2704.54, 81-2204, 81-2213, and 81-2226, Reissue Revised Statutes of Nebraska, and section 68-906, Revised Statutes Cumulative Supplement, 2010; to change a date in a reference to federal law within the Medical Assistance Act; to change provisions relating to communicable and other reportable diseases; to change a reference to the Supplemental Nutrition Assistance Program; to eliminate the Division of Medicaid and Long-Term Care Advisory Committee on Aging and the Nursing Home Advisory Council; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1101, 68-1103, 68-1104, 68-1105, 68-1106, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049, 71-6050, 71-6051, 81-2205, and 81-2212, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 457.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1311, 77-1311.03, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1514, and 77-5027, Reissue Revised Statutes of Nebraska, and sections 77-1502 and 77-1507, Revised Statutes Cumulative

Supplement, 2010; to change certain dates relating to property taxes; to require notice of preliminary valuations of real property; to provide for in-person meetings relating to property taxes as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 458.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 459.** Introduced by Schilz, 47; Bloomfield, 17; Brasch, 16; Larson, 40; Wallman, 30.

A BILL FOR AN ACT relating to political subdivisions; to provide requirements for the adoption of any law regarding the ownership of animals as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 460.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4001.01, 29-4004, 29-4006, 29-4007, 29-4013, and 83-174.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Sex Offender Registration Act; and to repeal the original sections.

**LEGISLATIVE BILL 461.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to civil rights; to adopt the Freedom of Conscience Act; and to provide severability.

**LEGISLATIVE BILL 462.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to trade names; to amend sections 21-1931, 21-19,151, 21-2028, 21-20,173, 67-234, 67-455, 87-208, 87-209, 87-210, 87-211, 87-212, 87-213, 87-215, 87-216, 87-217, and 87-218, Reissue Revised Statutes of Nebraska, and sections 84-511 and 87-214, Revised Statutes Cumulative Supplement, 2010; to include statutory damages as a remedy; to eliminate a penalty for failure to register; to harmonize provisions; to repeal the original sections; and to outright repeal section 87-220, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 463.** Introduced by Ashford, 20; at the request of the Governor.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-416, 29-2258, 29-2262.08, 43-2,108.05, 43-2,129, 79-209, 79-2104.02, and 79-2115, Revised Statutes Cumulative Supplement, 2010; to change a controlled substances penalty, sealed records access, and juvenile services

plans; to transfer administrative probation sanctions; to change provisions relating to truancy; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 464.** Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 465.** Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to eliminate provisions relating to eligibility for non-United-States citizens; to provide an operative date; to outright repeal section 68-1070, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 466.** Introduced by Gloor, 35; Howard, 9; at the request of the Governor.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to a preferred drug list; and to repeal the original section.

**LEGISLATIVE BILL 467.** Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-915 and 68-1723, Reissue Revised Statutes of Nebraska; to change eligibility provisions relating to the medical assistance program; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 468.** Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-909 Reissue Revised Statutes of Nebraska; to change provisions relating to copayments; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 469.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to define a term; to prohibit retail sales of novelty lighters; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 470.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to libraries; to amend sections 16-251 and 51-211, Reissue Revised Statutes of Nebraska; to provide requirements for approval of personnel policies and procedures as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 471.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2708 and 18-2714, Reissue Revised Statutes of Nebraska; to expand local sources of revenue for the use of economic development programs; and to repeal the original sections.

**LEGISLATIVE BILL 472.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to labor and employment; to adopt the Nebraska Workers Adjustment and Retraining Notification Act.

**LEGISLATIVE BILL 473.** Introduced by Louden, 49; Hansen, 42; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to adopt the Black-Tailed Prairie Dog Management Act; to harmonize provisions; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 29CA.** Introduced by Nelson, 6.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 25 to Article XV:

XV-25 (1) The government of the State of Nebraska shall not engage in collective bargaining.

(2) For purposes of this section, government of the State of Nebraska shall include, but not be limited to:

(a) The State of Nebraska;

(b) Any agency, board, branch, bureau, commission, committee, council, department, division, office, unit, or subunit of the state;

(c) Any public institution of higher education;

(d) Any political subdivision of or within the state; and

(e) Any government institution or instrumentality of or within the state.



Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit the government of the State of Nebraska from engaging in collective bargaining.

For

Against.

**LEGISLATIVE RESOLUTION 30.** Introduced by Campbell, 25; Cook, 13; Gloor, 35; Hadley, 37; Mello, 5; Nordquist, 7.

WHEREAS, the One Hundred First Legislature, Second Session, created a select committee pursuant to Legislative Resolution 467 to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act; and

WHEREAS, the interim study conducted pursuant to Legislative Resolution 467 examined health care financing and delivery under the federal act to determine the impact on health care coverage for all Nebraskans; and

WHEREAS, the select committee conducted several public hearings in Nebraska to facilitate wide collaboration, gather guidance and information from a variety of sources, and begin to develop recommendations to present to the Legislature regarding health care reform and the implementation of the federal act in Nebraska; and

WHEREAS, the select committee has determined that continued input is necessary to monitor the ongoing development of the implementation of the federal act.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the select committee of the Legislature to be known as the Health Care Reform Implementation and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the executive board. The executive board shall give first consideration to members of the select committee appointed pursuant to Legislative Resolution 467. The membership of the Health Care Reform Implementation and Oversight Committee of the Legislature shall consist of two members of the Appropriations Committee, two members of the Banking, Commerce and Insurance Committee, the chairperson and one other member of the Health and Human Services Committee, and three additional members of the Legislature. The members of the Health Care Reform Implementation and Oversight Committee shall vote for one of the two members of the Health and Human Services Committee to serve as the chairperson of the Health Care Reform Implementation and Oversight Committee.

2. That the Health Care Reform Implementation and Oversight Committee shall continue the work of the select committee appointed pursuant to Legislative Resolution 467. The committee shall consult and encourage

collaboration, coordination, and systemwide communication with a broad array of public and private entities involved in Nebraska health care issues, including employers, small businesses, consumers, insurers, health care providers, institutions of higher education, community health centers, national and regional policy research organizations, state agencies, federal agencies, and other interested parties. The committee shall assist with the communication and collaboration of health care reform implementation between standing committees of the Legislature as the committees develop health care reform policies and proposed legislation within their subject matter jurisdiction.

3. That the Health Care Reform Implementation and Oversight Committee may consider issues, including, but not limited to:

a. Nebraska's strategic implementation of the federal Patient Protection and Affordable Care Act with special attention to medicaid expansion, eligibility determination and enrollment processes, benefit design, the insurance exchange, health insurance reform, and workforce development;

b. Review of policy improvements and efficiencies to Nebraska health care delivery systems and payment reforms to ensure Nebraskans have quality and access, including capacity and affordability, through Nebraska's health care systems;

c. Utilization of technology for safe storage and transmission of health information, medical administration efficiencies, health care delivery, and aggregate data across systems to monitor population health, identify priorities for improvement, and track progress toward improvement goals;

d. Leveraging federal grants, pilot programs, and other nonstate funding sources to assist with health care reform; and

e. Aligning purchasing power of the state within medicaid, the Children's Health Insurance Program, public employees and retirees, and the insurance exchange to form public-private partnerships to coordinate and integrate efforts with providers, employer-sponsored insurance companies, and other stakeholders to provide health care redesign in Nebraska to improve efficiencies and delivery, ensure financial sustainability, and maximize public health and wellness.

4. That the Health Care Reform Implementation and Oversight Committee is hereby authorized to continue its work until the beginning of the One Hundred Second Legislature, Second Session, and shall, upon the conclusion of its work, make a report of its findings, together with its recommendations, to the Legislature on or before December 31, 2011.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR30 was referred to the Reference Committee.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 31.** Introduced by Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; Fulton, 29; K. Haar, 21; McGill, 26; Wallman, 30.

WHEREAS, Leola Bullock was born in Meadville, Mississippi, on January 19, 1929, to Charlie and Mary (Jackson) Fells, attended Jackson State College, and moved to Lincoln in 1950 after her marriage to the late Hugh B. Bullock; and

WHEREAS, Leola became a passionate social justice and civil rights activist in Lincoln after living in segregation in both Mississippi and Nebraska; and

WHEREAS, Leola strived for a multicultural society, often participating in picket lines, striving for equal representation in school textbooks, and providing a voice for minority representation to law enforcement; and

WHEREAS, Leola served as the president of the National Association for the Advancement of Colored People and served on the boards of Nebraskans for Peace, the Clyde Malone Community Center, Nebraskans Against the Death Penalty, the Lincoln Justice Committee to Free Ed Poindexter and Mondo We Langa, the YWCA, and the Training Teachers of Teachers Project at the University of Nebraska-Lincoln; and

WHEREAS, Leola's numerous awards for excellence in social justice include the 1985 Nebraska African-American Woman of the Year, the 1996 Racial Justice Award, the 1998 Community Service Award, the 1999 Chancellor's Fulfilling the Dream Award, the 2002 Lenora Letcher Community Award, the 2004 Nebraskan of the Year, the 2005 Rev. Dr. Martin Luther King, Jr. Living the Dream Award, and in 2008 the Community Service Award, which was later named the Leola Bullock Community Service Award; and

WHEREAS, Leola's legacy continues to exist in Lincoln. In 1989, Lincoln Public Schools established the Leola Bullock Multicultural Award, which continues to be awarded annually; and

WHEREAS, Leola Bullock passed away on October 17, 2010, at the age of eighty-one.

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

1. That the Legislature honors the lifetime achievements of Leola Bullock.
2. That the Legislature extends its sympathy and condolences to the family of Leola Bullock.
3. That a copy of this resolution be sent to the family of Leola Bullock.

Laid over.

**LEGISLATIVE RESOLUTION 32.** Introduced by Pahls, 31.

WHEREAS, Nebraskans suffered a great tragedy on January 5, 2011; and  
 WHEREAS, Millard South High School is one of the leading high schools in Nebraska; and

WHEREAS, Millard South High School's administrators, teachers, staff, students, parents, and board of education strive for excellence in education and community building; and

WHEREAS, the Millard South High School community is healing from its wounds; and

WHEREAS, the Millard South High School community is in the process of moving forward from a heartbreaking loss; and

WHEREAS, Millard South High School's administrators, teachers, staff, students, parents, and board of education continue to provide leadership to the state in the manner in which they rebuild and recover.

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

1. That the Legislature expresses its sorrow at the losses Millard South High School has suffered.

2. That the Legislature commends Millard South High School's administrators, teachers, staff, students, parents, and board of education in their rebuilding efforts and in the leadership they provide in helping the state heal from such a calamity.

3. That the Legislature supports the Millard South High School community in its efforts to shore up, recover, and rededicate its mission.

4. That a copy of this resolution be sent to Millard South High School.

Laid over.

**LEGISLATIVE RESOLUTION 33.** Introduced by Pahls, 31.

WHEREAS, Dr. Vicki Kaspar started teaching English at Millard South High School in 1988 and became assistant principal in 1998; and

WHEREAS, Dr. Kaspar is remembered by students as a person who cared about their success and who went to great lengths to support them; and

WHEREAS, Dr. Kaspar was always open-minded and willing to listen, had a forgiving nature, and cared for students as if they were her own; and

WHEREAS, teachers, administrators, and staff remember Dr. Kaspar as a person who guided them but let them find their own way; and

WHEREAS, Dr. Kaspar promoted educational excellence at Millard South High School, devoted herself to serving students, and embodied the spirit of genuine caring for students; and

WHEREAS, Dr. Kaspar lost her life in the course of pursuing her calling; and

WHEREAS, Dr. Kaspar is survived by her husband, Ron, and her three sons, Ron Jr., John, and James.

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

1. That the Legislature extends its sympathy and condolences to the family, friends, and coworkers of Dr. Vicki Kaspar and to her students and their parents.

2. That a copy of this resolution be sent to the family of Dr. Vicki Kaspar and to Millard South High School.

Laid over.

**LEGISLATIVE RESOLUTION 34.** Introduced by Howard, 9.

WHEREAS, each year National Professional Social Work Month is observed in the month of March; and

WHEREAS, National Professional Social Work Month is a time to celebrate the profession of social work and raise awareness of the benefits and challenges; and

WHEREAS, this year's theme, Social Workers Change Futures, illustrates the undeniable benefit social workers provide to society; and

WHEREAS, social workers are champions of fairness and advocates for those overcoming adversity; and

WHEREAS, social work is essential to helping individuals and to long-term systematic change; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of Nebraska.

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

1. That the Legislature recognizes the month of March 2011 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers - Nebraska Chapter.

Laid over.

**LEGISLATIVE RESOLUTION 35.** Introduced by Heidemann, 1.

WHEREAS, Cody Arend Dreier, the son of Joan and the late Don Dreier of Humboldt, Nebraska, and a member of Troop 387, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Cody earned 34 merit badges, is a Brotherhood member of the Order of the Arrow, and earned all four Catholic Religious Awards in the Cornhusker Council; and

WHEREAS, Cody's community service project consisted of painting the inside of the newly constructed Bath House at the Humboldt Lake Park; and

WHEREAS, Cody has chosen to continue his scouting career as an assistant scoutmaster with Troop 387; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Cody, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cody Arend Dreier on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cody Arend Dreier.

Laid over.

**LEGISLATIVE RESOLUTION 36.** Introduced by Howard, 9; Hansen, 42; Harms, 48; Wallman, 30.

WHEREAS, Brady Kruse lived nearly his entire life at the Beatrice State Developmental Center; and

WHEREAS, Brady was moved from the Beatrice State Developmental Center in February 2009; and

WHEREAS, Brady was the tenth resident of the Beatrice State Developmental Center to pass away after the move; and

WHEREAS, Brady could not talk, see, or hear out of one ear, but he had a beautiful smile.

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

1. That the Legislature acknowledges the life of Brady Kruse and the loss of his passing.

2. That the Legislature extends its sympathy and condolences to the family of Brady Kruse.

3. That a copy of this resolution be sent to Terry and Deb Kruse.

Laid over.

**LEGISLATIVE RESOLUTION 37.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30; Avery, 28; Coash, 27; Conrad, 46; Dubas, 34; Hadley, 37; Hansen, 42; McGill, 26; Mello, 5.

WHEREAS, in July, 2009, the Department of Health and Human Services began the child welfare reform initiative, known as Families Matter, to address the growing number of children in out-of-home placements. The department selected six separate private agencies as lead agencies to implement the reform initiatives which increased responsibilities of private agencies to provide services to children and families. The private agencies were also subject to a new reimbursement methodology that changed from fee-for-service to risk-based reimbursement. Significant changes ensued regarding how children and families are served by the child welfare and juvenile services system in Nebraska; and

WHEREAS, on October 15, 2010, the Department of Health and Human Services announced that the remaining private agencies would receive greater case management responsibility and that new lead agencies in the remaining service area would be sought. As a result, department staff that provide critical case management services and a last safety net if a private agency is unable to provide services in the future would be greatly reduced; and

WHEREAS, by November 1, 2010, only two lead agencies were still under contract with the Department of Health and Human Services to assist with implementing the child welfare reform initiative. Departing agencies cited the loss of significant funds as they sought to carry out the terms of the contract. During hearings for Interim Study LR568, the Health and Human Services Committee of the Legislature heard additional concerns regarding lack of documentation in records, failure to pay providers and foster parents fully and promptly, confusion regarding division of responsibilities, quality of care and training, and long-term planning to sustain the child welfare reform initiative and ensure safety and protection of Nebraska's children. These difficulties have resulted in a lack of stability within the child welfare system.

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

1. That the Health and Human Services Committee of the Legislature be designated to review, investigate, and assess the effect of the child welfare reform initiative which the Department of Health and Human Services began implementing July, 2009.

2. That the committee shall consult with the department, service providers currently or formerly under contract to the department, the Supreme Court, the Foster Care Review Board, and stakeholders representing state and local government, provider organizations, consumers, consumer advocates, and other parties as the committee deems helpful.

3. That the committee shall utilize existing studies, reports, and past presentations of information by the department to the Legislature; the Foster Care Review Board; and current and previous lead agencies and their

subcontractors for their reports relating to the effort to improve the child welfare system. The committee shall not be limited to such studies, reports, or legislation.

4. That the committee may hold public hearings on the implementation of child welfare reforms and, pursuant to section 50-406 and the rules of the Nebraska Unicameral Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses in the manner prescribed by law for taking depositions in civil actions in the district court.

Issues to be considered may include, but shall not be limited to:

(a) The goal formation, delineation of outcome measurements, coordination, and long-term planning of the child welfare reform initiative by the Department of Health and Human Services;

(b) The effectiveness of the public-private partnership in providing services to children and families involved with the department including the number of children attaining permanency through adoption;

(c) The system of accountability, funding, and financial sustainability of the child welfare reform initiative;

(d) The effect of the child welfare reform initiative on meeting the federal Child and Family Service Reviews of outcomes and indicators, permanency and well-being; and

(e) The option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare reforms.

5. That the committee shall provide the Legislature a final report no later than December 15, 2011.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR37 was referred to the Reference Committee.

### **NOTICE OF COMMITTEE HEARING**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 25, 2011 1:30 p.m.

LB23

LB24

LB315

LB347

LB25

LB26

(Signed) Rich Pahls, Chairperson



**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 474.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Pankonin, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 84-1503, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to require certain reports be submitted to the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

**WITHDRAW - Cointroducer**

Senator Lathrop withdrew his name as cointroducer to LB416.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Wallman asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB417. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB416. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB345. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB266. No objections. So ordered.

Senator Schilz asked unanimous consent to add his name as cointroducer to LB195. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB387. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB389. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB386. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB345. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

### **ADJOURNMENT**

At 11:20 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Tuesday, January 18, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINTH DAY - JANUARY 18, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 18, 2011

**PRAYER**

The prayer was offered by Chaplain Ismail Ozcan, Turkish American Society of Nebraska, Omaha.

**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 Janssen who was excused; and Senator Lautenbaugh who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, January 25, 2011 1:30 p.m.

LB181  
LB114  
LB108

Room 1524

Tuesday, February 1, 2011 1:30 p.m.

LB126  
LB200  
LB160

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, January 25, 2011 1:30 p.m.

LB54  
LB57  
LB308  
LB309  
LB335

(Signed) Amanda McGill, Chairperson

### COMMUNICATION

Received communication to Dave Heineman, Governor, from Karen L. Haas, Clerk of the U.S. House of Representatives, pursuant to Section 2a(b) of Title 2 of the United States Code, stating the number of Representatives to which our state is entitled in the United States House of Representatives in the 113th Congress and in each subsequent Congress until a new reapportionment takes effect. (Certificate attached)

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB348	Business and Labor
LB349	Judiciary
LB350	Judiciary
LB351	Judiciary
LB352	Government, Military and Veterans Affairs
LB353	Transportation and Telecommunications
LB354	Agriculture
LB355	Agriculture
LB356	Agriculture
LB357	Revenue
LB358	Revenue
LB359	Revenue
LB360	Revenue
LB361	Revenue
LB362	Revenue
LB363	Revenue
LB364	Education
LB365	Government, Military and Veterans Affairs
LB366	Natural Resources

LB367	Government, Military and Veterans Affairs
LB368	Government, Military and Veterans Affairs
LB369	Natural Resources
LB370	Revenue
LB371	Banking, Commerce and Insurance
LB372	Education
LB373	Appropriations
LB374	Appropriations
LB375	Appropriations
LB376	Appropriations
LB377	Appropriations
LB378	Appropriations
LB379	Appropriations
LB380	Appropriations
LB381	Education
LB382	Nebraska Retirement Systems
LB383	Revenue
LB384	Revenue
LB385	Revenue
LB387	Banking, Commerce and Insurance
LB388	Banking, Commerce and Insurance
LB389	Revenue
LB390	Judiciary
LB391	Natural Resources
LB392	Natural Resources
LB393	Natural Resources
LB394	Agriculture
LB395	Natural Resources
LB396	Banking, Commerce and Insurance
LB397	Business and Labor
LB398	Judiciary
LB399	Government, Military and Veterans Affairs
LB400	Revenue
LB401	Health and Human Services
LB402	Judiciary
LB403	Education
LB404	Banking, Commerce and Insurance
LB405	Revenue
LB406	Health and Human Services
LB407	General Affairs
LB408	Judiciary
LB409	Banking, Commerce and Insurance
LB410	Banking, Commerce and Insurance
LB411	General Affairs
LB412	Government, Military and Veterans Affairs
LB413	Health and Human Services
LB414	Appropriations
LB415	Judiciary
LB416	Business and Labor

LB417	Urban Affairs
LB418	Transportation and Telecommunications
LB419	Government, Military and Veterans Affairs
LR23	Health and Human Services
LR28	Judiciary

(Signed) John Wightman, Chairperson  
Executive Board

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 1, 4, 6, 7, 8, 10, 11, 12, and 13 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 1, 4, 6, 7, 8, 10, 11, 12, and 13.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 475.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1012.01 and 25-1012.02, Reissue Revised Statutes of Nebraska; to provide for garnishment of independent contractors providing services for the state or a political subdivision; and to repeal the original sections.

**LEGISLATIVE BILL 476.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-508.01, 25-509.01, 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01, and 25-507.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to service and return of summons; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 477.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1401, 60-1420, 60-1424, 60-1425, 60-1427, 60-1429, 60-1436, 60-1437, 60-1438, and 60-1438.01, Reissue Revised Statutes of Nebraska; to change provisions relating to manufacturers, distributors, and motor vehicle dealers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 478.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Insurance Claims Fraud Prevention Act.

**LEGISLATIVE BILL 479.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to minors; to amend section 29-4306, Reissue Revised Statutes of Nebraska; to authorize a minor to give consent to evidence collection and examination and treatment in cases of sexual assault and domestic violence; and to repeal the original section.

**LEGISLATIVE BILL 480.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to public building commissions; to amend sections 13-1302 and 13-1304, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for agreements relating to the use of certain areas of a project; and to repeal the original sections.

**LEGISLATIVE BILL 481.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Radiography Practice Act; to amend section 38-1920, Reissue Revised Statutes of Nebraska, and sections 38-1901 and 38-1902, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide authorization for certain activities by auxiliary personnel and cardiovascular technologists; to provide an exemption from licensure; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 482.** Introduced by Utter, 33; Carlson, 38; Hadley, 37.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-801.01, 48-809, 48-816, 48-818, and 48-838, Reissue Revised Statutes of Nebraska; to define terms and provide provisions for industrial disputes involving municipal corporations; and to repeal the original sections.

**LEGISLATIVE BILL 483.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.07, Reissue Revised Statutes of Nebraska; to change provisions relating to deductions for net operating losses and capital losses; and to repeal the original section.

**LEGISLATIVE BILL 484.** Introduced by Hadley, 37; Carlson, 38; Dubas, 34; Hansen, 42; Utter, 33; Wallman, 30.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Reissue Revised Statutes of Nebraska; to exclude certain soil sampling and monitoring activities from the definition of

excavation; and to repeal the original section.

**LEGISLATIVE BILL 485.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Revised Statutes Cumulative Supplement, 2010; to change funding provisions; and to repeal the original section.

**LEGISLATIVE BILL 486.** Introduced by Louden, 49; Heidemann, 1; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-904.01, Reissue Revised Statutes of Nebraska, and section 79-902, Revised Statutes Cumulative Supplement, 2010; to redefine compensation; to prohibit the refund of certain contributions; and to repeal the original sections.

**LEGISLATIVE BILL 487.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to child support; to adopt the Child Support Transparency Act.

**LEGISLATIVE BILL 489.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2010; to authorize municipalities to receive sales tax information as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 490.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-607, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change restrictions on keno; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 491.** Introduced by Mello, 5; Conrad, 46.

A BILL FOR AN ACT relating to state government; to amend sections 81-132, 81-1113, 81-1113.01, and 81-1115, Reissue Revised Statutes of



Nebraska; to change budget preparation provisions; to require biennial strategic plans and monthly performance measurements; and to repeal the original sections.

**LEGISLATIVE BILL 492.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to state findings; to create the American Recovery and Reinvestment Act Energy Efficiency Retrofit Jobs Project; to change the use of previously appropriated funds to provide for grants; to provide duties for the State Energy Office; and to state intent relating to use of American Recovery and Reinvestment Act funds.

**LEGISLATIVE BILL 493.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-710.01 and 44-761, Reissue Revised Statutes of Nebraska; to provide health insurance coverage for dependents up to the age of twenty-six as prescribed; to eliminate the provision of health insurance coverage for dependents up to the age of thirty; to define terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 44-7,103, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 494.** Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-914, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services regarding applications for medical assistance; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 495.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to transportation; to amend sections 37-1212, 60-379, and 60-1402, Reissue Revised Statutes of Nebraska; to adopt the Boat Dealers Licensing Act; to change provisions relating to registration of boats and boat dealer trailer plates; to change membership on the Nebraska Motor Vehicle Industry Licensing Board; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 496.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to create the Centennial Mall Project Fund; and to provide for transfers of funds.

**LEGISLATIVE BILL 497.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public buildings; to amend sections 82-319, 85-106.01, and 85-304.01, Reissue Revised Statutes of Nebraska; to

change provisions relating to use of portions of appropriated funds for works of art in new construction; and to repeal the original sections.

**LEGISLATIVE BILL 498.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to water; to amend sections 46-676.01, 46-677, and 46-706, Reissue Revised Statutes of Nebraska; to change provisions relating to in situ uranium mining; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 499.** Introduced by Price, 3.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-602, 32-617, 32-628, 32-631, 32-632, 32-941, and 32-942, Reissue Revised Statutes of Nebraska, and section 32-939, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to filing for office, registration to vote, and voting; and to repeal the original sections.

**LEGISLATIVE BILL 500.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,182 and 60-6,256, Reissue Revised Statutes of Nebraska; to change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle; and to repeal the original sections.

**LEGISLATIVE BILL 501.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot status for candidates for President and Vice President of the United States; and to repeal the original section.

**LEGISLATIVE BILL 502.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to labor; to amend sections 48-1617, 48-1623, and 48-1624, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Workforce Investment Act; and to repeal the original sections.

**LEGISLATIVE BILL 503.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-623 and 32-627, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy on a ballot; and to repeal the original sections.

**LEGISLATIVE BILL 504.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109, Reissue Revised Statutes of Nebraska; to change motor fuel tax rates; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicle taxes; to amend sections 60-3,186 and 60-3,187, Reissue Revised Statutes of Nebraska; to change motor vehicle taxes on certain vehicles; to change the distribution of motor vehicle tax proceeds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 506.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-126, Reissue Revised Statutes of Nebraska; to change the definition of wages; and to repeal the original section.

**LEGISLATIVE BILL 507.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1708, Reissue Revised Statutes of Nebraska; to change provisions relating to education; to harmonize provisions; to provide a termination date; and to repeal the original section.

**LEGISLATIVE BILL 508.** Introduced by Bloomfield, 17; Brasch, 16; Carlson, 38; Fulton, 29; Harms, 48; Krist, 10; Larson, 40; Pirsch, 4; Schilz, 47; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend section 29-4017, Reissue Revised Statutes of Nebraska, and section 29-4016, Revised Statutes Cumulative Supplement, 2010; to authorize certain residency restrictions near parks; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 509.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Pankonin, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2302, 23-2308, 23-2319.01, 24-710, 42-1102, 72-1243, 79-408, 79-901, 79-903, 79-904, 79-904.01, 79-916, 79-926, 79-933.03, 79-933.05, 79-933.06, 79-941, 79-942, 79-944, 79-947, 79-955, 79-978.01, 79-987, 81-2014.01, 81-2041, 84-1301, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 4-108, 23-2306, 24-701.01, 68-621, 79-902, 79-920, 79-9,113, 79-1003, 79-1028.01, 84-1307, and 84-1321.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to public benefits, fees, forfeited accounts, retirement annuities, presentation and filing deadlines, and participation age

requirements; to create a fund; to rename a retirement system; to provide requirements relating to cost-of-living adjustments, compliance audits, and preretirement planning programs; to eliminate a notification requirement, obsolete language, cost-of-living adjustment provisions, and the Law Enforcement Officers Retirement Survey Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 24-710.09, 24-710.10, 24-710.11, 50-417.02, 50-417.03, 50-417.04, 50-417.05, 50-417.06, 79-940, 79-947.03, 79-947.04, 79-947.05, 81-2027.05, 81-2027.06, and 81-2027.07, Reissue Revised Statutes of Nebraska, and sections 24-710.07, 79-947.01, and 81-2027.03, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 510.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Pankonin, 2.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-9,113, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2010; to change the employee contribution rate; to eliminate obsolete language; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 511.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-439, 28-1420, and 77-4007, Reissue Revised Statutes of Nebraska; to restrict the use and sale of blunt wrap tobacco wrappers as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to handguns; to amend sections 69-2409.01 and 71-935, Reissue Revised Statutes of Nebraska; to change provisions relating to mental health determinations regarding the possessing and purchasing of handguns; to provide procedures for the removal of adverse determinations; and to repeal the original sections.

**LEGISLATIVE BILL 513.** Introduced by Christensen, 44.

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

**LEGISLATIVE BILL 514.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to amend section 44-359, Reissue Revised Statutes of Nebraska; to provide for an additional recovery and attorney's fees for an unreasonable delay or denial of a claim as prescribed; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 515.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to legislation; to adopt the Federal Health Care Nullification Act; to provide penalties; and to declare an emergency.

**LEGISLATIVE BILL 516.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to authorize the carrying of concealed handguns in educational institutions by security personnel, administrators, or teaching staff as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 517.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to safety regulations; to amend section 81-405, Reissue Revised Statutes of Nebraska; to repeal the Conveyance Safety Act and adopt the Elevator Inspection Act; to create and eliminate penalties; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 518.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend sections 69-2441 and 69-2443, Reissue Revised Statutes of Nebraska; to change certain penalty and violations provisions; and to repeal the original sections.

**LEGISLATIVE BILL 519.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

**LEGISLATIVE BILL 520.** Introduced by Howard, 9; Ashford, 20.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to student transportation; and to repeal the original section.

**LEGISLATIVE BILL 521.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to abortion; to amend sections 28-101, 28-325, 28-326, and 28-340, Revised Statutes Cumulative Supplement, 2010; to provide how certain drugs used to induce an abortion shall be administered; to provide for followup medical examinations and recordkeeping as prescribed; to provide for a civil action; to provide a penalty; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to adopt the High Performance Green Schools Transparency Act.

**LEGISLATIVE BILL 523.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to petitions; to amend section 32-629, Reissue Revised Statutes of Nebraska; to require petition sponsors to provide and maintain records of identification for petition circulators; and to repeal the original section.

**LEGISLATIVE BILL 524.** Introduced by McGill, 26; Dubas, 34; Hadley, 37; Mello, 5; Nordquist, 7; Schilz, 47.

A BILL FOR AN ACT relating to gift enterprises; to amend section 9-701, Reissue Revised Statutes of Nebraska; to define and authorize a savings promotion raffle; and to repeal the original section.

**LEGISLATIVE BILL 525.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to state intent; to require application for an amendment or waiver related to the medicaid state plan; to authorize transfers of funds to the University of Nebraska Medical Center; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 526.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water; to amend section 46-294, Reissue Revised Statutes of Nebraska; to change provisions relating to water transfers; and to repeal the original section.

**LEGISLATIVE BILL 527.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 528.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 529.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,112, 76-2,114, 81-15,173, and 81-15,176, Reissue Revised Statutes of Nebraska; to change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust Act; and to repeal the original sections.

**LEGISLATIVE BILL 530.** Introduced by Council, 11.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Credit Privacy Act.

**LEGISLATIVE BILL 531.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to school districts; to amend section 79-1083.01, Reissue Revised Statutes of Nebraska, and section 79-1027, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to budget reserves; to change provisions relating to classroom expenditures; and to repeal the original sections.

**LEGISLATIVE BILL 532.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1301, Reissue Revised Statutes of Nebraska, and section 84-1307, Revised Statutes Cumulative Supplement, 2010; to provide for the potential transfer of certain Department of Labor employees into the state retirement system; and to repeal the original sections.

**LEGISLATIVE BILL 533.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to change provisions relating to the council membership; and to repeal the original section.

**LEGISLATIVE BILL 534.** Introduced by Smith, 14; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to health and human services; to adopt the Phototherapy Practice Act.

**LEGISLATIVE BILL 535.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to insurance; to require a license to sell portable electronics insurance as prescribed; to provide powers and duties for the Director of Insurance; to create fees and penalties; and to provide an operative date.

**LEGISLATIVE BILL 536.** Introduced by Wightman, 36; Ashford, 20.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2352, 30-2354, 76-238, and 76-902, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Real Property Transfer on Death Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 537.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to budget limitations and property tax levy limitations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 538.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska; to change provisions relating to the disposition of firearms; and to repeal the original section.

**LEGISLATIVE BILL 539.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require submission of a state plan amendment or waiver relating to coverage of adult emergency room visits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 540.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Cook, 13; Gloor, 35; Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a waiver relating to coverage for family planning services; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 541.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30.



A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for contracts with third parties to promote the integrity of the medical assistance program and assist cost-containment efforts; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 542.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to require general acute hospitals to offer vaccinations and to require hospital employees to be vaccinated or decline in writing; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 543.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to provide for a state outreach plan relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; to repeal the original section; and to declare an emergency.

### **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:

#### Education Commission of the States

Adams  
Harms  
Howard

#### State-Tribal Relations Committee

Bloomfield  
Brasch  
Coash  
Dubas (VC)  
Larson  
Nordquist  
Price (C)

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

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, January 26, 2011 1:30 p.m.

LB296 (cancel)

Wednesday, January 26, 2011 1:30 p.m.

LB251

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 25, 2011 1:30 p.m.

LB178

LB212

LB241

(Signed) Deb Fischer, Chairperson

Health and Human Services

Room 1510

Wednesday, January 26, 2011 1:30 p.m.

LB36

LB51

LB179

LB274

Thursday, January 27, 2011 1:30 p.m.

LB290

LB260

LB401

(Signed) Kathy Campbell, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 38.** Introduced by Council, 11; Cook, 13.

WHEREAS, Bertha B. Myers was born September 12, 1921, in Omaha, Nebraska, to Archie B. and Sarah Young; and

WHEREAS, Bertha B. Myers was a loving and devoted mother, grandmother, and great-grandmother; and

WHEREAS, Bertha B. Myers graduated from Central High School in Omaha, received a bachelor's degree in music from Northwestern University in Chicago, and received a master's equivalent in counseling and guidance at the University of Nebraska at Omaha; and

WHEREAS, Bertha B. Myers taught music in the Omaha Public Schools and always challenged students to reach their highest potential; and

WHEREAS, Bertha B. Myers became Central High School's first African-American guidance counselor; and

WHEREAS, Bertha B. Myers composed and published the gospel anthem "I Will Lift Up Mine Eyes" in 1960 with Grace Burt Taylor; and

WHEREAS, Bertha B. Myers received many honors, including the Black Heritage Award, the Prince Hall Grand Mason Woman of the Year, and the Bethel Baptist Service Award; and

WHEREAS, Bertha B. Myers was active in numerous volunteer and professional organizations that assisted those in need and advanced the musical arts; and

WHEREAS, Bertha B. Myers was an active member of Zion Baptist Church in Omaha, serving as a church choir pianist, organist, and director for more than fifty years; and

WHEREAS, Bertha B. Myers died on January 7, 2011.

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

1. That the Legislature expresses its deep and sincere appreciation of Bertha B. Myers for her dedication and service to the people of Nebraska, her students, and her community.

2. That the Legislature extends its sympathy and condolences to the family of Bertha B. Myers.

3. That a copy of this resolution be sent to the family of Bertha B. Myers as a token of the high regard the people of Nebraska have for her and her achievements.

Laid over.

**LEGISLATIVE RESOLUTION 39.** Introduced by Council, 11; Ashford, 20; Nordquist, 7; Wightman, 36.

WHEREAS, failure to update our federal immigration system separates Nebraska families, destabilizes Nebraska communities, and creates uncertainty, inefficiency, and an unlevel playing field for Nebraska's businesses and economy; and

WHEREAS, the forced separation of working parents from their children weakens families and damages society; and

WHEREAS, failure to address the system where it can be fixed - at the federal level - has left states searching for solutions in ways that have been costly and divisive.

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

1. That the Legislature recommends the following basic principles as a guide for state and federal policy on immigration:

a. Immigration is a federal policy issue between the United States Government and other countries - not Nebraska and other countries. The Legislature urges the Nebraska Congressional Delegation to take action to create a workable immigration system that upholds our values and moves us forward;

b. The Legislature respects the rule of law and supports law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code;

c. Strong families are the foundation of successful communities. The Legislature opposes policies that unnecessarily separate families. The Legislature champions policies that support families and improve the health, education, and well-being of all Nebraska children;

d. The Legislature acknowledges the important economic role immigrant Nebraskans play as workers, entrepreneurs, and taxpayers; and

e. Immigration is an important part of our past and our future. As in the past, immigrants are integrated into communities across Nebraska. We must adopt a humane approach to this reality, reflecting our values, history, and spirit of inclusion. The way we treat immigrants will say more about us as a society and less about our immigrant neighbors. Nebraska should always be a place that welcomes people of goodwill. Our communities and our future will be best served by doing so.

2. That the Legislature urgently calls upon the Nebraska Congressional Delegation and the United States Congress to enact thorough, commonsense, workable, and humane reforms that reflect the realities of our country's workforce needs and our families and represent America at its best.

3. That a copy of this resolution be delivered to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska Congressional Delegation.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR39 was referred to the Reference Committee.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB37, LB355, and LB369. No objections. So ordered.

**ADJOURNMENT**

At 11:10 a.m., on a motion by Senator Carlson, the Legislature adjourned until 10:00 a.m., Wednesday, January 19, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - JANUARY 19, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 19, 2011

**PRAYER**

The prayer was offered by Senator Dubas.

**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 Senators Hadley and Nelson who were excused; and Senator Christensen who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB303	Nebraska Retirement Systems (rereferred)
LB386	Business and Labor
LB420	Transportation and Telecommunications
LB421	Natural Resources
LB422	Banking, Commerce and Insurance
LB423	Revenue
LB424	Banking, Commerce and Insurance
LB425	Government, Military and Veterans Affairs
LB426	Revenue
LB427	Agriculture
LB428	Revenue
LB429	Revenue
LB430	Revenue
LB431	Health and Human Services
LB432	Revenue

LB433	Health and Human Services
LB434	Banking, Commerce and Insurance
LB435	Banking, Commerce and Insurance
LB436	Revenue
LB437	Urban Affairs
LB438	Urban Affairs
LB439	Revenue
LB440	Education
LB441	Revenue
LB442	Natural Resources
LB443	Government, Military and Veterans Affairs
LB444	Government, Military and Veterans Affairs
LB445	Education
LB446	Education
LB447	Judiciary
LB448	Banking, Commerce and Insurance
LB449	Government, Military and Veterans Affairs
LB450	Appropriations
LB451	Judiciary
LB452	Judiciary
LB453	Banking, Commerce and Insurance
LB454	Banking, Commerce and Insurance
LB455	Banking, Commerce and Insurance
LB456	Health and Human Services
LB457	Revenue
LB458	Natural Resources
LB459	Agriculture
LB460	Judiciary
LB461	Judiciary
LB462	Banking, Commerce and Insurance
LB463	Judiciary
LB464	Appropriations
LB465	Health and Human Services
LB466	Health and Human Services
LB467	Health and Human Services
LB468	Health and Human Services
LB469	Judiciary
LB470	General Affairs
LB471	Urban Affairs
LB472	Business and Labor
LB473	Agriculture
LB474	Nebraska Retirement Systems
LR29CA	Business and Labor
LR30	Executive Board
LR37	Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board



**NOTICE OF COMMITTEE HEARINGS**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 26, 2011 1:30 p.m.

Samuel Seever - State Personnel Board

LB139  
LB150  
LB444  
LB230  
LB266

Thursday, January 27, 2011 1:30 p.m.

LB171  
LB172  
LB218

Friday, January 28, 2011 1:30 p.m.

LB187  
LB188  
LB224  
LB228

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORT**  
Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

Bruce Ramage - Director, Department of Insurance

Aye: 8 Senators Christensen, Gloor, Langemeier, McCoy, Pahls, Pankonin, Pirsch, Utter. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENTS**

The Building Maintenance Committee elected Senator Hansen as Vice Chairperson.

The Intergovernmental Cooperation Committee elected Senator Langemeier as Vice Chairperson.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 15, 16, 17, and 18 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 15, 16, 17, and 18.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 544.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to civics education; and to repeal the original section.

**LEGISLATIVE BILL 545.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to correctional facilities; to amend section 47-702, Reissue Revised Statutes of Nebraska; to establish a copay for medical services as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 546.** Introduced by Gloor, 35; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dubas, 34; Hadley, 37; Hansen, 42; Harms, 48; McCoy, 39; Nelson, 6; Schilz, 47; Schumacher, 22; Smith, 14; Wightman, 36.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the adoption of the International Residential Code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 547.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to community colleges; to provide for a study of state aid to community colleges.

**LEGISLATIVE BILL 548.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to learning communities; to amend sections 32-567, 79-769, 79-2102.01, and 79-2104.01, Reissue Revised Statutes of

Nebraska, and sections 32-546.01, 32-555.01, 32-604, 79-1013, 79-1014, 79-2104, 79-2110, 79-2113, and 79-2118, Revised Statutes Cumulative Supplement, 2010; to change, transfer, and eliminate provisions relating to learning communities; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; to outright repeal section 79-2117, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

**LEGISLATIVE BILL 549.** Introduced by Council, 11.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 59-1608.04, Reissue Revised Statutes of Nebraska; to state intent; to create and provide for the Nebraska Youth Conservation Program; to provide duties for the commission; to provide for rules and regulations and a report; to create a fund; to provide for the transfer of funds; to change provisions relating to the State Settlement Cash Fund; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 550.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-606, Revised Statutes Cumulative Supplement, 2010; to clarify provisions regarding incumbent filing deadlines; and to repeal the original section.

**LEGISLATIVE BILL 551.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend section 12-1106, Reissue Revised Statutes of Nebraska; to change a dollar limitation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 552.** Introduced by Nordquist, 7; McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to prohibit impersonation by electronic means as prescribed; to provide civil and criminal penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 553.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-906, 45-915, 45-919, 45-921, 45-925, and 45-927, Reissue Revised Statutes of Nebraska; to state intent; to prohibit certain acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to change provisions relating to fines; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 554.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 53-123.04 and 53-123.11, Reissue Revised Statutes of Nebraska, and section 37-1201, Revised Statutes Cumulative Supplement, 2010; to prohibit open containers of alcohol in or on a vessel, motorboat, or personal watercraft as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 555.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend sections 81-1369, 81-1371, 81-1372, 81-1373, 81-1375, 81-1378, 81-1379, 81-1381, 81-1382, 81-1383, 81-1384, 81-1385, 81-1386, and 81-1387, Reissue Revised Statutes of Nebraska; to eliminate Special Masters and obsolete provisions; to change procedure and appeal provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1374, 81-1380, 81-1389, and 81-1390, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 556.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to counties; to amend section 22-161.01, Revised Statutes Cumulative Supplement, 2010; to change boundaries of certain counties; to repeal the original section; and to outright repeal section 22-141, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 557.** Introduced by Dubas, 34; Gloor, 35.

A BILL FOR AN ACT relating to surgical technology; to amend sections 71-401 and 71-403, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide requirements for health care facilities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 558.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-769, Reissue Revised Statutes of Nebraska; to change provisions relating to focus schools and focus programs; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 559.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

**LEGISLATIVE BILL 560.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to provide for sales and use tax on services as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 561.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; and to repeal the original section.

**LEGISLATIVE BILL 562.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-109, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to change provisions relating to license and occupation taxes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 563.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 564.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend sections 48-801, 48-808, 48-809, 48-810, 48-811, 48-812, 48-813, 48-816, 48-816.01, 48-817, 48-819.01, 48-825, 81-1369, 81-1371, 81-1373, 81-1382, 81-1383, 81-1385, and 81-1387, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Industrial Relations Act and the State Employee Collective Bargaining Act; to harmonize provisions; to provide an operative date; to provide for severability; to repeal the original sections; and to outright repeal sections 48-811.02, 48-816.02, 48-818, 48-819, 48-823, 48-842, and 81-1390, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 565.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to firearms; to amend sections 28-101 and 28-1201, Revised Statutes Cumulative Supplement, 2010; to require notice of firearm storage by a retailer upon sale and require the secure storage of firearms as prescribed; to provide criminal penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 566.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-1302 and 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to provide for electronic signatures on recall, initiative, and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 567.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to licensee violations; and to repeal the original section.

**LEGISLATIVE BILL 568.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-602, Revised Statutes Cumulative Supplement, 2010; to provide duties relating to benefits for certain state employees as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 569.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to labor; to amend section 4-114, Revised Statutes Cumulative Supplement, 2010; to require employers to e-verify the immigration status of new employees; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 570.** Introduced by Coash, 27; McGill, 26.

A BILL FOR AN ACT relating to cemeteries; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to Wyuka Cemetery; to exempt certain cemetery purchases from sales and use taxes as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 571.** Introduced by Price, 3.

A BILL FOR AN ACT relating to liens; to amend sections 52-2001 and 76-874, Reissue Revised Statutes of Nebraska; to change provisions relating to homeowners' association and condominium association liens; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 572.** Introduced by Price, 3.

A BILL FOR AN ACT relating to learning communities; to limit transfers relating to elementary learning centers as prescribed.

**LEGISLATIVE BILL 573.** Introduced by Price, 3.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 60-6,232 and 81-829.36, Reissue Revised Statutes of Nebraska; to define and authorize the use of amber lights by storm spotters; to provide duties for the Nebraska Emergency Management Agency; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 574.** Introduced by Price, 3.

A BILL FOR AN ACT relating to prescriptions; to amend section 38-2870, Reissue Revised Statutes of Nebraska; to adopt the Electronic Prescription Transmission Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 575.** Introduced by Price, 3.

A BILL FOR AN ACT relating to education; to adopt the Military Children Educational Opportunity Act; and to provide severability.

**LEGISLATIVE BILL 576.** Introduced by Wightman, 36; Flood, 19.

A BILL FOR AN ACT relating to the Nebraska statutes; to amend section 49-707, Reissue Revised Statutes of Nebraska; to create a fund; to change disposition of certain receipts; and to repeal the original section.

**LEGISLATIVE BILL 577.** Introduced by Wightman, 36; Carlson, 38.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-404, Reissue Revised Statutes of Nebraska, and section 3-126, Revised Statutes Cumulative Supplement, 2010; to provide for an application fee for the construction of certain structures; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 578.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to pipelines; to require proof of financial responsibility as prescribed.

**LEGISLATIVE BILL 579.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power; to amend section 70-1025, Reissue Revised Statutes of Nebraska; to change provisions relating to content of a power supply plan as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 580.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to energy; to create the Energy Auditor

Advisory Board; to provide powers and duties; and to create a fund.

**LEGISLATIVE BILL 581.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to certified nurse midwives; to amend sections 38-206, 38-603, 38-611, and 38-613, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to scope of practice, authorized activities, and practice agreements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-608, 38-609, 38-610, and 38-614, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 582.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to students; to adopt the Student Expression Act.

**LEGISLATIVE BILL 583.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

**LEGISLATIVE BILL 584.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Reissue Revised Statutes of Nebraska; to provide for registration of motor vehicles and trailers without payment of fees for persons deployed in the armed forces of the United States and the Nebraska National Guard; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 585.** Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Cook, 13; B. Harr, 8; Smith, 14; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 586.** Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Cook, 13; B. Harr, 8; Smith, 14; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 587.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to compressed natural gas; to amend sections 66-1519, 66-1810, and 66-1825, Reissue Revised Statutes of Nebraska; to provide for a grant program; to provide funding and create a



fund; to change provisions relating to jurisdictional utilities and natural gas public utilities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 588.** Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2512, 48-2521, 48-2522, 48-2525, 48-2526, and 48-2529, Reissue Revised Statutes of Nebraska; to change powers, duties, membership, and rename the committee; to eliminate duties of the commissioner; to change provisions relating to conveyances; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-2509, Reissue Revised Statutes of Nebraska.

### COMMITTEE REPORTS

Transportation and Telecommunications

**LEGISLATIVE BILL 67.** Placed on General File.

**LEGISLATIVE BILL 158.** Placed on General File.

(Signed) Deb Fischer, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Executive Board

Room 2102

Wednesday, January 26, 2011 12:00 p.m.

LB264

LB326

(Signed) John Wightman, Chairperson

Judiciary

Room 1113

Thursday, January 27, 2011 1:30 p.m.

LB129

LB390

LB201

LB202

LB203

(Signed) Brad Ashford, Chairperson

## Revenue

Room 1524

Wednesday, January 26, 2011 1:30 p.m.

LB119 (reschedule)  
LB383

Thursday, January 27, 2011 1:30 p.m.

LB96 (reschedule)  
LB106

Friday, January 28, 2011 1:30 p.m.

LB118 (reschedule)

(Signed) Abbie Cornett, Chairperson

## Natural Resources

Room 1525

Wednesday, January 26, 2011 1:30 p.m.

LB41  
LB421

Thursday, January 27, 2011 1:30 p.m.

Mark McColley - Nebraska Ethanol Board  
Michael Thede - Nebraska Ethanol BoardLB27  
LB31  
LB32  
LB366

Friday, January 28, 2011 1:30 p.m.

LB207  
LB342

(Signed) Chris Langemeier, Chairperson

**ANNOUNCEMENT**

The Legislative Performance Audit Committee elected Senator Harms as Chairperson and Senator Mello as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 589.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to state highways; to amend section 39-1359, Reissue Revised Statutes of Nebraska; to allow for encroachments on the state highway system for special events held by counties, cities, or villages as prescribed; to provide a duty for the Department of Roads; and to repeal the original section.

**LEGISLATIVE BILL 590.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to tobacco; to amend sections 59-1520, 59-1523, 69-502, 69-2702, 69-2703, 69-2705, 69-2706, 69-2708, 69-2709, 69-2710, 69-2711, 77-2601, 77-2603, 77-2604, 77-2605, 77-2607, 77-2608, 77-2610, 77-2612, 77-2613, 77-2614, 77-2615, 77-2615.01, 77-2620, and 77-2622, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to cigarette taxation; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-178, 38-182, 71-448, 71-529, 71-539, 71-540, 71-541, 71-542, 71-543, and 71-544, Reissue Revised Statutes of Nebraska; to provide for syndromic surveillance reporting by health care providers as prescribed; to require the Department of Health and Human Services to develop a syndromic surveillance program; to provide grounds for discipline of credentials for failure to report; to change provisions relating to the exchange of immunization information; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 592.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Commodity Industry Development Act; and to provide a penalty.

**LEGISLATIVE BILL 593.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to safety inspections; to amend sections 48-720, 48-721, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-730, 48-731, 48-732, 48-736, and 48-743, Reissue Revised Statutes of Nebraska;

to change and eliminate provisions of the Boiler Inspection Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-733, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 594.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to safety inspections; to amend sections 48-1802, 48-1803, 48-1805, 48-1811, 48-1812, 48-2501, 48-2502, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2518, 48-2519, 48-2533, 81-401, and 81-405, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Amusement Ride Act, and the Conveyance Safety Act; to eliminate a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 595.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water resources; to amend section 2-3226.04, Reissue Revised Statutes of Nebraska, and sections 2-3225, 2-3226.05, 2-3226.08, and 2-3226.09, Revised Statutes Cumulative Supplement, 2010; to adopt the Water Resources Revolving Loan Fund Act; to change provisions relating to use of property tax and occupation tax proceeds and river-flow enhancement bond proceeds as prescribed; to provide duties for natural resources districts; to provide for transfers of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 596.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska; to provide for standing for certain parties with respect to proceedings affecting integrated management plans as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 597.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to counties; to amend sections 22-417, 23-114.04, 23-1901.01, 32-211, 32-218, 32-520, 32-521, and 39-1506, Reissue Revised Statutes of Nebraska; to require consolidation of certain county offices in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 598.** Introduced by Fulton, 29; Campbell, 25.

A BILL FOR AN ACT relating to foster care; to amend section 43-1312, Reissue Revised Statutes of Nebraska; to change the timing for certain permanency hearings; and to repeal the original section.

**LEGISLATIVE BILL 599.** Introduced by Campbell, 25; Ashford, 20; Nordquist, 7.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-915, Reissue Revised Statutes of Nebraska, and sections 4-110 and 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for coverage for certain children as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 600.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to health care facilities; to adopt the Nursing Facility Quality Assurance Assessment Act; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 601.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to child care reimbursement rates; and to repeal the original section.

**LEGISLATIVE BILL 602.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-909, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services; and to repeal the original section.

**LEGISLATIVE BILL 603.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt fees and admissions charged by student organizations at institutions of higher education from sales taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 604.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the state government; to adopt the Private Attorney Retention Sunshine Act; and to provide severability.

**LEGISLATIVE BILL 605.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-944, 32-945, 32-947, 32-952, 32-953, 32-1001, 32-1027, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-816, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010; to provide for voter registration on election day as prescribed; to change provisions relating to voter registration and voting; to require presentation of identification to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 606.** Introduced by Avery, 28; Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1403, 49-1467, and 49-1469, Reissue Revised Statutes of Nebraska; to define a term; to require reporting regarding electioneering communication; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 607.** Introduced by Avery, 28; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to state intent; to provide duties for the Department of Health and Human Services and the Tax Commissioner regarding children's eligibility for medicaid and the state children's medical assistance program.

**LEGISLATIVE BILL 608.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to economic development; to amend sections 13-2701, 13-2702, 13-2707, 13-2708, 13-2709, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-2704, 13-2705, 13-2706, and 77-5726, Revised Statutes Cumulative Supplement, 2010; to adopt the Local Innovation Economic Development Act; to create a grant program relating to refunds of local option sales taxes; to create a fund; to change the distribution of funds under the Convention Center Facility Financing Assistance Act; to expand the purposes of the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 609.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to correctional facilities; to amend section 83-183.01, Reissue Revised Statutes of Nebraska, and section 83-184, Revised Statutes Cumulative Supplement, 2010; to adopt the Correctional Facility Reimbursement Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 610.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to recall; to amend sections 32-628, 32-1205, 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1308, and 32-1309, Reissue Revised Statutes of Nebraska; to provide for recall of an official elected or appointed to a state elective office; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 611.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Legislature; to provide for a biennial review of state agency programs and services by legislative committees.

**LEGISLATIVE BILL 612.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to civil procedure; to increase the statute of limitations for plaintiffs suffering injury from sexual assault as a child; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 613.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to liens; to amend sections 52-2001 and 76-874, Reissue Revised Statutes of Nebraska; to change certain lien provisions relating to homeowners' associations and condominiums; and to repeal the original sections.

**LEGISLATIVE BILL 614.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to liens; to amend section 76-874, Reissue Revised Statutes of Nebraska; to adopt the Homeowners' Association Lien Act; to change and eliminate provisions relating to homeowners' association condominium association liens; to repeal the original section; to outright repeal section 52-2001, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**NOTICE OF COMMITTEE HEARING**  
Nebraska Retirement Systems

Room 1525

Thursday, January 27, 2011 12:10 p.m.

LB474  
LB303

(Signed) Jeremy Nordquist, Chairperson

**SENATOR LANGEMEIER PRESIDING****BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 615.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2101, Reissue Revised Statutes of Nebraska, and sections 79-2,104, 79-528, 79-2104, 79-2104.02, 79-2110, and 79-2118, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to student records, reporting, and diversity plans; to redefine a term; to change powers and duties of learning community coordinating councils; to provide for memoranda of understanding with the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 616.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Department of Administrative Services; to require the department to submit a report to the Legislature regarding the potential for privatization of the management of the state's real property; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 617.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 84-901, 84-905.01, 84-906.01, 84-907, 84-907.04, 84-907.06, 84-908, and 84-920, Reissue Revised Statutes of Nebraska; to define a term; to create a legislative committee and provide duties as prescribed; to change and eliminate provisions relating to review of proposed rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 84-907.07 and 84-907.10, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 618.** Introduced by B. Harr, 8; Bloomfield, 17; Council, 11; Gloor, 35; Smith, 14.



A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2010; to authorize possession of firearms as prescribed for school or school event security; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-811.02, 48-816, 79-852, and 79-2116, Reissue Revised Statutes of Nebraska, and section 79-1028.01, Revised Statutes Cumulative Supplement, 2010; to remove school districts, learning communities, and educational service units from the provisions of the act; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1028, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 620.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715, 77-2715.01, 77-2715.07, 77-2716.01, 77-2717, 77-2727, 77-2734.02, and 77-3804, Reissue Revised Statutes of Nebraska, and section 77-2734.01, Revised Statutes Cumulative Supplement, 2010; to change income tax rates and calculations, exemptions, and deductions; to eliminate tax credits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2715.02 and 77-2716.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 621.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; and to declare an emergency.

**LEGISLATIVE BILL 622.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to seized firearms; to amend section 29-820, Reissue Revised Statutes of Nebraska, and section 28-1204.04, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the confiscation and destruction of firearms as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 623.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-811, 48-816, and 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of filing a petition, commission powers, and determination of wages and conditions of employment; and to repeal the original sections.

**LEGISLATIVE BILL 624.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1373, Reissue Revised Statutes of Nebraska; to change bargaining unit provisions; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.03 and 60-6,197.06, Reissue Revised Statutes of Nebraska; to change and eliminate certain penalties relating to driving under the influence; to provide a penalty for driving under the influence with a child in the motor vehicle; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,197.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 626.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to recycling; to amend section 81-1504.01, Reissue Revised Statutes of Nebraska, and sections 13-2039 and 81-15,160, Revised Statutes Cumulative Supplement, 2010; to adopt the Electronics Recycling and Job Creation Act; to prohibit landfill disposal of certain electronic devices as prescribed; to provide for reports and for grants from the Waste Reduction and Recycling Incentive Fund; to provide duties for the Director of Environmental Quality; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 627.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2734.03, 81-1558, and 81-1561, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative Supplement, 2010; to adopt the Remanufacturing and Job Creation Act; to provide an income tax credit for recycled or composted materials; to provide a termination date; to provide funding; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to personal property; to provide that the governing body of certain political subdivisions may make a donation of a motor vehicle as prescribed.

**LEGISLATIVE BILL 629.** Introduced by Sullivan, 41; Dubas, 34; K. Haar, 21.

A BILL FOR AN ACT relating to pipelines; to adopt the Hazardous Liquid

Pipeline Reclamation and Recovery Act; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 630.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to applied behavior analysis; to amend sections 38-186 and 38-3101, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2010; to adopt the Applied Behavior Analysis Practice Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 631.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend sections 32-938 and 32-941, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-808, Revised Statutes Cumulative Supplement, 2010; to provide for a permanent early voting request list; to provide powers and duties; to change provisions relating to early voting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 632.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2010; to provide for an adjustment to income for certain depreciation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 633.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain tax levies and certain bonds; to authorize refunding bonds as prescribed; and to repeal the original section.

## **PRESIDENT SHEEHY PRESIDING**

**LEGISLATIVE BILL 634.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to tax levy authority as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 635.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-703, 79-757, and 79-2104.01, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Cumulative Supplement, 2010; to change duties of the State Board of Education; to provide for performance measures and priority schools pursuant to the Quality Education Accountability Act; to

harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 636.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2101, Reissue Revised Statutes of Nebraska, and sections 79-2,104, 79-528, 79-2104, 79-2104.02, 79-2110, and 79-2118, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to student records, reporting, and diversity plans; to redefine a term; to change powers and duties of learning community coordinating councils; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 637.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Coordinating Commission for Postsecondary Education; to amend sections 77-2704.12, 85-1604, 85-1620, and 85-1643, Reissue Revised Statutes of Nebraska, and section 85-1412, Revised Statutes Cumulative Supplement, 2010; to adopt the Postsecondary Institution Act; to eliminate and replace provisions and penalties relating to the authorization of out-of-state institutions of higher education and private colleges; to add and eliminate duties for the commission; to change provisions relating to the Private Postsecondary Career School Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-1101, 85-1102, 85-1103, 85-1103.01, 85-1103.02, 85-1104, 85-1105, 85-1106, 85-1107, 85-1108, 85-1109, 85-1110, 85-1110.01, and 85-1111, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 638.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to public records; to provide requirements and restrictions for access and use of county records.

**LEGISLATIVE BILL 639.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-112, 21-118, 21-142, and 21-2654, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to articles of organization and charging orders; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 640.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-1023, Reissue Revised Statutes of Nebraska; to state findings and intent; to clarify that a city and its firefighters may engage in retirement benefit negotiations; and to repeal the original section.

**LEGISLATIVE BILL 641.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-134 and 53-197, Reissue Revised Statutes of Nebraska; to provide for reporting of offenses to the commission by law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2010; to authorize the Department of Revenue to enter into certain contracts for products and services; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 643.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to provide additional records that may be withheld; and to repeal the original section.

**LEGISLATIVE BILL 644.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to attorneys; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change requirements for licensure; to provide for a fee; and to repeal the original section.

**LEGISLATIVE BILL 645.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water; to require inclusion of established surface water use and established ground water use in certain agreements between a natural resources district and the Department of Natural Resources as prescribed.

**LEGISLATIVE BILL 646.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 38-1207, 48-101.01, and 71-8215, Reissue Revised Statutes of Nebraska; to redefine terms; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 647.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to courts; to provide that the use of a foreign law, legal code, or system in decisions renders such decisions void and unenforceable if the law, legal code, or system violates the fundamental liberties, rights, and privileges of the State of Nebraska.

**LEGISLATIVE BILL 648.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Reissue Revised Statutes of Nebraska; to change review and hearing notice and right to participate provisions; and to repeal the original section.

**LEGISLATIVE BILL 649.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to courts; to require legislative recommendations for guardians ad litem for children and youth.

**LEGISLATIVE BILL 650.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to foster care; to amend section 71-1902, Reissue Revised Statutes of Nebraska; to require a statement of rights and responsibilities for those providing foster care; and to repeal the original section.

**LEGISLATIVE BILL 651.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to foster care; to amend section 43-1318, Reissue Revised Statutes of Nebraska; to authorize a program audit and survey of the foster care system; and to repeal the original section.

**LEGISLATIVE BILL 652.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to penalties for theft; and to repeal the original section.

**LEGISLATIVE BILL 653.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 46-288, Reissue Revised Statutes of Nebraska; to provide for interbasin water transfers without a permit as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 654.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-620, 32-714, and 32-813, Reissue Revised Statutes of Nebraska; to provide filing requirements for candidates for President and Vice President of the United States; to provide powers and duties for the Secretary of State; to prohibit certain acts by presidential electors; to provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-712, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 655.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to an occupation tax; and to repeal the original section.

**LEGISLATIVE BILL 656.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 657.** Introduced by Janssen, 15; Karpisek, 32.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change and eliminate student residency provisions; to provide for applicability and intent; and to repeal the original section.

**LEGISLATIVE BILL 658.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to handguns; to amend section 69-2404, Reissue Revised Statutes of Nebraska; to change the fee for obtaining a handgun certificate; and to repeal the original section.

**LEGISLATIVE BILL 659.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-6,196, Reissue Revised Statutes of Nebraska; to prohibit driving with certain controlled substances in bodily fluids; to provide an affirmative defense; and to repeal the original section.

**LEGISLATIVE BILL 660.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Reissue Revised Statutes of Nebraska; to create an offense for providing a bodily fluid sample containing a controlled substance; to provide penalties; to provide an absolute affirmative defense; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 661.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,104.01, Reissue Revised Statutes of Nebraska; to change the fee for specialty license plates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 662.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for a demonstration program regarding bundled payments; to provide duties for the Department of Health and Human Services; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 663.** Introduced by Nordquist, 7; Cook, 13; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to provide for elimination of asset testing relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 664.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to labor; to amend sections 23-2518.01, 25-2618, 49-506, 49-617, 79-1028, 79-2116, 81-8,303, 81-1108, 81-1307.01, 81-1307.02, 81-1316, 81-1317, 81-1346, 81-1348, 84-901, 84-1603, and 85-1411, Reissue Revised Statutes of Nebraska, and sections 11-201, 13-520, 77-3442, 79-1028.01, Revised Statutes Cumulative Supplement, 2010; to repeal the Industrial Relations Act and the State Employees Collective Bargaining Act; to prohibit public employers and employees from collective bargaining and from strikes, slowdown, or other work stoppage; to provide a penalty; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-801, 48-801.01, 48-802, 48-803, 48-804, 48-804.01, 48-804.02, 48-804.03, 48-805, 48-806, 48-807, 48-808, 48-809, 48-810, 48-810.01, 48-811, 48-811.01, 48-811.02, 48-812, 48-813, 48-814, 48-815, 48-816, 48-816.01, 48-816.02, 48-817, 48-818, 48-819, 48-819.01, 48-821, 48-822, 48-823, 48-824, 48-825, 48-837, 48-838, 48-842, 79-852, 81-1317.01, 81-1369, 81-1370, 81-1371, 81-1372, 81-1373, 81-1374, 81-1375, 81-1376, 81-1377, 81-1378, 81-1379, 81-1380, 81-1381, 81-1382, 81-1383, 81-1384, 81-1385, 81-1386, 81-1387, 81-1388, 81-1389, 81-1390, and 85-1,119, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 665.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to criminal child enticement and to define a term; and to repeal the original section.

**LEGISLATIVE BILL 666.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to Local, Civic, Cultural, and Convention Center Act; to amend section 13-2702, Reissue Revised Statutes of Nebraska, and section 13-2704, Revised Statutes Cumulative Supplement, 2010; to provide funding for economic development; and to repeal the



original sections.

**LEGISLATIVE BILL 667.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to alcohol; to amend sections 28-306, 29-215, 37-1238.01, 37-1254.01, 37-1254.02, 37-1254.03, 37-1254.05, 37-1254.07, 37-1254.08, 37-1295, 53-180, 53-180.05, 60-498, 60-4,110, 60-4,118.06, 60-4,129, 60-4,164, 60-4,182, 60-601, 60-6,196, 60-6,197, 60-6,197.02, 60-6,197.03, 60-6,197.09, 60-6,198, 60-6,211.04, 60-6,211.05, 84-205, and 84-913.03, Reissue Revised Statutes of Nebraska, and sections 28-101, 29-901, 29-2259.01, and 37-1201, Revised Statutes Cumulative Supplement, 2010; to prohibit transportation of a minor by an intoxicated driver; to change and eliminate penalties and the determination of penalties relating to motor vehicle homicide and operating a motor vehicle under the influence; to change provisions relating to blood and breath alcohol content testing; to require operator's license impoundment as a condition of bail as prescribed; to change ignition interlock provisions; to change provisions relating to enforcement of the State Boat Act and operating a boat, personal watercraft, or motor vehicle under the influence; to change provisions and a penalty relating to the crime and penalty of procuring alcohol for a minor or a mentally incompetent person; to eliminate administrative license revocation; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-498.01, 60-498.02, 60-498.03, 60-498.04, and 60-6,197.05, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 668.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-456.01, Revised Statutes Cumulative Supplement, 2010; to change penalties relating to the purchase, receipt, or acquisition of pseudoephedrine or phenylpropanolamine; and to repeal the original section.

**LEGISLATIVE BILL 669.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to sealing of records; and to repeal the original sections.

**LEGISLATIVE BILL 670.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2262.06 and 43-286, Reissue Revised Statutes of Nebraska; to authorize court-ordered conditions relating to dispositions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to sex offenders; to amend sections

25-21,271, 29-4004, and 29-4006, Revised Statutes Cumulative Supplement, 2010; to prohibit a sex offender from changing his or her name; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 672.** Introduced by Flood, 19.

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

**LEGISLATIVE BILL 673.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to family law; to amend sections 42-371, 43-2920, 43-2922, and 43-2929, Reissue Revised Statutes of Nebraska; to change provisions relating to release of judgment and subordination of support order liens; to provide intent and procedures for child custody, child support, parenting time, and visitation proceedings involving a military parent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 674.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to labor and employment; to prohibit or restrict certain electronic monitoring by employers; and to provide for fines.

**LEGISLATIVE BILL 675.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-106, 28-401.01, 60-498.02, 60-4,129, 60-601, 60-697, 60-698, 60-6,197.02, 60-6,197.03, and 60-6,198, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to change penalties for Class W misdemeanors; to prohibit having controlled substances in bodily fluids; to provide penalties; to provide affirmative defenses; to change provisions relating to the duty to stop in the event of an accident and driving under the influence of alcohol or drugs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 676.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-919, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency protective custody; and to repeal the original section.

**LEGISLATIVE BILL 677.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310, Reissue Revised Statutes of Nebraska, and sections 28-308 and 28-309, Revised Statutes Cumulative Supplement, 2010; to provide

penalties for assault on a health care provider as prescribed; to define a term; to provide for signs; and to repeal the original sections.

**LEGISLATIVE BILL 678.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to prohibit certain acts or practices having the effect of discrimination because of race, creed, national origin, or religion; and to repeal the original section.

**LEGISLATIVE BILL 679.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-721, 24-732, 29-2709, 33-103, 33-103.01, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.06, 48-155.01, 81-2014, 84-1301, 84-1309, 84-1320, 84-1325, 84-1333, and 84-1501, Reissue Revised Statutes of Nebraska, and sections 25-2804, 84-1317, and 84-1331, Revised Statutes Cumulative Supplement, 2010; to provide for new judges and members of the Nebraska State Patrol to become members of the State Employees Retirement Act; to redefine terms; to provide for a fee, retirement age options and requirements for members of the Nebraska State Patrol, and the filling of judicial vacancies; to eliminate obsolete language; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 680.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 42-1102, 79-408, 79-979, 79-2116, 84-1301, 84-1501, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 4-108, 68-621, 79-902, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2010; to adopt the School Employees Cash Balance Retirement Act; to limit the application of the School Employees Retirement Act as prescribed; to create funds; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 681.** Introduced by Karpisek, 32; Larson, 40; McGill, 26.

A BILL FOR AN ACT relating to gambling; to amend section 9-648, Reissue Revised Statutes of Nebraska, and section 9-1,101, Revised Statutes Cumulative Supplement, 2010; to create a fund; to change the distribution of taxes on lotteries as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Mello, 5; Ashford, 20; Cook, 13; Council, 11; Krist, 10; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to public utilities; to adopt the Major Gas,

Water, and Sewer Infrastructure Improvement and Replacement Assistance Act; and to create a fund.

**LEGISLATIVE BILL 683.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to storm water management; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Storm Water Management Commission; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 684.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.13, Reissue Revised Statutes of Nebraska; to change provisions relating to an advisory committee for travel and tourism; and to repeal the original section.

**LEGISLATIVE BILL 685.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1255 and 81-1258, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds and the members of committees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 686.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend section 38-3321, Revised Statutes Cumulative Supplement, 2010; to provide an exception for transplantation of bovine embryos; and to repeal the original section.

**LEGISLATIVE BILL 687.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Reissue Revised Statutes of Nebraska, and section 38-3301, Revised Statutes Cumulative Supplement, 2010; to provide for issuance of a veterinarian locum tenens; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 688.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to retirement; to require certain law enforcement officers and firefighters to work until the age of fifty-five in order to receive full retirement benefits; to prohibit elective officers from participating in a pension or retirement plan as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 689.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide an affirmative defense and for treatment of victims; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 690.** Introduced by Brasch, 16; Bloomfield, 17; Carlson, 38; Christensen, 44; Fulton, 29; Hansen, 42; Heidemann, 1; Janssen, 15; Krist, 10; Langemeier, 23; Larson, 40; Lautenbaugh, 18; McCoy, 39; Schilz, 47; Schumacher, 22; Smith, 14; Wallman, 30.

A BILL FOR AN ACT relating to abortion; to amend sections 71-6901, 71-6902, 71-6903, 71-6904, 71-6905, 71-6906, 71-6907, and 71-6908, Reissue Revised Statutes of Nebraska, and section 38-2021, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to consent and parental notification; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 691.** Introduced by Brasch, 16; Bloomfield, 17; Carlson, 38; Hansen, 42; Schilz, 47.

A BILL FOR AN ACT relating to state government; to provide requirements relating to purchasing biobased products.

**LEGISLATIVE BILL 692.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1174, Revised Statutes Cumulative Supplement, 2010; to change requirements for the reimbursement of expenses as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 693.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act; and to provide an operative date.

**LEGISLATIVE BILL 694.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain medical evidence; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 695.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

**LEGISLATIVE BILL 696.** Introduced by Nordquist, 7; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Cumulative Supplement, 2010; to state intent; to change provisions and provide duties for the Department of Health and Human Services relating to redeterminations of children's eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 697.** Introduced by Coash, 27; Fulton, 29; Langemeier, 23.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-615 and 37-618, Reissue Revised Statutes of Nebraska; to provide for a hearing regarding privileges and permits suspended or revoked in other jurisdictions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 698.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-1214 and 89-186, Reissue Revised Statutes of Nebraska; to eliminate labeling requirements for alcohol-blended fuel; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 40CA.** Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 25 to Article XV:

XV-25 Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to preserve the right to fish, trap, and hunt subject to reasonable restrictions as prescribed by law.

For

Against.

**LEGISLATIVE RESOLUTION 41.** Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Coash, 27; Conrad, 46; Cook, 13; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Pankonin, 2; Pirsch, 4; Schilz, 47; Schumacher, 22; Sullivan, 41; Wallman, 30; Wightman, 36.

WHEREAS, Theodore "Ted" C. Sorensen, a Nebraska native, a graduate of Lincoln High School, and an alumnus of the University of Nebraska and the University of Nebraska College of Law, died October 31, 2010, at the age of eighty-two; and

WHEREAS, Ted Sorensen was born to a family dedicated to public service, with his father, Christian Sorensen, serving as Nebraska's Attorney General from 1929-1933 and his brother, Philip Sorensen, serving as Nebraska's Lieutenant Governor from 1965-1967; and

WHEREAS, Ted Sorensen took great pride in his Nebraska roots and was a dedicated supporter of the University of Nebraska; and

WHEREAS, as a young lawyer, Ted Sorensen left Nebraska for Washington, D.C., and was hired by John F. Kennedy, the newly elected United States Senator from Massachusetts; and

WHEREAS, Ted Sorensen became a trusted advisor, speechwriter, counselor, confidante, and friend to President John F. Kennedy; and

WHEREAS, Ted Sorensen helped lead this country as an advisor in both domestic and foreign policy to President Kennedy's administration during defining moments in our nation's history; and

WHEREAS, Ted Sorensen was a brilliant and accomplished author whose words helped to inspire a generation through President Kennedy's speeches and also captured history through his integral role in the composition of President Kennedy's Pulitzer Prize-winning Profiles in Courage, as well as Sorensen's own works, including the biography Kennedy and his memoir, Counselor: A Life at the Edge of History; and

WHEREAS, Ted Sorensen was awarded a National Humanities Medal in 2009 for advancing the understanding of modern politics; and

WHEREAS, Ted Sorensen was an accomplished lawyer and a Democratic political strategist whose legacy will be the power of his words and the people they inspired; and

WHEREAS, Ted Sorensen is survived by his wife, Gillian, his daughter, Juliet, and his sons, Eric, Stephen, and Philip.

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

1. That the Legislature honors the memory of Theodore "Ted" C. Sorensen and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Ted Sorensen.

3. That a copy of this resolution be sent to the family of Ted Sorensen.

Laid over.

**LEGISLATIVE RESOLUTION 42.** Introduced by Utter, 33.

WHEREAS, Tanar Fairchild has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tanar has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Tanar installed a new piece of playground equipment at Juniata Elementary School; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tanar, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tanar Fairchild on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Tanar Fairchild.

Laid over.

**LEGISLATIVE RESOLUTION 43.** Introduced by Utter, 33.

WHEREAS, the Hastings St. Cecilia Bluehawks won the 2010 Class C-2 State Football Championship, the school's second consecutive state championship in football; and

WHEREAS, the Bluehawks' victory marked the first time in school history that a team won back-to-back state championships in football; and

WHEREAS, the Bluehawks finished their season with a perfect record of 13-0; 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, FIRST SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia Bluehawks on winning the 2010 Class C-2 State Football Championship.



2. That a copy of this resolution be sent to the Hastings St. Cecilia Bluehawks and their coach, Carl Tesmer.

Laid over.

**LEGISLATIVE RESOLUTION 44CA.** Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 6 and 10:

III-6 The Legislature shall consist of not more than fifty members and not less than thirty members. ~~The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.~~

III-10 ~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held ~~annually, in odd-numbered years~~ commencing at 10 a.m. on the first Wednesday ~~after the first Monday in January of each year.~~ February. The terms of the members of the Legislature shall commence on the first day of the regular session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ninety legislative days ~~in odd-numbered years unless extended by a vote of four-fifths of all members elected to of the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to of~~ the Legislature shall constitute a quorum. ~~The ; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall and~~ choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be is~~ absent, incapacitated, or ~~shall act acting~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to of~~ the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be is~~ guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for regular sessions of the Legislature only in odd-numbered years, to change the date on which regular sessions will commence, to change the date on which the terms of members will commence, and to change the date on which the terms of certain members will terminate.

For

Against.

**LEGISLATIVE RESOLUTION 45CA.** Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 12 to Article XVII:

XVII-12 (1) For purposes of this section, state elective office means the office of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, member of the Legislature, and member of a board or commission established by this Constitution with one or more election districts of more than one county.

(2) Any official elected or appointed to a state elective office may be recalled from office at any time through the procedure and in the manner provided for by law. The procedure shall be known as recall and shall be in addition to any other method of removal from office provided by this Constitution.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for recall of holders of state elective office as prescribed by law.

For

Against.

**LEGISLATIVE RESOLUTION 46CA.** Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 13:

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature and the yeas and nays on the question of final passage of any bill shall be entered upon the journal, except that any bill that imposes a tax or license fee or increases the rate of a tax or the

amount of a license fee shall require a two-thirds vote of all the members elected to the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require a two-thirds vote of the Legislature to approve any bill that imposes or increases a tax or license fee.

For

Against.

**LEGISLATIVE RESOLUTION 47.** Introduced by Lathrop, 12; Coash, 27; Harms, 48; Karpisek, 32.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature, and the One Hundred First Legislature, First Session, 2009, adopted Legislative Resolution 11 to reauthorize the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report; and

WHEREAS, the committee issued a report of its findings and recommendations on December 15, 2008. Among other findings, the committee concluded that the state was likely to lose its federal medicaid funding for the Beatrice State Developmental Center, that various improvements needed to be made to the community-based programs, and that the developmental disability waiting list included 1,865 families who, absent some change in direction by the State of Nebraska, would remain on the waiting list indefinitely. The committee also made various recommendations for improvement of services to the developmentally disabled in the State of Nebraska. Those recommendations related not only to improvements at the Beatrice State Developmental Center but also to community-based programs as well as the provision of services to the developmentally disabled individuals who would otherwise sit indefinitely on the state's waiting lists. To ensure that the recommendations of the committee would be implemented, the committee recommended that the Legislature continue oversight of these issues: "The LR 283 Committee should be reauthorized at the beginning of the next legislative session. This investigative committee should work with the Health and Human Services Committee to ensure that the terms of the DOJ Consent Decree as well as the recommendations herein are implemented in a timely fashion."

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the special committee of the Legislature known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee with consideration being given to reappointing the current chairperson and vice-chairperson. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services. The committee shall also provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

4. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Second Legislature, Second Session.

Laid over.

**LEGISLATIVE RESOLUTION 48.** Introduced by Flood, 19.

WHEREAS, the Lutheran High Northeast Eagles won the 2010 Class C-2 State Volleyball Championship; and

WHEREAS, the Eagles' victory was the school's first state championship in any sport and the first state championship in volleyball by any Norfolk school; and

WHEREAS, Head Coach Kathy Gebhardt, Assistant Coach Carey Portwood, and Assistant Coach Nancy Boche did a tremendous job of guiding the Eagles to the state championship; and

WHEREAS, the Eagles were led to the state championship by the following team members: AnneMarie Becker; Karissa Blank; Shelby Boche; Kelsey Dinkel; Kendra Dinkel; Elizabeth Gebhardt; Megan Gebhardt; Katrina Hughes; Jessica Masters; Alesha Rosberg; Amber Rosberg; Paige Sunderman; Mandi Uecker; Mallory Weaver; Becky Wessel; and Jill Winkelbauer.

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

1. That the Legislature congratulates the Lutheran High Northeast Eagles on winning the 2010 Class C-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Lutheran High Northeast Eagles and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 49.** Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic Knights won the 2010 Class C-1 State Football Championship; and

WHEREAS, the Knights finished the season undefeated at 13-0; 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, FIRST SESSION:

1. That the Legislature congratulates the Norfolk Catholic Knights on winning the 2010 Class C-1 State Football Championship.

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

Laid over.

**LEGISLATIVE RESOLUTION 50.** Introduced by Harms, 48; Louden, 49.

WHEREAS, the Western Nebraska Community College volleyball team won the 2010 National Junior College Athletic Association Division I Volleyball Championship; and

WHEREAS, the Western Nebraska Community College volleyball team has won the national championship two times in the last four years; and

WHEREAS, the Western Nebraska Community College volleyball team finished their outstanding season with a record of 43-4.

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

1. That the Legislature congratulates the Western Nebraska Community College volleyball team on winning the 2010 National Junior College Athletic Association Division I Volleyball Championship.

2. That a copy of this resolution be sent to the Western Nebraska Community College volleyball team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 51CA.** Introduced by Heidemann, 1.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) ~~Forty-four and one-half~~ Twenty-two and one-fourth percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be

~~transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act; Water Resources Cash Fund;~~

(iii) Twenty-two and one-fourth percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Board of Regents of the University of Nebraska for the Nebraska Innovation Campus through 2038 and shall be transferred to the General Fund beginning in 2039;

~~(iii)-(iv) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;~~

~~(iv)-(v) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and~~

~~(v)-(vi) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.~~

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the distribution of state lottery revenue, to provide funding for the Water Resources Cash Fund and the Nebraska Innovation Campus, and to eliminate funding for the Nebraska Environmental Trust Fund.

For

Against.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 18.** Placed on General File.

**LEGISLATIVE BILL 59.** Placed on General File.

(Signed) Greg Adams, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 135.** Placed on General File.

**LEGISLATIVE BILL 170.** Placed on General File.

(Signed) Deb Fischer, Chairperson

**VISITORS**

Visitors to the Chamber were Ilene Grossman and Tim Anderson from the Council of State Governments; and Senator Carlson's wife, Margo Carlson, from Holdrege, Jan Stuckey from Plattsmouth, and Ann Havekost from Lincoln.

The Doctor of the Day was Dr. John Lohrberg from Waterloo.

**ADJOURNMENT**

At 12:22 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:45 a.m., Thursday, January 20, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**ELEVENTH DAY - JANUARY 20, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 20, 2011

**PRAYER**

The prayer was offered by Pastor Stephen Floyd, Church of the Nazarene, Falls City.

**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 Senators Hadley, Heidemann, and Krist who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB475	Judiciary
LB476	Judiciary
LB477	Transportation and Telecommunications
LB478	Banking, Commerce and Insurance
LB479	Judiciary
LB480	Government, Military and Veterans Affairs
LB481	Health and Human Services
LB482	Business and Labor
LB483	Revenue
LB484	Transportation and Telecommunications
LB485	Appropriations
LB486	Nebraska Retirement Systems
LB487	Natural Resources
LB488	Judiciary
LB489	Revenue

LB490	General Affairs
LB491	Appropriations
LB492	Appropriations
LB493	Banking, Commerce and Insurance
LB494	Health and Human Services
LB495	Transportation and Telecommunications
LB496	Appropriations
LB497	Appropriations
LB498	Natural Resources
LB499	Government, Military and Veterans Affairs
LB500	Transportation and Telecommunications
LB501	Government, Military and Veterans Affairs
LB502	Business and Labor
LB503	Government, Military and Veterans Affairs
LB504	Revenue
LB505	Revenue
LB506	Business and Labor
LB507	Health and Human Services
LB508	Judiciary
LB509	Nebraska Retirement Systems
LB510	Nebraska Retirement Systems
LB511	General Affairs
LB512	Judiciary
LB513	Judiciary
LB514	Banking, Commerce and Insurance
LB515	Judiciary
LB516	Judiciary
LB517	Business and Labor
LB518	Judiciary
LB519	Revenue
LB520	Education
LB521	Judiciary
LB522	Education
LB523	Government, Military and Veterans Affairs
LB524	General Affairs
LB525	Health and Human Services
LB526	Natural Resources
LB527	Revenue
LB528	Revenue
LB529	Natural Resources
LB530	Business and Labor
LB531	Education
LB532	Nebraska Retirement Systems
LB533	Natural Resources
LB534	Health and Human Services
LB535	Banking, Commerce and Insurance
LB536	Judiciary
LB537	Revenue
LB538	Judiciary

LB539 Health and Human Services  
LB540 Health and Human Services  
LB541 Health and Human Services  
LB542 Health and Human Services  
LB543 Health and Human Services  
LR39 Judiciary

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Friday, January 28, 2011 1:30 p.m.

LR37  
LB92  
LB95

(Signed) Kathy Campbell, Chairperson

**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:

Legislature's Planning Committee

Cook  
Gloor  
Harms  
Mello  
Schumacher  
Sullivan  
Heidemann  
Flood  
Wightman

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

**MOTION - Escort Chief Justice**

Senator Gloor moved that a committee of five be appointed to escort the Chief Justice 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, Council, Nelson, 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 the Speaker 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 discuss the Court's future. But first I will introduce my fellow Justices of the Supreme Court.

To my immediate left is Justice William Connolly of Hastings. To Justice Connolly's left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha.

To my immediate right is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Mike McCormack of Omaha.

Justice John Wright of Scottsbluff is not able to be with us today.

This morning I will talk to you about how the courts serve both the elderly and the young. I will also talk about our technology initiatives, long-range strategic planning, and the Court's resources and budget.

The Courts have a constitutional mandate to provide access to justice for all of Nebraska's citizens. Of special concern are the needs of the elderly and the young who become wards of our county courts when they cannot protect themselves. For example, the elderly may become wards of the county courts when they cannot make basic decisions about health or finances. Typically a county court judge appoints a guardian or conservator in such situations.

We have a duty to those who need such protection to not let the very court processes designed to protect them become an opportunity for embezzlement or further abuse. Unfortunate examples of such abuse surfaced this past year.

The courts, the legal community, and the Legislature have responded. In conjunction with the Nebraska State Bar Association and this body's Judiciary Committee, led by its Chair Senator Ashford, I asked Senators Wightman, Nelson, Council, and Coash to serve on a Joint Review Committee on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System. The Committee also included attorneys, court staff, law enforcement, an accountant, and judges.

This hardworking Committee issued its final recommendations on October 1, 2010. The suggested legislative and procedural changes for the court system to increase protection for court wards are embodied in Legislative Bill 157, introduced by Senator Coash.

The Committee was especially mindful of the current condition of the State's budget. Most of its recommendations will improve the guardianship/conservatorship system at very little or no cost. Those recommendations include:

- \*mandating background checks for guardians and conservators;
- \*mandating bonds for conservators when wards' assets are greater than \$10,000;
- \*allowing interested third parties and concerned individuals to request more oversight when physical or mental health is in jeopardy; and
- \*requiring the State Court Administrator to create and maintain a central database of guardians and conservators.

I look forward to working with this body, the Nebraska State Bar Association, and other interested parties to make Nebraska's guardianship/conservatorship system work better for Nebraska's elderly citizens. I see no reason why Nebraska's system should not be a model for other states to follow.

### Children in the Courts

#### *Probation*

I also look forward to working with many of the same partners on three projects affecting children in the courts. Like the elderly, many abused, neglected, and delinquent children often find themselves involved in the court system under circumstances in which they cannot protect themselves.

The Court's Office of Probation Administration continues to develop and build on innovative programs protecting Nebraska's youth while enhancing public safety. I spoke to you last year about one of these programs, the Nebraska Juvenile Service Delivery Project, which began as a pilot in Omaha in January 2009. The project is a collaborative effort with the Department of Health and Human Services and is designed to safely supervise court-adjudicated delinquent children in their homes rather than in in-patient treatment facilities.

As I said to you last year:

The goal is for children to receive rehabilitative services without being made wards of the State. Prior to this project, in order to access such services it had been a common practice for these children to be made State wards, supervised by the Department of Health and Human Services, while simultaneously being supervised by Probation staff. This was a costly, confusing, and redundant practice.

Last year approximately 450 young people were placed in this project. As a result, we have been able to reduce by 70% the number of juveniles being simultaneously supervised by both the Department of Health and Human

Services and Probation. The project is being evaluated, but we believe it is saving money and producing better results.

I want to thank the Department of Health and Human Services for its continuing support and invite the Department to prudently expand the program to other areas of our State.

### *Truancy*

The Court's Office of Probation Administration is also focusing on truancy intervention programs in order to reduce the number of children entering the juvenile justice system due to habitual truancy. Keeping truant children out of the court system and in schools is a vital goal in the collaboration between probation, the courts, schools, and communities.

Likewise, our juvenile and county court judges have been leaders in their communities in efforts to reduce truancy. Judges around the State have been catalysts for initiating and implementing new and innovative truancy reduction programs. Judges are visible in the schools where they serve as mentors and facilitators in model programs. Although the burden on juvenile courts has been felt most keenly in Douglas County, it will likely be felt proportionately by all of our juvenile courts and county courts as truancy projects are reexamined throughout the State.

Without an increase in judicial resources, judges in the Douglas County Juvenile Court responded promptly and effectively to a large increase in truancy filings made last year. In this year and in future years it is possible that thousands of new truancy cases will be filed in the Douglas County Juvenile Court.

I commend the juvenile court judges, in particular Judge Crnkovich, for their work on truancy issues. I also commend all of the parties in Douglas County who are working on truancy issues, including members of this Legislature. But I caution all involved that the current juvenile court system in Douglas County cannot handle thousands of new cases.

Truancy is a major contributing factor to underperformance and underachievement of our State's young people. As the Governor said in his State of the State address, "students can't learn if they are not in school."

The best way to handle truanancies, however, is by aggressive intervention in our schools and innovative diversion of individual cases before they are filed in our juvenile and county courts. The courts are inherently the most expensive and least flexible way to deal with truancy cases. Courts should be used as a last resort for only the most difficult and unresponsive truant.

### Children in the Courts

#### *Abuse and Neglect*

We also continue to work to improve the court system with respect to abused and neglected children through partnerships with the Department of Health and Human Services and the Department of Education. I have spoken in past State of the Judiciary addresses about our Through the Eyes of the Child Initiative.

Most of you are aware that the Through the Eyes of the Child Initiative features local teams or committees operating in every corner of Nebraska. Those teams, under the leadership of local judges, include Health and Human Services workers, county attorneys, public defenders, defense attorneys, foster care review board employees, CASA volunteers, and other interested parties. The teams have focused on developing practices and procedures to move abuse and neglect cases through our juvenile courts and county courts as quickly as possible so that children in foster care can be placed in permanent, safe homes in a more timely manner.

Significantly, over the past year, a year that has included multiple changes in the way cases are handled by the Department of Health and Human Services, there has been a 22% reduction in the average amount of time a child removed from his or her home spends in foster care in Nebraska. That reduction is likely due to multiple factors, but the Through the Eyes of the Child teams have been a major contributing factor to that reduction.

Also over the past year, the Through the Eyes of the Child Initiative has emphasized the inclusion of educators on the local teams. The State Department of Education, led by Commissioner of Education Roger Breed, has embraced the inclusion of schools and educators in the Initiative.

The Department of Education is now an equal partner with the courts and Health and Human Services in joint efforts in information sharing pertinent to foster care children. Just as foster care children should not be bounced from one placement to the next, foster care children should also not be bounced from one school to the next.

The courts, the Department of Education, and the Department of Health and Human Services are working to both minimize multiple school placements and maximize appropriate information sharing so that school and court records follow foster children in a more timely fashion. Just as students can't learn if they are not in school, students can't learn if they are placed in many different school systems over short periods of time, and if full and complete records do not follow the students.

We have received a grant from the Casey Family Programs Foundation to fund further development of these information sharing projects. We face many challenges, but the Supreme Court continues to be committed to partnering with Health and Human Services, the Department of Education, and local schools in order to improve the lives of foster care children in Nebraska.

### Technology Advances

In past years I have spoken to you about increasing the use of technology in the courts to improve productivity. I am pleased to report that our electronic payment system collected over \$5 million in traffic fines in 2010, as well as over \$2 million in other costs and fines. In addition, electronic filing is gaining momentum as lawyers become more acclimated to the use of technology.

At this time over 50% of our new civil filings in county court systems statewide are made electronically. Certain county courts have done exemplary work in the percentage of cases filed electronically. For example,

in Hall and Adams Counties over 70% of new civil filings in 2010 were made electronically.

The electronic payment system and electronic filing system have demonstrably improved the efficiency of our county court clerks' offices around the State. Through the use of technology, many court clerks' offices are able to handle their workload without requesting additional employees.

I am also proud to report that Douglas County District Court, the only remaining district court which is not part of the Court's unified computer system, will be converted in a matter of weeks. The Douglas County Juvenile Court conversion will happen within a matter of months. With the completion of those conversions, electronic filing and electronic payment will be available in all of the State's courts, which will in turn increase productivity for the State's entire judiciary.

### *Interpreters*

In the past I have also spoken to you about the growing demand for interpreters in our courts and the consequential need for budget increases to compensate for those interpreter demands. Without going into detail, by using technology to provide long-distance interpreter services, where appropriate our courts have limited the need for ever-larger budget increases for interpreters.

### *Legal Aid Partnership*

Technological advances are also allowing us to improve access to the courts for those who may not be able to afford legal services. For example, this year the Supreme Court Implementation Committee on Pro Se Litigation will partner with Legal Aid of Nebraska on a federally funded grant to develop on-line interactive court forms.

As I have noted in past years, one of the major challenges that our courts and judges face as we proceed into the 21st Century is the rapid increase of self-represented parties. The partnership between Legal Aid and the Pro Se Litigation Committee will assist our judges in processing cases with self-represented litigants.

### *Library Commission Partnership*

We have also begun a cooperative effort with the Nebraska Library Commission. Our Administrative Office was asked to serve as a key project partner with the Library Commission in a multi-million dollar grant project with the Bill and Melinda Gates Foundation. Through this program we hope to increase our services to individuals who represent themselves in court.

We have arranged a preview of the project in the Rotunda, which will be available today and tomorrow morning. Please take a minute to visit our virtual display. You will find court staff and members of the Nebraska Library Commission waiting to answer your questions and demonstrate the Court's e-government on-line services.



### Long-Range Planning

I frequently tell people that technology is the future of the courts. That, however, is an oversimplification. Technology is the future of the courts, but it must be coupled with long-range planning in anticipation of the court system's future need for resources.

"Resources" means judges and employees. Where those judges and employees are located, and the work they do where they are located, are essential parts of long-range planning. To that end, last summer a group of trial court judges and lawyers worked on long-range planning for Nebraska's courts. Our court system was one of only five state court systems chosen by the National Center for State Courts to participate, at no cost, in an intensive planning process to reshape courts for the 21st Century. The planning group produced a report in September identifying general concepts ripe for more discussion.

### The Court's Budget

Having updated this body with respect to the Court's use of technology to improve efficiency, as well as the Court's use of long-range planning, I have reached an appropriate point in this presentation to discuss funding for the courts. The courts are not just another agency line-item in the State's budget. Our courts are a constitutional branch of government, co-equal with the Legislative Branch and the Executive Branch.

Issues that I have mentioned in this address, for example the continuing increase of self-represented parties in the courts, the increased use of interpreters in the courts, and most immediately the potential for huge increases in truancy cases in Douglas County, beg the question of adequate funding for the court system.

I have outlined and stressed for you the expanded use of technology in the court system because that is the only significant way to increase efficiency in our courts. Although the technology we use in the court system is paid by user fees, the Court's general fund expenditures are primarily used for salaries and benefits for Court employees.

Over 95% of the Court's general fund budget is allocated for those employee expenses. Any cut in the Court's budget, whether it is 10% or 5% or 1%, means operating with fewer employees. Only a tiny fraction of the Supreme Court's over 1,000 employees and 144 judges can be found in this building. Judges, county court clerks' office employees, and probation officers are found in the courtrooms, county court clerks' offices, and our county probation offices in all of Nebraska's 93 counties. While some employees are only part-time, they are in every courthouse, in every county, and in every legislative district in this State.

Our employees and our judges are mindful of the difficult budget situation that our State is in. They are also mindful of the sacrifices that all Nebraskans are making to support State government.

I believe strongly that if we ask for the State's tax money we should spend it wisely -- both now and in the future. Hence the push to modernize through the use of technology, and hence the Court's efforts, in the face of some

opposition, to implement a long-range planning process. That planning process will continue into the future and is reflected in some statutory changes you will be asked to make this legislative session.

In the meantime, in order to meet our budget obligations, the Court's employees received smaller cost of living increases last year than the increases received by most Executive branch employees. We have scrutinized all employee and judicial vacancies. We have delayed hiring throughout the State and have declined to fill positions whenever possible. Although our judges received salary increases last year, those salary increases were offset by postponing the filling of judgeships as vacancies have occurred.

No judges or court employees will receive a cost of living increase next year. We will continue to not fill or delay filling vacancies. Depending on the extent of cuts in our budget, furloughs are likely.

That is why strategic planning and the work of the long-range planning advisory group are particularly important. Lurching from budget year to budget year, sustaining the court system by furloughing employees, is not a plan. It is an admission of the failure to plan.

In summation, as I noted at the beginning of this presentation, our courts perform the constitutionally mandated role of providing access to justice for all Nebraska citizens. It is a critical role – critical to, among others, our State's elderly and our State's abused and neglected children. No branch of this government is working harder to become more efficient. No branch of this government is working harder to implement technology, and no branch of this government is being more innovative in planning for the future.

This branch of government looks forward to working with you on our budget. And we look forward to your support when difficult decisions have to be made about how our court system will operate in the future.

Thank you for this opportunity to speak with you. Thank you also for the good work you do for the courts and all the citizens of Nebraska.

The committee escorted the Chief Justice from the Chamber.

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR14 was adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR14.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR47 was referred to the Reference Committee.

**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.

Tam Allan - Nebraska State Fair Board

Aye: 8 Senators 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 1.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

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

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 3.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 4.** 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.

**LEGISLATIVE BILL 5.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 6.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 7.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 8.** 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.

**LEGISLATIVE BILL 9.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 10.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 11.** 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.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Friday, January 28, 2011 1:30 p.m.

LB15  
LB17  
LB302  
LB452  
LB398

(Signed) Brad Ashford, Chairperson

**WITHDRAW - Cointroducer**

Senator Krist withdrew his name as cointroducer to LB540.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Gloor asked unanimous consent to add his name as cointroducer to LB416. No objections. So ordered.

Senators Howard, Loudon, Mello, Pankonin, and Schilz asked unanimous consent to add their names as cointroducers to LB284. No objections. So ordered.

Senator McGill asked unanimous consent to add her name as cointroducer to LR39. No objections. So ordered.

Senators Avery, Campbell, Coash, Conrad, Cook, and Krist asked unanimous consent to add their names as cointroducers to LR39. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB494, LB435, LB489, LB488, LB471, and LB522. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB305. No objections. So ordered.

Senators Howard and Mello asked unanimous consent to add their names as cointroducers to LB599. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB683. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB558. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB578. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Robert Bartle and Warren Whitted from the Nebraska State Bar Association.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 10:52 a.m., on a motion by Senator Coash, the Legislature adjourned until 10:00 a.m., Friday, January 21, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 21, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 21, 2011

**PRAYER**

The prayer was offered by Senator Sullivan.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Hadley who was excused; and Senators Christensen and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB544	Education
LB545	Judiciary
LB546	Urban Affairs
LB547	Education
LB548	Education
LB549	Natural Resources
LB550	Government, Military and Veterans Affairs
LB551	Banking, Commerce and Insurance
LB552	Judiciary
LB553	Banking, Commerce and Insurance
LB554	General Affairs
LB555	Business and Labor
LB556	Government, Military and Veterans Affairs
LB557	Health and Human Services
LB558	Education

LB559	Revenue
LB560	Revenue
LB561	Revenue
LB562	Revenue
LB563	Natural Resources
LB564	Business and Labor
LB565	Judiciary
LB566	Government, Military and Veterans Affairs
LB567	General Affairs
LB568	Government, Military and Veterans Affairs
LB569	Judiciary
LB570	Revenue
LB571	Banking, Commerce and Insurance
LB572	Education
LB573	Transportation and Telecommunications
LB574	Health and Human Services
LB575	Education
LB576	Executive Board
LB577	Government, Military and Veterans Affairs
LB578	Natural Resources
LB579	Natural Resources
LB580	Natural Resources
LB581	Health and Human Services
LB582	Education
LB583	Government, Military and Veterans Affairs
LB584	Transportation and Telecommunications
LB585	Business and Labor
LB586	Business and Labor
LB587	Natural Resources
LB588	Business and Labor
LB589	Transportation and Telecommunications
LB590	Revenue
LB591	Health and Human Services
LB592	Agriculture
LB593	Business and Labor
LB594	Business and Labor
LB595	Natural Resources
LB596	Natural Resources
LB597	Government, Military and Veterans Affairs
LB598	Judiciary
LB599	Health and Human Services
LB600	Health and Human Services
LB601	Health and Human Services
LB602	Health and Human Services
LB603	Revenue
LB604	Executive Board
LB605	Government, Military and Veterans Affairs
LB606	Government, Military and Veterans Affairs
LB607	Health and Human Services



LB608	Revenue
LB609	Judiciary
LB610	Government, Military and Veterans Affairs
LB611	Executive Board
LB612	Judiciary
LB613	Banking, Commerce and Insurance
LB614	Banking, Commerce and Insurance
LB615	Education
LB616	Government, Military and Veterans Affairs
LB617	Executive Board
LB618	Judiciary
LB619	Business and Labor
LB620	Revenue
LB621	Natural Resources
LB622	Judiciary
LB623	Business and Labor
LB624	Business and Labor
LB625	Transportation and Telecommunications
LB626	Natural Resources
LB627	Revenue
LB628	Government, Military and Veterans Affairs
LB629	Natural Resources
LB630	Health and Human Services
LB631	Government, Military and Veterans Affairs
LB632	Revenue
LB633	Education
LB634	Education
LB635	Education
LB636	Education
LB637	Education
LB638	Government, Military and Veterans Affairs
LB639	Banking, Commerce and Insurance
LB640	Business and Labor
LB641	General Affairs
LB642	Revenue
LB644	Judiciary
LB645	Natural Resources
LB646	Health and Human Services
LB647	Judiciary
LB648	Judiciary
LB649	Judiciary
LB650	Health and Human Services
LB651	Health and Human Services
LB652	Judiciary
LB653	Natural Resources
LB654	Government, Military and Veterans Affairs
LB655	Natural Resources
LB656	Natural Resources
LB657	Education

LB658	Judiciary
LB659	Transportation and Telecommunications
LB660	Judiciary
LB661	Transportation and Telecommunications
LB662	Health and Human Services
LB663	Health and Human Services
LB664	Business and Labor
LB665	Judiciary
LB666	Revenue
LB667	Judiciary
LB668	Judiciary
LB669	Judiciary
LB670	Judiciary
LB671	Judiciary
LB672	Revenue
LB673	Judiciary
LB674	Business and Labor
LB675	Judiciary
LB676	Judiciary
LB677	Judiciary
LB678	Banking, Commerce and Insurance
LB679	Nebraska Retirement Systems
LB680	Nebraska Retirement Systems
LB681	General Affairs
LB682	Revenue
LB683	Natural Resources
LB684	Banking, Commerce and Insurance
LB685	Government, Military and Veterans Affairs
LB686	Health and Human Services
LB687	Health and Human Services
LB688	Nebraska Retirement Systems
LB689	Judiciary
LB690	Judiciary
LB691	Government, Military and Veterans Affairs
LB692	Government, Military and Veterans Affairs
LB693	Judiciary
LB694	Judiciary
LB695	Revenue
LB696	Health and Human Services
LB697	Natural Resources
LB698	Agriculture
LR40CA	Natural Resources
LR44CA	Executive Board
LR45CA	Government, Military and Veterans Affairs
LR46CA	Revenue
LR47	Executive Board
LR51CA	Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Select File.

**LEGISLATIVE BILL 2.** Placed on Select File.

**LEGISLATIVE BILL 3.** Placed on Select File.

**LEGISLATIVE BILL 4.** Placed on Select File.

**LEGISLATIVE BILL 5.** Placed on Select File.

**LEGISLATIVE BILL 6.** Placed on Select File.

**LEGISLATIVE BILL 7.** Placed on Select File.

**LEGISLATIVE BILL 8.** Placed on Select File with amendment.

ER1

1 1. On page 5, line 17, strike "to", show as stricken, and

2 insert "and".

**LEGISLATIVE BILL 9.** Placed on Select File.

**LEGISLATIVE BILL 10.** Placed on Select File.

**LEGISLATIVE BILL 11.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, January 31, 2011 1:30 p.m.

LB364

LB273

LB148

LB287

Tuesday, February 1, 2011 1:30 p.m.

LB440

LB531

(Signed) Greg Adams, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Agriculture, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Insurance, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Motor Vehicles, Department of**

2010 Annual Report on the Number of Operator's Licenses Suspended under the License Suspension Act

**Revenue, Department of**

2007 Nebraska Tax Burden Study  
Charitable Gaming Division 2010 Annual Report

**Roads, Department of**

State Highway Commission Quarterly Report as of December 31, 2010

**Treasurer, State**

2010 Annual Report

**University of Nebraska**

Nebraska Tobacco Settlement Biomedical Research Development Fund Progress Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 20, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Amack, Angela K.

Center For People In Need

Elliott, Joseph W.

Professional Insurance Agents of Nebraska

Keigher & Associates, LLC

Aviation Trade Association, Nebraska

Professional Towers Association of Nebraska

Kevil, G. Bruce

Builders & Contractors, Inc., Associated

Kleeb, Jane Fleming

Bold Nebraska

Kulesher Jarecke, Kate M.

Consumer Healthcare Products Association

Landwehr, Susan M.

Eli Lilly and Company

McKenzie, Janis M.  
 Gifted, Nebraska Association For The  
 Meyer, Les  
 American Life and Security  
 Morfeld, Adam  
 Civic Reform, Nebraskans for  
 Pappas, James E.  
 Bellevue Public Schools  
 Independent Cattlemen of Nebraska  
 League of Human Dignity  
 UNO Faculty AAUP  
 Plucker, Julia  
 Bennington Public Schools  
 Beverage Operators of Nebraska, Responsible  
 Collectors Association, Nebraska  
 Community Alliance, Inc.  
 Credit Union League and Affiliates, Nebraska  
 Lamar Advertising Company  
 Nebraska School Activities Association  
 Nebraska Travel Association  
 Omaha Assn. for a More Competitive Business Environment  
 Pollock, Andy  
 Transportation Association, Nebraska  
 Reynolds, Simera  
 Mothers Against Drunk Driving, Nebraska  
 Rogert, Kent  
 Breastfeeding Coalition, Nebraska, Legislative Action Group of the  
 Wiley, Patricia  
 American Life and Security

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Pankonin has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **COMMITTEE REPORTS**

Natural Resources

The Natural Resources 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.

Mark Graham - Nebraska Power Review Board

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Thomas Knutson - Nebraska Natural Resources Commission

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 52.** Introduced by Schumacher, 22.

WHEREAS, Jacob Matteson, the son of John and Michele Matteson and a senior at Lakeview High School in Columbus, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jacob has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Jacob earned 40 merit badges, and for his community service project he installed five benches around Lakeview High School. Jacob collected funds for the project, designed some of the benches, and coordinated the entire installation; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Matteson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Matteson.

Laid over.

**LEGISLATIVE RESOLUTION 53.** Introduced by Schumacher, 22.

WHEREAS, Cale Albracht, the son of Keith and Moni Albracht and a senior at Scotus Central Catholic High School in Columbus, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cale has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Cale earned 31 merit badges, and for his community service project he improved the front walkway of St. Isidore School. Cale collected funds, coordinated the installation of a new information board, and poured a new cement pad for a children's bike rack; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Cale, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cale Albracht on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cale Albracht.

Laid over.

**LEGISLATIVE RESOLUTION 54.** Introduced by Schilz, 47.

WHEREAS, the fifth-grade class of Mary Lynch Elementary School in Kimball, Nebraska, won first place and second place in the elementary division of the Nebraska Stock Market Game in the fall of 2010; and

WHEREAS, Alexandra Reader, a student at Mary Lynch Elementary School, won the essay contest in the elementary division of the Nebraska Stock Market Game; 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, FIRST SESSION:

1. That the Legislature congratulates the fifth-grade class of Mary Lynch Elementary School on winning first place and second place in the elementary division of the Nebraska Stock Market Game.

2. That the Legislature congratulates Alexandra Reader on winning the essay contest in the elementary division of the Nebraska Stock Market Game.

3. That a copy of this resolution be sent to the fifth-grade class of Mary Lynch Elementary School and Alexandra Reader.

Laid over.

### **MOTION - Approve Appointment**

Senator Pahls moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 265:

Department of Insurance  
Bruce Ramage, Director

Voting in the affirmative, 39:

Adams	Cook	Haar, K.	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harr, B.	Lathrop	Schilz
Brasch	Dubas	Heidemann	Louden	Smith
Campbell	Fischer	Howard	McCoy	Sullivan
Carlson	Flood	Janssen	Mello	Wallman
Coash	Fulton	Karpisek	Nordquist	Wightman
Conrad	Gloor	Krist	Pahls	

Voting in the negative, 0.

Present and not voting, 7:

Ashford	McGill	Pankonin	Utter
Harms	Nelson	Schumacher	

Excused and not voting, 3:

Christensen	Hadley	Lautenbaugh
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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.



**GENERAL FILE****LEGISLATIVE BILL 67.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 158.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 18.** Title read. Considered.

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

Voting in the affirmative, 47:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	McCoy	Schumacher
Avery	Council	Heidemann	McGill	Smith
Bloomfield	Dubas	Howard	Mello	Sullivan
Brasch	Fischer	Janssen	Nelson	Utter
Campbell	Flood	Karpisek	Nordquist	Wallman
Carlson	Fulton	Krist	Pahls	Wightman
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 1:

Hadley

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING**  
Nebraska Retirement Systems

Room 1525

Tuesday, February 1, 2011 12:10 p.m.

LB382  
LB510  
LB532

(Signed) Jeremy Nordquist, Chairperson

**AMENDMENTS - Print in Journal**

Senator Schilz filed the following amendment to LB684:  
AM30

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 81-1201.13, Reissue Revised Statutes  
4 of Nebraska, is amended to read:  
5 81-1201.13 (1) The Travel and Tourism Division shall  
6 develop a program to provide promotional services and technical  
7 assistance to local governments and industry members and to ensure  
8 the protection and development of Nebraska's attraction resources.  
9 (2)(a) The department shall have an advisory committee to  
10 provide regular consultation to the Travel and Tourism Division,  
11 which committee shall be named the Travel and Tourism Division  
12 Advisory Committee. Such advisory committee shall include, at a  
13 minimum, one representative from the Nebraska Travel Association,  
14 one representative from the Nebraska Hotel and Motel Association,  
15 one representative from a tourism attraction that records at least  
16 two thousand out-of-state visitors per year, and one representative  
17 from the Nebraska Association of Convention and Visitors Bureaus.  
18 (b) The Travel and Tourism Division Advisory Committee  
19 shall develop a statewide strategic plan to cultivate and promote  
20 tourism in Nebraska. The advisory committee shall adopt policy  
21 criteria to be used in the development of the plan. The plan shall  
22 include:  
23 (i) A review of the existing and potential sources of  
1 funding for tourism at the state and local levels;  
2 (ii) A comprehensive inventory of local tourism boards,  
3 the structure of such boards, and their funding;  
4 (iii) Criteria for local tourism boards in terms of  
5 appointments to such boards and for awarding grants by such boards  
6 at the local level to ensure local resources are used to achieve  
7 the greatest return;  
8 (iv) An examination of other states' funding models for  
9 tourism;

10 (v) Marketing strategies for promoting tourism;  
 11 (vi) A proposal for creating new or expanding existing  
 12 tourism capacity, which may include encouraging regional  
 13 cooperation, collaboration, or privatization; and  
 14 (vii) Recommended legislation or funding requirements.  
 15 (c) The department may hire a consultant to assist the  
 16 Travel and Tourism Division Advisory Committee in developing the  
 17 statewide strategic plan. The department may accept, in trust, any  
 18 gifts, devises, and bequests to be held and administered by the  
 19 department for the purposes of hiring a consultant. The advisory  
 20 committee shall prepare and present the statewide strategic plan to  
 21 the Legislature by September 1, 2012.

22 (3) All advertising contracts awarded by the department  
 23 concerning travel and tourism shall be based on competitive bids.  
 24 Contracts shall be awarded to the lowest responsible bidder, taking  
 25 into consideration the best interests of the state, the quality  
 26 of performance of the services rendered, the conformity with  
 27 specifications, the purposes for which required, and the time of  
 1 completion, and with the consultation of the Travel and Tourism  
 2 Division Advisory Committee. In determining the lowest responsible  
 3 bidder, in addition to price, the following elements shall be  
 4 given consideration: ~~(1)~~(a) The ability, capacity, creativity,  
 5 and skill of the bidder to perform the contract required; ~~(2)~~  
 6 (b) the character, integrity, reputation, judgment, experience,  
 7 and efficiency of the bidder; ~~(3)~~(c) whether the bidder can  
 8 perform the contract within the time specified; ~~(4)~~(d) the  
 9 quality of performance of previous contracts; ~~(5)~~(e) the previous  
 10 and existing compliance by the bidder with laws relating to the  
 11 contract; and ~~(6)~~(f) such other information as may be secured  
 12 having a bearing on the decision to award the contract. The  
 13 department shall advertise for bids for the awarding of contracts  
 14 concerning travel and tourism pursuant to sections 73-101 to  
 15 73-105. At least thirty working days shall elapse between the time  
 16 formal bids are advertised for and the time of their opening.  
 17 Contracts shall be awarded within sixty working days after the  
 18 bidding has been closed. Each person submitting a bid shall, by  
 19 certified mail, be notified as to whom the contract was awarded.

Senator Schilz filed the following amendment to LB685:

AM31

1 1. On page 3, strike beginning with "Increase" in line 13  
 2 through "county" in line 14 and insert "Encourage visitors to stay  
 3 in the area for more than twenty-four hours"; in line 16 strike  
 4 beginning with "lodging" through "attractions" and insert "an  
 5 event, activity, or attraction that draws at least fifty percent  
 6 of its attendance from visitors who live at least sixty miles  
 7 from such event, activity, or attraction"; and in line 17 strike  
 8 beginning with "Promote" through "county" and insert "Generate new  
 9 revenue to the county through tourism".

10 2. On page 4, strike beginning with "the" in line 1  
 11 through the second occurrence of "county" in line 2 and insert "a  
 12 tourism attraction that records at least two thousand out-of-state  
 13 visitors per year"; and strike beginning with "metropolitan" in  
 14 line 4 through "authority" in line 5 and insert "convention and  
 15 civic center in the county".

### ANNOUNCEMENT

The Legislature's Planning Committee elected Senator Harms as Chairperson and Senator Gloor as Vice Chairperson.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 55.** Introduced by Price, 3.

WHEREAS, the Gretna High School one-act play won the 2010 Class A state championship, the school's seventeenth state championship for one-act plays; and

WHEREAS, Taylor White, a student at Gretna High School, was named the Class A Outstanding Female Performer; and

WHEREAS, Carole Carraher, the director for the Gretna High School one-act play, did an outstanding job of guiding the students to the state championship; 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, FIRST SESSION:

1. That the Legislature congratulates the members of the Gretna High School one-act play on winning the 2010 Class A state championship.

2. That a copy of this resolution be sent to the members of the Gretna High School one-act play and their director, Carole Carraher.

Laid over.

**LEGISLATIVE RESOLUTION 56.** Introduced by Price, 3; Avery, 28; Brasch, 16; Cook, 13; Cornett, 45; Gloor, 35; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; McCoy, 39; Mello, 5; Nelson, 6; Pahls, 31; Pankonin, 2; Schumacher, 22; Smith, 14; Sullivan, 41; Wallman, 30.

WHEREAS, General Kevin P. Chilton assumed command of the United States Strategic Command on October 3, 2007; and

WHEREAS, General Kevin P. Chilton, as part of his duties, is responsible for the plans and operations for all United States forces conducting strategic deterrence and Department of Defense space and cyberspace operations; and

WHEREAS, General Kevin P. Chilton is a distinguished graduate of the United States Air Force Academy, a Columbia University Guggenheim

Fellow, and a distinguished graduate of the United States Air Force Pilot Training and Test Pilot Schools; and

WHEREAS, General Kevin P. Chilton served at the National Aeronautics and Space Administration where he commanded a space shuttle mission and has also won numerous awards and decorations for his outstanding service to his country; and

WHEREAS, General Kevin P. Chilton is retiring and will relinquish command of the United States Strategic Command at a ceremony on January 28, 2011.

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

1. That the Legislature recognizes General Kevin P. Chilton for his many accomplishments and honors him for his many years of outstanding service to his country.

2. That a copy of this resolution be sent to General Kevin P. Chilton.

Laid over.

### COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 19.** Placed on General File.

**LEGISLATIVE BILL 157.** Placed on General File.

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 122.** Placed on General File.

(Signed) Bill Avery, Chairperson

Revenue

**LEGISLATIVE BILL 134.** Placed on General File.

**LEGISLATIVE BILL 81.** Placed on General File with amendment.

AM14

1 1. Strike sections 2, 3, and 4.

2 2. On page 2, line 11, strike beginning with "No" through  
3 the underscored period in line 12.

4 3. On page 5, lines 5 and 6, strike the new matter; and  
5 in line 7 strike "license or occupation" and insert "such".

6 4. Renumber the remaining sections and correct the  
7 repealer accordingly.

**LEGISLATIVE BILL 211.** Placed on General File with amendment.  
AM26

- 1 1. On page 21, line 21, after the semicolon insert "or";
- 2 and strike lines 22 through 25.
- 3 2. On page 22, strike lines 1 through 6 and insert
- 4 "(b) If subdivision (a) of this subsection does not
- 5 apply, then the sale of other".

(Signed) Abbie Cornett, Chairperson

Natural Resources

**LEGISLATIVE BILL 154.** Placed on General File.

**LEGISLATIVE BILL 208.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 59.** Title read. Considered.

### **SENATOR GLOOR PRESIDING**

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

**LEGISLATIVE BILL 135.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

### **CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed two Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

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

Senator Price asked unanimous consent to add his name as cointroducer to LB548. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB579. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB682. No objections. So ordered.

Senator Gloor asked unanimous consent to add his name as cointroducer to LB657 and LB569. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB569. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of the Nebraska Dental Hygienists Association from across the state.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

### **ADJOURNMENT**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 24, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTEENTH DAY - JANUARY 24, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**

**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 24, 2011

**PRAYER**

The prayer was offered by Senator Krist.

**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 Senators Karpisek and Louden who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 72.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 1524

Tuesday, February 8, 2011 1:30 p.m.

LB427  
LB305  
LB306

Room 2102

Tuesday, February 15, 2011 1:30 p.m.

LB91  
LB394  
LB107  
LB592

(Signed) Tom Carlson, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, January 31, 2011 1:30 p.m.

LB49  
LB269  
LB553  
LB462  
LB535  
LB396

(Signed) Rich Pahls, Chairperson

Business and Labor

Room 2102

Monday, January 31, 2011 1:30 p.m.

LB113  
LB288  
LB386  
LB416  
LB472  
LB530  
LB640

(Signed) Steve Lathrop, Chairperson

## Education

## Room 1525

Monday, February 7, 2011 1:30 p.m.

LB657  
LB637  
LB372  
LB547

Tuesday, February 8, 2011 1:30 p.m.

LB313  
LB149  
LB192  
LB204

Monday, February 14, 2011 1:30 p.m.

LB381  
LB446  
LB403  
LB445

Tuesday, February 22, 2011 1:30 p.m.

LB548  
LB558  
LB615  
LB636

Monday, February 28, 2011 1:30 p.m.

LB572  
LB53  
LB520  
LB145

Tuesday, March 1, 2011 1:30 p.m.

LB283  
LB522  
LB633  
LB634

Tuesday, March 8, 2011 1:30 p.m.

LB582  
LR20  
LB63  
LB575

Tuesday, March 15, 2011 1:30 p.m.

LB544  
LB58  
LB635

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 31, 2011 1:30 p.m.

Timothy Weander - Board of Public Roads Classifications and Standards  
E.J. Militti Jr. - State Highway Commission

LB215  
LB183  
LB206  
LB164

Tuesday, February 1, 2011 1:30 p.m.

LB98  
LR3CA  
LB327  
LB584

Monday, February 7, 2011 1:30 p.m.

LB257  
LB217  
LB220  
LB418  
LB484

Tuesday, February 8, 2011 1:30 p.m.

LB250

LB255

LB259

(Signed) Deb Fischer, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 13, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Dr. Jill Reel, 25581 County Road 30, Arlington, NE 68002

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**MOTION - Print in Journal**

Senator Krist filed the following motion to LB285:

MO2

Withdraw bill.

**MOTION - Approve Appointment**

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 315:

Nebraska State Fair Board

Tam Allan

Voting in the affirmative, 42:

Ashford	Council	Harms	McGill	Schumacher
Bloomfield	Dubas	Harr, B.	Mello	Smith
Brasch	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Krist	Nordquist	Utter
Christensen	Fulton	Langemeier	Pahls	Wallman
Coash	Gloor	Larson	Pankonin	Wightman
Conrad	Haar, K.	Lathrop	Pirsch	
Cook	Hadley	Lautenbaugh	Price	
Cornett	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Avery            Campbell        Janssen

Excused and not voting, 4:

Adams            Heidemann       Karpisek        Louden

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 1.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 3.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 5.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 6.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 7.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 8.** ER1, found on page 323, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 9.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 10.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 11.** Advanced to Enrollment and Review for Engrossment.

### **GENERAL FILE**

**LEGISLATIVE BILL 170.** Title read. Considered.

Senator Heidemann offered the following amendment:

AM59

- 1 1. Strike original section 13 and insert the following
- 2 new section:
- 3 Sec. 13. Within sixty days after the operative date
- 4 of this act, twenty-five percent of the money remaining in the
- 5 Motorcycle Safety Education Fund shall be transferred to the
- 6 Department of Motor Vehicles Cash Fund and seventy-five percent of
- 7 the money remaining in the Motorcycle Safety Education Fund shall
- 8 be transferred to the Highway Trust Fund. The Motorcycle Safety
- 9 Education Fund shall be eliminated on such date after the transfers
- 10 are made.

**SENATOR GLOOR PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

The Heidemann amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Langemeier offered the following amendment:

FA2

On page 12, line 13, strike "twelve" and insert "twenty four"

Pending.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 57.** Introduced by McGill, 26.

WHEREAS, Drew Worster has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Drew has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Drew, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Drew Worster on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Drew Worster.

Laid over.

**LEGISLATIVE RESOLUTION 58.** Introduced by Janssen, 15.

WHEREAS, the Fremont Tigers won the 2010 Class A Boys' State Cross Country Championship; and

WHEREAS, the win gave the Tigers their sixth state championship since 1980; and

WHEREAS, team members Steven Wilson, Britt Jensen, Daniel Aldaba, Cory Poehling, Tyler Soderberg, Arturo Garcia, and Mason Brown had exceptional performances at the championship meet held in Kearney; 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, FIRST SESSION:

1. That the Legislature congratulates the Fremont Tigers on winning the 2010 Class A Boys' State Cross Country Championship.
2. That a copy of this resolution be sent to the Fremont Tigers and their coaches, Sean McMahon and Erich Whitmore.



Laid over.

**LEGISLATIVE RESOLUTION 59.** Introduced by Janssen, 15.

WHEREAS, Bob Feurer was named the 2011 Nebraska Teacher of the Year; and

WHEREAS, Mr. Feurer has been a science teacher at North Bend Central Junior-Senior High School for thirty-two years; and

WHEREAS, Mr. Feurer continues to challenge himself and his students to perform to their highest ability; and

WHEREAS, good teachers and motivated students are the key to our state's future.

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

1. That the Legislature congratulates Bob Feurer for being named the 2011 Nebraska Teacher of the Year.

2. That a copy of this resolution be sent to Bob Feurer and the North Bend Central Public Schools Board of Education.

Laid over.

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Monday, January 31, 2011 1:30 p.m.

LB281

LB314

LB336

LB407

LB411

(Signed) Russ Karpisek, Chairperson

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB135:  
AM56 is available in the Bill Room.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 157A.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, One Hundred Second Legislature, First Session, 2011.

**AMENDMENTS - Print in Journal**

Senator Flood filed the following amendment to LB157:  
AM67

- 1 1. On page 3, line 15, strike "Guardianship and
- 2 conservatorship" and insert "Contested guardianship and contested
- 3 conservatorship".
- 4 2. On page 4, line 4, strike the new matter and insert
- 5 "contested guardianship or contested conservatorship proceeding".

Senator Flood filed the following amendment to LB157:  
AM68

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 30-2601, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 30-2601 Unless otherwise apparent from the context, in
- 5 the Nebraska Probate Code:
- 6 (1) Incapacitated person means any person who is impaired
- 7 by reason of mental illness, mental deficiency, physical illness
- 8 or disability, chronic use of drugs, chronic intoxication, or
- 9 other cause (except minority) to the extent that the person
- 10 lacks sufficient understanding or capacity to make or communicate
- 11 responsible decisions concerning himself or herself;
- 12 (2) Interested person means a person entitled to notice
- 13 under sections 30-2625 and 30-2634, a creditor of the ward or
- 14 protected person, a debtor of the ward or protected person, an
- 15 individual or entity appointed by the court, a peace officer, or a
- 16 licensed health professional;
- 17 ~~(2)-(3)~~ A protective proceeding is a proceeding under
- 18 the provisions of section 30-2630 to determine that a person
- 19 cannot effectively manage or apply his or her estate to necessary
- 20 ends, either because the person lacks the ability or is otherwise
- 21 inconvenienced, or because the person is a minor, and to secure
- 22 administration of the person's estate by a conservator or other
- 23 appropriate relief;
- 1 ~~(3)-(4)~~ A protected person is a minor or other person for
- 2 whom a conservator has been appointed or other protective order has
- 3 been made;

- 4 ~~(4)-(5)~~ A ward is a person for whom a guardian has been  
 5 appointed. A minor ward is a minor for whom a guardian has been  
 6 appointed solely because of minority;  
 7 ~~(5)-(6)~~ Full guardianship means the guardian has been  
 8 granted all powers which may be conferred upon a guardian by law;  
 9 and  
 10 ~~(6)-(7)~~ Limited guardianship means any guardianship which  
 11 is not a full guardianship.  
 12 2. Renumber the remaining sections and correct internal  
 13 references and the repealer section accordingly.

Senator Flood filed the following amendment to LB157:  
 AM69

- 1 1. On page 7, strike lines 12 through 19 and insert the  
 2 following new subsection:  
 3 "(2) The State Court Administrator shall create and  
 4 maintain a central data base of active guardianships and  
 5 conservatorships that shall be accessible to the public. The data  
 6 base shall include (a) the name of the protected person, the date,  
 7 name, and address of a guardian or conservator that was appointed  
 8 and whether that guardianship or conservatorship remains in effect;  
 9 (b) the number of protected persons any one person or entity  
 10 has been appointed either guardian or conservator by the court;  
 11 (c) whether a guardian or conservator has ever been suspended or  
 12 removed for cause in any protective proceeding; and (d) any other  
 13 information required by court rule.".

Senator Flood filed the following amendment to LB157:  
 AM70

- 1 1. On page 7, lines 22 and 23, strike "or concerned  
 2 individual".  
 3 2. On page 8, line 5, after the period insert "Any  
 4 interested person that submits an affidavit under this subsection  
 5 in bad faith or submits an affidavit under this subsection that  
 6 lacks a factual basis as determined by the court, is guilty of a  
 7 Class II misdemeanor.".

Senator Flood filed the following amendment to LB157:  
 AM71

- 1 1. On page 7, line 20, strike "(1)".  
 2 2. On page 8, strike lines 6 through 11.

Senator Flood filed the following amendment to LB157:  
 AM72

- 1 1. On page 8, line 12, after "person" insert ", except  
 2 for a licensed financial institution or trust company"; and in line  
 3 15 after "date" insert ", unless waived or modified by the court in  
 4 the event the protected person requests an expedited hearing under  
 5 section 30-2630.01".

6 2. On page 9, strike beginning with "The" in line 2  
 7 through the period in line 3 and insert "Such reports, or the lack  
 8 thereof, shall be certified either by affidavit or by obtaining  
 9 a certified copy of the report. No reports or checks shall be  
 10 required by the court upon the application of a petitioner for an  
 11 emergency temporary guardianship or conservatorship. The protected  
 12 person's estate shall pay the costs incurred in obtaining the  
 13 reports.".

Senator Flood filed the following amendment to LB157:

AM73

1 1. On page 17, line 2, after "requires" insert ", except  
 2 that a temporary guardian shall not be required to provide the  
 3 checks and reports under section 8 of this act".

Senator Flood filed the following amendment to LB157:

AM74

1 1. On page 25, strike lines 1 through 4 and insert  
 2 "shall not require a bond if the protected person executed a  
 3 written, valid power of attorney that specifically nominates a  
 4 guardian or conservator and specifically does not require a bond.  
 5 The court shall consider as one of the factors of good cause,  
 6 when determining whether a bond should be required and the amount  
 7 thereof, the protected person's choice of any attorney-in-fact or  
 8 alternative attorney-in-fact.".

Senator Flood filed the following amendment to LB157:

AM66

1 1. On page 8, strike line 16; in line 17 strike "(2)" and  
 2 insert "(1)"; in line 19 strike "(3)" and insert "(2)"; and in line  
 3 23 strike "(4)" and insert "(3)".

Senator Coash filed the following amendment to LB157:

AM60 is available in the Bill Room.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 67.** Placed on Select File.

**LEGISLATIVE BILL 158.** Placed on Select File.

**LEGISLATIVE BILL 18.** Placed on Select File with amendment.

ER2

1 1. On page 31, line 14, after "2011" insert an  
 2 underscored comma.

**LEGISLATIVE BILL 59.** Placed on Select File with amendment.  
ER3

- 1 1. On page 1, line 1, strike "college funding" and insert
- 2 "colleges"; and in line 5 after the second "to" insert "property
- 3 tax authority of and".
- 4 2. On page 24, line 19, insert an underscored comma after
- 5 "section".
- 6 3. On page 26, line 23, strike "subdivision", show as
- 7 stricken, and insert "subsection".
- 8 4. On page 28, line 1, strike the semicolon, show as
- 9 stricken, and insert an underscored period; and in line 21 strike
- 10 the semicolon and insert an underscored period.

**LEGISLATIVE BILL 135.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

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

Senator Larson asked unanimous consent to add his name as cointroducer to LB52. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB284. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB484. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB389 and LB548. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB197, LB629, and LB230. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB483. No objections. So ordered.

#### **VISITORS**

Visitor to the Chamber was Ben Huls from Kearney.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:44 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, January 25, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 25, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 25, 2011

**PRAYER**

The prayer was offered by Father Brendan Kelly, Blessed Sacrament Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett and Smith who were excused; and Senators Cook, Lautenbaugh, and Pankonin who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB195	Redistricting (rereferred)
LB233	Redistricting (rereferred)

Reel, Jill - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**

Enrollment and Review

<b>LEGISLATIVE BILL</b>	<b>1.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>2.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>3.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>4.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>5.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>6.</b>	Placed on Final Reading.
<b>LEGISLATIVE BILL</b>	<b>7.</b>	Placed on Final Reading.

**LEGISLATIVE BILL 8.** Placed on Final Reading.  
**LEGISLATIVE BILL 9.** Placed on Final Reading.  
**LEGISLATIVE BILL 10.** Placed on Final Reading.  
**LEGISLATIVE BILL 11.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

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

Room 1507

Tuesday, February 1, 2011 1:30 p.m.

LB410  
 LB268  
 LB196  
 LB43  
 LB44  
 LB90

(Signed) Rich Pahls, Chairperson

Judiciary

Room 1113

Wednesday, February 2, 2011 1:30 p.m.

LB231  
 LB275  
 LB133  
 LB191  
 LB137

(Signed) Brad Ashford, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 60.** Introduced by Utter, 33.

WHEREAS, Daniel Eddy has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Daniel



has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Daniel completed a landscaping project at St. Michael's Catholic Church in Hastings, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daniel, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel Eddy on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Daniel Eddy.

Laid over.

### **MOTIONS - Approve Appointments**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 325:

Nebraska Power Review Board  
Mark Graham

Voting in the affirmative, 33:

Adams	Conrad	Heidemann	Louden	Price
Avery	Dubas	Howard	McCoy	Schilz
Bloomfield	Fischer	Karpisek	McGill	Utter
Brasch	Fulton	Krist	Mello	Wallman
Campbell	Gloor	Langemeier	Nelson	Wightman
Carlson	Haar, K.	Larson	Nordquist	
Christensen	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Council	Hadley	Janssen	Schumacher
Coash	Flood	Harr, B.	Pahls	

Excused and not voting, 7:

Cook	Harms	Pankonin	Sullivan
Cornett	Lautenbaugh	Smith	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 326:

Nebraska Natural Resources Commission  
Thomas Knutson

Voting in the affirmative, 34:

Adams	Fischer	Howard	Louden	Pirsch
Bloomfield	Flood	Karpisek	McCoy	Price
Brasch	Fulton	Krist	McGill	Schilz
Carlson	Gloor	Langemeier	Mello	Schumacher
Christensen	Haar, K.	Larson	Nelson	Utter
Conrad	Harr, B.	Lathrop	Nordquist	Wallman
Dubas	Heidemann	Lautenbaugh	Pahls	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Campbell	Council	Hansen	Wightman
Avery	Coash	Hadley	Janssen	

Excused and not voting, 6:

Cook	Harms	Smith
Cornett	Pankonin	Sullivan

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### **MOTION - Withdraw LB285**

Senator Krist renewed his motion, MO2, found on page 341, to withdraw LB285.

The Krist motion to withdraw the bill prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 170.** Senator Langemeier renewed his amendment, FA2, found on page 343.

The Langemeier amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 19.** 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.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

John Maginn - Nebraska Investment Council

Aye: 6 Senators Heidemann, Karpisek, Loudon, Mello, Nordquist, Pankonin. Nay: 0. Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

Randall Rehmeier - Public Employees Retirement Board  
Richard Wassinger - Public Employees Retirement Board

Aye: 6 Senators Heidemann, Karpisek, Loudon, Mello, Nordquist, Pankonin. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Urban Affairs

Room 1510

Tuesday, February 1, 2011 1:30 p.m.

LB438

LB471

(Signed) Amanda McGill, Chairperson

Natural Resources

Room 1525

Wednesday, February 2, 2011 1:30 p.m.

LB243

LR51CA

Thursday, February 3, 2011 1:30 p.m.

LB529

LB563

LB621

Friday, February 4, 2011 1:30 p.m.

LB105

LB549

LB697

(Signed) Chris Langemeier, Chairperson

Health and Human Services

Room 1510

Thursday, February 3, 2011 1:30 p.m.

LB507

LB465

LB467

LB468

Friday, February 4, 2011 1:30 p.m.

LB431

LB574

LB466

Wednesday, February 9, 2011 1:30 p.m.

LB662

LB539

LB540

LB541

Thursday, February 10, 2011 1:30 p.m.

LB125

LB267

LB663

LB543

Wednesday, February 16, 2011 1:30 p.m.

LB199

LB650

LB651

LB177

Thursday, February 17, 2011 1:30 p.m.

LB494

LB696

LB607

Wednesday, February 23, 2011 1:30 p.m.

LB525

LB456

LB602

Thursday, February 24, 2011 1:30 p.m.

LB304

LB413

LB542

LB591

Friday, February 25, 2011 1:30 p.m.

LB686

LB687

Wednesday, March 2, 2011 1:30 p.m.

LB265

LB646

LB600

LB601

Thursday, March 3, 2011 1:30 p.m.

LB316

LB534

LB557

LB581

Friday, March 4, 2011 1:30 p.m.

LB630

LB330

LB406

LB481

Wednesday, March 9, 2011 1:30 p.m.

LB219

LR21

Thursday, March 10, 2011 1:30 p.m.

LB140

LB166

LB221

Wednesday, March 16, 2011 1:30 p.m.

LR23

LB237

LB599

LB433

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**

## Natural Resources

**LEGISLATIVE BILL 28.** Placed on General File.

**LEGISLATIVE BILL 29.** Placed on General File.

**LEGISLATIVE BILL 30.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

## Judiciary

**LEGISLATIVE BILL 20.** Placed on General File with amendment.  
AM64

- 1 1. Strike the original sections and insert the following  
2 new sections:
- 3 Section 1. Section 28-101, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:  
5 28-101 Sections 28-101 to 28-1356 and sections 3 to 7 of  
6 this act shall be known and may be cited as the Nebraska Criminal  
7 Code.
- 8 Sec. 2. Section 28-401.01, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 28-401.01 Sections 28-401 to 28-456.01 and sections 3 to  
11 7 of this act shall be known and may be cited as the Uniform  
12 Controlled Substances Act.
- 13 Sec. 3. For purposes of sections 3 to 7 of this act:  
14 (1) Exchange means the National Precursor Log Exchange  
15 administered by the National Association of Drug Diversion  
16 Investigators;  
17 (2) Methamphetamine precursor means any drug product  
18 containing ephedrine, pseudoephedrine, or phenylpropanolamine that  
19 is required to be documented pursuant to the logbook requirements  
20 of 21 U.S.C. 830;  
21 (3) Seller means any person who lawfully sells a  
22 methamphetamine precursor pursuant to subdivision (1)(d) of section  
23 28-456 or his or her employer; and  
1 (4) Stop-sale alert means a notification sent to a seller  
2 indicating that the completion of a methamphetamine precursor sale  
3 would result in a violation of subdivision (1)(d)(i) or (ii) of  
4 section 28-456.
- 5 Sec. 4. (1) Beginning January 1, 2012, each seller  
6 shall, before completing a sale of a methamphetamine precursor,  
7 electronically submit required information to the exchange, if  
8 the exchange is available to sellers. Required information shall  
9 include, but not be limited to:  
10 (a) The name, age, and address of the person purchasing,  
11 receiving, or otherwise acquiring the methamphetamine precursor;  
12 (b) The name of the product and quantity of product  
13 purchased;

14 (c) The date and time of the purchase;  
15 (d) The name or initials of the seller who sold the  
16 product; and  
17 (e) The type of identification presented by the customer,  
18 the governmental entity that issued the identification, and the  
19 number on the identification.

20 (2) If a seller experiences mechanical or electronic  
21 failure of the electronic logging equipment on the sales end of the  
22 transaction or a failure of the exchange and is unable to comply  
23 with subsection (1) of this section, the seller shall maintain a  
24 written log or an alternative electronic recordkeeping mechanism or  
25 may refrain from selling any methamphetamine precursor until such  
26 time as the seller is able to comply with subsection (1) of this  
27 section.

1 (3) The Attorney General may grant a waiver exempting a  
2 seller from compliance with subsection (1) of this section upon a  
3 showing of good cause by the seller that he or she is otherwise  
4 unable to submit log information by electronic means, including,  
5 but not limited to, any financial, technological, or other reason  
6 which would place an undue burden on the seller, as established by  
7 the Attorney General.

8 (4) Whenever the exchange generates a stop-sale alert,  
9 the seller shall not complete the sale unless the seller has a  
10 reasonable fear of imminent bodily harm if he or she does not  
11 complete the sale. The exchange shall contain an override function  
12 to the stop-sale alert for the seller to use in a situation in  
13 which a reasonable fear of imminent bodily harm is present.

14 (5) This section does not apply if a lawful prescription  
15 for the methamphetamine precursor is presented to a pharmacist  
16 licensed under the Uniform Credentialing Act.

17 Sec. 5. As a condition of use in Nebraska, the National  
18 Association of Drug Diversion Investigators shall provide real-time  
19 access to the exchange through its online portal to law enforcement  
20 in this state as authorized by the Attorney General and no fee or  
21 charge shall be imposed on a seller for the use of the exchange.

22 Sec. 6. No claim or cause of action shall arise against  
23 a seller solely based upon the electronic submission of information  
24 to the exchange as required by sections 3 to 7 of this act.

25 Sec. 7. Beginning January 1, 2013, a seller that  
26 knowingly fails to submit methamphetamine precursor information  
27 to the exchange as required by sections 3 to 7 of this act or  
1 knowingly submits incorrect information to the exchange shall be  
2 guilty of a Class IV misdemeanor.

3 Sec. 8. Section 60-4,111.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 60-4,111.01 (1) The Department of Motor Vehicles,  
6 the courts, or law enforcement agencies may store or compile  
7 information acquired from an operator's license or a state  
8 identification card for their statutorily authorized purposes.



9 (2) Except as otherwise provided in subsection (3) or  
10 (4) of this section, no person having use of or access to  
11 machine-readable information encoded on an operator's license or a  
12 state identification card shall compile, store, preserve, trade,  
13 sell, or share such information. Any person who trades, sells, or  
14 shares such information shall be guilty of a Class IV felony. Any  
15 person who compiles, stores, or preserves such information except  
16 as authorized in subsection (3) or (4) of this section shall be  
17 guilty of a Class IV felony.

18 (3)(a) For purposes of compliance with and enforcement  
19 of restrictions on the purchase of alcohol, lottery tickets, and  
20 tobacco products, a retailer who sells any of such items pursuant  
21 to a license issued or a contract under the applicable statutory  
22 provision may scan machine-readable information encoded on an  
23 operator's license or a state identification card presented for the  
24 purpose of such a sale. The retailer may store only the following  
25 information obtained from the license or card: Age and license or  
26 card identification number. The retailer shall post a sign at the  
27 point of sale of any of such items stating that the license or  
1 card will be scanned and that the age and identification number  
2 will be stored. The stored information may only be used by a law  
3 enforcement agency for purposes of enforcement of the restrictions  
4 on the purchase of alcohol, lottery tickets, and tobacco products  
5 and may not be shared with any other person or entity.

6 (b) For purposes of compliance with the provisions of  
7 sections 3 to 7 of this act, a seller who sells methamphetamine  
8 precursors pursuant to such sections may scan machine-readable  
9 information encoded on an operator's license or a state  
10 identification card presented for the purpose of such a sale.  
11 The seller may store only the following information obtained from  
12 the license or card: Name, age, address, type of identification  
13 presented by the customer, the governmental entity that issued the  
14 identification, and the number on the identification. The seller  
15 shall post a sign at the point of sale stating that the license  
16 or card will be scanned and stating what information will be  
17 stored. The stored information may only be used by law enforcement  
18 agencies, regulatory agencies, and the exchange for purposes  
19 of enforcement of the restrictions on the sale or purchase of  
20 methamphetamine precursors pursuant to sections 3 to 7 of this act  
21 and may not be shared with any other person or entity. For purposes  
22 of this subdivision, the terms exchange, methamphetamine precursor,  
23 and seller have the same meanings as in section 3 of this act.

24 (c) The retailer or seller shall utilize software  
25 that stores only the information allowed by this subsection. A  
26 programmer for computer software designed to store such information  
27 shall certify to the retailer that the software stores only the  
1 information allowed by this subsection. Intentional or grossly  
2 negligent programming by the programmer which allows for the

3 storage of more than the age and identification number or  
 4 wrongfully certifying the software shall be a Class IV felony.

5 (d) A retailer ~~or seller~~ who knowingly stores more  
 6 information than ~~the age and identification number authorized under~~  
 7 this subsection from the operator's license or state identification  
 8 card shall be guilty of a Class IV felony.

9 ~~(b)-(c)~~ Information scanned, compiled, stored, or  
 10 preserved pursuant to subdivision (a) of this subsection may not  
 11 be retained longer than eighteen months unless required by state  
 12 or federal law.

13 (4) In order to approve a negotiable instrument, an  
 14 electronic funds transfer, or a similar method of payment, a person  
 15 having use of or access to machine-readable information encoded on  
 16 an operator's license or a state identification card may:

17 (a) Scan, compile, store, or preserve such information  
 18 in order to provide the information to a check services company  
 19 subject to and in compliance with the federal Fair Credit Reporting  
 20 Act, 15 U.S.C. 1681, as such act existed on January 1, 2010, for  
 21 the purpose of effecting, administering, or enforcing a transaction  
 22 requested by the holder of the license or card or preventing fraud  
 23 or other criminal activity; or

24 (b) Scan and store such information only as necessary to  
 25 protect against or prevent actual or potential fraud, unauthorized  
 26 transactions, claims, or other liability or to resolve a dispute or  
 27 inquiry by the holder of the license or card.

1 (5) Except as provided in subdivision (4)(a) of this  
 2 section, information scanned, compiled, stored, or preserved  
 3 pursuant to this section may not be traded or sold to or shared  
 4 with a third party; used for any marketing or sales purpose by any  
 5 person, including the retailer who obtained the information; or,  
 6 unless pursuant to a court order, reported to or shared with any  
 7 third party. A person who violates this subsection shall be guilty  
 8 of a Class IV felony.

9 Sec. 9. This act becomes operative on January 1, 2012.

10 Sec. 10. Original sections 28-401.01 and 60-4,111.01,  
 11 Reissue Revised Statutes of Nebraska, and section 28-101, Revised  
 12 Statutes Cumulative Supplement, 2010, are repealed.

(Signed) Brad Ashford, Chairperson

Health and Human Services

**LEGISLATIVE BILL 46.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File.

**LEGISLATIVE BILL 111.** Placed on General File with amendment.  
AM98

- 1 1. On page 2, line 16, after the second "a" insert
- 2 "licensed"; and in line 17 after "worker" insert "or a licensed
- 3 independent clinical social worker".

(Signed) Kathy Campbell, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 122.** Title read. Considered.

Senator Harms moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Harms requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Adams	Christensen	Haar, K.	Larson	Price
Ashford	Coash	Hansen	Louden	Schilz
Avery	Conrad	Harms	McCoy	Schumacher
Bloomfield	Council	Harr, B.	Mello	Sullivan
Brasch	Flood	Heidemann	Pahls	Utter
Campbell	Fulton	Howard	Pankonin	Wallman
Carlson	Gloor	Langemeier	Pirsch	Wightman

Voting in the negative, 2:

Karpisek      Lautenbaugh

Present and not voting, 9:

Dubas	Hadley	Krist	McGill	Nordquist
Fischer	Janssen	Lathrop	Nelson	

Excused and not voting, 3:

Cook              Cornett              Smith

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**SPEAKER FLOOD PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 24, 25, 26, 27, 31, 32, 33, 34, 35, and 36 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 24, 25, 26, 27, 31, 32, 33, 34, 35, and 36.

**COMMITTEE REPORT**

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.

Rebecca Brown - Nebraska Child Abuse Prevention Fund Board

Brandon Verzal - Nebraska Child Abuse Prevention Fund Board

Aye: 6 Senators Bloomfield, Campbell, Gloor, Howard, Krist, Wallman.

Nay: 0. Absent: 1 Senator Cook. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Howard asked unanimous consent to add her name as cointroducer to LB552. No objections. So ordered.

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB51. No objections. So ordered.

Senators Brasch, Carlson, Christensen, Fulton, Pirsch, and Schilz asked unanimous consent to add their names as cointroducers to LB51. No objections. So ordered.

Senator Schilz asked unanimous consent to add his name as cointroducer to LB608. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 11:44 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Wednesday, January 26, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTEENTH DAY - JANUARY 26, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 26, 2011

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB643	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 170.** Placed on Select File with amendment.  
ER5

1. On page 21, line 7, reinstate the stricken "a"; and in
- 2 line 8 after "or" insert "a".

**LEGISLATIVE BILL 19.** Placed on Select File with amendment.  
ER4

1. On page 1, strike line 3 and insert "to include
- 2 additional substances in the schedules of controlled substances and

3 provide penalties under the Uniform Controlled".

4 2. On page 10, line 21, strike "are" and insert "is".

**LEGISLATIVE BILL 122.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 163.** Placed on General File.

**LEGISLATIVE BILL 241.** Placed on General File.

(Signed) Deb Fischer, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Monday, February 28, 2011 1:30 p.m.

Fred Stone - Nebraska Motor Vehicle Industry Licensing Board  
William Reeg - Nebraska Motor Vehicle Industry Licensing Board  
Blake Dillon - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 7, 2011 1:30 p.m.

LB387  
LB388  
LB404  
LB434  
LB448  
LB453  
LB454  
LB455



Monday, February 14, 2011 1:30 p.m.

LB223  
LB322  
LB240  
LB422  
LB409  
LB514

Tuesday, February 15, 2011 1:30 p.m.

LB22  
LB132  
LB493  
LB371  
LB280  
LB678

Tuesday, February 22, 2011 1:30 p.m.

LB571  
LB613  
LB614  
LB639  
LB478  
LB317

(Signed) Rich Pahls, Chairperson

Judiciary

Room 1113

Thursday, February 3, 2011 1:30 p.m.

LB147  
LB408  
LB488  
LB673  
LB115

Friday, February 4, 2011 1:30 p.m.

LB226  
LB242  
LB402  
LB677

(Signed) Brad Ashford, Chairperson

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Pirsch has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**MESSAGES FROM THE GOVERNOR**

January 13, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Dr. Mark Pinkerton, 13695 W. State Hwy 4, Beatrice, NE 68310

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 13, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

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

Dillard Delts, 1502 Grandview Ave. #18, Papillion, NE 68046

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

included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 13, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

LeRoy Gerrard, 814 East 7th St., Box 108, Stromsburg, NE 68666

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **GENERAL FILE**

**LEGISLATIVE BILL 157.** Title read. Considered.

Senator Flood withdrew his amendments, AM67, AM68, AM69, AM70, AM71, AM72, AM73, AM74, and AM66, found on pages 346, 347, and 348.

Senator Coash withdrew his amendment, AM60, found on page 348.

Senator Coash offered the following amendment:  
AM106 is available in the Bill Room.

Pending.

**AMENDMENT - Print in Journal**

Senator Smith filed the following amendment to LB135:  
AM61

- 1 1. Insert the following new section:
  - 2 Section 1. Section 37-1287, Revised Statutes Cumulative
  - 3 Supplement, 2010, is amended to read:
    - 4 37-1287 (1) The county clerks, the designated county
    - 5 officials, or the Department of Motor Vehicles shall charge a fee
    - 6 of six dollars for each certificate of title and a fee of three
    - 7 dollars for each notation of any lien on a certificate of title.
    - 8 The county clerks or designated county officials shall retain
    - 9 for the county four dollars of the six dollars charged for each
    - 10 certificate of title and two dollars for each notation of lien. The
    - 11 remaining amount of the fee charged for the certificate of title
    - 12 and notation of lien under this subsection shall be remitted to the
    - 13 State Treasurer for credit to the General Fund.
    - 14 (2) The county clerks, the designated county officials,
    - 15 or the department shall charge a fee of ten dollars for each
    - 16 replacement or duplicate copy of a certificate of title, and the
    - 17 duplicate copy issued shall show only those unreleased liens of
    - 18 record. Such fees shall be remitted by the county or the department
    - 19 to the State Treasurer for credit to the General Fund.
    - 20 (3) In addition to the fees prescribed in subsections (1)
    - 21 and (2) of this section, the county clerks, the designated county
    - 22 officials, or the department shall charge a fee of four dollars for
    - 23 each certificate of title, each replacement or duplicate copy of a
    - 1 certificate of title, and each notation of lien on a certificate of
    - 2 title. The county clerks, the designated county officials, or the
    - 3 department shall remit the fee charged under this subsection to the
    - 4 State Treasurer for credit to the Department of Motor Vehicles Cash
    - 5 Fund.
    - 6 (4) The county clerks or designated county officials
    - 7 shall remit fees due the State Treasurer for credit to the General
    - 8 Fund under this section monthly and not later than the ~~five~~
    - 9 fifteenth day of the month following collection. The county clerks
    - 10 or designated county officials shall remit fees not due to the
    - 11 State Treasurer for credit to the General Fund to their respective
    - 12 county treasurers who shall credit the fees to the county general
    - 13 fund.
    - 14 2. On page 2, line 11, strike "is" and insert "and
    - 15 section 37-1287, Revised Statutes Cumulative Supplement, 2010,
    - 16 are".
    - 17 3. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARINGS**  
Revenue

Room 1524

Wednesday, February 2, 2011 1:30 p.m.

LB430  
LB527  
LB528

Thursday, February 3, 2011 1:30 p.m.

LB672  
LB361  
LB384

Friday, February 4, 2011 1:30 p.m.

LB165  
LB537  
LB562

Wednesday, February 9, 2011 1:30 p.m.

LB318  
LB319  
LB320  
LB321

Thursday, February 10, 2011 1:30 p.m.

LB84  
LB429  
LB504  
LB505

Friday, February 11, 2011 1:30 p.m.

LB174  
LB370  
LB423  
LB483

(Signed) Abbie Cornett, Chairperson

## Nebraska Retirement Systems

Room 1525

Tuesday, February 8, 2011 12:10 p.m.

LB486  
LB509

Tuesday, February 15, 2011 12:10 p.m.

LB246  
LB307  
LB688

Tuesday, March 1, 2011 12:10 p.m.

LB679  
LB680

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 157.** The Coash amendment, AM106, found in this day's Journal, was renewed.Senator Flood offered the following amendment to the Coash amendment:  
AM110

(Amendments to AM106)

- 1 1. On page 22, strike beginning with "The" in line 24
- 2 through the period in line 27.

Senator Flood withdrew and refiled his amendment, AM110.

Senator Flood offered the following amendment to the Coash amendment:  
AM111

(Amendments to AM106)

- 1 1. On page 23, lines 7 and 8, strike "or concerned
- 2 individual"; and in line 15 after the period insert "Any interested
- 3 person that submits an affidavit under this subsection in bad
- 4 faith or submits an affidavit under this section that lacks a
- 5 factual basis as determined by the court, is guilty of a Class II
- 6 misdemeanor."

Senator Flood withdrew and refiled his amendment, AM111.

Senator Flood offered the following amendment to the Coash amendment:  
AM107

(Amendments to AM106)

- 1 1. On page 23, line 16, strike "(a)".
- 2 2. On page 24, strike lines 16 through 19.

The Flood amendment was adopted with 33 ayes, 6 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

## COMMITTEE REPORTS

Transportation and Telecommunications

**LEGISLATIVE BILL 47.** Placed on General File with amendment.  
AM109

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

**LEGISLATIVE BILL 212.** Placed on General File with amendment.  
AM2

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 60-144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-144 (1)(a) Except as provided in subdivisions (b),
- 5 (c), and (d) of this subsection, the county clerk or designated
- 6 county official shall be responsible for issuing and filing
- 7 certificates of title for vehicles, and each county shall issue
- 8 and file such certificates of title using the vehicle titling
- 9 and registration computer system prescribed by the department.
- 10 Application for a certificate of title shall be made upon a form
- 11 prescribed by the department. All applications shall be accompanied
- 12 by the appropriate fee or fees.
- 13 (b) The department shall issue and file certificates
- 14 of title for Nebraska-based fleet vehicles. Application for a
- 15 certificate of title shall be made upon a form prescribed by
- 16 the department. All applications shall be accompanied by the
- 17 appropriate fee or fees.
- 18 (c) The department shall issue and file certificates of
- 19 title for state-owned vehicles. Application for a certificate of
- 20 title shall be made upon a form prescribed by the department. All
- 21 applications shall be accompanied by the appropriate fee or fees.
- 22 (d) The department shall issue certificates of title
- 23 pursuant to section 60-142.06. Application for a certificate of
- 1 title shall be made upon a form prescribed by the department. All
- 2 applications shall be accompanied by the appropriate fee or fees.
- 3 (2) If the owner of an all-terrain vehicle, a
- 4 utility-type vehicle, or a minibike resides in Nebraska, the

5 application shall be filed with the county clerk or designated  
6 county official of the county in which the owner resides.

7 (3)(a) Except as otherwise provided in subdivision (b) of  
8 this subsection, if a vehicle, other than an all-terrain vehicle,  
9 a utility-type vehicle, or a minibike, has situs in Nebraska, the  
10 application shall be filed with the county clerk or designated  
11 county official of the county in which the vehicle has situs.

12 (b) If a motor vehicle dealer licensed under the Motor  
13 Vehicle Industry Regulation Act, applies for a certificate of title  
14 for a vehicle, the application may be filed with the county clerk  
15 or designated county official of any county.

16 (4) If the owner of a vehicle is a nonresident, the  
17 application shall be filed in the county in which the transaction  
18 is consummated.

19 (5) The application shall be filed within thirty days  
20 after the delivery of the vehicle.

21 (6) All applicants registering a vehicle pursuant to  
22 section 60-3,198 shall file the application for a certificate  
23 of title with the Division of Motor Carrier Services of the  
24 department. The division shall deliver the certificate to the  
25 applicant if there are no liens on the vehicle. If there are ~~any~~  
26 one or more liens on the vehicle, the ~~division shall deliver or~~  
27 ~~mail the certificate of title to the holder of the first lien~~  
1 on the day of issuance. shall be handled as provided in section  
2 60-164. All certificates of title issued by the division shall be  
3 issued in the manner prescribed for the county clerk or designated  
4 county official in section 60-152.

5 2. On page 18, line 3, after "sections" insert "60-144,".

6 3. Renumber the remaining sections accordingly.

(Signed) Deb Fischer, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 2, 2011 1:30 p.m.

Dana Miller - State Emergency Response Commission

LB399  
LB499  
LB368  
LB173

(Signed) Bill Avery, Chairperson



**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Delts, Dillard - Commission for the Deaf and Hard of Hearing - Health and Human Services

Gerrard, LeRoy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Pinkerton, Mark - Game and Parks Commission - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB81:  
AM132

1 1. On page 3, strike beginning with "The" in line 4  
2 through the period in line 9, show as stricken, and insert  
3 "The city council shall also have the power to require  
4 any person whose primary residence is in the city and who owns a  
5 motor vehicle in the city or any partnership, limited liability  
6 company, corporation, or business that has a place of business in  
7 the city and that owns a motor vehicle in the city to annually  
8 register the motor vehicle in such manner as may be provided and  
9 to require such person, partnership, limited liability company,  
10 corporation, or business to pay an annual registration fee therefor  
11 and to require the payment of registration fees upon the change of  
12 ownership of such motor vehicle."; in line 14 strike "not more than  
13 one week.", show as stricken, and insert "six months or less in a  
14 twelve-month period."; and strike beginning with "No" in line 14  
15 through line 15 and insert

16 "No registration fee shall be required when a person  
17 does not have a primary residence in the city and does not  
18 own a motor vehicle in the city or when a partnership, limited  
19 liability company, corporation, or business does not have a place  
20 of business in the city and does not own a motor vehicle in the  
21 city. No registration fee shall be required when a person is a  
22 full-time student attending a postsecondary institution in the city  
23 regardless of how many months he or she is in such city.".

1 2. On page 5, strike beginning with "All" in line 5  
2 through the period in line 8, show the old matter as stricken, and  
3 insert

4 "All cities and villages shall have the power to require  
5 any person whose primary residence is in such city or village  
6 and who owns a motor vehicle in such city or village or any  
7 partnership, limited liability company, corporation, or business  
8 that has a place of business in such city or village and that  
9 owns a motor vehicle in such city or village to annually register

10 the motor vehicle in such manner and as may be provided and  
 11 to require such person, partnership, limited liability company,  
 12 corporation, or business to pay an annual registration fee therefor  
 13 and to require the payment of registration fees upon the change  
 14 of ownership of such motor vehicle. No registration fee shall  
 15 be required when a person does not have a primary residence in  
 16 such city or village and does not own a motor vehicle in the  
 17 city or village or when a partnership, limited liability company,  
 18 corporation, or business does not have a place of business in such  
 19 city or village and does not own a motor vehicle in the city or  
 20 village. No registration fee shall be required when a person is a  
 21 full-time student attending a postsecondary institution in the city  
 22 or village regardless of how many months he or she is in such city  
 23 or village."; in lines 10 and 15 strike "tax", show as stricken,  
 24 and insert "fee"; and in line 13 strike "taxes", show as stricken,  
 25 and insert "fees".

Senator Flood filed the following amendment to LB157:  
 AM112

(Amendments to AM106)

1 1. On page 46, strike lines 21 through 25 and insert  
 2 "shall not require a bond if the protected person executed a  
 3 written, valid power of attorney that specifically nominates a  
 4 guardian or conservator and specifically does not require a bond.  
 5 The court shall consider as one of the factors of good cause,  
 6 when determining whether a bond should be required and the amount  
 7 thereof, the protected person's choice of any attorney-in-fact or  
 8 alternative attorney-in-fact. No bond shall be required of any  
 9 financial institution, as that term is defined in subdivision (12)  
 10 of section 8-101, or any officer, director, employee, or agent of  
 11 the financial institution serving as a conservator, or any trust  
 12 company serving as a conservator.".

### **MOTION - Print in Journal**

Senator Mello filed the following motion to LB492:  
 MO3  
 Withdraw bill.

### **VISITOR**

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

**ADJOURNMENT**

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, January 27, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTEENTH DAY - JANUARY 27, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 27, 2011

**PRAYER**

The prayer was offered by Senator Avery.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 23.** Placed on General File.

**LEGISLATIVE BILL 74.** Placed on General File.

**LEGISLATIVE BILL 75.** Placed on General File.

**LEGISLATIVE BILL 76.** Placed on General File with amendment.  
AM40

- 1 1. Insert the following new section:
- 2 Sec. 2 Section 8-1110, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 8-1110 Sections 8-1104 to 8-1109 shall not apply to any
- 5 of the following securities:
- 6 (1) Any security, including a revenue obligation, issued
- 7 or guaranteed by the State of Nebraska, any political subdivision,
- 8 or any agency or corporate or other instrumentality thereof or any
- 9 certificate of deposit for any of the foregoing;
- 10 (2) Any security issued or guaranteed by Canada, any
- 11 Canadian province, any political subdivision of any such province,
- 12 any agency or corporate or other instrumentality of one or more

13 of the foregoing, or any other foreign government with which the  
14 United States currently maintains diplomatic relations, if the  
15 security is recognized as a valid obligation by the issuer or  
16 guarantor;

17 (3) Any security issued or guaranteed by any federal  
18 credit union or any credit union or similar association organized  
19 and supervised under the laws of this state;

20 (4) Any security issued or guaranteed by any railroad,  
21 other common carrier, public utility, or holding company which is:  
22 (a) ~~A registered holding company under the Public Utility Holding~~  
23 ~~Company Act of 1935 or a subsidiary of such a company within the~~

1 ~~meaning of that act;~~ (b) regulated in respect of its rates and  
2 charges by a governmental authority of the United States or any  
3 state or municipality; or ~~(e)~~ (b) regulated in respect of the  
4 issuance or guarantee of the security by a governmental authority  
5 of the United States, any state, Canada, or any Canadian province;

6 (5)(a) Any security listed on the Chicago Stock Exchange,  
7 the Chicago Board Options Exchange, Tier I of the Pacific Stock  
8 Exchange, Tier I of the Philadelphia Stock Exchange, or any other  
9 stock exchange or market system approved by the director, if, in  
10 each case, quotations have been available and public trading has  
11 taken place for such class of security prior to the offer or sale  
12 of that security in reliance on the exemption; any other security  
13 of the same issuer which is of senior or substantially equal  
14 rank; any security called for by subscription rights or warrants  
15 so listed or approved; or any warrant or right to purchase or  
16 subscribe to any of the foregoing or to any security listed on the  
17 New York Stock Exchange, the American Stock Exchange, or the NASDAQ  
18 Global Market.

19 (b) The issuer of any security which has been approved  
20 for listing or designation on notice of issuance on such exchanges  
21 or market systems, and for which no quotations have been available  
22 and no public trading has taken place for any of such issuer's  
23 securities, may rely upon the exemption stated in subdivision

24 (5)(a) of this section, if a notice is filed with the director,  
25 together with a filing fee of two hundred dollars, prior to first  
26 use of a disclosure document covering such securities in this  
27 state, except that failure to file such notice in a timely manner  
1 may be cured by the director in his or her discretion.

2 (c) The director may adopt and promulgate rules and  
3 regulations which, after notice to such exchange or market system  
4 and an opportunity to be heard, remove any such exchange or market  
5 system from the exemption stated in subdivision (5)(a) of this  
6 section if the director finds that the listing requirements or  
7 market surveillance of such exchange or market system is such that  
8 the continued availability of such exemption for such exchange or  
9 market system is not in the public interest and that removal is  
10 necessary for the protection of investors;

11 (6) Any security which meets all of the following  
12 conditions:

13 (a) The issuer is organized under the laws of the United  
14 States or a state or has appointed a duly authorized agent in the  
15 United States for service of process and has set forth the name and  
16 address of such agent in its prospectus;

17 (b) A class of the issuer's securities is required to be  
18 and is registered under section 12 of the Securities Exchange Act  
19 of 1934 and has been so registered for the three years immediately  
20 preceding the offering date;

21 (c) Neither the issuer nor a significant subsidiary has  
22 had a material default during the last seven years, or during the  
23 issuer's existence if such existence is less than seven years, in  
24 the payment of (i) principal, interest, dividends, or sinking-fund  
25 installments on preferred stock or indebtedness for borrowed money  
26 or (ii) rentals under leases with terms of three or more years;

27 (d) The issuer has had consolidated net income, without  
1 taking into account extraordinary items and the cumulative effect  
2 of accounting changes, of at least one million dollars in four of  
3 its last five fiscal years, including its last fiscal year, and if  
4 the offering is of interest-bearing securities the issuer has had  
5 for its last fiscal year net income before deduction for income  
6 taxes and depreciation of at least one and one-half times the  
7 issuer's annual interest expense, taking into account the proposed  
8 offering and the intended use of the proceeds. However, if the  
9 issuer of the securities is a finance company which has liquid  
10 assets of at least one hundred five percent of its liabilities,  
11 other than deferred income taxes, deferred investment tax credit,  
12 capital stock, and surplus, at the end of its last five fiscal  
13 years, the net income requirement before deduction for interest  
14 expense shall be one and one-fourth times its annual interest  
15 expense. For purposes of this subdivision: (i) Last fiscal year  
16 means the most recent year for which audited financial statements  
17 are available, if such statements cover a fiscal period ending not  
18 more than fifteen months from the commencement of the offering;  
19 (ii) finance company means a company engaged primarily in the  
20 business of wholesale, retail, installment, mortgage, commercial,  
21 industrial, or consumer financing, banking, or factoring; and (iii)  
22 liquid assets means (A) cash, (B) receivables payable on demand or  
23 not more than twelve months following the close of the company's  
24 last fiscal year less applicable reserves and unearned income,  
25 and (C) readily marketable securities less applicable reserves and  
26 unearned income;

27 (e) If the offering is of stock or shares other than  
1 preferred stock or shares, such securities have voting rights which  
2 include (i) the right to have at least as many votes per share  
3 and (ii) the right to vote on at least as many general corporate  
4 decisions as each of the issuer's outstanding classes of stock or  
5 shares, except as otherwise required by law; and

6 (f) If the offering is of stock or shares other than  
 7 preferred stock or shares, such securities are owned beneficially  
 8 or of record on any date within six months prior to the  
 9 commencement of the offering by at least one thousand two hundred  
 10 persons, and on such date there are at least seven hundred fifty  
 11 thousand such shares outstanding with an aggregate market value  
 12 of at least three million seven hundred fifty thousand dollars  
 13 based on the average bid price for such day. When determining  
 14 the number of persons who are beneficial owners of the stock or  
 15 shares of an issuer, for purposes of this subdivision, the issuer  
 16 or broker-dealer may rely in good faith upon written information  
 17 furnished by the record owners;

18 (7) Any security issued or guaranteed as to both  
 19 principal and interest by an international bank of which the  
 20 United States is a member; or

21 (8) Any security issued by any person organized and  
 22 operated not for private profit but exclusively for religious,  
 23 educational, benevolent, charitable, fraternal, social, athletic,  
 24 or reformatory purposes, as a chamber of commerce, or as a trade or  
 25 professional association.

26 2. On page 7, line 23, strike "Public Utility Holding  
 27 Company Act of 1935," and show as stricken.

1 3. Renumber the remaining sections and correct the  
 2 repealer section accordingly.

(Signed) Rich Pahls, Chairperson

Executive Board

**LEGISLATIVE BILL 264.** Placed on General File.

**LEGISLATIVE BILL 326.** Placed on General File with amendment.  
 AM139

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

(Signed) John Wightman, Chairperson

Judiciary

**LEGISLATIVE BILL 12.** Placed on General File.

**LEGISLATIVE BILL 85.** Placed on General File.

(Signed) Brad Ashford, Chairperson



**MESSAGE FROM THE GOVERNOR**

January 25, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Steve Seline, 8704 Hickory, Omaha, NE 68124  
Dennis Baack, 2233 Surfside Drive, Lincoln, NE 68528

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**RESOLUTION**

**LEGISLATIVE RESOLUTION 61.** Introduced by Wightman, 36.

WHEREAS, Principal Barry McFarland of Morton Elementary School in Lexington, Nebraska, was named the National Distinguished Principal from Nebraska for 2011; and

WHEREAS, Principal McFarland has stated that while transforming Morton Elementary School into more of a community center that hosts indoor soccer leagues, basketball games, Girl Scouts, and Boy Scouts is one of his favorite accomplishments, the biggest accomplishments have been in the classroom; and

WHEREAS, during Principal McFarland's seven years at Morton Elementary School, the writing proficiency scores have increased from forty-eight percent to ninety percent; and

WHEREAS, Principal McFarland has also expanded the HOSTS (Helping One Student To Succeed) program, which brings community people into the schools to work one-on-one with students and help the students with their reading and writing skills, which has fostered this increase in test scores; and

WHEREAS, Principal McFarland has remained humble and prefers to give credit for this prestigious award to his staff and the great things they do at Morton Elementary School; and

WHEREAS, with Principal McFarland's distinction comes the opportunity for him to represent Nebraska principals in Washington, D.C., this coming fall, something he is looking forward to doing.

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

1. That the Nebraska Legislature congratulates Principal Barry McFarland for being named the National Distinguished Principal from Nebraska for 2011.

2. That the Legislature congratulates Principal McFarland for his accomplishments at Morton Elementary School.

3. That a copy of this resolution be sent to Principal McFarland.

Laid over.

### **NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, February 15, 2011 1:30 p.m.

LB592 (cancel)

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 3, 2011 1:30 p.m.

Roger Bradford "Brad" von Gillern - Nebraska Accountability and Disclosure Commission

LB234

LB254

LB278

LB556

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORT**

## Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Samuel Seever - State Personnel Board

Aye: 8 Senators Avery, Brasch, Janssen, Karpisek, Pahls, Price, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**MOTION - Print in Journal**

Senator Carlson filed the following motion to LB592:

MO4

Withdraw bill.

**MOTIONS - Approve Appointments**

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 355:

Nebraska Investment Council

John Maginn

Voting in the affirmative, 39:

Adams	Cook	Hansen	Lautenbaugh	Pirsch
Avery	Cornett	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman
Conrad	Hadley	Larson	Pahls	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Council	Heidemann	Lathrop	Utter
Carlson	Flood	Janssen	Pankonin	

Excused and not voting, 1:

## Price

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 355:

Public Employees Retirement Board  
 Randall Rehmeier  
 Richard Wassinger

Voting in the affirmative, 37:

Adams	Cornett	Harms	McGill	Smith
Avery	Council	Howard	Mello	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Utter
Brasch	Fischer	Krist	Nordquist	Wallman
Campbell	Gloor	Larson	Pahls	Wightman
Christensen	Haar, K.	Lautenbaugh	Pirsch	
Coash	Hadley	Louden	Schilz	
Conrad	Hansen	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cook	Fulton	Heidemann	Lathrop
Carlson	Flood	Harr, B.	Janssen	Pankonin

Excused and not voting, 2:

Langemeier Price

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 364:

Nebraska Child Abuse Prevention Fund Board  
 Rebecca Brown  
 Brandon Verzal

Voting in the affirmative, 39:

Adams	Cook	Haar, K.	Lautenbaugh	Schilz
Avery	Cornett	Hadley	McCoy	Schumacher
Bloomfield	Council	Hansen	McGill	Smith
Brasch	Dubas	Harms	Mello	Sullivan
Campbell	Fischer	Howard	Nelson	Utter
Christensen	Flood	Karpisek	Pahls	Wallman
Coash	Fulton	Krist	Pirsch	Wightman
Conrad	Gloor	Larson	Price	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Harr, B.	Janssen	Nordquist
Carlson	Heidemann	Lathrop	Pankonin

Excused and not voting, 2:

Langemeier Louden

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### **MOTION - Withdraw LB492**

Senator Mello renewed his motion, MO3, found on page 378, to withdraw LB492.

The Mello motion to withdraw the bill prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### **NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1524

Monday, February 7, 2011 1:30 p.m.

LB373  
 LB374  
 LB375  
 LB376  
 LB377  
 LB378  
 LB379  
 LB380  
 LB131

(Signed) Lavon Heidemann, Chairperson

Revenue

Room 1524

Thursday, February 3, 2011 1:30 p.m.

LB389

(Signed) Abbie Cornett, Chairperson

Judiciary

Room 1113

Friday, February 4, 2011 1:30 p.m.

LB284

(Signed) Brad Ashford, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 62.** Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' cross country team won the 2010 Class D Girls' State Cross Country Championship; and

WHEREAS, the Crofton High School girls' cross country team won the state championship by a substantial margin; and

WHEREAS, the win gave the Crofton High School girls' cross country team a state championship for the fifth consecutive year; 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, FIRST SESSION:

1. That the Legislature congratulates the Crofton High School girls' cross country team on winning the 2010 Class D Girls' State Cross Country Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' cross country team and their coach, Jayne Arens.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Coash renewed his amendment, AM106, found on page 371 and considered on page 374, as amended.

Senator Flood renewed his amendment, AM112, found on page 378, to the Coash amendment.

The Flood amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Coash offered the following amendment to his amendment: AM140

(Amendments to AM106)

- 1 1. Strike sections 32, 33, 34, 35, 37, 42, and 43 and
- 2 insert the following new section:
- 3 Sec. 29. Section 30-2209, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 30-2209 Subject to additional definitions contained in
- 6 the subsequent articles which are applicable to specific articles
- 7 or parts, and unless the context otherwise requires, in the
- 8 Nebraska Probate Code:
  - 9 (1) Application means a written request to the registrar
  - 10 for an order of informal probate or appointment under part 3 of
  - 11 Article 24.
  - 12 (2) Beneficiary, as it relates to trust beneficiaries,
  - 13 includes a person who has any present or future interest, vested
  - 14 or contingent, and also includes the owner of an interest by
  - 15 assignment or other transfer, and as it relates to a charitable
  - 16 trust includes any person entitled to enforce the trust.
  - 17 (3) Child includes any individual entitled to take as
  - 18 a child under the code by intestate succession from the parent
  - 19 whose relationship is involved and excludes any person who is only
  - 20 a stepchild, a foster child, or a grandchild or any more remote
  - 21 descendant.
  - 22 (4) Claim, in respect to estates of decedents and
    - 1 protected persons, includes liabilities of the decedent or
    - 2 protected person whether arising in contract, in tort or otherwise,
    - 3 and liabilities of the estate which arise at or after the death of
    - 4 the decedent or after the appointment of a conservator, including
    - 5 funeral expenses and expenses of administration. The term does not
    - 6 include estate or inheritance taxes, demands or disputes regarding
    - 7 title of a decedent or protected person to specific assets alleged
    - 8 to be included in the estate.
    - 9 (5) Court means the court or branch having jurisdiction
    - 10 in matters relating to the affairs of decedents. This court in this
    - 11 state is known as county court or, for purposes of guardianship
    - 12 of a juvenile over which a separate juvenile court already has
    - 13 jurisdiction, the county court or separate juvenile court.

14 (6) Conservator means a person who is appointed by a  
15 court to manage the estate of a protected person.

16 (7) Devise, when used as a noun, means a testamentary  
17 disposition of real or personal property and, when used as a verb,  
18 means to dispose of real or personal property by will.

19 (8) Devisee means any person designated in a will to  
20 receive a devise. In the case of a devise to an existing trust or  
21 trustee, or to a trustee on trust described by will, the trust or  
22 trustee is the devisee and the beneficiaries are not devisees.

23 (9) Disability means cause for a protective order as  
24 described by section 30-2630.

25 (10) Disinterested witness to a will means any individual  
26 who acts as a witness to a will and is not an interested witness  
27 to such will.

1 (11) Distributee means any person who has received  
2 property of a decedent from his or her personal representative  
3 other than as a creditor or purchaser. A testamentary trustee  
4 is a distributee only to the extent of distributed assets or  
5 increment thereto remaining in his or her hands. A beneficiary  
6 of a testamentary trust to whom the trustee has distributed  
7 property received from a personal representative is a distributee  
8 of the personal representative. For purposes of this provision,  
9 testamentary trustee includes a trustee to whom assets are  
10 transferred by will, to the extent of the devised assets.

11 (12) Estate includes the property of the decedent, trust,  
12 or other person whose affairs are subject to the Nebraska Probate  
13 Code as originally constituted and as it exists from time to time  
14 during administration.

15 (13) Exempt property means that property of a decedent's  
16 estate which is described in section 30-2323.

17 (14) Fiduciary includes personal representative,  
18 guardian, conservator, and trustee.

19 (15) Foreign personal representative means a personal  
20 representative of another jurisdiction.

21 (16) Formal proceedings mean those conducted before a  
22 judge with notice to interested persons.

23 (17) Guardian means a person who has qualified as  
24 a guardian of a minor or incapacitated person pursuant to  
25 testamentary or court appointment, but excludes one who is merely  
26 a guardian ad litem.

27 (18) Heirs mean those persons, including the surviving  
1 spouse, who are entitled under the statutes of intestate succession  
2 to the property of a decedent.

3 (19) Incapacitated person is as defined in section  
4 30-2601.

5 (20) Informal proceedings mean those conducted without  
6 notice to interested persons by an officer of the court acting as  
7 a registrar for probate of a will or appointment of a personal  
8 representative.



9 (21) ~~Interested~~ Except for purposes of article 26 of the  
10 Nebraska Probate Code, interested person includes heirs, devisees,  
11 children, spouses, creditors, beneficiaries, and any others having  
12 a property right in or claim against a trust estate or the  
13 estate of a decedent, ward, or protected person which may be  
14 affected by the proceeding. It also includes persons having  
15 priority for appointment as personal representative, and other  
16 fiduciaries representing interested persons. The meaning as it  
17 relates to particular persons may vary from time to time and must  
18 be determined according to the particular purposes of, and matter  
19 involved in, any proceeding.

20 (22) Interested witness to a will means any individual  
21 who acts as a witness to a will at the date of its execution and  
22 who is or would be entitled to receive any property thereunder  
23 if the testator then died under the circumstances existing at  
24 the date of its execution, but does not include any individual,  
25 merely because of such nomination, who acts as a witness to a  
26 will by which he or she is nominated as personal representative,  
27 conservator, guardian, or trustee.

1 (23) Issue of a person means all his or her lineal  
2 descendants of all generations, with the relationship of parent and  
3 child at each generation being determined by the definitions of  
4 child and parent contained in the Nebraska Probate Code.

5 (24) Lease includes an oil, gas, or other mineral lease.

6 (25) Letters include letters testamentary, letters  
7 of guardianship, letters of administration, and letters of  
8 conservatorship.

9 (26) Minor means an individual under nineteen years of  
10 age, but in case any person marries under the age of nineteen years  
11 his or her minority ends.

12 (27) Mortgage means any conveyance, agreement, or  
13 arrangement in which property is used as security.

14 (28) Nonresident decedent means a decedent who was  
15 domiciled in another jurisdiction at the time of his or her  
16 death.

17 (29) Notice means compliance with the requirements of  
18 notice pursuant to subdivisions (a)(1) and (a)(2) of section  
19 30-2220.

20 (30) Organization includes a corporation, government, or  
21 governmental subdivision or agency, business trust, estate, trust,  
22 partnership, limited liability company, or association, two or more  
23 persons having a joint or common interest, or any other legal  
24 entity.

25 (31) Parent includes any person entitled to take, or who  
26 would be entitled to take if the child died without a will, as  
27 a parent under the Nebraska Probate Code, by intestate succession  
1 from the child whose relationship is in question and excludes any  
2 person who is only a stepparent, foster parent, or grandparent.

- 3 (32) Person means an individual, a corporation, an  
4 organization, a limited liability company, or other legal entity.
- 5 (33) Personal representative includes executor,  
6 administrator, successor personal representative, special  
7 administrator, and persons who perform substantially the same  
8 function under the law governing their status.
- 9 (34) Petition means a written request to the court for an  
10 order after notice.
- 11 (35) Proceeding includes action at law and suit in  
12 equity, but does not include a determination of inheritance tax  
13 under Chapter 77, article 20, or estate tax apportionment as  
14 provided in sections 77-2108 to 77-2112.
- 15 (36) Property includes both real and personal property or  
16 any interest therein and means anything that may be the subject of  
17 ownership.
- 18 (37) Protected person is as defined in section 30-2601.
- 19 (38) Protective proceeding is as defined in section  
20 30-2601.
- 21 (39) Registrar refers to the official of the court  
22 designated to perform the functions of registrar as provided in  
23 section 30-2216.
- 24 (40) Relative or relation of a person means all persons  
25 who are related to him or her by blood or legal adoption.
- 26 (41) Security includes any note, stock, treasury  
27 stock, bond, debenture, evidence of indebtedness, certificate  
1 of interest or participation in an oil, gas, or mining title  
2 or lease or in payments out of production under such a title  
3 or lease, collateral-trust certificate, transferable share,  
4 voting-trust certificate or, in general, any interest or instrument  
5 commonly known as a security, or any certificate of interest or  
6 participation, any temporary or interim certificate, receipt, or  
7 certificate of deposit for, or any warrant or right to subscribe to  
8 or purchase, any of the foregoing.
- 9 (42) Settlement, in reference to a decedent's estate,  
10 includes the full process of administration, distribution, and  
11 closing.
- 12 (43) Special administrator means a personal  
13 representative as described by sections 30-2457 to 30-2461.
- 14 (44) State includes any state of the United States, the  
15 District of Columbia, the Commonwealth of Puerto Rico, and any  
16 territory or possession subject to the legislative authority of the  
17 United States.
- 18 (45) Successor personal representative means a  
19 personal representative, other than a special administrator,  
20 who is appointed to succeed a previously appointed personal  
21 representative.
- 22 (46) Successors mean those persons, other than creditors,  
23 who are entitled to property of a decedent under his or her will or  
24 the Nebraska Probate Code.

25 (47) Supervised administration refers to the proceedings  
26 described in Article 24, part 5.

27 (48) Testacy proceeding means a proceeding to establish a  
1 will or determine intestacy.

2 (49) Testator means the maker of a will.

3 (50) Trust includes any express trust, private or  
4 charitable, with additions thereto, wherever and however created.  
5 It also includes a trust created or determined by judgment or  
6 decree under which the trust is to be administered in the manner  
7 of an express trust. Trust excludes other constructive trusts,  
8 and it excludes resulting trusts, conservatorships, personal  
9 representatives, trust accounts as defined in Article 27, custodial  
10 arrangements pursuant to the Nebraska Uniform Transfers to Minors  
11 Act, business trusts providing for certificates to be issued  
12 to beneficiaries, common trust funds, voting trusts, security  
13 arrangements, liquidation trusts, and trusts for the primary  
14 purpose of paying debts, dividends, interest, salaries, wages,  
15 profits, pensions, or employee benefits of any kind, and any  
16 arrangement under which a person is nominee or escrowee for  
17 another.

18 (51) Trustee includes an original, additional, or  
19 successor trustee, whether or not appointed or confirmed by court.

20 (52) Ward is as defined in section 30-2601.

21 (53) Will means any instrument, including any codicil or  
22 other testamentary instrument complying with sections 30-2326 to  
23 30-2338, which disposes of personal or real property, appoints  
24 a personal representative, conservator, guardian, or trustee,  
25 revokes or revises an earlier executed testamentary instrument,  
26 or encompasses any one or more of such objects or purposes.

27 2. On page 5, line 23, strike "eighteen" and insert  
1 "nineteen".

2 3. On page 23, line 8, strike "the party" and insert  
3 "such person".

4 4. On page 47, lines 8 and 9, strike "or older but is  
5 less than eighteen years".

6 5. Renumber the remaining sections and correct internal  
7 references and the repealer section accordingly.

The Coash amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The Coash amendment, AM106, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 157A.** Title read. Considered.

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

**LEGISLATIVE BILL 134.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 81.** Title read. Considered.

Committee AM14, found on page 333, was considered.

Pending.

### **COMMITTEE REPORT**

Urban Affairs

**LEGISLATIVE BILL 146.** Placed on General File.

(Signed) Amanda McGill, Chairperson

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Baack, Dennis - Nebraska Educational Telecommunications Commission -  
Education

Seline, Steve - Nebraska Educational Telecommunications Commission -  
Education

(Signed) John Wightman, Chairperson  
Executive Board

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

Senator McCoy asked unanimous consent to add his name as cointroducer to LB294. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB367. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB469, LB508, LB521, LB575, and LR40CA. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB589. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Adams, the Legislature adjourned until 10:00 a.m., Friday, January 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - JANUARY 28, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 28, 2011

**PRAYER**

The prayer was offered by Senator McCoy.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 331.** Placed on General File.

**LEGISLATIVE BILL 332.** Placed on General File.

**LEGISLATIVE BILL 334.** Placed on General File with amendment.  
AM102

- 1 1. Insert the following new section:
- 2 Sec. 12. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Greg Adams, Chairperson

## Banking, Commerce and Insurance

**LEGISLATIVE BILL 25.** Placed on General File.

**LEGISLATIVE BILL 26.** Placed on General File.

**LEGISLATIVE BILL 78.** Placed on General File.

**LEGISLATIVE BILL 77.** Placed on General File with amendment.  
AM76

- 1 1. On page 19, line 7, strike "2006,", show as stricken,
- 2 and insert "2011".

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, March 14, 2011 1:30 p.m.

Wayne Camara - Technical Advisory Committee for Statewide Assessment  
 Dallas Watkins - Technical Advisory Committee for Statewide Assessment  
 Gary Bieganski - Board of Trustees of the Nebraska State Colleges  
 Carter Peterson - Board of Trustees of the Nebraska State Colleges  
 Darlene Starman - Nebraska Educational Telecommunications Commission  
 Charles Ward - Board of Educational Lands and Funds

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 8, 2011 1:30 p.m.

LB295

Tuesday, February 15, 2011 1:30 p.m.

Frank Landis - Nebraska Railway Council  
 Ralph Holzfaster - Nebraska Railway Council  
 John Rebensdorf - Nebraska Railway Council  
 Gary Rasmussen - Nebraska Railway Council

Monday, March 7, 2011 1:30 p.m.

LeRoy Gerrard - Board of Public Roads Classifications and Standards

(Signed) Deb Fischer, Chairperson



**RESOLUTIONS****LEGISLATIVE RESOLUTION 63.** Introduced by Flood, 19.

WHEREAS, Joseph Albert Roberts has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Joe has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Joe organized a letter and wet wipe drive for American servicemen. Through his collection efforts of cash and wet wipes, he sent more than 150 wet wipes and more than 1,000 letters to our Marines serving in Afghanistan; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Joe, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Joseph Albert Roberts on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Joseph Albert Roberts.

Laid over.

**LEGISLATIVE RESOLUTION 64.** Introduced by Smith, 14.

WHEREAS, Derek Ruffner has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Derek has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Derek's community service project consisted of landscaping the entrance area of the La Vista Falls Golf Course. Derek designed the area, bought the landscaping blocks, built a wall, and planted a tree and perennial flowers; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Derek, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Derek Ruffner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Derek Ruffner.

Laid over.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 27, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Amack, Angela K.

O'Hara, Lindsay & Associates, Inc.

Bedke, Eric J.

ABATE of Nebraska, Inc.

Cale, Grant Morgan

Bristol-Myers Squibb Co.

Epps, Susan

American Red Cross

Goff, Duane

ABATE of Nebraska, Inc.

Hovorka, Duane A.

Wildlife Federation, Nebraska

Hundt, Tyanne

Tax Research Council, Inc., Nebraska

Husch Blackwell, LLP

Asurion Services, Inc.

KVC Behavioral Healthcare Nebraska, Inc.

Kelley and Jerram, P.C.

Daily Record

Koellner, Gregory Mikell  
 ABATE of Nebraska, Inc.

Luebbe, Lori  
 Soybean Association, Nebraska

Mach, Coby  
 Lincoln Independent Business Association (LIBA)

O'Hara, Lindsay and Associates, Inc.  
 City of Omaha, Mayor

Pedersen, Tim  
 ABATE of Nebraska, Inc.

Pollock, Andy  
 Eckerd Youth Alternatives, Inc.

Propes, Margaret  
 Sunovion

Rogert, Kent  
 Cutshall & Nowka

Shafer, Kenn  
 ABATE of Nebraska, Inc.

Sobotta, Russell  
 Sanofi-Aventis Group (Aventis, Inc.)

Sommerich, Christopher D.  
 Humanities Council, Nebraska

Welsch, Mark E.  
 GASP-Group to Alleviate Smoking Pollution

## REPORTS

The following reports were received by the Legislature:

### **Aeronautics, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Education, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Environmental Quality, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Game and Parks Commission**

2010 Recreation Road Report

### **Health and Human Services, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Revenue, Nebraska Department of**

Report of Examination of State of Nebraska Auditor of Public Accounts for the Fiscal Year ended June 30, 2009

### **Roads, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**State College System, Nebraska**

Chief Negotiator's Reports of the State Employee Collective Bargaining Act for 2011-2013

**State Patrol, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**University of Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Veterans' Affairs, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**MOTION - Withdraw LB592**

Senator Carlson renewed his motion, MO4, found on page 387, to withdraw LB592.

The Carlson motion to withdraw the bill prevailed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on page 396, was renewed.

Pending.

**COMMITTEE REPORTS**

Nebraska Retirement Systems

**LEGISLATIVE BILL 303.** Placed on General File.

**LEGISLATIVE BILL 474.** Placed on General File with amendment. AM123

- 1 1. On page 3, line 20; page 7, line 12; page 9, line 9;
- 2 page 11, line 7; page 14, line 23; page 17, line 14; page 19, line
- 3 24; page 22, line 16; page 25, line 5; page 30, line 12; page 32,
- 4 line 21; and page 35, line 1, after the underscored period insert
- 5 "The Auditor of Public Accounts may prepare a review of such report

6 pursuant to section 84-304.02 but is not required to do so."  
 7 2. On page 5, line 1; page 8, line 17; page 10, line 15;  
 8 page 12, line 13; page 16, line 5; page 18, line 20; page 21, line  
 9 6; page 23, line 23; page 26, line 12; page 31, line 19; page 34,  
 10 line 6; and page 36, line 8, after the period insert "The Auditor  
 11 of Public Accounts may prepare a review of such report pursuant to  
 12 section 84-304.02 but is not required to do so.".

(Signed) Jeremy Nordquist, Chairperson

## NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, March 16, 2011 1:30 p.m.

LB237 (cancel)

Thursday, February 10, 2011 1:30 p.m.

LB237 (reschedule)

(Signed) Kathy Campbell, Chairperson

Executive Board

Room 2102

Friday, February 4, 2011 12:00 p.m.

LR5CA  
 LR44CA  
 LB576

Thursday, February 10, 2011 12:00 p.m.

LB611  
 LB617

Thursday, February 17, 2011 12:00 p.m.

LB604  
 LR30  
 LR47

(Signed) John Wightman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on page 396 and in this day's Journal, was renewed.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR GLOOR PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 38, 41, 42, 43, 48, 49, and 50 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 38, 41, 42, 43, 48, 49, and 50.

**SENATOR GLOOR PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on page 396 and in this day's Journal, was renewed.

Pending.

**NOTICE OF COMMITTEE HEARING**

Appropriations

Monday, February 7, 2011 1:30 p.m.

Room Change Request  
Room 1524 (cancel)  
Room 1003 (reschedule)

(Signed) Lavon Heidemann, Chairperson

**COMMITTEE REPORT**

## Natural Resources

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

Mark McColley - Nebraska Ethanol Board

Michael Thede - Nebraska Ethanol Board

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator McCoy asked unanimous consent to add his name as cointroducer to LB326. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB293. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Lavonne Hornik, June Wilhelm, Linda Vogel, and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 31, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTEENTH DAY - JANUARY 31, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**

**EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 31, 2011

**PRAYER**

The prayer was offered by Pastor William Damberg, Beatrice Mennonite Church, Beatrice.

**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 Senators B. Harr, Pankonin, and Smith who were excused; and Senators Campbell, Christensen, Heidemann, Langemeier, Nordquist, Pirsch, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 157.** Placed on Select File with amendment.  
ER6 is available in the Bill Room.

**LEGISLATIVE BILL 157A.** Placed on Select File.

**LEGISLATIVE BILL 134.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Business and Labor

Room 1524

Monday, February 7, 2011 1:30 p.m.

LB397  
 LB482  
 LB555  
 LB564  
 LB623  
 LB624  
 LB619  
 LB664  
 LR29CA

(Signed) Steve Lathrop, Chairperson

General Affairs

Room 1510

Monday, February 7, 2011 1:30 p.m.

LB524  
 LB299  
 LB490  
 LB681

(Signed) Russ Karpisek, Chairperson

**MOTION - Approve Appointment**

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 387:

State Personnel Board  
 Samuel Seever

Voting in the affirmative, 28:

Adams	Council	Howard	Louden	Schumacher
Ashford	Dubas	Janssen	McGill	Sullivan
Bloomfield	Fischer	Karpisek	Mello	Wallman
Brasch	Gloor	Krist	Nelson	Wightman
Carlson	Haar, K.	Larson	Pahls	
Conrad	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Avery	Cornett	Hadley	McCoy
Coash	Flood	Harms	Utter
Cook	Fulton	Lautenbaugh	

Excused and not voting, 10:

Campbell	Harr, B.	Langemeier	Pankonin	Price
Christensen	Heidemann	Nordquist	Pirsch	Smith

The appointment was confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 67.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 158.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 18.** ER2, found on page 348, was adopted.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 52, 53, 54, 55, and 56 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 52, 53, 54, 55, and 56.

### GENERAL FILE

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on pages 396, 404, and 406, was renewed.

Senator Ashford offered the following amendment to the committee amendment:

AM184

(Amendments to Standing Committee amendments, AM14)

- 1 1. Insert the following amendment:
- 2 "3. On page 3, strike beginning with 'No' in line 14
- 3 through the period in line 15 and insert 'No registration fee shall
- 4 be required of a person who resides outside of the limits of the
- 5 extraterritorial zoning jurisdiction of the city until January 1,
- 6 2013. Until January 1, 2013, the city shall work with interested
- 7 parties to form a compromise plan regarding the assessment of such
- 8 fee to ensure that the users of the streets of such city contribute
- 9 to the maintenance of such streets.'".
- 10 2. Renumber the remaining amendments.

Senator Ashford withdrew his amendment.

Pending.

### **MOTION - Suspend Rules**

Senator Avery moved to suspend Rule 3, Sec. 14, to permit cancellation of the hearing for a gubernatorial appointment, on Wednesday, February 2, 2011, by the Government, Military and Veterans Affairs Committee.

The Avery motion to suspend the rules prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### **NOTICE OF COMMITTEE HEARING**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 2, 2011 1:30 p.m.

Dana Miller (cancel)

(Signed) Bill Avery, Chairperson

### **MOTION - Print in Journal**

Senator Cook filed the following motion to LB547:

MO5

Withdraw bill.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 65.** Introduced by Harms, 48; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Teresa Scanlan, who grew up in Gering, Nebraska, and graduated from Scottsbluff High School, was crowned Miss America 2011 at the Miss America Pageant held in Las Vegas, Nevada; and

WHEREAS, Teresa Scanlan is the first Miss Nebraska to be crowned Miss America; and

WHEREAS, Teresa Scanlan, as part of the many responsibilities of being Miss America, will serve as a goodwill ambassador for the Children's Miracle Network and will help to educate people about the risks of eating disorders; and

WHEREAS, the Legislature recognizes the achievements of the citizens of our state.

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

1. That the Legislature congratulates Teresa Scanlan on being crowned Miss America 2011.

2. That a copy of this resolution be sent to Teresa Scanlan.

Laid over.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE RESOLUTION 37.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

## Judiciary

**LEGISLATIVE BILL 302.** Placed on General File.

**LEGISLATIVE BILL 94.** Placed on General File with amendment.  
AM180

- 1 1. On page 6, line 2, after the period insert "The
- 2 department shall not include in the case file to be read any
- 3 information or documents that the department determines cannot be
- 4 released based upon state statute or federal statute, rule, or
- 5 regulation."; and in line 4 before the period insert "and are
- 6 aware that he, she, or they can review the child's file at any
- 7 time following finalization of the adoption upon making a written
- 8 request to the department".

**LEGISLATIVE BILL 13.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 7, 2011 1:30 p.m.

LB547 (cancel)

(Signed) Greg Adams, Chairperson

Agriculture

Room 2102

Tuesday, February 15, 2011 1:30 p.m.

LB473

Tuesday, February 22, 2011 1:30 p.m.

LB354

LB355

LB356

Tuesday, March 1, 2011 1:30 p.m.

LB459

LB698

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, February 8, 2011 1:30 p.m.

LB417  
LB121  
LB437  
LB546

Tuesday, February 15, 2011 1:30 p.m.

LB42  
LB55  
LB329  
LB190

(Signed) Amanda McGill, Chairperson

**VISITORS**

Visitor to the Chamber was Senator Richard Moore from Massachusetts.

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Tuesday, February 1, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**NINETEENTH DAY - FEBRUARY 1, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 1, 2011

**PRAYER**

The prayer was offered by Senator Brasch.

**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 Senators Cook, Heidemann, Janssen, and Karpisek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 24.** Placed on General File.

**LEGISLATIVE BILL 396.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Monday, February 14, 2011 1:30 p.m.

LB52  
LB477  
LB495

Tuesday, February 15, 2011 1:30 p.m.

LB289

LB573

LB353

Tuesday, February 22, 2011 1:30 p.m.

LB104

LB102

LB35

LB420

(Signed) Deb Fischer, Chairperson

**MOTION - Approve Appointments**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 407:

Nebraska Ethanol Board

Mark McColley

Michael Thede

Voting in the affirmative, 40:

Adams	Conrad	Hadley	Louden	Price
Ashford	Council	Hansen	McCoy	Schilz
Avery	Dubas	Howard	McGill	Schumacher
Bloomfield	Fischer	Krist	Mello	Smith
Brasch	Flood	Langemeier	Nordquist	Sullivan
Carlson	Fulton	Larson	Pahls	Utter
Christensen	Gloor	Lathrop	Pankonin	Wallman
Coash	Haar, K.	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 5:

Campbell	Cornett	Harms	Harr, B.	Nelson
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Excused and not voting, 4:

Cook	Heidemann	Janssen	Karpisek
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The appointments were confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LR 57, 58, 59, and 60 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 57, 58, 59, and 60.

**MOTION - Withdraw LB547**

Senator Flood renewed the Cook motion, MO5, found on page 412, to withdraw LB547.

The Cook motion to withdraw the bill prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on pages 396, 404, 406, and 411, was renewed.

Senator Cornett offered the following amendment to the committee amendment:

AM198

(Amendments to Standing Committee amendments, AM14)

- 1 1. Strike amendments 1 through 4 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. Section 14-109, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 14-109 (1) The city council shall have power to
- 8 tax for revenue, license, and regulate pawnbrokers, peddlers,
- 9 auctioneers, brokers, hawkers, commission merchants, showmen,
- 10 jugglers, innkeepers, liquor dealers, toll bridges, ferries,
- 11 insurance, telegraph and express companies and vendors of patents.
- 12 any person within the limits of the city and regulate the same by
- 13 ordinance except as otherwise provided in this section. Such tax
- 14 may include both a tax for revenue and license. If the applicant
- 15 is an individual, an application for a license shall include the
- 16 applicant's social security number. The city council shall have
- 17 power to may raise revenue by levying and collecting a tax on any
- 18 occupation or business within the limits of the city, and regulate
- 19 the same by ordinance. All such taxes shall be uniform in respect
- 20 to the class upon which they are imposed. All scientific and
- 21 literary lectures and entertainments shall be exempt from taxation,
- 22 as well as concerts and all other musical entertainments given
- 1 exclusively by the citizens of the city. It shall be the duty of

2 the city clerk to deliver to the city treasurer the certified copy  
3 of the ordinance levying such tax, and the city clerk shall append  
4 thereto a warrant requiring the city treasurer to collect such tax.

5 (2)(a) Except as otherwise provided in subdivision (c)  
6 of this subsection, the city council shall also have power  
7 to require any person, firm, or corporation owning or using any  
8 vehicle in a city of the metropolitan class individual whose  
9 primary residence or person who owns a place of business which  
10 is within the limits of the city and that owns and operates a  
11 motor vehicle within such limits to annually register such motor  
12 vehicle in such manner as may be provided and to require such  
13 person to pay an annual registration fee-motor vehicle tax therefor  
14 and to require the payment of registration fees-such tax upon the  
15 change of ownership of such vehicle. All registration fees-such  
16 taxes which may be thus provided for under this subsection shall  
17 be credited to a separate fund of the city, thereby created, to  
18 be used exclusively for the repairing of streets in such city.  
19 constructing, repairing, maintaining, or improving streets, roads,  
20 alleys, public ways, or parts thereof or for the amortization of  
21 bonded indebtedness when created for such purposes.

22 (b) No registration fee-motor vehicle tax shall be  
23 required where under this subsection if (i) a vehicle is used but  
24 temporarily in such city for a period of not more than one week.  
25 six months or less in a twelve-month period, (ii) an individual  
26 does not have a primary residence or a person does not own a place  
27 of business within the limits of the city and does not own and  
1 operate a motor vehicle within the limits of the city, or (iii) a  
2 person is a full-time student attending a postsecondary institution  
3 within the limits of the city and the motor vehicle's situs under  
4 the Motor Vehicle Certificate of Title Act is different from the  
5 place at which he or she is attending such institution.

6 (c) After December 31, 2012, no motor vehicle tax shall  
7 be required of a person residing within the extraterritorial zoning  
8 jurisdiction of such city.

9 (3) For purposes of this section:

10 (a) Limits of the city includes the extraterritorial  
11 zoning jurisdiction of such city; and

12 (b) Person includes bodies corporate, societies,  
13 communities, the public generally, individuals, partnerships,  
14 limited liability companies, joint-stock companies, cooperatives,  
15 and associations. Person does not include any federal, state, or  
16 local government or any political subdivision thereof.

17 Sec. 2. Section 18-1214, Revised Statutes Cumulative  
18 Supplement, 2010, is amended to read:

19 18-1214 All cities and villages may levy a tax on all  
20 motor vehicles owned or used in such city or village. (1) Except as  
21 otherwise provided in subsection (3) of this section, the governing  
22 body of any city or village shall have power to require any  
23 individual whose primary residence or person who owns a place of

24 business which is within the limits of the city or village and  
 25 that owns and operates a motor vehicle within such limits to pay  
 26 an annual motor vehicle tax and to require the payment of such  
 27 tax upon the change of ownership of such vehicle. All such taxes  
 1 which may be provided for under this subsection shall be used  
 2 exclusively for constructing, repairing, maintaining, or improving  
 3 streets, roads, alleys, public ways, or parts thereof or for the  
 4 amortization of bonded indebtedness when created for such purposes.

5 (2) No motor vehicle tax shall be required under this  
 6 subsection if (a) a vehicle is used but temporarily in such city  
 7 or village for a period of six months or less in a twelve-month  
 8 period, (b) an individual does not have a primary residence or a  
 9 person does not own a place of business within the limits of the  
 10 city or village and does not own and operate a motor vehicle within  
 11 the limits of the city or village, or (c) a person is a full-time  
 12 student attending a postsecondary institution within the limits of  
 13 the city or village and the motor vehicle's situs under the Motor  
 14 Vehicle Certificate of Title Act is different from the place at  
 15 which he or she is attending such institution.

16 (3) After December 31, 2012, no motor vehicle tax shall  
 17 be required of a person residing within the extraterritorial zoning  
 18 jurisdiction of such city or village.

19 (4) Until the implementation date designated by the  
 20 Director of Motor Vehicles under section 23-186, the tax shall be  
 21 paid to the designated county official of the county in which such  
 22 city or village is located when the registration fees as provided  
 23 in the Motor Vehicle Registration Act are paid. Such taxes shall  
 24 be remitted to the county treasurer for credit to the road fund  
 25 of such city or village. On and after the implementation date  
 26 designated under section 23-186, the tax shall be paid to the  
 27 county treasurer for credit to such road fund. Such funds shall  
 1 be used by such city or village for constructing, resurfacing,  
 2 maintaining, or improving streets, roads, alleys, public ways, or  
 3 parts thereof or for the amortization of bonded indebtedness when  
 4 created for such purposes.

5 (5) For purposes of this section:

6 (a) Limits of the city or village includes the  
 7 extraterritorial zoning jurisdiction of such city or village; and

8 (b) Person includes bodies corporate, societies,  
 9 communities, the public generally, individuals, partnerships,  
 10 limited liability companies, joint-stock companies, cooperatives,  
 11 and associations. Person does not include any federal, state, or  
 12 local government or any political subdivision thereof.

13 Sec. 3. This act becomes operative on January 1, 2011.

14 Sec. 4. If any section in this act or any part of any  
 15 section is declared invalid or unconstitutional, the declaration  
 16 shall not affect the validity or constitutionality of the remaining  
 17 portions.

18 Sec. 5. Original section 14-109, Reissue Revised Statutes

19 of Nebraska, and section 18-1214, Revised Statutes Cumulative  
20 Supplement, 2010, are repealed.  
21 Sec. 6. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.

Pending.

### COMMITTEE REPORTS

General Affairs

**LEGISLATIVE BILL 256.** Placed on General File.

**LEGISLATIVE BILL 311.** Placed on General File.

(Signed) Russ Karpisek, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 9, 2011 1:30 p.m.

LB340  
LB578  
LB629

Thursday, February 10, 2011 1:30 p.m.

LB64  
LB248  
LB442

Friday, February 11, 2011 1:30 p.m.

LB155  
LB156  
LB393

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Wednesday, February 9, 2011 1:30 p.m.

LB80  
LB598  
LB648

LB649  
LB339

Thursday, February 10, 2011 1:30 p.m.

LB258  
LB552  
LB415  
LB469  
LB479

(Signed) Brad Ashford, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, February 8, 2011 1:30 p.m.

LB205  
LB345  
LB684  
LB551  
LB424

(Signed) Rich Pahls, Chairperson

### **EXECUTIVE BOARD REPORT**

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

#### Redistricting Committee

Langemeier  
Avery  
Conrad  
Nelson  
Lautenbaugh  
Mello  
Fischer  
Schilz  
Dubas

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

**GENERAL FILE**

**LEGISLATIVE BILL 81.** The Cornett amendment, AM198, found in this day's Journal, to the committee amendment, was renewed.

The Cornett amendment was adopted with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting.

Senator Council offered the following amendment to the committee amendment:

AM188

(Amendments to Standing Committee amendments, AM14)

- 1 1. Insert the following amendment:
- 2 "3. On page 3, line 15, after the period insert
- 3 'Notwithstanding any other provision of law, no person shall
- 4 have a claim against a city of the metropolitan class for damage to
- 5 a vehicle due to any road condition unless such person has paid a
- 6 registration fee or motor vehicle tax pursuant to section 14-109 or
- 7 18-1214, respectively.'".
- 8 2. On page 1, line 4, strike the second "and"; and in
- 9 line 5 before the period insert "; and in line 20 after the period
- 10 insert 'Notwithstanding any other provision of law, no person shall
- 11 have a claim against a city of the metropolitan class for damage to
- 12 a vehicle due to any road condition unless such person has paid a
- 13 registration fee or motor vehicle tax pursuant to section 14-109 or
- 14 18-1214, respectively.'".
- 15 3. Renumber the remaining amendments accordingly.

Senator Council withdrew her amendment.

Committee AM14, found on page 333 and considered on pages 396, 404, 406, 411, and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Cornett withdrew her amendment, AM132, found on page 377.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 211.** Title read. Considered.

Committee AM26, found on page 334, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.



**LEGISLATIVE BILL 154.** Title read. Considered.

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

**LEGISLATIVE BILL 208.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

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

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 28.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 18.** Placed on Final Reading.

**LEGISLATIVE BILL 67.** Placed on Final Reading.

**LEGISLATIVE BILL 158.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 163A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, One Hundred Second Legislature, First Session, 2011.

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

Senator McCoy filed the following amendment to LB81:  
AM146

- 1 1. Insert the following new section:
- 2 Sec. 6. Any registered voter residing in the
- 3 extraterritorial zoning jurisdiction of a city of the metropolitan
- 4 class may vote on issues and for officers that are subject to
- 5 a vote at an election conducted in the city of the metropolitan

6 class.

7 2. Renumber the remaining sections accordingly.

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

Senator Hansen asked unanimous consent to add his name as cointroducer to LB149. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB53. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB215. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Christensen withdrew his name as cointroducer to LB229.

### **ANNOUNCEMENT**

The Redistricting Committee elected Senator Langemeier as Chairperson and Senator Dubas as Vice Chairperson.

### **VISITORS**

Visitors to the Chamber were Senator Coash's parents, Don and Paige Coash, from Bassett.

The Doctor of the Day was Dr. Theresa S. Hatcher from Bellevue.

### **ADJOURNMENT**

At 11:50 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, February 2, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 2, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 2, 2011

**PRAYER**

The prayer was offered by Senator Hadley.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lautenbaugh and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 347.** Placed on General File with amendment.  
AM75

- 1 1. On page 2, lines 5 and 6, strike "non-interest-bearing
- 2 or interest-bearing" and show the old matter as stricken; and in
- 3 line 14 after the period insert "Until July 1, 2014, such trust
- 4 account may be either an interest-bearing or a non-interest-bearing
- 5 account and, if interest-bearing, shall comply with subsection (7)
- 6 of this section. On and after July 1, 2014, such trust account
- 7 shall be a non-interest-bearing account.".
- 8 2. On page 3, line 11, after the comma insert "as
- 9 authorized under subsection (1) of this section.".

**LEGISLATIVE BILL 462.** Placed on General File with amendment.  
AM156

- 1 1. Strike section 17 and insert the following new
- 2 section:
- 3 Sec. 17. Section 87-217, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

5 87-217 Any registrant of a trade name may proceed by  
 6 suit to enjoin the use, display, or sale of any counterfeits  
 7 or imitations thereof, and a court of competent jurisdiction may  
 8 restrain ~~this such~~ use, display, or sale on terms which the court  
 9 deems just and reasonable and may require the defendants to pay to  
 10 the registrant ~~either (1) all profits attributable to the wrongful~~  
 11 ~~use, display, or sale, or (2) all damages caused by the wrongful~~  
 12 ~~use, display, or sale, or (3) both such profits and damages, and~~  
 13 reasonable attorney's fees. In lieu of the remedies available in  
 14 subdivisions (1), (2), and (3) of this section, the court may  
 15 require the defendants to pay statutory damages of one thousand  
 16 dollars and reasonable attorney's fees. The court may order that  
 17 any counterfeits or imitations in the possession or under the  
 18 control of any defendant be delivered to an officer of the court,  
 19 or to the complainant, to be destroyed.

(Signed) Rich Pahls, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 29.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

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

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

**LEGISLATIVE BILL 20.** Title read. Considered.

Committee AM64, found on page 359, was considered.

Senator Lautenbaugh offered the following amendment to the committee amendment:

FA3

Amend AM64 On page 3, line 23 strike the word "solely".

**SENATOR LANGEMEIER PRESIDING**

**SENATOR CARLSON PRESIDING**

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment to the committee amendment.

Voting in the affirmative, 30:

Adams	Fischer	Janssen	McCoy	Schilz
Bloomfield	Fulton	Karpisek	Nelson	Schumacher
Brasch	Gloor	Langemeier	Pahls	Smith
Carlson	Hadley	Larson	Pankonin	Sullivan
Christensen	Hansen	Lautenbaugh	Pirsch	Utter
Coash	Heidemann	Louden	Price	Wightman

Voting in the negative, 17:

Ashford	Cook	Haar, K.	Lathrop	Wallman
Avery	Cornett	Harms	McGill	
Campbell	Council	Harr, B.	Mello	
Conrad	Dubas	Howard	Nordquist	

Present and not voting, 2:

Flood	Krist
-------	-------

The Lautenbaugh amendment was adopted with 30 ayes, 17 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment to the committee amendment:

FA4

Amend AM64 Strike Section 6, Page 3, lines 22-24, and renumber.

Senator Ashford offered the following motion:

MO6

Bracket until June 1, 2011.

Pending.

## COMMITTEE REPORTS

Revenue

**LEGISLATIVE BILL 383.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 98.** Placed on General File.

**LEGISLATIVE BILL 178.** Placed on General File.

**LEGISLATIVE BILL 215.** Placed on General File.

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Select File with amendment.  
ER8

- 1 1. In the Cornett amendment, AM198:
  - 2 a. On page 3, lines 1 and 2; and page 4, line 11, strike
  - 3 "a person" and insert "an individual"; and
  - 4 b. On page 4, line 6, strike "subsection" and insert
  - 5 "section".
  - 6 2. On page 1, strike beginning with "sections" in line 1
  - 7 through line 6 and insert "section 14-109, Reissue Revised Statutes
  - 8 of Nebraska, and section 18-1214, Revised Statutes Cumulative
  - 9 Supplement, 2010; to change provisions relating to occupation taxes
  - 10 and motor vehicle registration; to authorize motor vehicle taxes as
  - 11 prescribed; to define terms;".

**LEGISLATIVE BILL 211.** Placed on Select File.

**LEGISLATIVE BILL 154.** Placed on Select File.

**LEGISLATIVE BILL 208.** Placed on Select File with amendment.  
ER7

- 1 1. On page 15, line 1, after "10" insert an underscored
- 2 comma.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

## Appropriations

Room 1003

Monday, February 14, 2011 1:30 p.m.

LB213  
LB120  
LB496  
LB497

(Signed) Lavon Heidemann, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 9, 2011 1:30 p.m.

LB198  
LB338  
LB343  
LB480

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Friday, February 11, 2011 1:30 p.m.

LB451  
LB351  
LB475  
LB476  
LB644

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

The Revenue Committee designates LB383 as its priority bill.

**AMENDMENTS - Print in Journal**

Senator Hadley filed the following amendment to LB241:  
AM226

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator McGill filed the following amendment to LB146:  
AM224

- 1 1. On page 4, strike lines 5 through 10 and insert the
- 2 following new subsection:
- 3 "(5) A city of the second class or village located in
- 4 a county that has adopted a comprehensive development plan which
- 5 meets the requirements of section 23-114.02 and is enforcing
- 6 subdivision regulations shall not finally approve a planned
- 7 unit development upon property located outside of the corporate
- 8 boundaries of the city or village until the plans for the planned

9 unit development have been submitted to, reviewed, and approved  
10 by the county's planning commission pursuant to subsection (4) of  
11 section 17-1002.".

Senator Pahls filed the following amendment to LB77:

AM193

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Pahls filed the following amendment to LB78:

AM194

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Council asked unanimous consent to add her name as cointroducer to LR37. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of Leadership Scottsbluff, Leadership Chadron, and the Scottsbluff Gering United Chamber; and Gunter Harz from Omaha, Reinhard Schopf and Jorn Wiebe from Germany, and Steve Kearney from Monument, Colorado.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIRST DAY - FEBRUARY 3, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 3, 2011

**PRAYER**

The prayer was offered by Senator Coash.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Council and Krist who were excused; and Senators Cornett, Heidemann, Karpisek, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 43.** Placed on General File.

**LEGISLATIVE BILL 410.** Placed on General File with amendment.  
AM197

- 1 1. Strike original section 21.
- 2 2. On page 8, after line 22, insert the following new
- 3 subsection:
- 4 "(4) An applicant for registration as an appraisal
- 5 management company in this state shall furnish to the board,
- 6 at the time of making application, a surety bond in the amount
- 7 of twenty-five thousand dollars. The surety bond required under
- 8 this subsection shall be issued by a bonding company or insurance
- 9 company authorized to do business in this state, and a copy of the
- 10 bond shall be filed with the board. The bond shall be in favor
- 11 of the state for the benefit of any person who is damaged by any
- 12 violation of the Nebraska Appraisal Management Company Registration
- 13 Act. The bond shall also be in favor of any person damaged by such

14 a violation. Any person claiming against the bond for a violation  
 15 of the act may maintain an action at law against the appraisal  
 16 management company and against the surety. The aggregate liability  
 17 of the surety to all persons damaged by a violation of the act  
 18 by an appraisal management company shall not exceed the amount of  
 19 the bond. The bond shall be maintained until one year after the  
 20 date that the appraisal management company ceases operation in this  
 21 state."; and in line 23 strike "(4)" and insert "(5)".

22 3. On page 10, strike beginning with "(1)" in line 3  
 23 through line 11 and insert "The board shall charge and collect fees  
 1 for its services under the Nebraska Appraisal Management Company  
 2 Registration Act as follows: (1) An application fee of no more than  
 3 three hundred fifty dollars; (2) an initial registration fee of  
 4 no more than two thousand dollars; (3) a renewal registration fee  
 5 of no more than one thousand five hundred dollars; and (4) a late  
 6 renewal fee of twenty-five dollars for each month or portion of a  
 7 month the fee is late."

8 4. On page 11, line 9, strike "or"; in line 15 after  
 9 "revoked" insert "; or

10 (3) Knowingly prohibit an appraiser from including within  
 11 the body of an appraisal report that is submitted by the appraiser  
 12 to the appraisal management company or its assignee the fee that  
 13 the appraiser was paid by the appraisal management company for  
 14 the performance of the appraisal report"; and in line 23, after  
 15 "licensure" insert "in this state".

16 5. On page 13, line 7, after "(1)" insert "Each appraisal  
 17 management company registered in this state, except in cases  
 18 of noncompliance with the conditions of the engagement, shall  
 19 make payment of fees to an appraiser for the completion of an  
 20 appraisal or valuation assignment within sixty days after the  
 21 date on which the appraiser transmits or otherwise provides the  
 22 completed appraisal report or valuation assignment to the appraisal  
 23 management company or its assignee.

24 (2); in line 18 strike "(2)" and insert "(3)"; in line  
 25 23 strike "(1)" and insert "(2)"; and in line 25 strike "(3)" and  
 26 insert "(4)".

27 6. On page 14, line 1, strike "(2)" and insert "(3)";  
 1 in line 4 strike "(4)" and insert "(5)" and in line 18, after  
 2 "dollars" insert "for a first offense and not more than ten  
 3 thousand dollars for a second or subsequent offense".

4 7. On page 17, strike beginning with "For" in line 12  
 5 through line 14.

6 8. On page 21, strike beginning with "section" in line 17  
 7 through "and" in line 18.

8 9. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, March 15, 2011 1:30 p.m.

LB544 (cancel)

Monday, February 14, 2011 1:30 p.m.

LB544 (reschedule)

(Signed) Greg Adams, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 66.** Introduced by Hadley, 37.

WHEREAS, Sherry Morrow received the Friend of Kearney Award for 2010 and the Leadership Kearney Distinguished Alumni Award at the Kearney Area Chamber of Commerce's 92nd annual banquet; and

WHEREAS, the awards reflect Sherry Morrow's dedication and service to the Kearney community through her numerous volunteer efforts at various local events; and

WHEREAS, the Legislature should recognize the outstanding community service of Nebraska residents.

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

1. That the Legislature congratulates Sherry Morrow for receiving the Friend of Kearney Award for 2010 and the Leadership Kearney Distinguished Alumni Award.

2. That the Legislature commends Sherry Morrow for her outstanding community service.

3. That a copy of this resolution be sent to Sherry Morrow.

Laid over.

**ANNOUNCEMENT**

Senator Hansen designates LB181 as his priority bill.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Conrad has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**MOTION - Print in Journal**

Senator Pahls filed the following motion to LB435:

MO7

Withdraw bill.

**GENERAL FILE**

**LEGISLATIVE BILL 20.** Senator Ashford renewed his motion, MO6, found on page 429, to bracket until June 1, 2011.

**SENATOR FISCHER PRESIDING****SPEAKER FLOOD PRESIDING**

Senator Ashford withdrew his motion to bracket.

Senator Ashford offered the following motion:

MO8

Recommit to Judiciary Committee.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

The Ashford motion to recommit to committee failed with 15 ayes, 24 nays, 4 present and not voting, and 6 excused and not voting.

Senator Lathrop renewed his amendment, FA4, found on page 429, to the committee amendment.

Pending.

**COMMITTEE REPORTS**

## Agriculture

**LEGISLATIVE BILL 108.** Placed on General File with amendment.  
AM223

- 1 1. Strike original sections 2 and 3.

**LEGISLATIVE BILL 114.** Placed on General File with amendment.  
AM199

- 1 1. On page 2, line 1, after "(1)" insert "It is the
- 2 intent of the Legislature to provide for an identity standard for
- 3 packaged food products labeled as honey in order to aid consumer
- 4 information and to protect the integrity of the honey industry in
- 5 Nebraska.

6     (2)"; in line 8 strike "(2)" and insert "(3)"; and strike  
 7 lines 12 through 16 and insert  
 8     "(4) A violation of subsection (3) of this section shall  
 9 constitute a deceptive trade practice under the Uniform Deceptive  
 10 Trade Practices Act and shall be subject to any remedies or  
 11 penalties available for a violation under the act.".

**LEGISLATIVE BILL 181.** Placed on General File with amendment.  
 AM81

- 1     1. On page 2, strike lines 22 through 25 and insert:
- 2     "(b) A surcharge of not more than twenty dollars, as  
 3 established by the brand committee, may be charged to cover travel  
 4 expenses incurred by the brand inspector per inspection location  
 5 when performing brand inspections. The surcharge shall be collected  
 6 by the brand inspector and paid by the person requesting the  
 7 inspection or the person required by law to have the inspection.".
- 8     2. On page 3, strike lines 1 and 2.

(Signed) Tom Carlson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 72.** Placed on Select File with amendment.  
 ER9

- 1     1. On page 32, line 19, strike "(a)"; in line 20 after
- 2     "under" insert "(a)"; and in line 24 strike "under".

**LEGISLATIVE BILL 28.** Placed on Select File.

**LEGISLATIVE BILL 29.** Placed on Select File.

**LEGISLATIVE BILL 30.** Placed on Select File with amendment.  
 ER10

- 1     1. On page 1, line 3, after the semicolon insert "to
- 2     change and provide references to federal law;".

(Signed) Tyson Larson, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Friday, February 11, 2011   1:30 p.m.

Martin Fattig - Nebraska Rural Health Advisory Commission  
 Zachary Frey - Nebraska Rural Health Advisory Commission  
 Sharon Vandegrift - Nebraska Rural Health Advisory Commission  
 Diane Jackson - State Board of Health

Roger Reamer - State Board of Health  
 Susan Staab - Foster Care Review Board

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 10, 2011 1:30 p.m.

LB443  
 LB577  
 LB337  
 LB425

(Signed) Bill Avery, Chairperson

Appropriations

Room 1003

Tuesday, February 15, 2011 1:30 p.m.

Agency 45 - Barber Examiners, Board of  
 Agency 30 - Electrical Board, State  
 Agency 74 - Power Review Board, Nebraska  
 Agency 41 - State Real Estate Commission  
 Agency 53 - Real Property Appraiser Board  
 Agency 63 - Public Accountancy, Nebraska Board of  
 Agency 36 - Racing Commission, Nebraska State  
 Agency 58 - Board of Engineers and Architects  
 Agency 59 - Board of Geologists  
 Agency 62 - Land Surveyors, State Board of Examiners For  
 Agency 66 - Abstracters Board of Examiners  
 Agency 73 - Landscape Architects, State Board of

Wednesday, February 16, 2011 1:30 p.m.

Agency 57 - Oil and Gas Conservation Commission, Nebraska  
 Agency 18 - Agriculture, Department of  
 Agency 39 - Brand Committee, Nebraska  
 Agency 56 - Wheat Board, Nebraska  
 Agency 60 - Ethanol Board, Nebraska  
 Agency 61 - Dairy Industry Development Board, Nebraska  
 Agency 86 - Dry Bean Commission  
 Agency 88 - Corn Development, Utilization and Marketing Board  
 Agency 92 - Grain Sorghum Board, Nebraska

Thursday, February 17, 2011 1:30 p.m.

Agency 16 - Revenue, Department of  
 Agency 93 - Tax Equalization and Review Commission  
 Agency 54 - Historical Society, Nebraska State

Room 1524

Tuesday, February 22, 2011 1:30 p.m.

LB485

Agency 13 - Education, Department of  
 Agency 32 - Educational Lands and Funds, Board of  
 Agency 34 - Library Commission, Nebraska  
 Agency 69 - Arts Council, Nebraska

Room 1003

Wednesday, February 23, 2011 1:30 p.m.

Agency 64 - State Patrol, Nebraska  
 Agency 21 - State Fire Marshal  
 Agency 35 - Liquor Control Commission, Nebraska  
 Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
 Justice  
 Agency 46 - Correctional Services, Department of

Thursday, February 24, 2011 1:30 p.m.

LB282

Agency 81 - Commission for the Blind and Visually Impaired  
 Agency 67 - Equal Opportunity Commission  
 Agency 68 - Latino-American Commission  
 Agency 70 - Foster Care Review Board, State  
 Agency 76 - Indian Commission, Nebraska  
 Agency 82 - Commission for the Deaf and Hard of Hearing

Friday, February 25, 2011 1:30 p.m.

Agency 28 - Veterans' Affairs, Department of  
 Agency 37 - Workers' Compensation Court  
 Agency 75 - Investment Council, Nebraska  
 Agency 77 - Industrial Relations, Commission of  
 Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Lavon Heidemann, Chairperson

**AMENDMENT - Print in Journal**

Senator Sullivan filed the following amendment to LB629:  
AM238

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Hazardous Liquid Pipeline Reclamation and
- 5 Recovery Act.
- 6 Sec. 2. For purposes of the Hazardous Liquid Pipeline
- 7 Reclamation and Recovery Act:
- 8 (1) Hazardous liquid means petroleum, including crude oil
- 9 or any fraction of crude oil;
- 10 (2) Pipeline carrier means a person that engages in
- 11 owning, operating, or managing a pipeline or part of a pipeline for
- 12 the transportation of hazardous liquid;
- 13 (3) Reclamation means the restoration of the areas
- 14 through which the pipeline is constructed to the general condition
- 15 and contour that existed prior to the construction; and
- 16 (4) Recovery means any emergency response, containment,
- 17 cleanup, removal, treatment, and monitoring necessary as a result
- 18 of a discharge or leak of hazardous liquid from the pipeline.
- 19 Sec. 3. The purpose of the Hazardous Liquid Pipeline
- 20 Reclamation and Recovery Act is to ensure that a pipeline carrier
- 21 which constructs or operates a pipeline through this state for
- 22 the transportation of hazardous liquid is financially responsible
- 23 for costs relating to reclamation and recovery for construction,
- 1 operation, and management of the pipeline in this state and is
- 2 liable for damages as prescribed in the act.
- 3 Sec. 4. (1) A pipeline carrier owning, operating, or
- 4 managing a pipeline or part of a pipeline for the transportation
- 5 of a hazardous liquid in this state shall be held liable for all
- 6 damages that arise out of or are caused by the discharge or leaking
- 7 of any hazardous liquid from the pipeline.
- 8 (2) A pipeline carrier owning, operating, or managing
- 9 a pipeline or part of a pipeline for the transportation of a
- 10 hazardous liquid in this state shall be responsible for reclamation
- 11 necessary as a result of constructing or operating the pipeline
- 12 and for the immediate cleanup of any discharge or leaking of any
- 13 hazardous liquid from the pipeline.
- 14 (3) Damages shall include costs of recovery and
- 15 reclamation, economic losses resulting from destruction of or
- 16 injury to real or personal property and natural resources,
- 17 rehabilitation of habitat or wildlife, costs related to assessing
- 18 and valuing the destruction, injury, or other loss, and attorney's
- 19 fees and costs for collecting such damages.
- 20 Sec. 5. Nothing in the Hazardous Liquid Pipeline
- 21 Reclamation and Recovery Act prohibits a county board, city
- 22 council, or village board from pursuing damages for the maintenance



23 and repair of roads, bridges, or other infrastructure related to  
 24 the construction, maintenance, or operation of a pipeline by a  
 25 pipeline carrier who is subject to the act.

26 Sec. 6. If any section in this act or any part of any  
 27 section is declared invalid or unconstitutional, the declaration  
 1 shall not affect the validity or constitutionality of the remaining  
 2 portions.

3 Sec. 7. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.

### **MOTION - Print in Journal**

Senator Christensen filed the following motion to LB511:

MO9

Withdraw bill.

### **GENERAL FILE**

**LEGISLATIVE BILL 20.** Senator Lathrop withdrew his amendment, FA4, found on page 429 and considered in this day's Journal.

Committee AM64, found on page 359 and considered on page 428, as amended, was renewed.

The committee amendment was adopted with 35 ayes, 0 nays, 9 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.

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

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB386. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Mike Feeken from St. Paul and Derek Bargmann from Pender.

The Doctor of the Day was Dr. Randall Goldfish from Ord.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Friday, February 4, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SECOND DAY - FEBRUARY 4, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 4, 2011

**PRAYER**

The prayer was offered by Pastor Lyle K. Schoen, First United Methodist Church, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cook and Cornett who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 3, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Badeer, Debra A.

Christian Home Educators Association, Nebraska

Bromm, Curt

National Tobacco Company

Kissel Erickson and Sederstrom Associates, LLC

Golf Alliance, NE

Kutilek, William R.

Cooperative Council, Nebraska

Mueller Robak LLC

Ducks Unlimited, Great Plains

O'Hara, Lindsay and Associates, Inc.

Alter Trading Corporation  
 Peetz, Natalie, Peetz & Company  
 Omaha Tourism Coalition  
 Plucker, Julia  
 Fraternal Order of Police, Nebraska  
 Shrewsbury, Ann  
 Time Warner Cable

## REPORTS

The following reports were received by the Legislature:

### **Banking and Finance, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Coordinating Commission for Postsecondary Education**

2010 Biennial Report

### **Criminal Justice, Commission on Law Enforcement and**

Nebraska Crime Victim's Reparations Program Report FY 08/09 and FY 09/10

### **Economic Development, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Energy Office, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Fire Marshal, State**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Health and Human Services, Department of**

Child Support Enforcement License Suspension Annual Report to the Legislature

Child Support Enforcement New Hire Annual Report to the Legislature

Child Support Enforcement State Disbursement Unit Annual Report to the Legislature

FY 2010 Annual Report, Disabled Persons and Family Support Program

### **Investment Finance Authority, Nebraska (NIFA)**

2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program – 2009) as of December 31, 2010

2010 Series ABC Single Family Housing Revenue Bonds Notice

Single Family Housing Revenue Bonds Series 2010 ABC

### **Library Commission, Nebraska**

NCompass Biennial Report

### **Motor Vehicles, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Public Service Commission, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Railway Council, Nebraska**

2010 Annual Report

**Real Estate Commission, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Revenue, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**State College System, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**MOTION - Withdraw LB435**

Senator Pahls renewed his motion, MO7, found on page 436, to withdraw LB435.

The Pahls motion to withdraw the bill prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**MOTION - Withdraw LB511**

Senator Christensen renewed his motion, MO9, found on page 441, to withdraw LB511.

The Christensen motion to withdraw the bill prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1.**

A BILL FOR AN ACT relating to the Republican River; to repeal a cost-share program that is no longer needed; and to outright repeal section 46-692, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to irrigation; to amend sections 2-1579, 46-2,141, 46-753, 46-1117, 46-1125, and 66-1519, Reissue Revised Statutes of Nebraska; to eliminate obsolete statutes, the Water Policy Task Force, and the Water Policy Task Force Cash Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-2,131, 46-2,132, 46-2,133, 46-2,134, 46-2,135, 46-2,136, 46-2,137, 46-2,138, 46-633, 46-634.01, and 46-1118, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to the Nebraska Construction Lien Act; to eliminate obsolete provisions relating to the enforcement of certain liens; and to outright repeal section 52-158, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Council	Harr, B.	Louden	Schilz
Ashford	Dubas	Heidemann	McCoy	Schumacher
Avery	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	
Cornett	Harms	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 4.**

A BILL FOR AN ACT relating to the Small Business Development Authority; to eliminate obsolete provisions relating to the authority and a repealed fund; and to outright repeal section 58-326, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### ANNOUNCEMENT

The Chair announced February 6 is Senator Wallman's birthday.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to the Research and Development Authority; to eliminate obsolete provisions; and to outright repeal section 58-443, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:



Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 6.**

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-701, Reissue Revised Statutes of Nebraska; to eliminate obsolete language relating to acting judges of the county court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to repeal a transitional provision relating to Laws 1992, LB360; and to outright repeal section 48-181, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to schools; to amend section 79-413, Reissue Revised Statutes of Nebraska, and section 79-1008.01, Revised Statutes Cumulative Supplement, 2010; to repeal a provision governing incentive payments to school districts that were to be made prior to July 1, 2004; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1010, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 9.**

A BILL FOR AN ACT relating to civil procedure; to amend section 25-212, Reissue Revised Statutes of Nebraska; to change an erroneous reference to previous sections rather than the entire chapter; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 10.**

A BILL FOR AN ACT relating to the Nebraska Retirement Systems Committee; to amend section 50-417, Reissue Revised Statutes of Nebraska; to clarify the reference to committee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-631, Reissue Revised Statutes of Nebraska; to correct a recodification internal reference error from 1943; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB18 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 18.** With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022.02, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1007.07, 79-1007.09, 79-1008.01, 79-1022, 79-1023, 79-1026.01, 79-1027, 79-1028.02, and 79-1031.01, Revised Statutes Cumulative Supplement, 2010; to redefine terms; to provide for distribution of allocations from the federal Education Jobs Fund as prescribed; to change provisions relating to certifications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 67.**

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,267 and 60-6,268, Reissue Revised Statutes of Nebraska; to clarify references to required use of occupant protection systems and related enforcement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Cook

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 158.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-4,112, and 60-4,122, Reissue Revised Statutes of Nebraska; to provide requirements for retaking the driving skills examination as prescribed; to provide for and change provisions relating to electronic issuance and renewal of operators' licenses and state identification cards; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 67, and 158.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 67.** Introduced by Hadley, 37.

WHEREAS, Bryant Elementary School in Kearney, Nebraska, was recognized as a 2010 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, the Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are high performing or have improved student achievement to high levels, especially among disadvantaged and minority students; and

WHEREAS, Bryant Elementary school was recognized for this award at a ceremony held in Washington, D.C.; and

WHEREAS, the students, parents, teachers, and staff at Bryant Elementary School worked hard to achieve this coveted national award.

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

1. That the Legislature congratulates Bryant Elementary School on being named a 2010 National Blue Ribbon School.

2. That a copy of this resolution be sent to Bryant Elementary School.

Laid over.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 243.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 62.** Placed on General File with amendment.  
AM245

- 1 1. On page 2, strike beginning with "and" in line 13
- 2 through the first "county" in line 16 and insert "for every county
- 3 office or department".

(Signed) Bill Avery, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 46.** Title read. Considered.

**SENATOR SULLIVAN PRESIDING**

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, and 15 present and not voting.



**LEGISLATIVE BILL 68.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 4, 2011, at 9:49 a.m. were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18e, 67, and 158.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

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

Room 1510

Friday, February 11, 2011 1:30 p.m.

Dale Michels - State Board of Health

(Signed) Kathy Campbell, Chairperson

**AMENDMENTS - Print in Journal**

Senator Coash filed the following amendment to LB157:  
AM215

(Amendments to E & R amendments, ER6)

- 1 1. Insert the following new sections:
- 2 Sec. 30. Section 30-2210, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 30-2210 Except as otherwise provided in this code, this
- 5 code applies to (1) the affairs and estates of decedents, missing
- 6 persons, and persons to be protected, domiciled in this state,
- 7 (2) the property of nonresidents located in this state or property
- 8 coming into the control of a fiduciary who is subject to the laws
- 9 of this state, (3) incapacitated persons and minors in this state,
- 10 except as provided in the Nebraska Uniform Adult Guardianship and
- 11 Protective Proceedings Jurisdiction Act, and (4) survivorship and
- 12 related accounts in this state.
- 13 Sec. 31. Section 30-2211, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 30-2211 (a) To the full extent permitted by the
- 16 Constitution of Nebraska, the court has jurisdiction over all
- 17 subject matter relating to (1) estates of decedents, including
- 18 construction of wills and determination of heirs and successors of
- 19 decedents, and estates of protected persons; and (2) protection

20 of minors and incapacitated persons, except as provided in the  
 21 Nebraska Uniform Adult Guardianship and Protective Proceedings  
 22 Jurisdiction Act.

1 (b) The court has full power to make orders, judgments,  
 2 and decrees and take all other action necessary and proper to  
 3 administer justice in the matters which come before it.

4 Sec. 36. Section 30-2618, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 30-2618 ~~The~~ Unless otherwise provided in the Nebraska  
 7 Uniform Adult Guardianship and Protective Proceedings Jurisdiction  
 8 Act, the venue for guardianship proceedings for an incapacitated  
 9 person is in the place where the incapacitated person resides  
 10 or is present, or where property is located if he or she is  
 11 a nonresident. If the incapacitated person is admitted to an  
 12 institution pursuant to order of a court of competent jurisdiction,  
 13 venue is also in the county in which that court sits.

14 Sec. 40. Section 30-2629, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 30-2629 (a) ~~The~~ Unless otherwise provided in the Nebraska  
 17 Uniform Adult Guardianship and Protective Proceedings Jurisdiction  
 18 Act, the court where the ward resides has concurrent jurisdiction  
 19 with the court which appointed the guardian, or in which acceptance  
 20 of a testamentary appointment was filed, over resignation, removal,  
 21 accounting, and other proceedings relating to the guardianship.

22 (b) ~~If~~ Unless otherwise provided in the Nebraska Uniform  
 23 Adult Guardianship and Protective Proceedings Jurisdiction Act,  
 24 if the court located where the ward resides is not the court  
 25 in which acceptance of appointment is filed, the court in which  
 26 proceedings subsequent to appointment are commenced shall in all  
 27 appropriate cases notify the other court, in this or another  
 1 state, and after consultation with that court determine whether to  
 2 retain jurisdiction or transfer the proceedings to the other court,  
 3 whichever may be in the best interest of the ward. A copy of any  
 4 order accepting a resignation or removing a guardian shall be sent  
 5 to the court in which acceptance of appointment is filed.

6 (c) Any action or proposed action by a guardian may be  
 7 challenged at any time by any interested person.

8 Sec. 42. Section 30-2632, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 30-2632 ~~Venue~~ Unless otherwise provided in the Nebraska  
 11 Uniform Adult Guardianship and Protective Proceedings Jurisdiction  
 12 Act, venue for proceedings under this part is:

13 (1) In the place in this state where the person to be  
 14 protected resides whether or not a guardian has been appointed in  
 15 another place; or

16 (2) If the person to be protected does not reside in this  
 17 state, in any place where he or she has property.

18 2. On page 20, line 3, after the period insert "If the  
 19 incapacitated person does not have a conservator and has real

20 property or an interest in real property in Nebraska, the guardian  
 21 shall file in every county where such property is located as  
 22 required by section 25-2708."; in line 9 strike "any" and insert  
 23 "every"; and in line 10 after "located" insert "as required by  
 24 section 25-2708".

25 3. On page 21, lines 16 and 17, strike the new matter and  
 26 insert "and sections 5 to 27, 33, and 34 of this act".

27 4. On page 30, line 16, after "meaning" insert "of  
 1 interested person"; and in lines 26 and 27, strike "or concerned  
 2 individual".

3 5. On page 31, line 7, after the period insert "Any  
 4 interested person that submits an affidavit under this section in  
 5 bad faith, or submits an affidavit under this section that lacks  
 6 a factual basis as determined by the court, shall be ordered to  
 7 pay the opposing party reasonable attorney's fees and costs."; in  
 8 line 8 before "A" insert "(1)"; in line 12, strike "the following  
 9 checks and reports" and insert "a national criminal history record  
 10 check through a process approved by the State Court Administrator  
 11 and a report"; in line 13 strike "reports" and insert "report"; in  
 12 line 14 after "court" insert "(a) for good cause shown by affidavit  
 13 filed simultaneously with the petition for appointment or (b)";  
 14 in line 16 strike the semicolon and insert an underscored period;  
 15 strike lines 17 through 24; in line 25 before "An" insert "(2)"; in  
 16 line 26 strike "reports have" and insert "report has"; and in line  
 17 27 strike "reports" and insert "report".

18 6. On page 32, line 2, strike "reports or checks" and  
 19 insert "report or national criminal history record check"; and  
 20 strike beginning with "Reports" in line 6 through line 7.

21 7. On page 39, line 17, strike "checks and reports" and  
 22 insert "check or report" and strike "32" and insert "34".

23 8. On page 41, lines 24 and 25, strike ", by certified  
 24 mail, return receipt requested, and".

25 9. On page 45, line 24, after "requires" insert ", except  
 26 that a temporary conservator shall not be required to provide the  
 27 national criminal history record check and report under section 34  
 1 of this act".

2 10. On page 49, lines 12 and 13, strike "31 and 32" and  
 3 insert "33 and 34"; strike line 16 and insert "30-1601, 30-2209,  
 4 30-2210, 30-2211, 30-2601, 30-2613, 30-2618, 30-2620, 30-2626,  
 5 30-2628, 30-2629,"; and in line 17 after the first comma insert  
 6 "30-2632,".

7 11. Renumber the remaining sections accordingly.

Senator Coash filed the following amendment to LB157A:  
 AM216

- 1 1. Strike sections 1 and 3.
- 2 2. Renumber the remaining section accordingly.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 36.** Placed on General File.**LEGISLATIVE BILL 225.** Placed on General File.**LEGISLATIVE BILL 274.** Placed on General File.**LEGISLATIVE BILL 401.** Placed on General File.**LEGISLATIVE BILL 179.** Placed on General File with amendment.  
AM124

1 1. Strike original section 4 and insert the following new  
2 section:

3 Sec. 4. Drug sample or sample medication means a unit of  
4 a prescription drug that is not intended to be sold and is intended  
5 to promote the sale of the drug. Each sample unit shall bear a  
6 label that clearly denotes its status as a drug sample, which may  
7 include, but need not be limited to, the words sample, not for  
8 sale, or professional courtesy package.

9 2. Strike beginning with "(1)" on page 10, line 6,  
10 through the period on page 11, line 19, show the old matter as  
11 stricken, and insert the following new subsections:

12 "(1) To be eligible to take the pharmacist licensure  
13 examination, every applicant must present proof of graduation from  
14 an accredited pharmacy program. A graduate of a pharmacy program  
15 located outside of the United States and which is not accredited  
16 shall be deemed to have satisfied the requirement of being a  
17 graduate of an accredited pharmacy program upon providing evidence  
18 satisfactory to the department, with the recommendation of the  
19 board, of graduation from such foreign pharmacy program and upon  
20 successfully passing an equivalency examination approved by the  
21 board.

22 (2) Every applicant for licensure as a pharmacist shall

23 (a) pass a pharmacist licensure examination approved by the board,

1 (b) have graduated from a pharmacy program pursuant to subsection

2 (1) of this section, and (c) present proof satisfactory to the

3 department, with the recommendation of the board, that he or she

4 has met one of the following requirements to demonstrate his or

5 her current competency: (i) Within the last three years, has passed

6 a pharmacist licensure examination approved by the board; (ii)

7 has been in the active practice of the profession of pharmacy

8 in another state, territory, or the District of Columbia for at

9 least one year within the three years immediately preceding the

10 application for licensure; (iii) has become board certified in

11 a specialty recognized by the Board of Pharmacy Specialties or

12 its successor within the seven years immediately preceding the

13 application for licensure; (iv) is duly licensed as a pharmacist in

14 some other state, territory, or the District of Columbia in which,

15 under like conditions, licensure as a pharmacist is granted in this

16 state; or (v) has completed continuing competency in pharmacy that

- 17 is approved by the Board of Pharmacy."
- 18 3. On page 11, line 20, strike the new matter and
- 19 reinstate the stricken matter.

(Signed) Kathy Campbell, Chairperson

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 20.** Placed on Select File with amendment.

ER11

- 1 1. In the Standing Committee amendments, AM64, on page 5,
- 2 line 22, strike "subdivision" and insert "subsection".
- 3 2. On page 1, lines 1 and 2, strike "section 28-401.01"
- 4 and insert "sections 28-401.01 and 60-4,111.01"; and in line 5
- 5 after the last semicolon insert "to provide for storage and use of
- 6 information encoded on a motor vehicle operator's license or state
- 7 identification card;"

(Signed) Tyson Larson, Chairperson

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LB18e and LB67.

(Signed) Tanya Cook

### GENERAL FILE

**LEGISLATIVE BILL 111.** Title read. Considered.

Committee AM98, found on page 363, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

**LEGISLATIVE BILL 163.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 163A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 241.** Title read. Considered.

Senator Hadley renewed his amendment, AM226, found on page 431.

Senator Hadley moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Hadley amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, and 3 present and not voting.

**LEGISLATIVE BILL 47.** Title read. Considered.

Committee AM109, found on page 375, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 212.** Title read. Considered.

Committee AM2, found on page 375, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

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

**LEGISLATIVE BILL 23.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 74.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 75.** Title read. Considered.

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

**LEGISLATIVE BILL 76.** Title read. Considered.

Committee AM40, found on page 381, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

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

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 197.** Placed on General File.

**LEGISLATIVE BILL 61.** Placed on General File with amendment.  
AM211

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 28-311.08, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 28-311.08 (1) It shall be unlawful for any person to  
6 knowingly intrude upon any other person without his or her consent  
7 or knowledge in a place of solitude or seclusion.

8 (2) For purposes of this section:  
9 (a) Intrude means either the  
10 (i) Viewing of another person in a state of undress; or  
11 (ii) Recording viewing or recording, either by video,  
12 audio, or other electronic means, of a another person in a state of  
13 undress; and

14 (b) Place of solitude or seclusion means a place where  
15 a person would intend to be in a state of undress and have a  
16 reasonable expectation of privacy, including, but not limited to,  
17 any facility, public or private, used as a restroom, tanning booth,  
18 locker room, shower room, fitting room, or dressing room.

19 ~~(3) Violation~~ (3)(a) Violation of this section involving  
20 an intrusion as defined in subdivision (2)(a)(i) of this section  
21 is a Class III misdemeanor, unless the victim is under the age  
22 of eighteen in which case a violation is a Class II misdemeanor.  
23 ~~Lack of knowledge as to the victim's age is not a defense to the~~  
1 ~~enhanced penalty under this section.~~

2 (b) Violation of this section involving an intrusion as  
3 defined in subdivision (2)(a)(ii) of this section is a Class IV  
4 felony.

5 (c) Violation of this section is a Class III felony if  
6 video or an image from the intrusion is distributed to another  
7 person or otherwise made public in any manner which would enable it  
8 to be viewed by another person.

9 (4) No person shall be prosecuted for unlawful intrusion  
10 pursuant to subdivision (3)(b) or (c) of this section unless the

11 indictment for such offense is found by a grand jury or a complaint  
 12 filed before a magistrate within three years after the later of:

13 (a) The commission of the crime;

14 (b) Law enforcement's or a victim's receipt of actual or  
 15 constructive notice of either the existence of a video or other  
 16 electronic recording of the unlawful intrusion or the distribution  
 17 of images, video, or other electronic recording of the unlawful  
 18 intrusion; or

19 (c) The youngest victim of the intrusion reaching the age  
 20 of twenty-one years.

21 Sec. 2. Section 29-4003, Revised Statutes Cumulative  
 22 Supplement, 2010, is amended to read:

23 29-4003 (1)(a) The Sex Offender Registration Act applies  
 24 to any person who on or after January 1, 1997:

25 (i) Has ever pled guilty to, pled nolo contendere to, or  
 26 been found guilty of any of the following:

27 (A) Kidnapping of a minor pursuant to section 28-313,  
 1 except when the person is the parent of the minor and was not  
 2 convicted of any other offense in this section;

3 (B) False imprisonment of a minor pursuant to section  
 4 28-314 or 28-315;

5 (C) Sexual assault pursuant to section 28-319 or 28-320;

6 (D) Sexual assault of a child in the second or third  
 7 degree pursuant to section 28-320.01;

8 (E) Sexual assault of a child in the first degree  
 9 pursuant to section 28-319.01;

10 (F) Sexual abuse of a vulnerable adult pursuant to  
 11 subdivision (1)(c) of section 28-386;

12 (G) Incest of a minor pursuant to section 28-703;

13 (H) Pandering of a minor pursuant to section 28-802;

14 (I) Visual depiction of sexually explicit conduct of a  
 15 child pursuant to section 28-1463.03 or 28-1463.05;

16 (J) Knowingly possessing any visual depiction of sexually  
 17 explicit conduct which has a child as one of its participants or  
 18 portrayed observers pursuant to section 28-813.01;

19 (K) Criminal child enticement pursuant to section 28-311;

20 (L) Child enticement by means of an electronic  
 21 communication device pursuant to section 28-320.02;

22 (M) Debauching a minor pursuant to section 28-805; or

23 (N) Attempt, solicitation, aiding or abetting, being  
 24 an accessory, or conspiracy to commit an offense listed in  
 25 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;

26 (ii) Has ever pled guilty to, pled nolo contendere to, or  
 27 been found guilty of any offense that is substantially equivalent  
 1 to a registrable offense under subdivision (1)(a)(i) of this  
 2 section by any village, town, city, state, territory, commonwealth,  
 3 or other jurisdiction of the United States, by the United States  
 4 Government, by court-martial or other military tribunal, or by  
 5 a foreign jurisdiction, notwithstanding a procedure comparable



6 in effect to that described under section 29-2264 or any other  
 7 procedure to nullify a conviction other than by pardon;  
 8 (iii) Is incarcerated in a jail, a penal or correctional  
 9 facility, or any other public or private institution or is under  
 10 probation or parole as a result of pleading guilty to or being  
 11 found guilty of a registrable offense under subdivision (1)(a)(i)  
 12 or (ii) of this section prior to January 1, 1997; or  
 13 (iv) Enters the state and is required to register as  
 14 a sex offender under the laws of another village, town, city,  
 15 state, territory, commonwealth, or other jurisdiction of the United  
 16 States.  
 17 (b) In addition to the registrable offenses under  
 18 subdivision (1)(a) of this section, the Sex Offender Registration  
 19 Act applies to any person who on or after January 1, 2010:  
 20 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
 21 this section, has ever pled guilty to, pled nolo contendere to, or  
 22 been found guilty of any of the following:  
 23 (I) Murder in the first degree pursuant to section  
 24 28-303;  
 25 (II) Murder in the second degree pursuant to section  
 26 28-304;  
 27 (III) Manslaughter pursuant to section 28-305;  
 1 (IV) Assault in the first degree pursuant to section  
 2 28-308;  
 3 (V) Assault in the second degree pursuant to section  
 4 28-309;  
 5 (VI) Assault in the third degree pursuant to section  
 6 28-310;  
 7 (VII) Stalking pursuant to section 28-311.03;  
 8 ~~(VIII) Unlawful intrusion on a minor pursuant to section~~  
 9 ~~28-311.08;~~  
 10 ~~(IX)-(VIII) Kidnapping pursuant to section 28-313;~~  
 11 ~~(X)-(IX) False imprisonment pursuant to section 28-314 or~~  
 12 ~~28-315;~~  
 13 ~~(XI)-(X) Sexual abuse of an inmate or parolee in the~~  
 14 ~~first degree pursuant to section 28-322.02;~~  
 15 ~~(XII)-(XI) Sexual abuse of an inmate or parolee in the~~  
 16 ~~second degree pursuant to section 28-322.03;~~  
 17 ~~(XIII)-(XII) Sexual abuse of a protected individual~~  
 18 ~~pursuant to section 28-322.04;~~  
 19 ~~(XIV)-(XIII) Incest pursuant to section 28-703;~~  
 20 ~~(XV)-(XIV) Child abuse pursuant to subdivision (1)(d) or~~  
 21 ~~(e) of section 28-707;~~  
 22 ~~(XVI)-(XV) Enticement by electronic communication device~~  
 23 ~~pursuant to section 28-833; or~~  
 24 ~~(XVII)-(XVI) Attempt, solicitation, aiding or abetting,~~  
 25 ~~being an accessory, or conspiracy to commit an offense~~  
 26 ~~listed in subdivisions (1)(b)(i)(A)(I) through ~~(1)(b)(i)(A)(XVI)~~~~  
 27 ~~(1)(b)(i)(A)(XV) of this section.~~

1 (B) In order for the Sex Offender Registration Act to  
 2 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
 3 (III), (IV), (V), (VI), (VII), ~~(IX)~~, ~~(VIII)~~, and ~~(X)~~ ~~(IX)~~ of  
 4 this section, a court shall have found that evidence of sexual  
 5 penetration or sexual contact, as those terms are defined in  
 6 section 28-318, was present in the record, which shall include  
 7 consideration of the factual basis for a plea-based conviction and  
 8 information contained in the presentence report;

9 (ii) Has ever pled guilty to, pled nolo contendere to, or  
 10 been found guilty of any offense that is substantially equivalent  
 11 to a registrable offense under subdivision (1)(b)(i) of this  
 12 section by any village, town, city, state, territory, commonwealth,  
 13 or other jurisdiction of the United States, by the United States  
 14 Government, by court-martial or other military tribunal, or by  
 15 a foreign jurisdiction, notwithstanding a procedure comparable  
 16 in effect to that described under section 29-2264 or any other  
 17 procedure to nullify a conviction other than by pardon; or

18 (iii) Enters the state and is required to register as  
 19 a sex offender under the laws of another village, town, city,  
 20 state, territory, commonwealth, or other jurisdiction of the United  
 21 States.

22 (2) A person appealing a conviction of a registrable  
 23 offense under this section shall be required to comply with the act  
 24 during the appeals process.

25 Sec. 3. Original section 28-311.08, Reissue Revised  
 26 Statutes of Nebraska, and section 29-4003, Revised Statutes  
 27 Cumulative Supplement, 2010, are repealed.

(Signed) Brad Ashford, Chairperson

Urban Affairs

**LEGISLATIVE BILL 308.** Placed on General File.

**LEGISLATIVE BILL 335.** Placed on General File.

(Signed) Amanda McGill, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Government, Military and Veterans Affairs

Room 1507

Friday, February 11, 2011 1:30 p.m.

Tim Hofbauer - State Emergency Response Commission

Keith Hansen - State Emergency Response Commission

Brian Tessman - State Personnel Board

LB691  
LB628  
LB616

(Signed) Bill Avery, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB284. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Mark and Susan Masterson from Scottsbluff.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Monday, February 7, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-THIRD DAY - FEBRUARY 7, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 7, 2011

**PRAYER**

The prayer was offered by Pastor Art Grimm, St. John's Lutheran Church, Beatrice.

**ROLL CALL**

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

The roll was called and all members were present except Senators Christensen, Cornett, and Council who were excused; and Senator Pankonin who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 46.** Placed on Select File.

**LEGISLATIVE BILL 68.** Placed on Select File.

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

**LEGISLATIVE BILL 163.** Placed on Select File.

**LEGISLATIVE BILL 163A.** Placed on Select File.

**LEGISLATIVE BILL 241.** Placed on Select File with amendment.  
ER13

- 1 1. On page 1, line 5, strike "and"; and in line 6 after
- 2 "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 47.** Placed on Select File with amendment.  
ER12

- 1 1. On page 1, line 4, strike "and" and after "section"
- 2 insert "; and to declare an emergency".

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Business and Labor

Room 2102

Monday, February 14, 2011 1:30 p.m.

LB152  
LB153  
LB238  
LB346  
LB506

(Signed) Steve Lathrop, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 28, 2011 1:30 p.m.

LB500  
LB625  
LB659

Monday, March 7, 2011 1:30 p.m.

LB182  
LB185  
LB216  
LB661

Tuesday, March 8, 2011 1:30 p.m.

LB87  
LB244  
LB589

(Signed) Deb Fischer, Chairperson

**ANNOUNCEMENT**

The Chair announced February 5 was Senator Dubas' birthday.

**RESOLUTION****LEGISLATIVE RESOLUTION 37.** Read. Considered.

LR37 was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 68.** Introduced by Wightman, 36.

WHEREAS, Dr. Bill Ohlmann of Lexington, Nebraska, was honored for his dedication to the profession of veterinary medicine with the Veterinarian of the Year award for 2010 given by the Nebraska Veterinary Medical Association (NVMA) during a banquet at the association's 115th annual convention in Lincoln, Nebraska, on January 20, 2011; and

WHEREAS, Dr. Ohlmann serves as president of the NVMA Centennial Scholarship Foundation; and

WHEREAS, Dr. Ohlmann is involved in many community organizations. He has served several terms on the board of directors of the Lexington Community Foundation and is a great supporter of the Lexington Area Chamber of Commerce, having served on the board of directors and as president; and

WHEREAS, Dr. Ohlmann is a mentor to the youth of Lexington. He has served as scout master of Troop 144 for a number of years and has earned various awards, including the District Award of Merit and the Silver Beaver Award, and he is also a Vigil in the Order of the Arrow.

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

1. That the Legislature congratulates Dr. Bill Ohlmann for being selected by his peers as Veterinarian of the Year for 2010.

2. That the Legislature commends Dr. Ohlmann for his outstanding work in the field of veterinary medicine, which is a vital industry to the State of Nebraska.

3. That the Legislature commends Dr. Ohlmann for his long-standing community service to Lexington, Nebraska, and the State of Nebraska.

4. That the Legislature commends Dr. Ohlmann for his long-standing service to develop the youth of Lexington, Nebraska, and the State of Nebraska.

5. That a copy of this resolution be sent to Dr. Ohlmann.

Laid over.

**LEGISLATIVE RESOLUTION 69.** Introduced by Wightman, 36.

WHEREAS, Jackie Ohlmann of Lexington, Nebraska, was honored as 2010 Member of the Year for the Auxiliary to the Nebraska Veterinary Medical Association during a banquet at the Nebraska Veterinary Medical Association's 115th annual convention held in Lincoln, Nebraska, on January 20, 2011; and

WHEREAS, Jackie Ohlmann served as president of the Auxiliary to the Nebraska Veterinary Medical Association and is a lifetime member; and

WHEREAS, Jackie Ohlmann worked side by side with her husband, Bill Ohlmann, doing everything from assisting with surgeries in the middle of the night to helping process cattle on holiday weekends; and

WHEREAS, Jackie Ohlmann and Bill, her husband of thirty-one years, sold their veterinary practice on January 1, 2011, for more time to enjoy their five children, twelve grandchildren, two great-grandchildren, and their hobbies; and

WHEREAS, Jackie Ohlmann is a thirty-year member of the National Society Daughters of the American Revolution, where she has served in a variety of local leadership positions and is currently the state chaplain.

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

1. That the Legislature congratulates Jackie Ohlmann for being selected as 2010 Member of the Year for the Auxiliary to the Nebraska Veterinary Medical Association.

2. That the Legislature commends Jackie Ohlmann for her outstanding work in supporting the field of veterinary medicine, which is a vital industry to the State of Nebraska, and for her long-standing community service and volunteer work.

3. That a copy of this resolution be sent to Jackie Ohlmann.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, February 14, 2011 1:30 p.m.

LB641

LB193

LB194

LB60

LB286

(Signed) Russ Karpisek, Chairperson



Natural Resources

Room 1525

Wednesday, February 16, 2011 1:30 p.m.

LB395  
LB498

Thursday, February 17, 2011 1:30 p.m.

LB38  
LB391  
LB392

(Signed) Chris Langemeier, Chairperson

**MOTION - Print in Journal**

Senator Karpisek filed the following motion to LB638:  
MO10  
Withdraw bill.

**GENERAL FILE**

**LEGISLATIVE BILL 264.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**SPEAKER FLOOD PRESIDING**

**LEGISLATIVE BILL 326.** Title read. Considered.

Committee AM139, found on page 384, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 61, 62, 63, 64, and 65 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61, 62, 63, 64, and 65.

**GENERAL FILE**

**LEGISLATIVE BILL 12.** Title read. Considered.

**SENATOR COASH PRESIDING**

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

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

Senator McGill renewed her amendment, AM224, found on page 431.

The McGill amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 331.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 332.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 334.** Title read. Considered.

Committee AM102, found on page 399, was considered.

Pending.

**NOTICE OF COMMITTEE HEARINGS**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 16, 2011 1:30 p.m.

LB449  
LB503  
LB186  
LB214

Thursday, February 17, 2011 1:30 p.m.

LB143  
 LB412  
 LB419  
 LB176

Wednesday, February 23, 2011 1:30 p.m.

LB21  
 LB367  
 LB501  
 LB583

Thursday, February 24, 2011 1:30 p.m.

LB239  
 LB365  
 LB605  
 LB169  
 LB631

(Signed) Bill Avery, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Dubas asked unanimous consent to add her name as cointroducer to LB94. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Family and Consumer Sciences of Nebraska from across the state.

The Doctor of the Day was Dr. Francisco G. Machuca from Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Tuesday, February 8, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature



**TWENTY-FOURTH DAY - FEBRUARY 8, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 8, 2011

**PRAYER**

The prayer was offered by Senator Wightman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Christensen, Janssen, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 383.** Title read. Considered.

Senator Pahls offered the following amendment:

AM277

- 1 1. Insert the following new section:
- 2 Sec. 5. It is the intent of the Legislature that the
- 3 reductions in state aid made as a result of this legislative bill
- 4 to municipalities, counties, and natural resources districts be
- 5 manifested in the form of reductions in budgets and services by
- 6 municipalities, counties, and natural resources districts and that
- 7 municipalities, counties, and natural resources districts not make
- 8 up the reductions in state aid through any increases in taxes,
- 9 fees, or other revenue sources.
- 10 2. Renumber the remaining sections accordingly.

Pending.

**COMMITTEE REPORTS**

Agriculture

**LEGISLATIVE BILL 160.** Placed on General File.

**LEGISLATIVE BILL 126.** Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Redistricting

Room 1525

Wednesday, February 16, 2011 12:00 p.m.

LB195

LB233

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Wednesday, February 16, 2011 1:30 p.m.

LB538

LB138

LB622

LB618

LB516

Thursday, February 17, 2011 1:30 p.m.

LB324

LB694

LB536

LB676

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORTS**  
 Enrollment and Review

**LEGISLATIVE BILL 212.** Placed on Select File with amendment.  
 ER14

- 1 1. On page 1, line 1, after "sections" insert "60-144,";
- 2 and in line 7 after the second "to" insert "applications for
- 3 certificates of title and".

**LEGISLATIVE BILL 23.** Placed on Select File.

**LEGISLATIVE BILL 74.** Placed on Select File with amendment.  
 ER15

- 1 1. On page 7, line 23, strike "(i)"; and in line 25
- 2 strike "(ii)".

**LEGISLATIVE BILL 75.** Placed on Select File.

**LEGISLATIVE BILL 76.** Placed on Select File with amendment.  
 ER16

- 1 1. In the Standing Committee amendments, AM40:
- 2 a. On page 1, line 21, strike the colon and show as
- 3 stricken; and
- 4 b. On page 2, line 3, strike the semicolon and show as
- 5 stricken.
- 6 2. On page 1, line 3, strike "section" and insert
- 7 "sections 8-1110 and"; in line 6 after the semicolon insert "to
- 8 change provisions relating to securities and transactions exempt
- 9 from registration;"; and in line 7 after the first semicolon insert
- 10 "to harmonize provisions;".
- 11 3. On page 35, line 6, strike "section" and insert
- 12 "sections 8-1110 and".

**LEGISLATIVE BILL 264.** Placed on Select File with amendment.  
 ER17

- 1 1. On page 6, line 8, after "made" insert an underscored
- 2 comma.
- 3 2. On page 8, line 13, strike the new matter and
- 4 reinstate both stricken occurrences of "of,".

**LEGISLATIVE BILL 326.** Placed on Select File with amendment.  
 ER18

- 1 1. On page 1, line 4, strike the first "and"; and in line
- 2 5 after "Nebraska" insert "; and to declare an emergency".

**LEGISLATIVE BILL 12.** Placed on Select File.

**LEGISLATIVE BILL 146.** Placed on Select File.

**LEGISLATIVE BILL 331.** Placed on Select File.

**LEGISLATIVE BILL 332.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 383.** The Pahls amendment, AM277, found in this day's Journal, was renewed.

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Senator Pahls requested a record vote on his amendment.

Voting in the affirmative, 10:

Bloomfield	Fulton	McCoy	Nelson	Pirsch
Coash	Lautenbaugh	Mello	Pahls	Price

Voting in the negative, 36:

Adams	Council	Harms	Larson	Sullivan
Avery	Dubas	Harr, B.	Lathrop	Utter
Brasch	Fischer	Heidemann	Louden	Wallman
Campbell	Flood	Howard	McGill	Wightman
Carlson	Gloor	Janssen	Nordquist	
Conrad	Haar, K.	Karpisek	Pankonin	
Cook	Hadley	Krist	Schilz	
Cornett	Hansen	Langemeier	Schumacher	

Present and not voting, 3:

Ashford	Christensen	Smith
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The Pahls amendment lost with 10 ayes, 36 nays, and 3 present and not voting.

Pending.

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 218.** Placed on General File.

**LEGISLATIVE BILL 228.** Placed on General File.

**LEGISLATIVE BILL 278.** Placed on General File.

**LEGISLATIVE BILL 368.** Placed on General File.

**LEGISLATIVE BILL 399.** Placed on General File.

**LEGISLATIVE BILL 556.** Placed on General File.



**LEGISLATIVE BILL 161.** Placed on General File with amendment.  
AM264

- 1 1. On page 4, line 3, reinstate the stricken matter and
- 2 after the reinstated "by" insert "no"; and in line 4 reinstate the
- 3 stricken "32-1119".

**LEGISLATIVE BILL 89.** Indefinitely postponed.

**LEGISLATIVE BILL 101.** Indefinitely postponed.

**LEGISLATIVE BILL 150.** Indefinitely postponed.

**LEGISLATIVE BILL 171.** Indefinitely postponed.

**LEGISLATIVE BILL 187.** Indefinitely postponed.

**LEGISLATIVE BILL 188.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 178A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, One Hundred Second Legislature, First Session, 2011.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 70.** Introduced by Hadley, 37.

WHEREAS, Mark Johnson, principal of Bryant Elementary School in Kearney, Nebraska, was recently named New Principal of the Year by the Nebraska Association of Elementary School Principals; and

WHEREAS, Mark Johnson has made a significant impact on Bryant Elementary School since taking the position of principal in 2008; and

WHEREAS, Mark Johnson is an enthusiastic leader who makes solid decisions that benefit children, hires outstanding individuals to help address the school's challenges, and possesses a thorough knowledge of curriculum and instruction; and

WHEREAS, Mark Johnson has also made significant contributions across the state and nation, including serving on the state's accreditation committee and being a voice for education while visiting with United States Senators in Washington, D.C.

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

1. That the Legislature congratulates Mark Johnson on being named the New Principal of the Year by the Nebraska Association of Elementary School Principals.

2. That a copy of this resolution be sent to Mark Johnson.

Laid over.

### AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB212:  
AM285

- 1 1. On page 7, strike lines 1 through 3 and show as
- 2 stricken; and in line 4 strike the paragraphing and strike "(2)"
- 3 and show as stricken.

### GENERAL FILE

**LEGISLATIVE BILL 383.** Senator Louden offered the following amendment:

AM288

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-27,136, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-27,136 ~~The~~ For fiscal years beginning on and after
- 6 July 1, 2013, the Legislature may appropriate funds collected
- 7 by a general sales tax and income tax for aid to incorporated
- 8 municipalities, counties, and natural resources districts.
- 9 Sec. 2. Section 77-27,137.03, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 77-27,137.03 ~~The~~ For fiscal years beginning on and after
- 12 July 1, 2013, the Legislature shall appropriate funds as aid to
- 13 counties in an amount equal to a percentage of the total real and
- 14 personal property valuation of all counties, such percent to be not
- 15 less than .0075 percent nor more than .0125 percent.
- 16 Of the appropriation, each county shall receive thirty
- 17 thousand dollars and the remaining amount shall be distributed
- 18 to each county on the basis of the ratio of the total real and
- 19 personal property valuation in the county to the total real and
- 20 personal property valuation in the state.
- 21 The Tax Commissioner shall determine the amount to be
- 22 distributed to the various counties under this section and certify
- 23 such amounts to the Director of Administrative Services on or
- 1 before July 1 of each year. Each amount shall be distributed in
- 2 nine as nearly as possible equal monthly payments on the last
- 3 business day of each month beginning in September.
- 4 Sec. 3. This act becomes operative on July 1, 2011.
- 5 Sec. 4. Original sections 77-27,136 and 77-27,137.03,
- 6 Reissue Revised Statutes of Nebraska, are repealed.
- 7 Sec. 5. Since an emergency exists, this act takes effect
- 8 when passed and approved according to law.

Pending.

**COMMITTEE REPORTS**

General Affairs

**LEGISLATIVE BILL 281.** Placed on General File.

**LEGISLATIVE BILL 314.** Placed on General File.

(Signed) Russ Karpisek, Chairperson

Education

**LEGISLATIVE BILL 333.** Placed on General File with amendment.  
AM261

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

3 Sec. 2. Section 79-720, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 79-720 (1) Each school district, in consultation with the  
6 State Department of Education, shall develop for incorporation into  
7 all phases of the curriculum of grades kindergarten through twelve  
8 a multicultural education program.

9 (2) The department shall create and distribute  
10 recommended multicultural education curriculum guidelines to all  
11 school districts. Each district shall create its own multicultural  
12 education program based on such recommended guidelines. ~~Each~~  
13 ~~program shall be reviewed and, if within the guidelines, approved~~  
14 ~~by the department, and a copy of each such program shall be on file~~  
15 ~~with the department.~~

16 ~~(3) The process of implementation of the multicultural~~  
17 ~~education program shall begin in school year 1993-94, and~~  
18 ~~such process shall be completed in school year 1994-95. The~~  
19 ~~multicultural education program shall be integrated into the~~  
20 ~~curriculum of each district each school year thereafter.~~

21 ~~(4)~~(3) The incorporation of the multicultural education  
22 program into the curriculum of each district shall not change  
23 (a) the number of instructional hours prescribed for elementary  
1 and high school students or (b) the number of instructional hours  
2 dedicated to the existing curriculum of each district.

3 Sec. 3. Section 79-722, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 79-722 In conjunction with the multicultural education  
6 program prescribed in section 79-720, the State Department of  
7 Education shall design a process for evaluating the implementation  
8 and effectiveness of each multicultural education program,  
9 including the collection of baseline data. The collection of  
10 baseline data for evaluating the implementation and effectiveness  
11 of each multicultural education program shall not include the  
12 testing, assessment, or evaluation of individual students'  
13 attitudes or beliefs. An evaluation of the implementation and

14 effectiveness of each multicultural education program shall be  
 15 conducted ~~during the first quarter of the 1997-98 school year and~~  
 16 every five school years. On or before November 1, 2013, and on or  
 17 before November 1 every five years thereafter, the thereafter. The  
 18 department shall report the results of each evaluation to the Clerk  
 19 of the Legislature, the Education Committee of the Legislature,  
 20 and the State Board of Education; and each school district, publish  
 21 such report on a web site established by the department.

22 2. On page 8, line 6, strike "department" and insert  
 23 "State Department of Education"; and in line 9 strike "and" and  
 24 after "(vi)" insert "the next one hundred fourteen thousand six  
 25 hundred twenty-nine dollars shall fund the multicultural education  
 26 program created under section 79-720; and (vii)".

27 3. On page 9, line 4, strike "and" and after "(vi)"  
 1 insert "the next one hundred fourteen thousand six hundred  
 2 twenty-nine dollars shall be used by the department to fund  
 3 the multicultural education program created under section 79-720;  
 4 and (vii)".

5 4. On page 10, line 1, strike "and" and insert "(v)"  
 6 the next allocation shall be used by the department to fund the  
 7 multicultural education program created under section 79-720 in an  
 8 aggregated amount up to the amount used in the prior fiscal year  
 9 for such purposes increased by the basic allowable growth rate  
 10 pursuant to section 79-1025; and".

11 5. On page 25, line 15, strike "sections" and insert  
 12 "section"; and in line 16 strike "Sections" through "and" and  
 13 insert "Section".

14 6. Amend the repealer and renumber the remaining sections  
 15 accordingly.

(Signed) Greg Adams, Chairperson

### AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB383:  
 AM252

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

3 Section 1. Section 13-518, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:

5 13-518 For purposes of sections 13-518 to 13-522:

6 (1) Allowable growth means (a) for governmental units  
 7 other than community colleges, the percentage increase in taxable  
 8 valuation in excess of the base limitation established under  
 9 section 77-3446, if any, due to improvements to real property as  
 10 a result of new construction, additions to existing buildings,  
 11 any improvements to real property which increase the value of  
 12 such property, and any increase in valuation due to annexation  
 13 and any personal property valuation over the prior year and (b)

14 for community colleges, (i) for fiscal years prior to fiscal  
15 year 2003-04, for fiscal years after fiscal year 2004-05 until  
16 fiscal year 2007-08, and for fiscal year 2010-11 and each fiscal  
17 year thereafter, the percentage increase in excess of the base  
18 limitation, if any, in full-time equivalent students from the  
19 second year to the first year preceding the year for which the  
20 budget is being determined, (ii) for fiscal year 2003-04 and fiscal  
21 year 2004-05, the percentage increase in full-time equivalent  
22 students from the second year to the first year preceding the year  
23 for which the budget is being determined, and (iii) for fiscal year  
1 2007-08 through fiscal year 2009-10, community college areas may  
2 exceed the base limitation to equal base revenue need calculated  
3 pursuant to section 85-2223;

4 (2) Capital improvements means (a) acquisition of real  
5 property or (b) acquisition, construction, or extension of any  
6 improvements on real property;

7 (3) Governing body has the same meaning as in section  
8 13-503;

9 (4) Governmental unit means every political subdivision  
10 which has authority to levy a property tax or authority to  
11 request levy authority under section 77-3443 except sanitary and  
12 improvement districts which have been in existence for five years  
13 or less and school districts;

14 (5) Qualified sinking fund means a fund or funds  
15 maintained separately from the general fund to pay for acquisition  
16 or replacement of tangible personal property with a useful life of  
17 five years or more which is to be undertaken in the future but  
18 is to be paid for in part or in total in advance using periodic  
19 payments into the fund. The term includes sinking funds under  
20 subdivision (13) of section 35-508 for firefighting and rescue  
21 equipment or apparatus;

22 (6) Restricted funds means (a) property tax, excluding  
23 any amounts refunded to taxpayers, (b) payments in lieu of property  
24 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)  
25 state aid, (f) transfers of surpluses from any user fee, permit  
26 fee, or regulatory fee if the fee surplus is transferred to fund a  
27 service or function not directly related to the fee and the costs  
1 of the activity funded from the fee, (g) any funds excluded from  
2 restricted funds for the prior year because they were budgeted for  
3 capital improvements but which were not spent and are not expected  
4 to be spent for capital improvements, (h) the tax provided in  
5 sections 77-27,223 to 77-27,227 beginning in the second fiscal year  
6 in which the county will receive a full year of receipts, and (i)  
7 any excess tax collections returned to the county under section  
8 77-1776. Funds received pursuant to the nameplate capacity tax  
9 levied under section 77-6203 for the first five years after a wind  
10 energy generation facility has been commissioned are nonrestricted  
11 funds; and

12 (7) State aid means:

13 (a) For all governmental units, state aid paid pursuant  
14 to sections 60-3,202 and 77-3523;

15 (b) For municipalities, state aid to municipalities  
16 paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190,  
17 77-27,136, and 77-27,139.04 and insurance premium tax paid to  
18 municipalities;

19 (c) For counties, ~~(i) until July 1, 2011, state aid to~~  
20 ~~counties paid pursuant to sections 39-2501 to 39-2520, 47-119.01,~~  
21 ~~60-3,184 to 60-3,190, 77-27,136, and 77-3618, insurance premium~~  
22 ~~tax paid to counties, and reimbursements to counties from funds~~  
23 ~~appropriated pursuant to section 29-3933, and (ii) beginning on~~  
24 ~~July 1, 2011, state aid to counties paid pursuant to sections~~  
25 ~~39-2501 to 39-2520, 60-3,184 to 60-3,190, and 77-27,137.03,~~  
26 ~~insurance premium tax paid to counties, and reimbursements to~~  
27 ~~counties from funds appropriated pursuant to section 29-3933;~~

1 (d) For community colleges, state aid to community  
2 colleges paid pursuant to the Community College Foundation and  
3 Equalization Aid Act or, for fiscal year 2010-11, pursuant to  
4 section 90-517;

5 ~~(e) For natural resources districts, state aid to natural~~  
6 ~~resources districts paid pursuant to section 77-27,136;~~

7 ~~(f)-(e)~~ For educational service units, state aid  
8 appropriated under sections 79-1241.01 to 79-1241.03; and

9 ~~(e)-(f)~~ For local public health departments as defined in  
10 section 71-1626, state aid as distributed under section 71-1628.08.

11 Sec. 2. Section 71-5326, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 71-5326 If a municipality, or county,~~or natural~~  
14 ~~resources district~~ fails to make any payment pursuant to a loan  
15 within sixty days of the date due, such payment shall be deducted  
16 from the amount of aid to municipalities, or counties,~~or natural~~  
17 ~~resources districts~~ to which the municipality, or county,~~or~~  
18 ~~natural resources district~~ is entitled under sections 77-27,136 to  
19 77-27,137.03. Such amount shall be paid directly to the fund from  
20 which the loan was made.

21 Sec. 3. Section 77-27,136, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 77-27,136 The Legislature may appropriate funds collected  
24 by a general sales tax and income tax for aid to incorporated  
25 municipalities, to be calculated and distributed pursuant to  
26 section 77-27,137.01, and to counties, and natural resources  
27 districts, to be calculated and distributed pursuant to section  
1 77-27,137.03.

2 Sec. 4. Section 77-27,137.01, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 77-27,137.01 The Legislature shall appropriate funds as  
5 aid to incorporated municipalities in an amount equal to a  
6 percentage of the total real and personal property valuation  
7 of all incorporated municipalities, such percent to be not less

8 than zero percent nor more than .0225 percent. The appropriation  
9 made pursuant to the authority in section 77-27,136 for aid  
10 to incorporated municipalities shall be allocated by the Tax  
11 Commissioner to the various incorporated municipalities. The Tax  
12 Commissioner shall determine the amount to be distributed to the  
13 incorporated municipalities and certify such amounts by voucher  
14 to the Director of Administrative Services. Each amount shall be  
15 distributed in seven as nearly as possible equal monthly payments  
16 on the last business day of each month beginning in December.  
17 The State Treasurer shall, on the business day preceding the last  
18 business day of each month, notify the Director of Administrative  
19 Services of the amount of funds available in the General Fund for  
20 payment purposes. The Director of Administrative Services shall, on  
21 the last business day of each month, draw warrants against funds  
22 appropriated. The Tax Commissioner shall compute the amount due the  
23 incorporated municipalities on the ratio of the population of the  
24 particular incorporated municipality to the total population of all  
25 incorporated municipalities in the state as determined by the most  
26 recent federal census figures certified by the Tax Commissioner as  
27 provided in section 77-3,119, which amounts shall be placed in the  
1 general fund of such municipalities.

2 Sec. 5. Section 77-27,137.03, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 77-27,137.03 The Legislature shall appropriate funds as  
5 aid to counties in an amount equal to a percentage of the total  
6 real and personal property valuation of all counties, such percent  
7 to be not less than .0075-zero percent nor more than .0125 percent.

8 Of the appropriation, each county shall receive an equal  
9 amount up to thirty thousand dollars and the remaining amount shall  
10 be distributed to each county on the basis of the ratio of the  
11 total real and personal property valuation in the county to the  
12 total real and personal property valuation in the state.

13 The Tax Commissioner shall determine the amount to be  
14 distributed to the various counties under this section and certify  
15 such amounts to the Director of Administrative Services on or  
16 before July 1 of each year. Each amount shall be distributed in  
17 nine as nearly as possible equal monthly payments on the last  
18 business day of each month beginning in September.

19 Sec. 6. This act becomes operative on July 1, 2011.

20 Sec. 7. Original sections 71-5326, 77-27,136,  
21 77-27,137.01, and 77-27,137.03, Reissue Revised Statutes of  
22 Nebraska, and section 13-518, Revised Statutes Cumulative  
23 Supplement, 2010, are repealed.

24 Sec. 8. The following section is outright repealed:  
25 Section 77-27,137.02, Revised Statutes Cumulative Supplement, 2010.

26 Sec. 9. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.

**VISITORS**

Visitors to the Chamber were Senator Carlson's son, Nathan Carlson, from Holdrege; Senator Wallman's brother, niece, and nephew, Gene Wallman, from Longville, Minnesota and Stacy and John Wallman from Beatrice; Mark and Traci Christensen from Stanton; members of the Nebraska Bankers Association Leadership Class from across the state; and Senator Larson's parents, Tuffy and Robyn Larson, from Weeping Water.

The Doctor of the Day was Dr. Ryan Banks from Omaha.

**MOTION - Adjournment**

Senator Loudon moved to adjourn. The motion prevailed with 18 ayes, 14 nays, 15 present and not voting, and 2 excused and not voting, and at 12:01 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 9, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 9, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senator Conrad who was excused; and Senators B. Harr, Karpisek, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Government, Military and Veterans Affairs

Room 1507

Thursday, February 17, 2011 1:30 p.m.

Dana Miller - State Emergency Response Commission

Friday, February 25, 2011 1:30 p.m.

LR2CA

LB597

LB344

(Signed) Bill Avery, Chairperson

**AMENDMENT - Print in Journal**

Senator McCoy filed the following amendment to LB19:  
AM118

- 1 1. On page 10, line 18, strike "detectable"; in line 19
- 2 strike the first comma and insert "as listed in subdivisions (i)
- 3 through (viii) of this subdivision, including" and after the first
- 4 occurrence of "isomers" insert an underscored comma; in line 20
- 5 strike "section" and insert "subdivision"; and in line 24 strike
- 6 "subsection" and insert "subdivision".
- 7 2. On page 11, line 4, strike "(a)" and insert "(i)"; in
- 8 line 14 strike "(b)" and insert "(ii)"; in line 20 strike "(c)" and
- 9 insert "(iii)"; and in line 23 after "group" insert an underscored
- 10 comma.
- 11 3. On page 12, line 1, strike "(d)" and insert "(iv)";
- 12 in line 4 after "group" insert an underscored comma; in line
- 13 5 strike the comma and insert "and"; in line 7 strike "(e)"
- 14 and insert "(v)"; in line 8 strike "naphthyideneindene" and
- 15 insert "naphthylideneindene"; in line 10 after "group" insert
- 16 an underscored comma; in line 11 strike the comma and insert "and";
- 17 in line 13 strike "(f)" and insert "(vi)"; in line 16 after "group"
- 18 insert an underscored comma; in line 17 strike the comma and insert
- 19 "and"; in line 19 strike "(g)" and insert "(vii)"; in line 22 after
- 20 "group" insert an underscored comma; and in line 24 strike "(h)"
- 21 and insert "(viii)".
- 22 4. On page 13, line 2, after "group" insert an
- 23 underscored comma.

**ANNOUNCEMENT**

The Chair announced today is Senator Smith's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 383.** Senator Loudon renewed his amendment, AM288, found on page 482.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 9 nays, and 12 not voting.

Senator Loudon moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Loudon requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Council	Louden	Nelson	Pahls	Wallman
Howard	Mello	Nordquist	Sullivan	

Voting in the negative, 35:

Adams	Christensen	Fulton	Janssen	Pirsch
Ashford	Coash	Gloor	Krist	Price
Avery	Cook	Haar, K.	Langemeier	Schilz
Bloomfield	Cornett	Hadley	Larson	Schumacher
Brasch	Dubas	Hansen	Lautenbaugh	Smith
Campbell	Fischer	Harms	McCoy	Utter
Carlson	Flood	Heidemann	McGill	Wightman

Present and not voting, 1:

Lathrop

Excused and not voting, 4:

Conrad	Harr, B.	Karpisek	Pankonin
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The Louden amendment lost with 9 ayes, 35 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM252, found on page 484.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator Council moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Cook	Howard	Louden	Nelson	Sullivan
Council	Karpisek	Mello	Nordquist	Wallman

Voting in the negative, 36:

Adams	Coash	Hadley	Larson	Schumacher
Ashford	Cornett	Hansen	Lautenbaugh	Smith
Avery	Dubas	Harms	McCoy	Utter
Bloomfield	Fischer	Harr, B.	Pahls	Wightman
Brasch	Flood	Heidemann	Pankonin	
Campbell	Fulton	Janssen	Pirsch	
Carlson	Gloor	Krist	Price	
Christensen	Haar, K.	Langemeier	Schilz	

Present and not voting, 2:

Lathrop          McGill

Excused and not voting, 1:

Conrad

The Council amendment lost with 10 ayes, 36 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 8 nays, 3 present and not voting, and 1 excused and not voting.

### **MOTION - Print in Journal**

Senator Schilz filed the following motion to LB692:

MO11

Withdraw bill.

### **NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, February 16, 2011    1:30 p.m.

LB50

LB323

LB209

Thursday, February 17, 2011 1:30 p.m.

LB162  
 LB457  
 LB363  
 LB405  
 LB519

Wednesday, February 23, 2011 1:30 p.m.

LB65  
 LB432  
 LB362  
 LB253  
 LB360

Thursday, February 24, 2011 1:30 p.m.

LB627  
 LB682  
 LB642  
 LB489  
 LB426

Friday, February 25, 2011 1:30 p.m.

LB83  
 LB99  
 LB297  
 LB608  
 LB666

Wednesday, March 2, 2011 1:30 p.m.

LB400  
 LB620  
 LB632

Thursday, March 3, 2011 1:30 p.m.

LB439  
 LR9CA  
 LB428  
 LB441

Friday, March 4, 2011 1:30 p.m.

LB436  
LB590  
LB40  
LB570

Wednesday, March 9, 2011 1:30 p.m.

LB359  
LB385  
LB358  
LB603

Thursday, March 10, 2011 1:30 p.m.

LB560  
LB82  
LB252  
LR46CA

Wednesday, March 16, 2011 1:30 p.m.

LB559  
LB561  
LB357  
LB695

(Signed) Abbie Cornett, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 410A.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 410, One Hundred Second Legislature, First Session, 2011.

**COMMITTEE REPORTS**

## Transportation and Telecommunications

The Transportation and Telecommunications 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.

Timothy Weander - Board of Public Roads Classifications and Standards

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications 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.

E.J. Militti Jr. - State Highway Commission

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 164.** Placed on General File with amendment. AM286

- 1 1. On page 2, line 6, after "object" insert "that, in
- 2 combination with the transporting vehicle, is".

**LEGISLATIVE BILL 257.** Placed on General File with amendment. AM58

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 86-144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-144 ~~(1)~~ In (1)(a) Except as provided in subdivision
- 5 (b) of this subsection, in an exchange in which local competition
- 6 does not exist, telecommunications companies shall file rate lists
- 7 which, for all telecommunications service except for basic local
- 8 exchange rates, shall be effective after ten days' notice to the
- 9 commission.
- 10 (b) Notwithstanding any other provision of Chapter 86,
- 11 a telecommunications company shall not be required to file rate
- 12 lists, tariffs, or contracts for any telecommunications service,
- 13 including local exchange and interexchange services, provided as
- 14 a business service. Upon written notice to the commission, a
- 15 telecommunications company may withdraw any rate list, tariff, or
- 16 contract not required to be filed under this subdivision if the
- 17 telecommunications company posts the rates, terms, and conditions
- 18 of its telecommunications service on the company's web site.

19 (2) In an exchange in which local competition does  
 20 not exist, basic local exchange rates may be increased by a  
 21 telecommunications company only after ninety days' notice to all  
 22 affected subscribers. Such notice of increase shall include (a) the  
 23 reasons for the rate increase, (b) a description of the affected  
 1 telecommunications service, (c) an explanation of the right of the  
 2 subscriber to petition the commission for a public hearing on the  
 3 rate increase, (d) a list of exchanges which are affected by the  
 4 proposed rate increase, and (e) the dates, times, and places for  
 5 the public informational meetings required by this section.

6 (3) A telecommunications company which proposes to  
 7 increase its basic local exchange rates shall hold at least one  
 8 public informational meeting in each public service commissioner  
 9 district as established by section 75-101.01 in which there is an  
 10 exchange affected by the proposed rate increase.

11 2. Renumber the remaining section and correct the  
 12 repealer accordingly.

(Signed) Deb Fischer, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 71.** Introduced by Larson, 40.

WHEREAS, David Earl Burbach has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, David has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, David's community service project consisted of painting bleachers and refurbishing a bathroom complex at a village recreation field in Hartington, Nebraska. David showed leadership skills while carrying out this project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, David, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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



1. That the Legislature congratulates David Earl Burbach on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to David Earl Burbach.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 334.** Committee AM102, found on page 399 and considered on page 474, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 26.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 78.** Title read. Considered.

Senator Pahls renewed his amendment, AM194, found on page 432.

The Pahls amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 77.** Title read. Considered.

Committee AM76, found on page 400, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Pahls renewed his amendment, AM193, found on page 432.

The Pahls amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 303.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 474.** Title read. Considered.

Committee AM123, found on page 404, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 302.** Title read. Considered.

Pending.

#### **MOTION - Withdraw LB638**

Senator Karpisek renewed his motion, MO10, found on page 473, to withdraw LB638.

The Karpisek motion to withdraw the bill prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB427. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 34 high school students and teachers from Elkhorn; Senator Utter's son, Mark Utter, from West Point; 25 students, teachers, and sponsor from Hartington; and 18 fourth-grade students, teacher, and sponsors from Immanuel Lutheran School, Columbus.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

#### **ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 10, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 10, 2011

**PRAYER**

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

**ROLL CALL**

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

The roll was called and all members were present except Senator Conrad who was excused; and Senators Christensen, Heidemann, Lathrop, Lautenbaugh, and McGill who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1524

Monday, February 28, 2011 1:30 p.m.

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

Tuesday, March 1, 2011 1:30 p.m.

LB414

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 51 - University of Nebraska System

Room 1003

Wednesday, March 2, 2011 1:30 p.m.

Agency 31 - Military Department  
Agency 33 - Game and Parks Commission  
Agency 29 - Natural Resources, Department of  
Agency 72 - Economic Development, Department of

Thursday, March 3, 2011 1:30 p.m.

Agency 19 - Banking, Department of  
Agency 22 - Insurance, Department of  
Agency 23 - Labor, Department of  
Agency 87 - Accountability and Disclosure Commission  
Agency 65 - Administrative Services, Department of

LB491

Room 1524

Monday, March 7, 2011 1:30 p.m.

Agency 71 - Nebraska Energy Office  
Agency 18 - Agriculture, Department of  
Agency 52 - State Fair Board  
Agency 84 - Environmental Quality, Department of

Tuesday, March 8, 2011 1:30 p.m.

LB450

Agency 5 - Supreme Court  
Agency 15 - Parole, Nebraska Board of  
Agency 94 - Public Advocacy, Commission on

Room 1003

Wednesday, March 9, 2011 1:30 p.m.

Agency 24 - Motor Vehicles, Department of  
Agency 40 - Motor Vehicle Licensing Board, Nebraska  
Agency 17 - Aeronautics, Department of  
Agency 27 - Roads, Department of

Thursday, March 10, 2011 1:30 p.m.

Agency 7 - Governor  
 Agency 8 - Lieutenant Governor  
 Agency 9 - Secretary of State  
 Agency 10 - Auditor of Public Accounts  
 Agency 11 - Attorney General  
 Agency 12 - State Treasurer  
 Agency 14 - Public Service Commission  
 Agency 3 - Legislative Council

Room 1524

Monday, March 14, 2011 1:30 p.m.

LB93  
 LB464

Agency 25 - Health And Human Services  
 Agency 25 Department of Health and Human Services - Operations  
 Agency 25 Department of Health and Human Services - Division of  
 Children and Family Services  
 Agency 25 Department of Health and Human Services - Division of Public  
 Health  
 Agency 25 Department of Health and Human Services - Division of  
 Veterans Homes

Tuesday, March 15, 2011 1:30 p.m.

LB325

Agency 25 - Health And Human Services  
 Agency 25 Department of Health and Human Services - Division of  
 Behavioral Health  
 Agency 25 Department of Health and Human Services - Division of  
 Medicaid and Long-Term Care  
 Agency 25 Department of Health and Human Services - Division of  
 Developmental Disabilities

(Signed) Lavon Heidemann, Chairperson

**COMMITTEE REPORT**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Roger Bradford "Brad" von Gillern - Nebraska Accountability and Disclosure Commission

Aye: 8 Senators Avery, Brasch, Janssen, Karpisek, Pahls, Price, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**MOTION - Withdraw LB692**

Senator Schilz renewed his motion, MO11, found on page 492, to withdraw LB692.

The Schilz motion to withdraw the bill prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 59.** ER3, found on page 349, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 135.** Senator Langemeier renewed his amendment, AM56, found on page 345.

Senator Langemeier withdrew his amendment.

Senator Smith renewed his amendment, AM61, found on page 372.

The Smith amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Senator Langemeier requested a machine vote on the advancement of the bill.

Senator Smith moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Smith requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Adams	Carlson	Gloor	Janssen	Schilz
Ashford	Coash	Haar, K.	Karpisek	Schumacher
Avery	Cook	Hadley	Larson	Smith
Bloomfield	Cornett	Hansen	Louden	Sullivan
Brasch	Council	Harr, B.	Nelson	Wallman
Campbell	Fischer	Howard	Pankonin	Wightman

Voting in the negative, 6:

Flood	Langemeier	Nordquist
Krist	McCoy	Pahls

Present and not voting, 9:

Christensen	Fulton	Lathrop	Pirsch	Utter
Dubas	Harms	Mello	Price	

Excused and not voting, 4:

Conrad	Heidemann	Lautenbaugh	McGill
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Advanced to Enrollment and Review for Engrossment with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 170.** ER5, found on page 367, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 19.** ER4, found on page 367, was adopted.

Senator McCoy withdrew his amendment, AM118, found on page 490.

Senator McCoy offered the following amendment:

AM311

- 1 1. On page 10, line 18, strike "detectable"; in line 19
- 2 strike the first comma and insert "as listed in subdivisions (i)
- 3 through (viii) of this subdivision, including" and after the first
- 4 occurrence of "isomers" insert an underscored comma; and in line 24
- 5 strike "subsection" and insert "subdivision".
- 6 2. On page 11, line 4, strike "(a)" and insert "(i)"; in
- 7 line 14 strike "(b)" and insert "(ii)"; in line 20 strike "(c)" and
- 8 insert "(iii)"; and in line 23 after "group" insert an underscored
- 9 comma.
- 10 3. On page 12, line 1, strike "(d)" and insert "(iv)";
- 11 in line 4 after "group" insert an underscored comma; in line

12 5 strike the comma and insert "and"; in line 7 strike "(e)"  
 13 and insert "(v)"; in line 8 strike "naphthydeneindene" and  
 14 insert "naphthylideneindene"; in line 10 after "group" insert  
 15 an underscored comma; in line 11 strike the comma and insert "and";  
 16 in line 13 strike "(f)" and insert "(vi)"; in line 16 after "group"  
 17 insert an underscored comma; in line 17 strike the comma and insert  
 18 "and"; in line 19 strike "(g)" and insert "(vii)"; in line 22 after  
 19 "group" insert an underscored comma; and in line 24 strike "(h)"  
 20 and insert "(viii)".  
 21 4. On page 13, line 2, after "group" insert an  
 22 underscored comma.

The McCoy amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 122.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 157.** ER6, found on page 409, was adopted.

Senator Flood withdrew his amendments, AM110 and AM111, found on page 374.

Senator Coash renewed his amendment, AM215, found on page 457.

The Coash amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 157A.** Senator Coash renewed his amendment, AM216, found on page 459.

### **SPEAKER FLOOD PRESIDING**

The Coash amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 134.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 211.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 154.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 208.** ER7, found on page 430, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 72.** ER9, found on page 437, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 28.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 29.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 30.** ER10, found on page 437, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 46.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 68.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 111.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 163.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 163A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 241.** ER13, found on page 469, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 47.** ER12, found on page 469, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 212.** ER14, found on page 479, was adopted.

Senator Fischer renewed her amendment, AM285, found on page 482.

The Fischer amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 23.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 74.** ER15, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 75.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 76.** ER16, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR37.

### **GENERAL FILE**

**LEGISLATIVE BILL 181.** Title read. Considered.

### **SENATOR GLOOR PRESIDING**

Committee AM81, found on page 437, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 302.** Senator Ashford offered the following motion: MO12

Unanimous consent to bracket until June 5, 2011.

No objections. So ordered.

**LEGISLATIVE BILL 94.** Title read. Considered.

Committee AM180, found on page 414, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

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 72.** Introduced by Price, 3; Cornett, 45; Langemeier, 23; McCoy, 39; Mello, 5; Smith, 14.

WHEREAS, the Papillion-La Vista South Titans won the 2010 Class A State Volleyball Championship, the school's first state title in volleyball; and

WHEREAS, the Titans finished the season with an undefeated record of 41-0, making the Titans the first undefeated state champion in Class A since 1972; and

WHEREAS, the Titans were also named the 2010 Powerade Fab 50 ESPN RISE national champions, the first such award for any high school team in the State of Nebraska; and

WHEREAS, Coach Gwen Egbert did a tremendous job of guiding the team throughout the season; and

WHEREAS, team members Kadie Rolfzen, Lauren Poulicek, Megan Stroyek, Amber Rolfzen, Kirsten Hudgens, Nicole Edgar, Kelly Hunter, Lillian Schonewise, Kylee Meinzer, Whitney Kostal, Bailey Vance, Rachel Nelson, and Katie Kurtz displayed hard work and dedication throughout their outstanding season; and

WHEREAS, Amber Rolfzen was named Gatorade State Player of the Year, ESPN RISE sophomore co-player of the year, and an ESPN RISE second-team All-American; and

WHEREAS, Kadie Rolfzen was named ESPN RISE sophomore co-player of the year and an ESPN RISE second-team All-American; and

WHEREAS, Lillian Schonewise was named an ESPN RISE Top 25 senior and an ESPN RISE first-team All-American.

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

1. That the Legislature congratulates the Papillion-La Vista South Titans on their outstanding volleyball season.

2. That a copy of this resolution be sent to the Titans and their coach, Gwen Egbert.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, March 1, 2011 1:30 p.m.

LB200 (rehearing)

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Friday, March 4, 2011 1:30 p.m.

LB590 (cancel)

Wednesday, March 2, 2011 1:30 p.m.

LB590 (reschedule)

Wednesday, March 2, 2011 1:30 p.m.

LB400 (cancel)

Friday, March 4, 2011 1:30 p.m.

LB400 (reschedule)

(Signed) Abbie Cornett, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 383.** Placed on Select File.

**LEGISLATIVE BILL 334.** Placed on Select File with amendment.  
ER19

- 1 1. On page 1, line 10, strike "and"; and in line 12 after
- 2 "Nebraska" insert "; and to declare an emergency".

**LEGISLATIVE BILL 25.** Placed on Select File with amendment.  
ER20

- 1 1. On page 1, line 5, after "Statutes" insert
- 2 "Cumulative".
- 3 2. On page 2, line 5, after "76-2415" insert "and section
- 4 2 of this act"; in line 10 strike "(a)" and insert "(1)"; in line

5 12 strike "(b)" and insert "(2)"; and in line 13 strike "(c)" and  
6 insert "(3)".

**LEGISLATIVE BILL 26.** Placed on Select File.

**LEGISLATIVE BILL 78.** Placed on Select File with amendment.  
ER22

- 1 1. On page 1, line 4, strike "and" and after "sections"
- 2 insert "; and to declare an emergency".
- 3 2. On page 4, line 2, strike "constitutions" and insert
- 4 "constitution".

**LEGISLATIVE BILL 77.** Placed on Select File with amendment.  
ER21

- 1 1. On page 1, line 5, strike "and" and after "sections"
- 2 insert "; and to declare an emergency".

**LEGISLATIVE BILL 303.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**  
Revenue

**LEGISLATIVE BILL 210.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 10, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18e, 67, and 158 were received in my office on February 4, 2011.

These bills were signed and delivered to the Secretary of State on February 10, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 24.** Title read. Considered.

**SPEAKER FLOOD PRESIDING****SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 396.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 256.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 311.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 347.** Title read. Considered.

Committee AM75, found on page 427, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 462.** Title read. Considered.

Committee AM156, found on page 427, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 98.** Title read. Considered.

Pending.

**CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed two Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

**AMENDMENT - Print in Journal**

Senator Heidemann filed the following amendment to LB108:  
AM308

(Amendments to Standing Committee amendments, AM223)

- 1 1. Insert the following new amendment:
- 2 2. On page 2, lines 4 and 6, strike "vegetative" and
- 3 insert "trees and woody".

**VISITORS**

Visitors to the Chamber were Dr. Krystal Larson from Richmond, Virginia; and Kathy, Kate, and Caroline Radosta from Bellevue and Kaddy Madsen from Denmark.

The Doctor of the Day was Dr. Gwen Zhou from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Friday, February 11, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-SEVENTH DAY - FEBRUARY 11, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 11, 2011

**PRAYER**

The prayer was offered by Reverend Valjean Warman, United Methodist Church, Fullerton.

**ROLL CALL**

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

The roll was called and all members were present except Senators Conrad and Cornett who were excused; and Senators Campbell, Coash, B. Harr, Karpisek, Loudon, Pahls, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 474.** Placed on Select File with amendment.  
ER23

- 1 1. On page 1, line 6, after the semicolon insert "to
- 2 eliminate certain report submission and notification requirements;
- 3 to provide powers for the Auditor of Public Accounts;".

**LEGISLATIVE BILL 181.** Placed on Select File.

**LEGISLATIVE BILL 94.** Placed on Select File.

**LEGISLATIVE BILL 24.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**MOTIONS - Approve Appointments**

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 495:

State Highway Commission  
E.J. Militti Jr.

Voting in the affirmative, 35:

Adams	Council	Harms	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	McCoy	Schumacher
Bloomfield	Fulton	Howard	McGill	Smith
Brasch	Gloor	Janssen	Mello	Sullivan
Carlson	Haar, K.	Langemeier	Nordquist	Utter
Christensen	Hadley	Larson	Pankonin	Wallman
Cook	Hansen	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Dubas	Flood	Krist	Nelson
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Excused and not voting, 9:

Campbell	Conrad	Harr, B.	Louden	Price
Coash	Cornett	Karpisek	Pahls	

The appointment was confirmed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 495:

Board of Public Roads Classifications and Standards  
Timothy Weander

Voting in the affirmative, 35:

Adams	Cook	Hansen	Lautenbaugh	Schilz
Avery	Council	Harms	McCoy	Schumacher
Bloomfield	Fischer	Harr, B.	Mello	Smith
Brasch	Fulton	Heidemann	Nelson	Sullivan
Campbell	Gloor	Howard	Nordquist	Utter
Carlson	Haar, K.	Langemeier	Pankonin	Wallman
Christensen	Hadley	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Flood	Krist	McGill
Dubas	Janssen	Larson	

Excused and not voting, 7:

Coash	Cornett	Louden	Price
Conrad	Karpisek	Pahls	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 502:

Nebraska Accountability and Disclosure Commission  
 Roger Bradford "Brad" von Gillern

Voting in the affirmative, 34:

Avery	Cook	Harms	McCoy	Schilz
Bloomfield	Council	Harr, B.	McGill	Schumacher
Brasch	Fischer	Heidemann	Mello	Smith
Campbell	Gloor	Howard	Nelson	Sullivan
Carlson	Haar, K.	Karpisek	Nordquist	Wallman
Christensen	Hadley	Lathrop	Pankonin	Wightman
Coash	Hansen	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Dubas	Fulton	Krist	Larson
Ashford	Flood	Janssen	Langemeier	Utter

Excused and not voting, 5:

Conrad	Cornett	Louden	Pahls	Price
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 98.** Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 178.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 178A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 215.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 43.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 410.** Title read. Considered.

Committee AM197, found on page 433, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 410A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 108.** Title read. Considered.

Committee AM223, found on page 436, was considered.

Senator Heidemann renewed his amendment, AM308, found on page 511, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR GLOOR PRESIDING**

The Heidemann amendment was adopted with 36 ayes, 3 nays, 6 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORTS**

## Urban Affairs

**LEGISLATIVE BILL 471.** Placed on General File.

**LEGISLATIVE BILL 159.** Placed on General File with amendment.  
AM244

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 7, after "charters" insert "and
- 5 entities created by interlocal agreements among cities, villages,
- 6 and counties"; and in line 10 after "organization" insert
- 7 "incorporated or authorized to do business in this state".
- 8 3. On page 13, line 3, after the period insert "No
- 9 municipality, county, or governing body or officer thereof shall
- 10 be subject to the Securities Act of Nebraska with respect to any
- 11 revenue bonds issued under sections 13-1101 to 13-1110.".

(Signed) Amanda McGill, Chairperson

Judiciary

**LEGISLATIVE BILL 191.** Placed on General File.

**LEGISLATIVE BILL 66.** Placed on General File with amendment.  
AM241

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 29-4106, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 29-4106 (1) A person who is convicted of a felony offense
- 6 or other specified offense on or after July 15, 2010, who does not
- 7 have a DNA sample available for use in the State DNA Sample Bank,
- 8 shall, at his or her own expense, have a DNA sample collected:
- 9 (a) Upon intake to a prison, jail, or other detention
- 10 facility or institution to which such person is sentenced. If
- 11 the person is already confined at the time of sentencing, the

12 person shall have a DNA sample collected immediately after the  
 13 sentencing. Such DNA ~~samples~~ sample shall be collected at the place  
 14 of incarceration or confinement. If the place of incarceration or  
 15 confinement is a county facility, the DNA sample shall be collected  
 16 by the county sheriff. Such person shall not be released unless and  
 17 until a DNA sample has been collected; or

18 (b) As a condition for any sentence which will not  
 19 involve an intake into a prison, jail, or other detention facility  
 20 or institution. Such DNA samples shall be collected as follows:

21 (i) In any county containing a city of the metropolitan  
 22 class, a person placed on probation or who received a penalty of  
 23 a fine or time served shall have such DNA sample collected by a  
 1 probation officer at a probation office. Such person shall not be  
 2 released unless and until a DNA sample has been collected; and

3 (ii) In all other counties, a person placed on probation  
 4 shall have such DNA sample collected by a probation officer at a  
 5 probation office, and a person not placed on probation who receives  
 6 a penalty of a fine or time served shall have such DNA sample  
 7 collected at a detention facility or institution as specified by  
 8 the court, by the county sheriff. Such person shall not be released  
 9 unless and until a DNA sample has been collected.

10 (2) A person who has been convicted of a felony offense  
 11 or other specified offense before July 15, 2010, who does not have  
 12 a DNA sample available for use in the State DNA Sample Bank, and  
 13 who is still serving a term of confinement or probation for such  
 14 felony offense or other specified offense on July 15, 2010, shall  
 15 not be released prior to the expiration of his or her maximum term  
 16 of confinement or revocation or discharge from his or her probation  
 17 unless and until a DNA sample has been collected.

18 (3) A person who is serving a term of probation and has a  
 19 DNA sample collected pursuant to this section shall pay all costs  
 20 associated with the collection of the DNA sample.

21 (4) If the court waives the cost of taking a DNA sample  
 22 for any reason, a county jail or other county detention facility or  
 23 institution collecting the DNA sample shall not be held financially  
 24 responsible for the cost of the DNA sample kit.

25 Sec. 2. Original section 29-4106, Revised Statutes  
 26 Cumulative Supplement, 2010, is repealed.

**LEGISLATIVE BILL 128.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

Natural Resources

**LEGISLATIVE BILL 27.** Placed on General File.

**LEGISLATIVE BILL 32.** Placed on General File.

**LEGISLATIVE BILL 31.** Placed on General File with amendment.

AM206

- 1 1. Strike section 2.
- 2 2. Renumber the remaining section and correct the
- 3 repealer section accordingly.

(Signed) Chris Langemeier, Chairperson

## RESOLUTION

### LEGISLATIVE RESOLUTION 73. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation, on Saturday, March 5, 2011, at the annual Statehood Day Dinner held in the Nebraska State Capitol, presents the distinguished Nebraskalander Award to three honorees; and

WHEREAS, a distinguished Nebraskalander Award is presented to Allen Beermann, of Lincoln, who has served as Nebraska's official and unofficial goodwill ambassador for over forty years, first for twenty-four years as Secretary of State and currently as the executive director of the Nebraska Press Association. His many honors include the National Guard Meritorious Service Award, the Boy Scouts of America's Silver Beaver Award, the Ambassador Plenipotentiary Award from the Nebraska Diplomats, the Foreign Service Medallion from the Republic of China, and the Downtown Lincoln Rotary Club Nebraskan of the Year; and

WHEREAS, a distinguished Nebraskalander Award is presented to DiAnna Schimek, of Lincoln, who was a Nebraska state senator from 1989 to 2009 and worked tirelessly in the areas of child and family issues, women's and minority issues, health care, and election law. She is past chair of the Midwestern Legislative Conference of the Council of State Governments. Her many honors include the Distinguished Service Award from both the National Guard Association and the League of Nebraska Municipalities, the Civil Libertarian of the Year Award, and the Ethics in Government Award, and in 2008 she was made an honorary member of the Ponca Tribe of Nebraska; and

WHEREAS, a distinguished Nebraskalander Award is presented to Tom Plummer, of Lincoln, who was a fourth generation farmer/rancher near Ogallala, Nebraska. He has been an active leader in protecting the natural resources in our state. He chaired the Friends of Big Mac Committee to raise funds to build the Lake McConaughy Visitor/Water Interpretive Center and was founder of the Nebraska Water Center Foundation. He was recognized by the Nebraska State Historical Society as the Guardian of Nebraska History and served as state president of both the Nebraska Elks and the Easter Seal Society.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.
2. That a copy of this resolution be given to all honorees.

Laid over.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB61:  
AM329

(Amendments to Standing Committee amendments, AM211)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. Section 29-4003, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 29-4003 (1)(a) The Sex Offender Registration Act applies
- 5 to any person who on or after January 1, 1997:
- 6 (i) Has ever pled guilty to, pled nolo contendere to, or
- 7 been found guilty of any of the following:
- 8 (A) Kidnapping of a minor pursuant to section 28-313,
- 9 except when the person is the parent of the minor and was not
- 10 convicted of any other offense in this section;
- 11 (B) False imprisonment of a minor pursuant to section
- 12 28-314 or 28-315;
- 13 (C) Sexual assault pursuant to section 28-319 or 28-320;
- 14 (D) Sexual assault of a child in the second or third
- 15 degree pursuant to section 28-320.01;
- 16 (E) Sexual assault of a child in the first degree
- 17 pursuant to section 28-319.01;
- 18 (F) Sexual abuse of a vulnerable adult pursuant to
- 19 subdivision (1)(c) of section 28-386;
- 20 (G) Incest of a minor pursuant to section 28-703;
- 21 (H) Pandering of a minor pursuant to section 28-802;
- 22 (I) Visual depiction of sexually explicit conduct of a
- 1 child pursuant to section 28-1463.03 or 28-1463.05;
- 2 (J) Knowingly possessing any visual depiction of sexually
- 3 explicit conduct which has a child as one of its participants or
- 4 portrayed observers pursuant to section 28-813.01;
- 5 (K) Criminal child enticement pursuant to section 28-311;
- 6 (L) Child enticement by means of an electronic
- 7 communication device pursuant to section 28-320.02;
- 8 (M) Debauching a minor pursuant to section 28-805; or
- 9 (N) Attempt, solicitation, aiding or abetting, being
- 10 an accessory, or conspiracy to commit an offense listed in
- 11 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;
- 12 (ii) Has ever pled guilty to, pled nolo contendere to, or
- 13 been found guilty of any offense that is substantially equivalent
- 14 to a registrable offense under subdivision (1)(a)(i) of this
- 15 section by any village, town, city, state, territory, commonwealth,
- 16 or other jurisdiction of the United States, by the United States
- 17 Government, by court-martial or other military tribunal, or by
- 18 a foreign jurisdiction, notwithstanding a procedure comparable



- 19 in effect to that described under section 29-2264 or any other  
 20 procedure to nullify a conviction other than by pardon;
- 21 (iii) Is incarcerated in a jail, a penal or correctional  
 22 facility, or any other public or private institution or is under  
 23 probation or parole as a result of pleading guilty to or being  
 24 found guilty of a registrable offense under subdivision (1)(a)(i)  
 25 or (ii) of this section prior to January 1, 1997; or
- 26 (iv) Enters the state and is required to register as  
 27 a sex offender under the laws of another village, town, city,  
 1 state, territory, commonwealth, or other jurisdiction of the United  
 2 States.
- 3 (b) In addition to the registrable offenses under  
 4 subdivision (1)(a) of this section, the Sex Offender Registration  
 5 Act applies to any person who on or after January 1, 2010:
- 6 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
 7 this section, has ever pled guilty to, pled nolo contendere to, or  
 8 been found guilty of any of the following:
- 9 (I) Murder in the first degree pursuant to section  
 10 28-303;
- 11 (II) Murder in the second degree pursuant to section  
 12 28-304;
- 13 (III) Manslaughter pursuant to section 28-305;
- 14 (IV) Assault in the first degree pursuant to section  
 15 28-308;
- 16 (V) Assault in the second degree pursuant to section  
 17 28-309;
- 18 (VI) Assault in the third degree pursuant to section  
 19 28-310;
- 20 (VII) Stalking pursuant to section 28-311.03;
- 21 (VIII) Unlawful intrusion ~~on a minor~~ pursuant to section  
 22 28-311.08 involving a victim under eighteen years of age at the  
 23 time of the offense;
- 24 (IX) Kidnapping pursuant to section 28-313;
- 25 (X) False imprisonment pursuant to section 28-314 or  
 26 28-315;
- 27 (XI) Sexual abuse of an inmate or parolee in the first  
 1 degree pursuant to section 28-322.02;
- 2 (XII) Sexual abuse of an inmate or parolee in the second  
 3 degree pursuant to section 28-322.03;
- 4 (XIII) Sexual abuse of a protected individual pursuant to  
 5 section 28-322.04;
- 6 (XIV) Incest pursuant to section 28-703;
- 7 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of  
 8 section 28-707;
- 9 (XVI) Enticement by electronic communication device  
 10 pursuant to section 28-833; or
- 11 (XVII) Attempt, solicitation, aiding or abetting, being  
 12 an accessory, or conspiracy to commit an offense listed in

13 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this  
14 section.

15 (B) In order for the Sex Offender Registration Act to  
16 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
17 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,  
18 a court shall have found that evidence of sexual penetration or  
19 sexual contact, as those terms are defined in section 28-318, was  
20 present in the record, which shall include consideration of the  
21 factual basis for a plea-based conviction and information contained  
22 in the presentence report;

23 (ii) Has ever pled guilty to, pled nolo contendere to, or  
24 been found guilty of any offense that is substantially equivalent  
25 to a registrable offense under subdivision (1)(b)(i) of this  
26 section by any village, town, city, state, territory, commonwealth,  
27 or other jurisdiction of the United States, by the United States  
1 Government, by court-martial or other military tribunal, or by  
2 a foreign jurisdiction, notwithstanding a procedure comparable  
3 in effect to that described under section 29-2264 or any other  
4 procedure to nullify a conviction other than by pardon; or

5 (iii) Enters the state and is required to register as  
6 a sex offender under the laws of another village, town, city,  
7 state, territory, commonwealth, or other jurisdiction of the United  
8 States.

9 (2) A person appealing a conviction of a registrable  
10 offense under this section shall be required to comply with the act  
11 during the appeals process.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10,  
2011, in accordance with Section 49-1481, Revised Statutes of Nebraska.  
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.

Midwest Housing Equity Group

Beck, Ellen

League of Women Voters of Nebraska

Fernandez, David

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA  
Inc.)

Johnston, Brian

My Wireless.Org

Kaminski, Ronald Lee, Jr.

Laborers Local #1140

Kruse, Bonnie

League of Women Voters of Nebraska

Kulesher Jarecke, Kate M.

Eli Lilly and Company

McKenzie, Janis M.

Mines & Associates

Morrissey, Spencer W.

Brotherhood of Maintenance of Way Employees

Quasius, Robert T. Sr.

Somos Republicans

Reale, C. Anthony

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

Wadum, Michael W.

American Lung Association Plains-Gulf Region

Wintner, Jeffrey M.

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

### **GENERAL FILE**

**LEGISLATIVE BILL 114.** Title read. Considered.

Committee AM199, found on page 436, was considered.

Pending.

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

Senator Pahls asked unanimous consent to add his name as cointroducer to LB84. No objections. So ordered.

Senator Nelson asked unanimous consent to add his name as cointroducer to LB401. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Ann Warman from Fullerton and Heather, Breeanna, Laci, and William Othmer from Omaha; members of Cub Scout Pack 490 from Bellevue; Michael Huston and Janna Buttrick from Lincoln; and Kendall, Zebediah, and Emmett Black from Hildreth.

The Doctor of the Day was Dr. Joe Miller from Lexington.

### **ADJOURNMENT**

At 11:45 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-EIGHTH DAY - FEBRUARY 14, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 14, 2011

**PRAYER**

The prayer was offered by Senator Utter.

**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 Cook who was excused; and Senators Cornett, Janssen, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 19.** Placed on Final Reading.  
**LEGISLATIVE BILL 28.** Placed on Final Reading.  
**LEGISLATIVE BILL 29.** Placed on Final Reading.  
**LEGISLATIVE BILL 30.** Placed on Final Reading.  
**LEGISLATIVE BILL 46.** Placed on Final Reading.  
**LEGISLATIVE BILL 59.** Placed on Final Reading.  
**LEGISLATIVE BILL 68.** Placed on Final Reading.  
**LEGISLATIVE BILL 72.** Placed on Final Reading.  
**LEGISLATIVE BILL 111.** Placed on Final Reading.  
**LEGISLATIVE BILL 122.** Placed on Final Reading.  
**LEGISLATIVE BILL 134.** Placed on Final Reading.

**LEGISLATIVE BILL 135.** Placed on Final Reading.

ST1

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 4 has been struck and "certificates of title; to amend section 60-161, Reissue Revised Statutes of Nebraska, and section 37-1287, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to remittance of fees; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 154.** Placed on Final Reading.

**LEGISLATIVE BILL 157.** Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Coash amendment, AM215, on page 4, line 14, "semicolon" has been struck and "colon" inserted.

2. In the E & R amendments, ER6, on page 49, line 21, "30-2210, 30-2211," has been inserted after the first comma.

3. On page 1, line 3, "30-2618," has been inserted after the first comma, "30-2629," has been inserted after the fourth comma, and "30-2632," has been inserted after the fifth comma.

**LEGISLATIVE BILL 157A.** Placed on Final Reading.

**LEGISLATIVE BILL 170.** Placed on Final Reading.

**LEGISLATIVE BILL 208.** Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 15, line 5, "it" has been inserted after "upon".

**LEGISLATIVE BILL 211.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

Monday, February 28, 2011 1:30 p.m.

LB517

LB588

LB593

LB594

(Signed) Steve Lathrop, Chairperson

## Natural Resources

Room 1525

Wednesday, February 23, 2011 1:30 p.m.

LB487  
LB103  
LB458

Thursday, February 24, 2011 1:30 p.m.

LB369  
LB533  
LB227

Friday, February 25, 2011 1:30 p.m.

Ginger S. Willson - State Energy Office

LB579  
LB580

(Signed) Chris Langemeier, Chairperson

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 66 and 67 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 66 and 67.

**GENERAL FILE****LEGISLATIVE BILL 114.** Committee AM199, found on page 436 and considered on page 523, was renewed.

The committee amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 243.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 62.** Title read. Considered.

Committee AM245, found on page 456, was adopted with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORT**

## Revenue

**LEGISLATIVE BILL 165.** Placed on General File with amendment. AM316

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 86-704, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-704 (1) Any telecommunications company, incorporated
- 6 or qualified to do business in this state, is granted the right
- 7 to construct, operate, and maintain telecommunications lines and
- 8 related facilities along, upon, across, and under the public
- 9 highways of this state, and upon and under lands in this state,
- 10 whether state or privately owned, except that (a) such lines and
- 11 related facilities shall be so constructed and maintained as not to
- 12 interfere with the ordinary use of such lands or of such highways
- 13 by the public and (b) all aerial wires and cables shall be placed
- 14 at a height of not less than eighteen feet above all highway
- 15 crossings.
- 16 (2) Sections 86-701 to 86-707 shall not transfer the
- 17 rights now vested in municipalities in relation to the regulation
- 18 of the poles, wires, cables, and other appliances or authorize
- 19 a telecommunications company to erect any poles or construct any
- 20 conduit, cable, or other facilities along, upon, across, or under
- 21 a public highway within a municipality without first obtaining
- 22 the consent of the governing body of the municipality. The
- 23 municipality shall not exercise any authority over any rights the
- 1 telecommunications company may have to deliver telecommunications
- 2 services as authorized by the Public Service Commission or the
- 3 Federal Communications Commission.
- 4 (3) Consent from a governing body for the use of a public
- 5 highway within a municipality shall be based upon a lawful exercise
- 6 of its statutory and constitutional authority. Such consent shall
- 7 not be unreasonably withheld, and a preference or disadvantage
- 8 shall not be created through the granting or withholding of



9 such consent. A municipality shall not adopt an ordinance that  
 10 prohibits or has the effect of prohibiting the ability of a  
 11 telecommunications company to provide telecommunications service.

12 (4)(a) A municipality shall not levy a tax, fee,  
 13 or charge for any right or privilege of engaging in a  
 14 telecommunications business or for the use by a telecommunications  
 15 company of a public highway other than:

16 (i) An occupation tax authorized under section 14-109,  
 17 15-202, 15-203, 16-205, or 17-525; ~~and~~ that meets the following  
 18 requirements:

19 (A) The occupation tax shall be imposed only on the  
 20 receipts from the sale of telecommunications service as defined in  
 21 subdivision (7)(aa) of section 77-2703.04; and

22 (B) The occupation tax shall not exceed six and  
 23 twenty-five hundredths percent except as provided in subsection (5)  
 24 of this section; and

25 (ii) A public highway construction permit fee or charge  
 26 to the extent that the fee or charge applies to all persons seeking  
 27 use of the public highway in a substantially similar manner.

1 All public highway construction permit fees or charges shall be  
 2 directly related to the costs incurred by the municipality in  
 3 providing services relating to the granting or administration of  
 4 permits. Any highway construction permit fee or charge shall also  
 5 be reasonably related in time to the occurrence of such costs.

6 (b) Any tax, fee, or charge imposed by a municipality  
 7 shall be competitively neutral.

8 (5) A municipality may increase an occupation tax  
 9 described in subdivision (4)(a)(i) of this section to a rate that  
 10 exceeds the limit contained in subdivision (4)(a)(i)(B) of this  
 11 section if the question of whether to increase such rate has been  
 12 submitted at a primary or general election at which members of the  
 13 governing body of the municipality are nominated or elected or  
 14 at a special election held within the municipality and in which  
 15 all registered voters shall be entitled to vote on such question.

16 A municipality may not increase its existing rate pursuant to  
 17 this subsection by more than twenty-five hundredths percent at any  
 18 one election. The officials of the municipality shall order the  
 19 submission of the question by submitting a certified copy of the  
 20 resolution proposing the rate increase to the election commissioner  
 21 or county clerk at least fifty days before the election. The  
 22 election shall be conducted in accordance with the Election Act. If  
 23 a majority of the votes cast upon such question are in favor of  
 24 such rate increase, then the governing body of such municipality  
 25 shall be empowered to impose the rate increase. If a majority of  
 26 those voting on the question are opposed to such rate increase,  
 27 then the governing body of the municipality shall not impose such  
 1 rate increase.

2 ~~(5)-(6)~~ The changes made by Laws 1999, LB 496, shall not  
 3 be construed to affect the terms or conditions of any franchise,

4 license, or permit issued by a municipality prior to August 28,  
 5 1999, or to release any party from any obligations thereunder. Such  
 6 franchises, licenses, or permits shall remain fully enforceable  
 7 in accordance with their terms. A municipality may lawfully enter  
 8 into agreements with franchise holders, licensees, or permittees to  
 9 modify or terminate an existing franchise, license, or agreement.

10 ~~(6)~~(7) Taxes or fees shall not be collected by a  
 11 municipality through the provision of in-kind services by a  
 12 telecommunications company, and a municipality shall not require  
 13 the provision of in-kind services as a condition of consent to the  
 14 use of a public highway.

15 ~~(7)~~(8) The terms of any agreement between a municipality  
 16 and a telecommunications company regarding use of public highways  
 17 shall be matters of public record and shall be made available to  
 18 any member of the public upon request, except that information  
 19 submitted to a municipality by a telecommunications company which  
 20 such telecommunications company determines to be proprietary shall  
 21 be deemed to be a trade secret pursuant to subdivision (3) of  
 22 section 84-712.05 and shall be accorded full protection from  
 23 disclosure to third parties in a manner consistent with state law.

24 Sec. 2. Original section 86-704, Reissue Revised Statutes  
 25 of Nebraska, is repealed.

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

(Signed) Dennis Utter, Vice Chairperson

## NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 23, 2011 1:30 p.m.

LB232  
 LB298  
 LB512  
 LB518  
 LB658

Thursday, February 24, 2011 1:30 p.m.

LB669  
 LB670  
 LB301  
 LB463

Friday, February 25, 2011 1:30 p.m.

LB296 (reschedule)

LB349

LB447

LB513

(Signed) Brad Ashford, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 74.** Introduced by Larson, 40.

WHEREAS, the community of Plainview will be celebrating one hundred twenty-five years of rich history and perseverance; and

WHEREAS, we must reflect upon the important role that agriculture has played and continues to play for Plainview and across Nebraska; and

WHEREAS, Plainview has gained recognition as the "Klown Kapital" of Nebraska and draws children of all ages to northeast Nebraska to visit the Klown Doll Museum and experience Plainview Klown Days.

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

1. That the Legislature congratulates the community of Plainview on its quasiquintennial celebration.

2. That a copy of this resolution be sent to the Plainview City Council.

Laid over.

**LEGISLATIVE RESOLUTION 75.** Introduced by Larson, 40.

WHEREAS, the community of Randolph will be celebrating one hundred twenty-five years of rich history and perseverance; and

WHEREAS, we must reflect upon the important role that agriculture has played and continues to play for Randolph and across Nebraska; and

WHEREAS, Randolph has gained recognition as the Honey Capital of the Nation, a tribute to the per capita number of beekeeping families.

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

1. That the Legislature congratulates the community of Randolph on its quasiquintennial celebration.

2. That a copy of this resolution be sent to the Randolph City Council.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 36.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 225.** Title read. Considered.

**PRESIDENT SHEEHY PRESIDING**

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

**LEGISLATIVE BILL 274.** Title read. Considered.

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

**LEGISLATIVE BILL 401.** Title read. Considered.

Senator Howard offered the following amendment:

AM341

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-5905, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5905 (1) An assisted-living facility shall not admit
- 6 or retain a resident who requires complex nursing interventions or
- 7 whose condition is not stable or predictable unless:
- 8 (a) The resident, if he or she is not a minor and is
- 9 competent to make a rational decision as to his or her needs or
- 10 care, or his or her authorized representative, and his or her
- 11 physician or a registered nurse agree that admission or retention
- 12 of the resident is appropriate;
- 13 (b) The resident or his or her authorized representative
- 14 agrees to arrange for the care of the resident through appropriate
- 15 private duty personnel, a licensed home health agency, or a
- 16 licensed hospice; and
- 17 (c) The resident's care does not compromise the facility
- 18 operations or create a danger to others in the facility.
- 19 (2) Health maintenance activities at an assisted-living
- 20 facility shall be performed in accordance with the Nurse Practice
- 21 Act and the rules and regulations adopted and promulgated under the
- 22 act.
- 23 (3) Each assisted-living facility shall provide written
- 1 information about the practices of the assisted-living facility
- 2 to each applicant for admission to the facility or his or her
- 3 authorized representative. The information shall include:

- 4     (a) A description of the services provided by the  
 5 assisted-living facility and the staff available to provide the  
 6 services;  
 7     (b) The charges for services provided by the  
 8 assisted-living facility;  
 9     (c) Whether or not the assisted-living facility accepts  
 10 residents who are eligible for the medical assistance program under  
 11 the Medical Assistance Act and, if applicable, the policies or  
 12 limitations on access to services provided by the assisted-living  
 13 facility for residents who seek care paid by the medical assistance  
 14 program;  
 15     (d) The circumstance under which a resident would be  
 16 required to leave an assisted-living facility;  
 17     (e) The process for developing and updating the resident  
 18 services agreement; and  
 19     (f) For facilities that have special care units for  
 20 dementia, the additional services provided to meet the special  
 21 needs of persons with dementia.  
 22     Sec. 2. Original section 71-5905, Reissue Revised  
 23 Statutes of Nebraska, is repealed.

Pending.

**COMMITTEE REPORTS**

Enrollment and Review

- LEGISLATIVE BILL 396.** Placed on Select File.  
**LEGISLATIVE BILL 256.** Placed on Select File.  
**LEGISLATIVE BILL 311.** Placed on Select File.  
**LEGISLATIVE BILL 347.** Placed on Select File.  
**LEGISLATIVE BILL 462.** Placed on Select File.  
**LEGISLATIVE BILL 98.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

- LEGISLATIVE BILL 23.** Placed on Final Reading.  
**LEGISLATIVE BILL 47.** Placed on Final Reading.  
**LEGISLATIVE BILL 74.** Placed on Final Reading.  
**LEGISLATIVE BILL 75.** Placed on Final Reading.  
**LEGISLATIVE BILL 76.** Placed on Final Reading.  
**LEGISLATIVE BILL 163.** Placed on Final Reading.  
**LEGISLATIVE BILL 163A.** Placed on Final Reading.  
**LEGISLATIVE BILL 212.** Placed on Final Reading.  
**LEGISLATIVE BILL 241.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB524. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Tiffany Nguyen from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-NINTH DAY - FEBRUARY 15, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 15, 2011

**PRAYER**

The prayer was offered by Reverend Casey Karges, Cortland United Church, Cortland.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pankonin who was excused; and Senators Cornett and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 237.** Placed on General File.

**LEGISLATIVE BILL 543.** Placed on General File.

**LEGISLATIVE BILL 34.** Placed on General File with amendment.  
AM201

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-401, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 71-401 Sections 71-401 to 71-465 and section 2 of this
- 6 act shall be known and may be cited as the Health Care Facility
- 7 Licensure Act.
- 8 Sec. 2. Any facility which is used as a residence
- 9 by members of an organization, association, order, or society
- 10 organized and operated for religious purposes, which is not
- 11 operated for financial gain or profit for the organization,

12 association, order, or society, and which serves as a residence  
 13 only for such members who in the exercise of their duties in  
 14 the organization, association, order, or society are required to  
 15 participate in congregant living within such a facility is exempt  
 16 from the provisions of the Health Care Facility Licensure Act  
 17 relating to licensure or regulation of assisted-living facilities,  
 18 intermediate care facilities, and nursing facilities.

19 Sec. 3. Original section 71-401, Revised Statutes  
 20 Cumulative Supplement, 2010, is repealed.

**LEGISLATIVE BILL 51.** Placed on General File with amendment.  
 AM79

- 1 1. On page 2, line 12, strike "clinical privileges for
- 2 the" and insert "qualified"; and in line 13 after "clinic" insert
- 3 "clinical privileges pursuant to section 71-2048.01".

**LEGISLATIVE BILL 260.** Placed on General File with amendment.  
 AM310

- 1 1. Strike sections 4 and 5 and insert the following new
- 2 sections:
- 3 Sec. 4. (1) Each approved or accredited public, private,
- 4 denominational, or parochial school shall:
- 5 (a) Make available training approved by the Board of
- 6 Medicine and Surgery on how to recognize the symptoms of a
- 7 concussion or brain injury and how to seek proper medical treatment
- 8 for a concussion or brain injury to all coaches of school athletic
- 9 teams; and
- 10 (b) Require that concussion and brain injury information
- 11 be provided on an annual basis to students and the students'
- 12 parents or guardians prior to such students initiating practice or
- 13 competition. The information provided to students and the students'
- 14 parents or guardians shall include, but need not be limited to:
- 15 (i) The signs and symptoms of a concussion;
- 16 (ii) The risks posed by sustaining a concussion; and
- 17 (iii) The actions a student should take in response to
- 18 sustaining a concussion, including the notification of his or her
- 19 coaches.
- 20 (2)(a) A student who participates on a school athletic
- 21 team and is reasonably suspected after observation by a coach,
- 22 an athletic trainer, or a medical professional of sustaining a
- 23 concussion or brain injury in a practice or game shall be removed
- 1 from the practice or game at that time. Such student shall not
- 2 be permitted to participate in any school supervised team athletic
- 3 activities involving physical exertion, including, but not limited
- 4 to, practices or games, until the student has been evaluated
- 5 by a licensed health care professional and has received written
- 6 clearance to resume participation in athletic activities from the
- 7 licensed health care professional.



8 (b) If a student is reasonably suspected after  
9 observation of sustaining a concussion or brain injury and is  
10 removed from an athletic activity under subdivision (2)(a) of this  
11 section, the parent or guardian of the student shall be notified by  
12 the school of the date, time, and extent of the injury suffered by  
13 the student and any actions taken to treat the student.

14 Sec. 5. (1) Any city, village, business, or nonprofit  
15 organization that organizes an athletic activity in which the  
16 athletes are nineteen years of age or younger and are required to  
17 pay a fee to participate in the athletic activity or whose cost to  
18 participate in the athletic activity is sponsored by a business or  
19 nonprofit organization shall:

20 (a) Make available training approved by the Board of  
21 Medicine and Surgery on how to recognize the symptoms of a  
22 concussion or brain injury and how to seek proper medical treatment  
23 for a concussion or brain injury to all coaches; and

24 (b) Provide information on concussions and brain injuries  
25 to all coaches and athletes and to a parent or guardian of each  
26 athlete that shall include, but need not be limited to:

27 (i) The signs and symptoms of a concussion;

1 (ii) The risks posed by sustaining a concussion; and

2 (iii) The actions an athlete should take in response to  
3 sustaining a concussion, including the notification of his or her  
4 coaches.

5 (2)(a) An athlete who participates in an athletic  
6 activity under subsection (1) of this section and is reasonably  
7 suspected after observation by a coach, an athletic trainer, or a  
8 medical professional of sustaining a concussion or brain injury  
9 in a practice or game shall be removed from the practice or game  
10 at that time. Such athlete shall not be permitted to participate  
11 in any supervised athletic activities involving physical exertion,  
12 including, but not limited to, practices or games, until the  
13 athlete has been evaluated by a licensed health care professional  
14 and has received written clearance to resume participation in  
15 athletic activities from the licensed health care professional.

16 (b) If an athlete is reasonably suspected after  
17 observation of sustaining a concussion or brain injury and is  
18 removed from an athletic activity under subdivision (2)(a) of this  
19 section, the parent or guardian of the athlete shall be notified by  
20 the coach or a representative of the city, village, business, or  
21 nonprofit organization that organized the athletic activity of the  
22 date, time, and extent of the injury suffered by the athlete and  
23 any actions taken to treat the athlete.

(Signed) Kathy Campbell, Chairperson

### ANNOUNCEMENT

Senator Howard designates LB237 as her priority bill.

**MESSAGES FROM THE GOVERNOR**

February 10, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Review Board:

Thomas Incontro, 1904 Farnam Street, Suite 400, Omaha, NE 68102  
Mark Zimmerer, 603 W. Nebraska, Pierce, NE 68767

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 10, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Lowell Minert, P.O. Box 68, Dunning, NE 68833

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 10, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

Stan Clouse, 4907 Linden Drive Place, Kearney, NE 68447

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 10, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

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

Amy Kasch, 12521 Arbor Street, Omaha, NE 68144  
Carol Lomicky, 14 Skyline Drive, Kearney, NE 68845

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 10, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Boiler Safety Code Advisory Board:

Robert Kirkpatrick, 6315 Huntington Avenue, Lincoln, NE 68507

Contingent upon your approval, the following individuals are being  
appointed to the Boiler Safety Code Advisory Board:

Steven Bley, 8609 Hwy 1, Nehawka, NE 68413  
Thomas Phipps, 3724 North 101st Street, Omaha, NE 68134

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 68 and 69 were adopted.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the  
President signed the following: LRs 68 and 69.

## GENERAL FILE

**LEGISLATIVE BILL 401.** Senator Howard renewed her amendment,  
AM341, found on page 532.

The Howard amendment was adopted with 41 ayes, 0 nays, 6 present and  
not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present  
and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 179.** Title read. Considered.

Committee AM124, found on page 460, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

## COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 105.** Placed on General File.

**LEGISLATIVE BILL 207.** Placed on General File.

**LEGISLATIVE BILL 563.** Placed on General File.

**LEGISLATIVE BILL 621.** Placed on General File.

**LEGISLATIVE BILL 41.** Placed on General File with amendment.  
AM219

1 1. Strike original sections 4 and 25 and insert the  
2 following new sections:  
3 Sec. 4. Section 37-407, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:  
5 37-407 (1) The commission may offer multiple-year permits  
6 or combinations of permits at reduced rates and may establish  
7 fees pursuant to section 37-327 to be paid to the state for  
8 resident and nonresident annual hunting permits, annual fishing  
9 permits, three-day fishing permits, one-day fishing permits,  
10 combination hunting and fishing permits, fur-harvesting permits,  
11 and nonresident ~~special~~ two-day hunting permits issued for periods  
12 of two consecutive days, as provided in this section. ~~between the~~  
13 ~~Wednesday immediately preceding Thanksgiving Day and December 31 of~~  
14 ~~the same calendar year and limited to one special two-day permit~~  
15 ~~per applicant per year, as follows:~~

16 (2) The fee for a multiple-year permit shall be  
17 established by the commission pursuant to section 37-327 and shall  
18 not be more than the number of years the permit will be valid times  
19 the fee required for an annual permit as provided in subsection (3)  
20 or (4) of this section. Payment for a multiple-year permit shall  
21 be made in a lump sum at the time of application. A replacement  
22 multiple-year permit may be issued under section 37-409 if the  
23 original is lost or destroyed.

1 (1)-(3) Resident fees shall be (a) not more than thirteen  
2 dollars for an annual hunting permit, (b) not more than seventeen  
3 dollars and fifty cents for an annual fishing permit, (c) not more  
4 than eleven dollars and fifty cents for a three-day fishing permit,  
5 (d) not more than eight dollars for a one-day fishing permit, (e)  
6 not more than twenty-nine dollars for ~~both~~ an annual fishing and  
7 hunting permit, and (f) not more than twenty dollars for an annual  
8 fur harvesting permit. ~~;~~ ~~and~~

9     ~~(2)-(4)~~ Nonresident fees shall be (a) not more than  
 10 two hundred sixty dollars for a period of time specified by the  
 11 commission for fur harvesting one thousand or less fur-bearing  
 12 animals and not more than seventeen dollars and fifty cents  
 13 additional for each one hundred or part of one hundred fur-bearing  
 14 animals harvested, (b)(i) for persons sixteen years of age and  
 15 older, not more than eighty dollars for an annual hunting permit  
 16 and (ii) for persons under sixteen years of age, not less than  
 17 the fee required pursuant to subdivision ~~(1)(a)-(3)(a)~~ of this  
 18 section for an annual hunting permit, (c) not more than ~~thirty five~~  
 19 fifty-five dollars for a ~~special~~-two-day hunting permit plus the  
 20 cost of a habitat stamp, (d) not more than nine dollars for a  
 21 one-day fishing permit, (e) not more than sixteen dollars and fifty  
 22 cents for a three-day fishing permit, (f) not more than forty-nine  
 23 dollars and fifty cents for an annual fishing permit, and (g)(i)  
 24 for persons sixteen years of age and older, not more than one  
 25 hundred fifty dollars for ~~both an annual~~ fishing and hunting permit  
 26 and (ii) for persons under sixteen years of age, not less than the  
 27 fee required pursuant to subdivision ~~(1)(e)-(3)(e)~~ of this section  
 1 for both an annual fishing and hunting permit.

2     Sec. 25. Section 37-4,103, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4     37-4,103 Any person violating any provision of ~~sections~~  
 5 section 37-497 to 37-4,102 or 37-498 shall be guilty of a Class  
 6 IV misdemeanor. ~~In , and, in~~ addition, the court shall ~~require~~  
 7 ~~that any raptor or raptors in the possession of the offender be~~  
 8 ~~confiscated and the license order the revocation of the permit of~~  
 9 the offender. ~~be revoked.~~

10     2. On page 9, line 16, strike "may" and insert "shall,  
 11 upon application and without payment of any fee,".

12     3. On page 10, line 18, reinstate the stricken "(3)" and  
 13 strike "(2)".

14     4. On page 29, line 5, after "season" insert "and dog  
 15 training or dog trial activities may be permitted as prescribed by  
 16 rules and regulations of the commission".

17     5. On page 32, strike beginning with "four" in line 2  
 18 through "permits" in line 3 and insert "two hundred dollars".

**LEGISLATIVE BILL 342.** Placed on General File with amendment.  
 AM221

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

3     Section 1. Section 31-409, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5     31-409 A majority of the directors shall be residents of  
 6 the county or counties in which the district is located. Except  
 7 as provided in section 31-409.03, any person or the officer or  
 8 representative of any corporation owning or controlling any land  
 9 assessed for benefits may be a director. The person elected a

10 director receiving the least number of votes shall hold office  
 11 for one year, the next higher for two years, and so on, and the  
 12 term of each shall be adjusted so as to make the term of one  
 13 director expire each year. The officers, consisting of a president,  
 14 a treasurer, and a secretary, shall be chosen by the directors from  
 15 their own number and for a term of one year. Unless the directors  
 16 choose by February fifteenth of a given year to use the procedures  
 17 provided in section 31-409.01, annual elections of directors shall  
 18 be held ~~from 8 a.m. until 6 p.m.,~~ on the second Tuesday of  
 19 April each year, at the county courthouse or at such other place  
 20 designated by the board pursuant to section 31-409.03. ~~The ,but~~  
 21 ~~the~~ annual election shall be omitted if such date occurs less than  
 22 nine months after the first election. Vacancies in the office of  
 23 directors may be filled by the remaining directors until the next  
 1 election. All directors and officers shall hold office until their  
 2 successors are elected and qualified.

3 Sec. 2. Section 31-409.02, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 31-409.02 Notice of an annual election held pursuant to  
 6 section 31-409, 31-409.01, or 31-409.03 shall be published once  
 7 each week for two consecutive weeks in a newspaper of general  
 8 circulation in the district, or the precinct if the district  
 9 has been divided into voting precincts as provided in section  
 10 31-409.03, designated by the district. The last publication shall  
 11 not be less than thirty days prior to the election. The notice  
 12 shall include the date and location or locations of the election  
 13 and the hours for voting, the number of directors to be elected,  
 14 the names of those whose terms will expire, and the procedure for  
 15 filing as a candidate.

16 Sec. 3. Original sections 31-409 and 31-409.02, Reissue  
 17 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 366.** Placed on General File with amendment.  
 AM122

1 1. Insert the following new section:

2 Sec. 2. Section 84-1409, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 84-1409 For purposes of the Open Meetings Act, unless the  
 5 context otherwise requires:

6 (1)(a) Public body means (i) governing bodies of  
 7 all political subdivisions of the State of Nebraska, (ii)  
 8 governing bodies of all agencies, created by the Constitution of  
 9 Nebraska, statute, or otherwise pursuant to law, of the executive  
 10 department of the State of Nebraska, (iii) all independent boards,  
 11 commissions, bureaus, committees, councils, subunits, or any other  
 12 bodies created by the Constitution of Nebraska, statute, or  
 13 otherwise pursuant to law, (iv) all study or advisory committees  
 14 of the executive department of the State of Nebraska whether  
 15 having continuing existence or appointed as special committees with

16 limited existence, (v) advisory committees of the bodies referred  
 17 to in subdivisions (i), (ii), and (iii) of this subdivision, and  
 18 (vi) instrumentalities exercising essentially public functions; and

19 (b) Public body does not include (i) subcommittees  
 20 of such bodies unless a quorum of the public body attends a  
 21 subcommittee meeting or unless such subcommittees are holding  
 22 hearings, making policy, or taking formal action on behalf of  
 23 their parent body, except that all meetings of any subcommittee  
 1 established under section 81-15,175 are subject to the Open  
 2 Meetings Act, and (ii) entities conducting judicial proceedings  
 3 unless a court or other judicial body is exercising rulemaking  
 4 authority, deliberating, or deciding upon the issuance of  
 5 administrative orders;

6 (2) Meeting means all regular, special, or called  
 7 meetings, formal or informal, of any public body for the purposes  
 8 of briefing, discussion of public business, formation of tentative  
 9 policy, or the taking of any action of the public body; and

10 (3) Videoconferencing means conducting a meeting  
 11 involving participants at two or more locations through the use of  
 12 audio-video equipment which allows participants at each location  
 13 to hear and see each meeting participant at each other location,  
 14 including public input. Interaction between meeting participants  
 15 shall be possible at all meeting locations.

16 2. On page 3, line 8, after the second "the" insert  
 17 "meetings of such subcommittee shall be subject to the Open  
 18 Meetings Act. The".

19 3. On page 4, line 3, after the period insert "Such rules  
 20 and regulations shall include, but not be limited to, rules and  
 21 regulations providing for a public hearing on the proposed projects  
 22 and funding and providing that the board shall make no decision on  
 23 the proposed projects and funding until at least thirty days after  
 24 such public hearing.".

25 4. Renumber the remaining section and amend the repealer  
 26 accordingly.

**LEGISLATIVE BILL 421.** Placed on General File with amendment.  
 AM228

1 1. On page 2, line 24, strike "of display of permits  
 2 for", show as stricken, and insert "for displaying permits on the  
 3 driver's side of the windshield of".

(Signed) Chris Langemeier, Chairperson

### ANNOUNCEMENT

The Education Committee designates LB333 as its priority bill.



**GENERAL FILE**

**LEGISLATIVE BILL 197.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 61.** Title read. Considered.

Committee AM211, found on page 463, was considered.

Senator Ashford withdrew his amendment, AM329, found on page 520.

The committee amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Heidemann offered the following amendment:

AM357

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-311.08, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-311.08 (1) It shall be unlawful for any person to
- 6 knowingly intrude upon any other person without his or her consent
- 7 or knowledge in a place of solitude or seclusion.
- 8 (2) For purposes of this section:
- 9 (a) Intrude means either the
- 10 (i) Viewing of another person in a state of undress; or
- 11 (ii) Recording viewing or recording, either by video,
- 12 audio, or other electronic means, of a another person in a state of
- 13 undress; and
- 14 (b) Place of solitude or seclusion means a place where
- 15 a person would intend to be in a state of undress and have a
- 16 reasonable expectation of privacy, including, but not limited to,
- 17 any facility, public or private, used as a restroom, tanning booth,
- 18 locker room, shower room, fitting room, or dressing room.
- 19 ~~(3) Violation~~ (3)(a) Violation of this section involving
- 20 an intrusion as defined in subdivision (2)(a)(i) of this section
- 21 is a Class III misdemeanor, unless the victim is under the age
- 22 of eighteen in which case a violation is a Class II misdemeanor.
- 23 ~~Lack of knowledge as to the victim's age is not a defense to the~~
- 24 ~~enhanced penalty under this section.~~
- 25 (b) Violation of this section involving an intrusion as
- 26 defined in subdivision (2)(a)(ii) of this section is a Class IV
- 27 felony.
- 28 (c) Violation of this section is a Class III felony if
- 29 video or an image from the intrusion is distributed to another
- 30 person or otherwise made public in any manner which would enable it
- 31 to be viewed by another person.

9 (4) As part of sentencing following a conviction for a  
 10 violation of this section, the court shall make a finding as to  
 11 the ages of the defendant and the victim at the time the offense  
 12 occurred. If the defendant is found to have been nineteen years  
 13 of age or older and the victim is found to have been less than  
 14 eighteen years of age at such time, then the defendant shall be  
 15 required to register under the Sex Offender Registration Act.

16 (5) No person shall be prosecuted for unlawful intrusion  
 17 pursuant to subdivision (3)(b) or (c) of this section unless the  
 18 indictment for such offense is found by a grand jury or a complaint  
 19 filed before a magistrate within three years after the later of:

20 (a) The commission of the crime;

21 (b) Law enforcement's or a victim's receipt of actual or  
 22 constructive notice of either the existence of a video or other  
 23 electronic recording of the unlawful intrusion or the distribution  
 24 of images, video, or other electronic recording of the unlawful  
 25 intrusion; or

26 (c) The youngest victim of the intrusion reaching the age  
 27 of twenty-one years.

1 Sec. 2. Section 29-4003, Revised Statutes Cumulative  
 2 Supplement, 2010, is amended to read:

3 29-4003 (1)(a) The Sex Offender Registration Act applies  
 4 to any person who on or after January 1, 1997:

5 (i) Has ever pled guilty to, pled nolo contendere to, or  
 6 been found guilty of any of the following:

7 (A) Kidnapping of a minor pursuant to section 28-313,  
 8 except when the person is the parent of the minor and was not  
 9 convicted of any other offense in this section;

10 (B) False imprisonment of a minor pursuant to section  
 11 28-314 or 28-315;

12 (C) Sexual assault pursuant to section 28-319 or 28-320;

13 (D) Sexual assault of a child in the second or third  
 14 degree pursuant to section 28-320.01;

15 (E) Sexual assault of a child in the first degree  
 16 pursuant to section 28-319.01;

17 (F) Sexual abuse of a vulnerable adult pursuant to  
 18 subdivision (1)(c) of section 28-386;

19 (G) Incest of a minor pursuant to section 28-703;

20 (H) Pandering of a minor pursuant to section 28-802;

21 (I) Visual depiction of sexually explicit conduct of a  
 22 child pursuant to section 28-1463.03 or 28-1463.05;

23 (J) Knowingly possessing any visual depiction of sexually  
 24 explicit conduct which has a child as one of its participants or  
 25 portrayed observers pursuant to section 28-813.01;

26 (K) Criminal child enticement pursuant to section 28-311;

27 (L) Child enticement by means of an electronic  
 1 communication device pursuant to section 28-320.02;

2 (M) Debauching a minor pursuant to section 28-805; or

- 3 (N) Attempt, solicitation, aiding or abetting, being  
4 an accessory, or conspiracy to commit an offense listed in  
5 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;
- 6 (ii) Has ever pled guilty to, pled nolo contendere to, or  
7 been found guilty of any offense that is substantially equivalent  
8 to a registrable offense under subdivision (1)(a)(i) of this  
9 section by any village, town, city, state, territory, commonwealth,  
10 or other jurisdiction of the United States, by the United States  
11 Government, by court-martial or other military tribunal, or by  
12 a foreign jurisdiction, notwithstanding a procedure comparable  
13 in effect to that described under section 29-2264 or any other  
14 procedure to nullify a conviction other than by pardon;
- 15 (iii) Is incarcerated in a jail, a penal or correctional  
16 facility, or any other public or private institution or is under  
17 probation or parole as a result of pleading guilty to or being  
18 found guilty of a registrable offense under subdivision (1)(a)(i)  
19 or (ii) of this section prior to January 1, 1997; or
- 20 (iv) Enters the state and is required to register as  
21 a sex offender under the laws of another village, town, city,  
22 state, territory, commonwealth, or other jurisdiction of the United  
23 States.
- 24 (b) In addition to the registrable offenses under  
25 subdivision (1)(a) of this section, the Sex Offender Registration  
26 Act applies to any person who on or after January 1, 2010:
- 27 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
1 this section, has ever pled guilty to, pled nolo contendere to, or  
2 been found guilty of any of the following:
- 3 (I) Murder in the first degree pursuant to section  
4 28-303;
- 5 (II) Murder in the second degree pursuant to section  
6 28-304;
- 7 (III) Manslaughter pursuant to section 28-305;
- 8 (IV) Assault in the first degree pursuant to section  
9 28-308;
- 10 (V) Assault in the second degree pursuant to section  
11 28-309;
- 12 (VI) Assault in the third degree pursuant to section  
13 28-310;
- 14 (VII) Stalking pursuant to section 28-311.03;
- 15 (VIII) Unlawful intrusion ~~on a minor~~ pursuant to  
16 subsection (4) of section 28-311.08;
- 17 (IX) Kidnapping pursuant to section 28-313;
- 18 (X) False imprisonment pursuant to section 28-314 or  
19 28-315;
- 20 (XI) Sexual abuse of an inmate or parolee in the first  
21 degree pursuant to section 28-322.02;
- 22 (XII) Sexual abuse of an inmate or parolee in the second  
23 degree pursuant to section 28-322.03;

- 24 (XIII) Sexual abuse of a protected individual pursuant to  
 25 section 28-322.04;
- 26 (XIV) Incest pursuant to section 28-703;
- 27 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of  
 1 section 28-707;
- 2 (XVI) Enticement by electronic communication device  
 3 pursuant to section 28-833; or
- 4 (XVII) Attempt, solicitation, aiding or abetting, being  
 5 an accessory, or conspiracy to commit an offense listed in  
 6 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this  
 7 section.
- 8 (B) In order for the Sex Offender Registration Act to  
 9 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
 10 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,  
 11 a court shall have found that evidence of sexual penetration or  
 12 sexual contact, as those terms are defined in section 28-318, was  
 13 present in the record, which shall include consideration of the  
 14 factual basis for a plea-based conviction and information contained  
 15 in the presentence report;
- 16 (ii) Has ever pled guilty to, pled nolo contendere to, or  
 17 been found guilty of any offense that is substantially equivalent  
 18 to a registrable offense under subdivision (1)(b)(i) of this  
 19 section by any village, town, city, state, territory, commonwealth,  
 20 or other jurisdiction of the United States, by the United States  
 21 Government, by court-martial or other military tribunal, or by  
 22 a foreign jurisdiction, notwithstanding a procedure comparable  
 23 in effect to that described under section 29-2264 or any other  
 24 procedure to nullify a conviction other than by pardon; or
- 25 (iii) Enters the state and is required to register as  
 26 a sex offender under the laws of another village, town, city,  
 27 state, territory, commonwealth, or other jurisdiction of the United  
 1 States.
- 2 (2) A person appealing a conviction of a registrable  
 3 offense under this section shall be required to comply with the act  
 4 during the appeals process.
- 5 Sec. 3. Original section 28-311.08, Reissue Revised  
 6 Statutes of Nebraska, and section 29-4003, Revised Statutes  
 7 Cumulative Supplement, 2010, are repealed.

The Heidemann amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 308.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 335.** Title read. Considered.

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

**LEGISLATIVE BILL 160.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 218.** Title read. Considered.

### **SENATOR GLOOR PRESIDING**

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 9 nays, and 8 not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 8 nays, 6 present and not voting, and 2 excused and not voting.

### **COMMITTEE REPORTS**

#### Enrollment and Review

**LEGISLATIVE BILL 178.** Placed on Select File with amendment.  
ER28

- 1 1. On page 1, line 8, after "adopt" insert "and change".
- 2 2. On page 17, line 9, strike "driver" and insert
- 3 "driver's".
- 4 3. On page 23, lines 8 and 9; and page 24, line 23,
- 5 strike "Department of Motor Vehicles", show as stricken, and insert
- 6 "department".

**LEGISLATIVE BILL 178A.** Placed on Select File.

**LEGISLATIVE BILL 215.** Placed on Select File with amendment.  
ER31

- 1 1. On page 1, line 9, strike "and payment for"; and
- 2 in line 11 after the semicolon insert "to change provisions
- 3 relating to issuance and renewal of operators' licenses and state
- 4 identification cards;".
- 5 2. On page 8, line 17, strike "(2)(f)", show as stricken,
- 6 and insert "(1)(f)".
- 7 3. On page 11, line 12, strike "(2)(f)(i)", show as
- 8 stricken, and insert "(1)(f)(i)".
- 9 4. On page 16, line 9, strike "U.S." and insert "United
- 10 States"; in line 17 strike "1-551" and insert "I-551"; in line 21
- 11 strike "1-766" and insert "I-766"; and in line 23 strike "1-94" and
- 12 insert "I-94".

13 5. On page 17, line 18, strike "above" and insert "of  
14 this section".

15 6. On page 37, line 21, strike "examiner", show as  
16 stricken, and insert "department personnel".

17 7. On page 41, line 24, strike "examiner's", show as  
18 stricken, and insert "issuance".

19 8. On page 44, line 23, strike "(1)".

20 9. On page 45, line 9, strike "(a)", show as stricken,  
21 and insert "(1)"; in line 13 strike "(b)", show as stricken, and  
22 insert "(2)"; and in line 15 strike "(c)", show as stricken, and  
23 insert "(3)".

**LEGISLATIVE BILL 43.** Placed on Select File.

**LEGISLATIVE BILL 410.** Placed on Select File with amendment.  
ER27 is available in the Bill Room.

**LEGISLATIVE BILL 410A.** Placed on Select File.

**LEGISLATIVE BILL 108.** Placed on Select File with amendment.  
ER24

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new section:  
3 Section 1. Every person liable to contribute to the  
4 construction and maintenance of a division fence or any portion  
5 thereof shall maintain his or her portion in good repair, including  
6 the necessary removal or trimming of trees and woody growth within  
7 or encroaching upon the fenceline to repair or avoid damage to,  
8 or dislocation of, the division fence. The occurrence of trees  
9 and woody growth within or encroaching upon a division fence that  
10 causes damage to, or dislocation of, the fence shall constitute a  
11 private nuisance to the adjacent landowner's possessory interests  
12 in his or her land.

13 2. On page 1, strike beginning with "amend" in line 1  
14 through line 4 and insert "require maintenance of division fences  
15 as prescribed."

**LEGISLATIVE BILL 114.** Placed on Select File with amendment.  
ER25

1 1. Strike the original section and all amendments thereto  
2 and insert the following new section:  
3 Section 1. (1) It is the intent of the Legislature to  
4 provide for an identity standard for packaged food products labeled  
5 as honey in order to aid consumer information and to protect the  
6 integrity of the honey industry in Nebraska.  
7 (2) The Department of Agriculture shall adopt and  
8 promulgate rules and regulations that adopt a standard for all  
9 honeys produced by honey bees. Such standard shall be consistent  
10 with Codex Standard 12-1981, as revised in 2001, from the Codex

11 Alimentarius Commission of the Food and Agriculture Organization  
 12 and the World Health Organization of the United Nations. Such rules  
 13 and regulations shall be effective on or before January 1, 2012.

14 (3) A product shall not be labeled as honey or be labeled  
 15 as to imply that the product is honey unless the product meets the  
 16 standard for honey adopted by the Department of Agriculture under  
 17 subsection (2) of this section.

18 (4) A violation of subsection (3) of this section shall  
 19 constitute a deceptive trade practice under the Uniform Deceptive  
 20 Trade Practices Act and shall be subject to any remedies or  
 21 penalties available for a violation under the act.

22 2. On page 1, line 2, strike "for damages" and insert  
 23 "under the Uniform Deceptive Trade Practices Act".

**LEGISLATIVE BILL 243.** Placed on Select File.

**LEGISLATIVE BILL 62.** Placed on Select File with amendment.

ER26

- 1 1. On page 3, line 1, strike "they", show as stricken,
- 2 and insert "the county officers".

**LEGISLATIVE BILL 36.** Placed on Select File with amendment.

ER29

- 1 1. On page 2, line 15, strike "adopt", show as stricken,
- 2 and insert "adopted".

**LEGISLATIVE BILL 225.** Placed on Select File.

**LEGISLATIVE BILL 274.** Placed on Select File with amendment.

ER30

- 1 1. On page 2, line 20, after the semicolon insert "or".

(Signed) Tyson Larson, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 76.** Introduced by Brasch, 16; Flood, 19.

WHEREAS, in May 2010, twenty-year-old Cameron Klitz and her mother were walking around a pond near West Point, Nebraska, when they heard someone calling for help. Clinging to a tipped canoe, forty-six-year-old Joe Lee was having difficulty keeping his head above water. Cameron, drawing upon her experience from previous American Red Cross lifeguard training, swam out to Joe Lee, pulled him back to shore, and saved him from drowning; and

WHEREAS, for her heroic actions, Cameron will be awarded the Certificate of Merit by the American Red Cross; and

WHEREAS, the Certificate of Merit is the highest award given by the American Red Cross to an individual who saves or sustains a life by using

skills and knowledge learned in an American Red Cross health and safety course.

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

1. That the Legislature congratulates Cameron Klitz on being awarded the Certificate of Merit by the American Red Cross.
2. That a copy of this resolution be sent to Cameron Klitz.

Laid over.

### AMENDMENT - Print in Journal

Senator Dubas filed the following amendment to LB114:  
AM354

(Amendments to E & R amendments, ER25)

- 1 1. On page 1, strike beginning with "Codex" in line 10
- 2 through the period in line 12 and insert "the standard for honey
- 3 in Codex standard 12-1981, as revised in 1987 and 2001, with
- 4 deviations as presented in the Petition for Review of the standard
- 5 under the 21 C.F.R. 130.6 procedure by the United States Food
- 6 and Drug Administration, Docket 2006P-0101, Exhibit C, submitted
- 7 by the American Beekeeping Federation, American Honey Producers
- 8 Association, National Honey Packers and Dealers Association, Sioux
- 9 Honey Association, and Western States Honey Packers and Dealers
- 10 Association in March of 2006. The rules and regulations may
- 11 deviate from such standard only in specific particulars where the
- 12 Director of Agriculture determines that they are not appropriate to
- 13 conditions in this state.".

### UNANIMOUS CONSENT - Add Cointroducer

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB52. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Sam Whipple from Lincoln; NSEA Retired Teachers from across the state; and Tom Black from West Point and Art Tanderup from Blair.

The Doctor of the Day was Dr. Roger Meyer from Utica.

### ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTIETH DAY - FEBRUARY 16, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 16, 2011

**PRAYER**

The prayer was offered by Reverend Roland Jank, Immanuel Lutheran Church (retired), Columbus.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 401.** Placed on Select File.

**LEGISLATIVE BILL 179.** Placed on Select File.

**LEGISLATIVE BILL 197.** Placed on Select File.

**LEGISLATIVE BILL 61.** Placed on Select File with amendment.  
ER32

- 1 1. On page 1, strike beginning with the semicolon in
- 2 line 2 through line 4 and insert ", and section 29-4003, Revised
- 3 Statutes Cumulative Supplement, 2010; to change provisions and
- 4 penalties relating to unlawful intrusion; to harmonize provisions;
- 5 and to repeal the original sections."

**LEGISLATIVE BILL 308.** Placed on Select File.

**LEGISLATIVE BILL 335.** Placed on Select File.

**LEGISLATIVE BILL 160.** Placed on Select File.

**LEGISLATIVE BILL 218.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 445.** Placed on General File with amendment.  
AM364

- 1 1. Strike section 1.
- 2 2. On page 8, lines 1 through 7, strike the new matter
- 3 and reinstate the stricken matter; in line 7 after the reinstated
- 4 semicolon insert "and"; and in line 13 before "The" insert "(2)".
- 5 3. On page 9, line 3, strike the underscored period; in
- 6 lines 4 through 9, reinstate the stricken matter; in line 9 after
- 7 the semicolon insert "and"; and in line 15 before "The" insert
- 8 "(2)".
- 9 4. On page 10, lines 2 through 8, strike the new matter
- 10 and reinstate the stricken matter; in line 8 after the reinstated
- 11 semicolon insert "and"; and in line 12 before "The" insert "(2)".
- 12 5. Amend the repealer and renumber the remaining sections
- 13 accordingly.

(Signed) Greg Adams, Chairperson

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR70 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR70.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB19 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 19.** With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2010; to include additional substances in the schedules of controlled substances and provide penalties under the Uniform Controlled Substances Act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 23.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.20, Reissue Revised Statutes of Nebraska, and sections 81-885.14 and 81-885.19, Revised Statutes Cumulative Supplement, 2010; to change license renewal provisions and eliminate a fee exemption; to eliminate the requirements for pocket cards; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 28.**

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1117 and 46-1123, Reissue Revised Statutes of Nebraska; to change application and reporting requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 29.**

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 66-1519 and 81-15,162, Reissue Revised Statutes of Nebraska, and section 13-2042, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the use of certain funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Louden	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Bloomfield	Dubas	Howard	Mello	Sullivan
Brasch	Fischer	Janssen	Nelson	Utter
Campbell	Flood	Krist	Nordquist	Wallman
Carlson	Fulton	Langemeier	Pahls	Wightman
Christensen	Gloor	Larson	Pankonin	
Coash	Haar, K.	Lathrop	Pirsch	
Conrad	Hadley	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 2:

Heidemann    Karpisek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB30 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 30.**

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to change provisions relating to composting sites; to change and provide references to federal law; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to the Barber Act; to amend sections 71-202.01 and 71-208.01, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 47.** With Emergency Clause.

A BILL FOR AN ACT relating to railroad carriers; to amend section 86-164, Revised Statutes Cumulative Supplement, 2010; to include certain third parties in the definition of railroad carrier; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB59 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 59.** With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend sections 81-1118.02 and 85-1535, Reissue Revised Statutes of Nebraska, and sections 13-518, 77-3442, 85-1418, 85-1503, 85-1517, and 90-517, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to property tax authority of and aid to community colleges; to eliminate an obsolete reference; to harmonize provisions; to repeal the original sections;

and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 68.**

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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



Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB72 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 72.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,143, 44-402.01, 44-710.03, 44-710.04, 44-1540, 44-4803, and 44-4862, Reissue Revised Statutes of Nebraska; to change provisions relating to unfair claims settlement practices, life insurance reserves, and sickness and accident insurance policy provisions; to provide requirements and define terms under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 74.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, 8-602, 8-1510, and 21-17,115, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to impairment of bank capital; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to the schedule of fees; to change provisions relating to acquisitions and mergers; to provide operative dates; to repeal the original sections; to outright repeal section 8-132.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 75.** With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-189, 45-190, and 45-742, Reissue Revised Statutes of Nebraska, and section 8-702, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to loan brokers, mortgage loan originators, and residential mortgage licensing; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB76 with 47 ayes, 0 nays, and 2 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 76. With Emergency Clause.**

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1101, 8-1704, 8-1707, 69-2103, 69-2104, and 69-2112, Reissue Revised Statutes of Nebraska, and sections 8-1110 and 8-1111, Revised Statutes Cumulative Supplement, 2010; to adopt updated federal laws in the areas of securities, commodities, and consumer rental purchase agreements; to change provisions relating to securities and transactions exempt from registration; to change internal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 111.**

A BILL FOR AN ACT relating to mental health boards; to amend section 71-915, Reissue Revised Statutes of Nebraska; to change the membership of mental health boards; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 122.**

A BILL FOR AN ACT relating to state buildings; to amend section 90-115, Reissue Revised Statutes of Nebraska; to rename an educational telecommunications building; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lathrop	Pirsch
Ashford	Cornett	Hansen	Louden	Price
Avery	Council	Harms	McCoy	Schilz
Brasch	Dubas	Harr, B.	McGill	Schumacher
Campbell	Fischer	Heidemann	Mello	Smith
Carlson	Flood	Howard	Nelson	Sullivan
Christensen	Fulton	Krist	Nordquist	Utter
Coash	Gloor	Langemeier	Pahls	Wallman
Conrad	Haar, K.	Larson	Pankonin	Wightman

Voting in the negative, 3:

Janssen	Karpisek	Lautenbaugh
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Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 134.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Karpisek	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	
Cook	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 2:

Christensen Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on the boards of directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB157 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 157.**

A BILL FOR AN ACT relating to guardianship and conservatorship; to amend sections 25-2708, 25-2911, 25-2943, 30-1601, 30-2209, 30-2210, 30-2211, 30-2601, 30-2613, 30-2618, 30-2620, 30-2626, 30-2628, 30-2629, 30-2630.01, 30-2632, 30-2640, 30-2647, 30-2648, and 30-2655, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2010; to provide for real estate filings, use of dispute resolution, duties for the State Court Administrator, and ex parte proceedings; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to provide and change duties for guardians and conservators; to provide a penalty; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 157A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB163 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 163.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 18-1738, 18-1738.01, 18-1738.02, 18-1740, 18-1741, 18-1741.03, 18-1741.04, 18-1742, 60-151, 60-153, 60-301, 60-302, and 60-3,113, Reissue Revised Statutes of Nebraska, and sections 18-1739, 18-1741.02, and 23-186, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions relating to parking permits and license plates for handicapped or disabled persons; to define terms; to authorize the development of an electronic application system for parking permits for



handicapped or disabled persons; to provide a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 163A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB208 with 48 ayes, 0 nays, and 1 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 208.**

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1015 and 76-3001, Reissue Revised Statutes of Nebraska, and sections 70-1001.01, 70-1013, and 70-1014.02, Revised Statutes Cumulative Supplement, 2010; to provide waiver and injunctive relief powers to the board as prescribed; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB211 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 211.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324, 13-2814, 77-2703, 77-2703.03, 77-2704.10, and 77-27,143, Reissue Revised Statutes of Nebraska, and section 77-2712.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to collection of sales tax on rented and leased motor vehicles, direct mail sourcing, a sales and use tax exemption for certain food, and the streamlined sales and use tax agreement; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Hansen	Lautenbaugh	Price
Ashford	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB212 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 212.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-144, 60-3,193.01, 60-3,221, 60-462.01, 60-4,147.02, and 75-393, Reissue Revised Statutes of Nebraska, and sections 18-1739, 75-363, and 75-364, Revised Statutes Cumulative Supplement, 2010; to adopt revisions of federal laws and regulations and a registration reciprocity agreement by reference; to change provisions relating to applications for certificates of title and towing trailers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 241.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-126, 60-139, 60-140, 60-142, and 60-344, Reissue Revised Statutes of Nebraska; to redefine parts vehicle; to require use of a bill of sale for a parts vehicle; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?" "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SELECT FILE**

**LEGISLATIVE BILL 181.** Advanced to Enrollment and Review for Engrossment.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 19, 23, 28, 29, 30, 46, 47, 59, 68, 72, 74, 75, 76, 111, 122, 134, 154, 157, 157A, 163, 163A, 208, 211, 212, and 241.

### **GENERAL FILE**

**LEGISLATIVE BILL 333.** Title read. Considered.

Committee AM261, found on page 483, was considered.

**SENATOR GLOOR PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Pending.

**COMMITTEE REPORTS**

## Transportation and Telecommunications

**LEGISLATIVE BILL 255.** Placed on General File.

**LEGISLATIVE BILL 259.** Placed on General File.

**LEGISLATIVE BILL 112.** Placed on General File with amendment.  
AM361

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 75-302, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 75-302 For purposes of sections 75-301 to 75-322 and in
- 6 all rules and regulations adopted and promulgated by the commission
- 7 pursuant to such sections, unless the context otherwise requires:
- 8 (1) Attended services means an attendant or caregiver
- 9 accompanying a minor or persons who are physically, mentally,
- 10 or developmentally disabled and unable to travel or wait without
- 11 assistance or supervision;
- 12 (1)-(2) Carrier enforcement division means the carrier
- 13 enforcement division of the Nebraska State Patrol or the Nebraska
- 14 State Patrol;
- 15 (2)-(3) Certificate means a certificate of public
- 16 convenience and necessity issued under Chapter 75, article 3, to
- 17 common carriers by motor vehicle;
- 18 (3)-(4) Civil penalty means any monetary penalty assessed
- 19 by the commission or carrier enforcement division due to a
- 20 violation of Chapter 75, article 3, or section 75-126 as such
- 21 section applies to any person or carrier specified in Chapter 75,
- 22 article 3; any term, condition, or limitation of any certificate
- 23 or permit issued pursuant to Chapter 75, article 3; or any
- 1 rule, regulation, or order of the commission, the Division of
- 2 Motor Carrier Services, or the carrier enforcement division issued
- 3 pursuant to Chapter 75, article 3;
- 4 (4)-(5) Commission means the Public Service Commission;
- 5 (5)-(6) Common carrier means any person who or which
- 6 undertakes to transport passengers or household goods for the
- 7 general public in intrastate commerce by motor vehicle for hire,
- 8 whether over regular or irregular routes, upon the highways of this
- 9 state;
- 10 (6)-(7) Contract carrier means any motor carrier which
- 11 transports passengers or household goods for hire other than as
- 12 a common carrier designed to meet the distinct needs of each
- 13 individual customer or a specifically designated class of customers
- 14 without any limitation as to the number of customers it can serve
- 15 within the class;
- 16 (7)-(8) Division of Motor Carrier Services means the
- 17 Division of Motor Carrier Services of the Department of Motor
- 18 Vehicles;

19 ~~(8) Escort services means an attendant or caregiver~~  
20 ~~accompanying a minor or persons who are physically, mentally,~~  
21 ~~or developmentally disabled and unable to travel or wait without~~  
22 ~~assistance or supervision;~~

23 (9) Highway means the roads, highways, streets, and ways  
24 in this state;

25 (10) Household goods means personal effects and property  
26 used or to be used in a dwelling, when a part of the equipment  
27 or supply of such dwelling, and similar property as the commission  
1 may provide by regulation if the transportation of such effects or  
2 property, is:

3 (a) Arranged and paid for by the householder, including  
4 transportation of property from a factory or store when the  
5 property is purchased by the householder with the intent to use in  
6 his or her dwelling; or

7 (b) Arranged and paid for by another party;

8 (11) Intrastate commerce means commerce between any place  
9 in this state and any other place in this state and not in part  
10 through any other state;

11 (12) Motor carrier means any person other than a  
12 regulated motor carrier who or which owns, controls, manages,  
13 operates, or causes to be operated any motor vehicle used to  
14 transport passengers or property over any public highway in this  
15 state;

16 (13) Motor vehicle means any vehicle, machine, tractor,  
17 trailer, or semitrailer propelled or drawn by mechanical power  
18 and used upon the highways in the transportation of passengers  
19 or property but does not include any vehicle, locomotive, or car  
20 operated exclusively on a rail or rails;

21 (14) Permit means a permit issued under Chapter 75,  
22 article 3, to contract carriers by motor vehicle;

23 (15) Person means any individual, firm, partnership,  
24 limited liability company, corporation, company, association,  
25 or joint-stock association and includes any trustee, receiver,  
26 assignee, or personal representative thereof;

27 (16) Private carrier means any motor carrier which  
1 owns, controls, manages, operates, or causes to be operated a  
2 motor vehicle to transport passengers or property to or from  
3 its facility, plant, or place of business or to deliver to  
4 purchasers its products, supplies, or raw materials (a) when such  
5 transportation is within the scope of and furthers a primary  
6 business of the carrier other than transportation and (b) when  
7 not for hire. Nothing in sections 75-301 to 75-322 shall apply to  
8 private carriers; ~~and~~

9 (17) Regulated motor carrier means any person who or  
10 which owns, controls, manages, operates, or causes to be operated  
11 any motor vehicle used to transport passengers, other than those  
12 excepted under section 75-303, or household goods over any public  
13 highway in this state;:-

14 (18) Residential care means care for a minor or a  
 15 person who is physically, mentally, or developmentally disabled  
 16 who resides in a residential home or facility regulated by the  
 17 Department of Health and Human Services, including, but not limited  
 18 to, a foster home, treatment facility, group home, or shelter;

19 (19) Residential care transportation services means  
 20 transportation services to persons in residential care when such  
 21 residential care transportation services and residential care are  
 22 provided as part of a services contract with the Department of  
 23 Health and Human Services or pursuant to a subcontract entered into  
 24 incident to a services contract with the department; and

25 (20) Supported transportation services means  
 26 transportation services to a minor or for a person who is  
 27 physically, mentally, or developmentally disabled when the person  
 1 providing transportation services also assists and supervises the  
 2 passenger or transportation services to a family member of a minor  
 3 when it is necessary for provider staff to accompany or facilitate  
 4 the transportation in order to provide necessary services and  
 5 support to the minor. Supported transportation services must be  
 6 provided as part of a services contract with the Department of  
 7 Health and Human Services or pursuant to a subcontract entered into  
 8 incident to a services contract with the department, and the driver  
 9 must meet department requirements for (a) training or experience  
 10 working with minors or persons who are physically, mentally, or  
 11 developmentally disabled, (b) training with regard to the specific  
 12 needs of the client served, (c) reporting to the department,  
 13 and (d) age. Assisting and supervising the passenger shall not  
 14 necessarily require the person providing transportation services  
 15 to stay with the passenger after the transportation services have  
 16 been provided.

17 Sec. 2. Section 75-303, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 75-303 Sections 75-301 to 75-322 shall apply to  
 20 transportation by a motor carrier or the transportation of  
 21 passengers and household goods by a regulated motor carrier for  
 22 hire in intrastate commerce except for the following:

23 (1) A motor carrier for hire in the transportation of  
 24 school children and teachers to and from school;

25 (2) A motor carrier for hire operated in connection with  
 26 a part of a streetcar system;

27 (3) An ambulance, ambulance owner, hearse, or automobile  
 1 used exclusively as an incident to conducting a funeral;

2 (4) A motor carrier exempt by subdivision (1) of this  
 3 section which hauls for hire (a) persons of a religious, fraternal,  
 4 educational, or charitable organization, (b) pupils of a school to  
 5 athletic events, (c) players of American Legion baseball teams when  
 6 the point of origin or termination is within five miles of the  
 7 domicile of the carrier, and (d) the elderly as defined in section



8 13-1203 and their spouses and dependents under a contract with a  
9 municipality or county authorized in section 13-1208;

10 (5) A motor carrier operated by a city and engaged in the  
11 transportation of passengers, and such exempt operations shall be  
12 no broader than those authorized in intrastate commerce at the time  
13 the city or other political subdivision assumed ownership of the  
14 operation;

15 (6) A motor vehicle owned and operated by a nonprofit  
16 organization which is exempt from payment of federal income  
17 taxes, as provided by section 501(c)(4), Internal Revenue Code,  
18 transporting solely persons over age sixty, persons who are spouses  
19 and dependents of persons over age sixty, and handicapped persons;

20 (7) A motor carrier engaged in the transportation of  
21 passengers operated by a transit authority created under and acting  
22 pursuant to the laws of the State of Nebraska;

23 (8) A motor carrier operated by a municipality or county,  
24 as authorized in section 13-1208, in the transportation of elderly  
25 persons;

26 (9) A motor vehicle having a seating capacity of twenty  
27 or less which is operated by a governmental subdivision or a  
1 qualified public-purpose organization as defined in section 13-1203  
2 engaged in the transportation of passengers in the state;

3 (10) A motor vehicle owned and operated by a nonprofit  
4 entity organized for the purpose of furnishing electric service;  
5 ~~and~~

6 (11) A motor carrier engaged in ~~escort-attended~~ services  
7 ~~and~~-under contract or subcontract with the Department of Health  
8 and Human Services or with any agency organized under the Nebraska  
9 Community Aging Services Act;-

10 (12) A motor carrier engaged in residential care  
11 transportation services if the motor carrier complies with the  
12 requirements of the Department of Health and Human Services  
13 adopted, promulgated, and enforced to protect the safety and  
14 well-being of the passengers, including insurance, training, and  
15 age requirements; and

16 (13) A motor carrier engaged in supported transportation  
17 services if the motor carrier complies with the requirements of the  
18 Department of Health and Human Services adopted, promulgated, and  
19 enforced to protect the safety and well-being of the passengers,  
20 including insurance, training, and age requirements.

21 Sec. 3. Section 75-311, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 75-311 (1) A certificate shall be issued to any  
24 qualified applicant authorizing the whole or any part of the  
25 operations covered by the application if it is found after notice  
26 and hearing that (a) the applicant is fit, willing, and able  
27 properly to perform the service proposed and to conform to the  
1 provisions of sections 75-301 to 75-322 and the requirements,  
2 rules, and regulations of the commission under such sections and

3 (b) the proposed service, to the extent to be authorized by the  
 4 certificate, whether regular or irregular, passenger or household  
 5 goods, is or will be required by the present or future public  
 6 convenience and necessity. Otherwise the application shall be  
 7 denied.

8 (2) A permit shall be issued to any qualified applicant  
 9 therefor authorizing in whole or in part the operations covered  
 10 by the application if it appears after notice and hearing from  
 11 the application or from any hearing held on the application that  
 12 (a) the applicant is fit, willing, and able properly to perform  
 13 the service of a contract carrier by motor vehicle and to conform  
 14 to the provisions of such sections and the lawful requirements,  
 15 rules, and regulations of the commission under such sections and  
 16 (b) the proposed operation, to the extent authorized by the permit,  
 17 will be consistent with the public interest by providing services  
 18 designed to meet the distinct needs of each individual customer  
 19 or a specifically designated class of customers as defined in  
 20 subdivision ~~(6)~~(7) of section 75-302. Otherwise the application  
 21 shall be denied.

22 (3) No person shall at the same time hold a certificate  
 23 as a common carrier and a permit as a contract carrier for  
 24 transportation of household goods by motor vehicles over the same  
 25 route or within the same territory unless the commission finds  
 26 that it is consistent with the public interest and with the policy  
 27 declared in section 75-301.

1 (4) After the issuance of a certificate or permit, the  
 2 commission shall review the operations of all common or contract  
 3 carriers who hold authority from the commission to determine  
 4 whether there are insufficient operations in the transportation  
 5 of household goods to justify the commission's finding that  
 6 such common or contract carrier has willfully failed to perform  
 7 transportation under sections 75-301 to 75-322 and rules and  
 8 regulations promulgated under such sections. If the commission  
 9 determines that there are insufficient operations, then the  
 10 commission shall commence proceedings under section 75-315 to  
 11 revoke the certificate or permit involved.

12 (5) This section shall not apply to operations pursuant  
 13 to a contract authorized by sections 75-303.01 and 75-303.02.

14 Sec. 4. Original sections 75-302, 75-303, and 75-311,  
 15 Reissue Revised Statutes of Nebraska, are repealed.

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

**LEGISLATIVE BILL 477.** Placed on General File with amendment.  
 AM343

1 1. On page 4, line 2, after "community" insert "except  
 2 that no application needs to be filed to change a franchisee's  
 3 community if an agreement has been entered into as provided in  
 4 subsection (3) of section 60-1420".

- 5 2. On page 9, line 25, strike the new matter.
- 6 3. On page 10, lines 1 through 5 strike the new matter;  
 7 in lines 9 through 13, strike the new matter and insert "A  
 8 manufacturer, importer, or distributor may not share, sell, or  
 9 transfer customer information, obtained from a dealer and not  
 10 otherwise publicly available, to other dealers franchised by the  
 11 manufacturer while the originating dealer is still a franchised  
 12 dealer of the manufacturer unless otherwise agreed to by the  
 13 originating dealer. A manufacturer, importer, or distributor may  
 14 not use any nonpublic personal information, as that term is used  
 15 in 16 C.F.R. part 313, which is obtained from a dealer unless  
 16 such use falls within one or more of the exceptions to opt out  
 17 requirements under 16 C.F.R. 313.14 or 313.15"; and in line 24  
 18 after "facilities" insert "if the dealer complies with subdivision  
 19 (9) of this section".
- 20 4. On page 11, line 14, after the period insert "If a  
 21 dealer voluntarily terminates and has entered into a separately  
 22 negotiated site control agreement, the agreement may survive the  
 23 termination if the agreement clearly states that fact.".
- 1 5. On page 21, line 14 strike "The" and insert "As a  
 2 result of an audit authorized under this subsection, the"; and in  
 3 line 16 strike "false or fraudulent", show as stricken, and insert  
 4 "previously paid".

(Signed) Deb Fischer, Chairperson

Health and Human Services

**LEGISLATIVE BILL 45.** Placed on General File with amendment.  
 AM321

- 1 1. On page 14, line 9; and page 21, line 25, after the  
 2 first occurrence of "state" insert "or any political subdivision".  
 3
- 4 2. On page 14, line 21; and page 24, line 6, reinstate  
 5 the stricken matter.
- 6 3. On page 15, lines 3 through 9; and page 24, lines  
 7 15 through 22, strike the underscored matter and reinstate the  
 8 stricken matter.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Ralph Holzfast - Nebraska Railway Council

Frank Landis - Nebraska Railway Council  
 Gary Rasmussen - Nebraska Railway Council  
 John Rebensdorf - Nebraska Railway Council

Aye: 7 Senators Campbell, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) Deb Fischer, Chairperson

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 2011, at 10:48 a.m. were the following: LBs 19e, 23, 28, 29, 30, 46, 47e, 59e, 68, 72, 74e, 75e, 76e, 111, 122, 134e, 154, 157, 157A, 163, 163A, 208, 211, 212e, and 241e.

(Signed) Jamie Kruse  
 Clerk of the Legislature's Office

### AMENDMENTS - Print in Journal

Senator Utter filed the following amendment to LB410:  
 AM360

(Amendments to E & R amendments, ER27)

- 1 1. On page 10, strike lines 11 through 15 and insert the
- 2 following new subsection:
- 3 "(2) For purposes of subdivision (1)(b) of this
- 4 section, each individual owner of more than ten percent of an
- 5 appraisal management company shall, at the time an application for
- 6 registration as an appraisal management company is made, submit
- 7 two copies of legible ink-rolled fingerprint cards or equivalent
- 8 electronic fingerprint submissions to the board for delivery to the
- 9 Nebraska State Patrol in a form approved by both the Nebraska State
- 10 Patrol and the Federal Bureau of Investigation. The board shall pay
- 11 the Nebraska State Patrol the costs associated with conducting a
- 12 fingerprint based national criminal history record check through
- 13 the Nebraska State Patrol and the Federal Bureau of Investigation
- 14 with such record check to be carried out by the board.".

Senator Fischer filed the following amendment to LB178:  
 AM374

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 60-4,171, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-4,171 (1) Following any period of revocation ordered
- 5 by a court, a resident who has had a commercial driver's license
- 6 revoked pursuant to section 60-4,169 may apply for a Class O or M
- 7 operator's license.
- 8 (2) Any person who has had his or her commercial driver's
- 9 license revoked pursuant to section 60-4,169 may, at the end of

10 such revocation period, apply to have his or her eligibility for  
 11 a commercial driver's license reinstated. The applicant shall (a)  
 12 apply to the Department of Motor Vehicles and provide his or her  
 13 social security number, (b) take the commercial driver's license  
 14 knowledge and driving skills examinations prescribed pursuant to  
 15 section 60-4,155, (c) up to and including December 31, 2011,  
 16 comply with section 60-4,145 regarding physical requirements, (d)  
 17 on or after January 1, 2012, certify pursuant to section 13 of  
 18 this act and meet the applicable medical requirements for such  
 19 certification, (e) be subject to a check of his or her driving  
 20 record, ~~(e)-(f)~~ pay the fees specified in section 60-4,115 and a  
 21 reinstatement fee as provided in section 60-499.01, and ~~(f)-(g)~~  
 22 surrender any operator's license issued pursuant to subsection (1)  
 23 of this section.

1 2. On page 38, line 6, after the last comma insert

2 "60-4,171,".

3 3. Renumber the remaining sections accordingly.

### NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, March 2, 2011 1:30 p.m.

LR39

LB48

LR28

LB569

Thursday, March 3, 2011 1:30 p.m.

LB667

LB675

LB693

LB660

Friday, March 4, 2011 1:30 p.m.

LB668

LB300

LB276

(Signed) Brad Ashford, Chairperson

## Government, Military and Veterans Affairs

Room 1507

Wednesday, March 2, 2011 1:30 p.m.

LB566  
LB312  
LB606

Friday, March 4, 2011 1:30 p.m.

LB550  
LR19CA  
LB610  
LR45CA

Wednesday, March 9, 2011 1:30 p.m.

LB277  
LB685  
LB523

Thursday, March 10, 2011 1:30 p.m.

LB643  
LR22  
LB654

Wednesday, March 16, 2011 1:30 p.m.

LB142  
LB175  
LB292  
LB568

(Signed) Bill Avery, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor  
Clouse, Stan - Nebraska Natural Resources Commission - Natural  
Resources  
Incontro, Thomas - Foster Care Review Board - Health and Human Services  
Kasch, Amy - Commission for the Deaf and Hard of Hearing - Health and  
Human Services

Kirkpatrick, Robert - Boiler Safety Code Advisory Board - Business and Labor  
 Lomicky, Carol - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Minert, Lowell - Nebraska State Fair Board - Agriculture  
 Phipps, Thomas - Boiler Safety Code Advisory Board - Business and Labor  
 Zimmerer, Mark - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson  
 Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 333.** Committee AM261, found on page 483 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Adams offered the following amendment:  
 AM367

1 1. Insert the following new sections:  
 2 Sec. 12. Section 79-1044, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 79-1044 The forest reserve funds, annually paid into the  
 5 state treasury by the United States Government under an act of  
 6 Congress approved June 30, 1906, shall be distributed among the  
 7 counties of the state entitled to the same for the benefit of  
 8 the public schools and the public roads of such counties; based  
 9 upon information provided by the United States Department of the  
 10 Interior under the direction of the Commissioner of Education; in  
 11 the following manner:

12 (1) The State Treasurer shall annually on the first  
 13 Monday in July certify to the commissioner the amount of  
 14 money received from the United States Government as Nebraska's  
 15 proportionate share of the income from the forest reserves within  
 16 the state for the most recent complete fiscal year; and

17 ~~(2) The Board of Educational Lands and Funds shall~~  
 18 ~~annually on the first Monday in July make and deliver to the~~  
 19 ~~commissioner a certificate showing the counties entitled to share~~  
 20 ~~in the Forest Reserve Fund, together with the number of acres of~~  
 21 ~~forest reserves in each county; and~~

22 ~~(3)~~(2) The commissioner shall, on or before August 5,  
 23 make apportionment of such funds to such counties according to the  
 1 number of acres of forest reserve in each county and certify the  
 2 apportionment of each county to the county treasurer of the proper  
 3 county and to the Director of Administrative Services. The director  
 4 shall draw a warrant on the State Treasurer in favor of the various  
 5 counties for the amount specified by the commissioner.

6 Sec. 13. Section 79-1047, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 79-1047 The public grazing funds, annually paid to the  
9 state treasury by the United States Government under the federal  
10 Taylor Grazing Act, 43 U.S.C. 315i, as such act existed on May  
11 8, 2001, shall be distributed among the counties of the state  
12 entitled to the same for the benefit of the school districts of  
13 such counties; based upon information provided by the United States  
14 Department of the Interior under the direction of the Commissioner  
15 of Education; in the following manner:

16 (1) The State Treasurer shall annually on the first  
17 Monday in July certify to the commissioner the amount of  
18 money received from the United States Government as Nebraska's  
19 proportionate share of the income from the grazing lands within the  
20 state for the most recent complete fiscal year; and

21 ~~(2) The Board of Educational Lands and Funds shall~~  
22 ~~annually on the first Monday in July make and deliver to the~~  
23 ~~commissioner a certificate showing the counties entitled to share~~  
24 ~~in the grazing fund, together with the number of acres of grazing~~  
25 ~~land in each county; and~~

26 ~~(3)~~(2) The commissioner shall, on or before August 5,  
27 make apportionment of such funds to such counties according to the  
1 number of acres of grazing land in each county and certify the  
2 apportionment of each county to the county treasurer of the proper  
3 county and to the Director of Administrative Services. The director  
4 shall draw a warrant on the State Treasurer in favor of the  
5 various counties for the amount so specified by the Commissioner of  
6 Education.

7 Sec. 14. Section 79-1051, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 79-1051 The distribution of the funds received by the  
10 State Treasurer under section 79-1049 shall be made based upon  
11 information provided by the United States Department of the  
12 Interior under the direction of the Commissioner of Education  
13 in the following manner:

14 (1) The State Treasurer shall annually on the first  
15 Monday in July certify to the commissioner the amount of  
16 money received from the United States Government as Nebraska's  
17 proportionate share of the income from the leasing of lands  
18 acquired by the United States for flood control purposes; and

19 ~~(2) The commissioner shall ascertain by appropriate~~  
20 ~~inquiry in what counties the real estate on which lease rentals~~  
21 ~~were paid was situated; and~~

22 ~~(3)~~(2) The commissioner shall, on or before August 5,  
23 make apportionment of such fund to the counties entitled thereto  
24 in accordance with section 79-1050 and certify the apportionment of  
25 each county to the county treasurer of the proper county and to  
26 the Director of Administrative Services. The director shall draw a  
27 warrant on the State Treasurer in favor of the various counties for



- 1 the amount specified by the commissioner.
- 2 2. Renumber the remaining sections and amend the repealer
- 3 accordingly.

The Adams amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 228.** Title read. Considered.

Senator Mello offered the following amendment:  
AM388

- 1 1. On page 3, line 20, after "sent" insert
- 2 "electronically".

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

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

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

Senator Karpisek filed the following amendment to LB161:  
AM383

- 1 1. On page 4, line 13, after the period insert "If
- 2 the requesting candidate waives the balance of the recount, the
- 3 results of the precincts which were manually recounted shall not be
- 4 included in the official results of the election.".

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

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB22 and LB298. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Carlson's wife, Margo Carlson, from Holdrege and Mary Delka from Red Cloud, Mary Trambley from Campbell, and Carla Cram from Lincoln; Senator Hadley's wife, Marilyn Hadley, from Kearney and Nancy Borrell from Lincoln; 15 seventh-grade students and teacher from King Science Tech Magnet Center, Omaha; and 3 students and teachers from Greeley-Wolbach.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIRST DAY - FEBRUARY 17, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 17, 2011

**PRAYER**

The prayer was offered by Pastor Jim McGaffin, Liberty Christian Center, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senator Pankonin who was excused; and Senators Adams, Cornett, K. Haar, Lathrop, Lautenbaugh, Schumacher, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 181.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 130.** Indefinitely postponed.

**LEGISLATIVE BILL 440.** Indefinitely postponed.

**LEGISLATIVE BILL 657.** Indefinitely postponed.

(Signed) Greg Adams, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 465.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 424.** Placed on General File.

**LEGISLATIVE BILL 453.** Placed on General File.

**LEGISLATIVE BILL 454.** Placed on General File.

**LEGISLATIVE BILL 455.** Placed on General File.

**LEGISLATIVE BILL 90.** Placed on General File with amendment.  
AM141

- 1 1. On page 26, line 10, strike "that".
- 2 2. On page 56, lines 20 and 23; and page 57, line 9,
- 3 strike "financial" and insert "financing".
- 4 3. On page 58, line 13, strike "The" and insert "In this
- 5 section, the".

**LEGISLATIVE BILL 684.** Placed on General File with amendment.  
AM375

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. Section 81-1201.13, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 81-1201.13 (1) The Travel and Tourism Division shall
- 6 develop a program to provide promotional services and technical
- 7 assistance to local governments and industry members and to ensure
- 8 the protection and development of Nebraska's attraction resources.
- 9 (2)(a) The department shall have an advisory committee to
- 10 provide regular consultation to the Travel and Tourism Division,
- 11 which committee shall be named the Travel and Tourism Division
- 12 Advisory Committee. Such advisory committee shall include, at a
- 13 minimum, one representative from the Game and Parks Commission,
- 14 one representative from the Nebraska Travel Association, one
- 15 representative from the Nebraska Hotel and Motel Association,
- 16 one representative from a tourism attraction that records at least
- 17 two thousand out-of-state visitors per year, and one representative
- 18 from the Nebraska Association of Convention and Visitors Bureaus.
- 19 (b) The Travel and Tourism Division Advisory Committee
- 20 shall develop a statewide strategic plan to cultivate and promote
- 21 tourism in Nebraska. The advisory committee shall adopt policy
- 22 criteria to be used in the development of the plan. The plan shall
- 23 include:
  - 1 (i) A review of the existing and potential sources of
  - 2 funding for tourism at the state and local levels;

- 3 (ii) A comprehensive inventory of local tourism boards,  
4 the structure of such boards, and their funding;
- 5 (iii) Criteria for local tourism boards in terms of  
6 appointments to such boards and for awarding grants by such boards  
7 at the local level to ensure local resources are used to achieve  
8 the greatest return;
- 9 (iv) An examination of other states' funding models for  
10 tourism;
- 11 (v) Marketing strategies for promoting tourism;
- 12 (vi) A proposal for creating new or expanding existing  
13 tourism capacity, which may include encouraging regional  
14 cooperation, collaboration, or privatization; and
- 15 (vii) Recommended legislation or funding requirements.
- 16 (c) The department may hire a consultant to assist the  
17 Travel and Tourism Division Advisory Committee in developing the  
18 statewide strategic plan. The department may accept, in trust, any  
19 gifts, devises, and bequests to be held and administered by the  
20 department for the purposes of hiring a consultant. The advisory  
21 committee shall prepare and present the statewide strategic plan to  
22 the Legislature by September 1, 2012.
- 23 (3) All advertising contracts awarded by the department  
24 concerning travel and tourism shall be based on competitive bids.  
25 Contracts shall be awarded to the lowest responsible bidder, taking  
26 into consideration the best interests of the state, the quality  
27 of performance of the services rendered, the conformity with  
1 specifications, the purposes for which required, and the time of  
2 completion, and with the consultation of the Travel and Tourism  
3 Division Advisory Committee. In determining the lowest responsible  
4 bidder, in addition to price, the following elements shall be  
5 given consideration: ~~(1)~~ (a) The ability, capacity, creativity,  
6 and skill of the bidder to perform the contract required; ~~(2)~~  
7 (b) the character, integrity, reputation, judgment, experience,  
8 and efficiency of the bidder; ~~(3)~~ (c) whether the bidder can  
9 perform the contract within the time specified; ~~(4)~~ (d) the  
10 quality of performance of previous contracts; ~~(5)~~ (e) the previous  
11 and existing compliance by the bidder with laws relating to the  
12 contract; and ~~(6)~~ (f) such other information as may be secured  
13 having a bearing on the decision to award the contract. The  
14 department shall advertise for bids for the awarding of contracts  
15 concerning travel and tourism pursuant to sections 73-101 to  
16 73-105. At least thirty working days shall elapse between the time  
17 formal bids are advertised for and the time of their opening.  
18 Contracts shall be awarded within sixty working days after the  
19 bidding has been closed. Each person submitting a bid shall, by  
20 certified mail, be notified as to whom the contract was awarded.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, February 28, 2011 1:30 p.m.

Kristopher Covi - State Racing Commission  
Jeffrey Galyen - State Racing Commission  
Mark Laughlin - Nebraska Arts Council  
Robert "Bob" Culver Jr. - Nebraska Arts Council  
Donna Hastings - Nebraska Arts Council  
Nana Smith - Nebraska Arts Council  
Edwin Bergstraesser - State Electrical Board  
Cory Mueller - State Electrical Board

LB56  
LB470  
LB554  
LB567

Monday, March 7, 2011 1:30 p.m.

Lynn Roper - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 16, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Farrell, Kay  
National Safety Council, Greater Omaha Chapter  
Kulesher Jarecke, Kate M.  
Amack, Angela K.  
Nielsen, Coleen J.  
Larsen, Stephanie  
Center for Rural Affairs  
Mulherin, William T.  
National Safety Council, Greater Omaha Chapter

**REPORTS**

The following reports were received by the Legislature:

**Energy Office, Nebraska**

Annual Report for Fiscal Year 2009 – 2010

Nebraska Energy Statistics

**SELECT FILE**

**LEGISLATIVE BILL 264.** ER17, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 326.** ER18, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 12.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 146.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 331.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 332.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 334.** ER19, found on page 508, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 25.** ER20, found on page 508, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 26.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 78.** ER22, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 77.** ER21, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 303.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 474.** ER23, found on page 513, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 94.** Senator Christensen offered the following amendment:

AM358

(Amendments to Standing Committee amendments, AM180)

- 1 1. Strike line 4 and insert "released based upon state
- 2 statute, federal statute, federal rule, or federal".

The Christensen amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 24.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 396.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 311.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 347.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 462.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 98.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 178.** ER28, found on page 549, was adopted.

Senator Fischer renewed her amendment, AM374, found on page 580.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 178A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 215.** ER31, found on page 549, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 43.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 410.** ER27, found on page 550, was adopted.

Senator Utter renewed his amendment, AM360, found on page 580.

The Utter amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 410A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 108.** ER24, found on page 550, was adopted.

Advanced to Enrollment and Review for Engrossment.

### ANNOUNCEMENT

The Chair announced today is Senator Harms' birthday and February 21 is Senator Utter's birthday.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 333.** Placed on Select File with amendment. ER33 is available in the Bill Room.

**LEGISLATIVE BILL 228.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 278.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 368.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 399.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 15 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 167.** Placed on General File.

**LEGISLATIVE BILL 284.** Placed on General File.

(Signed) Brad Ashford, Chairperson

## Urban Affairs

**LEGISLATIVE BILL 546.** Placed on General File with amendment. AM348

- 1 1. On page 2, line 5, strike "2000", show as stricken,
- 2 and insert "2009"; and strike lines 16 through 18 and show as
- 3 stricken.
- 4 2. On page 3, line 10, strike ", new edition," and show
- 5 as stricken; and in line 11 strike "2000", show as stricken, and
- 6 insert "2009".
- 7 3. On page 4, line 3, strike "recent edition", show as
- 8 stricken, and insert "recently enacted state building code"; strike

9 beginning with "after" in line 4 through the period in line 5, show  
10 as stricken, and insert an underscored period; in line 10 after  
11 "standard" insert "by modifying or deleting any portion of the  
12 state building code in order"; and in line 14 strike "new edition,"  
13 and show as stricken.

(Signed) Amanda McGill, Chairperson

## **NOTICE OF COMMITTEE HEARING**

Banking, Commerce and Insurance

Room 1507

Monday, March 14, 2011 2:00 p.m.

Department of Insurance - Federal Health Care Reform Briefing by Bruce Ramage, Director of Insurance (testimony will not be received during briefing)

(Signed) Rich Pahls, Chairperson

## **RESOLUTION**

**LEGISLATIVE RESOLUTION 77.** Introduced by Gloor, 35.

WHEREAS, Irene Abernethy has been an outstanding advocate for children for over fifty years through her profession as a teacher, her volunteer work as a Teammates mentor, her attendance and involvement in many youth activities, and her passionate leadership on many issues that will continue to benefit generations of children; and

WHEREAS, Irene has performed outstanding juvenile justice work and was instrumental in establishing a Boys Town facility in Grand Island; and

WHEREAS, Irene has been an outstanding political leader for over twenty years in the city of Grand Island and in Hall County through her work on the Grand Island Public Schools Board of Education, the Hall County Board of Supervisors, the Grand Island Chamber of Commerce, the Grand Island Area Economic Development Corporation, and the Nebraska Association of County Officials; and

WHEREAS, Irene has been an outstanding civic leader through her leadership on the boards of Leadership Tomorrow, the YMCA Foundation, the Women's Club, the Hall County Historical Society, the Center for Independent Living, and the Central Community College Advisory Committee and on Heartland United Way committees; and

WHEREAS, Irene has been the Grand Island Independent's Woman of the Year and has received Ak-Sar-Ben's Ike Friedman Community Leadership Award and the national A.L. Carlisle Child Advocacy Award; and

WHEREAS, Irene has always been a shining example of her motto, "Get involved."

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

1. That the Legislature congratulates, commends, and thanks Irene Abernethy on her lifetime of leadership, advocacy, and achievement.

2. That a copy of this resolution be sent to Irene Abernethy.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 556.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 161.** Title read. Considered.

Committee AM264, found on page 481, was considered.

Senator Lautenbaugh offered the following motion:

MO13

Bracket until June 8, 2011.

Pending.

### ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 17, 2011, summarizing the recommended appropriations for the following biennium.

### GENERAL FILE

**LEGISLATIVE BILL 161.** The Lautenbaugh motion, MO13, found in this day's Journal, to bracket until June 8, 2011, was renewed.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

The Lautenbaugh motion to bracket prevailed with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 281.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 314.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**SPEAKER FLOOD PRESIDING**

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR71 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR71.

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Friday, February 25, 2011 1:30 p.m.

Douglas Dilly - Nebraska Rural Health Advisory Commission  
Shawn Kralik - Nebraska Rural Health Advisory Commission  
Kathy Boswell - Nebraska Rural Health Advisory Commission

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

Revenue

**LEGISLATIVE BILL 84.** Placed on General File with amendment.  
AM385

- 1 1. On page 3, strike beginning with "to" in line 15
- 2 through "department" in line 16 and insert "as determined by the
- 3 department, for construction of the expressway system and federally
- 4 designated high priority corridors".

(Signed) Abbie Cornett, Chairperson

**AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB66:  
AM386

(Amendments to Standing Committee amendments, AM241)

- 1 1. Strike sections 1 and 2 and insert the following new  
2 sections:
- 3 Section 1. Section 29-4106, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:
- 5 29-4106 (1) A person who is convicted of a felony offense  
6 or other specified offense on or after July 15, 2010, who does not  
7 have a DNA sample available for use in the State DNA Sample Bank,  
8 shall, at his or her own expense, have a DNA sample collected:
- 9 (a) Upon intake to a prison, jail, or other detention  
10 facility or institution to which such person is sentenced. If  
11 the person is already confined at the time of sentencing, the  
12 person shall have a DNA sample collected immediately after the  
13 sentencing. Such DNA ~~samples~~ ~~sample~~ shall be collected at the place  
14 of incarceration or confinement. Such person shall not be released  
15 unless and until a DNA sample has been collected; or
- 16 (b) As a condition for any sentence which will not  
17 involve an intake into a prison, jail, or other detention facility  
18 or institution. Such DNA samples shall be collected as follows:
- 19 (i) In any county containing a city of the metropolitan  
20 class, a person placed on probation or who received a penalty of  
21 a fine or time served shall have such DNA sample collected by a  
22 probation officer at a probation office. Such person shall not be  
1 released unless and until a DNA sample has been collected; and  
2 (ii) In all other counties, a person placed on probation  
3 shall have such DNA sample collected by a probation officer at a  
4 probation office, and a person not placed on probation who receives  
5 a penalty of a fine or time served shall have such DNA sample  
6 collected at a detention facility or institution as specified by  
7 the court by the county sheriff. Such person shall not be released  
8 unless and until a DNA sample has been collected.
- 9 (2) A person who has been convicted of a felony offense  
10 or other specified offense before July 15, 2010, who does not have  
11 a DNA sample available for use in the State DNA Sample Bank, and  
12 who is still serving a term of confinement or probation for such  
13 felony offense or other specified offense on July 15, 2010, shall  
14 not be released prior to the expiration of his or her maximum term  
15 of confinement or revocation or discharge from his or her probation  
16 unless and until a DNA sample has been collected.
- 17 (3) A person who is serving a term of probation and has a  
18 DNA sample collected pursuant to this section shall pay all costs  
19 associated with the collection of the DNA sample.
- 20 (4) If the court waives the cost of taking a DNA sample  
21 for any reason, a county jail or other county detention facility or  
22 institution collecting the DNA sample shall not be held financially

23 responsible for the cost of the DNA sample kit.

24 Sec. 2. Section 29-4107, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 29-4107 (1) Only individuals (a) who are physicians or  
27 registered nurses, (b) who are trained to withdraw human blood for  
1 scientific or medical purposes and are obtaining blood specimens  
2 while working under orders of or protocols and procedures approved  
3 by a physician, registered nurse, or other independent health care  
4 practitioner licensed to practice by the state if the scope of  
5 practice of that practitioner permits the practitioner to obtain  
6 blood specimens, or (c) who are both employed by a licensed  
7 institution or facility and have been trained to withdraw human  
8 blood for scientific or medical purposes shall withdraw blood for  
9 a DNA blood sample under the DNA Identification Information Act.  
10 Withdrawal of blood shall be performed in a medically approved  
11 manner using a collection kit provided or accepted by the Nebraska  
12 State Patrol. The collection of buccal cell samples shall be  
13 performed by any person approved or designated by the Nebraska  
14 State Patrol and using a collection kit provided or accepted by the  
15 Nebraska State Patrol.

16 (2) In addition to the DNA sample, one thumb print or  
17 fingerprint shall be taken from the person from whom the DNA sample  
18 is being collected for the exclusive purpose of verifying the  
19 identity of such person. The DNA sample and the thumb print or  
20 fingerprint shall be delivered to the Nebraska State Patrol within  
21 five working days after collecting the sample unless the DNA sample  
22 was collected from buccal cell samples, in which case the DNA  
23 sample shall be delivered within ten working days after collecting  
24 the sample.

25 (3) A person authorized to collect DNA samples under  
26 the act is not criminally liable for collecting a DNA sample and  
27 transmitting DNA records pursuant to the act if he or she performs  
1 these activities in good faith and is not civilly liable for such  
2 activities if he or she performed such activities in a reasonable  
3 manner according to generally accepted medical standards for blood  
4 samples or in accordance with the collection kit and procedures  
5 approved by the Nebraska State Patrol for tissue samples.

6 Sec. 3. Original section 29-4107, Reissue Revised  
7 Statutes of Nebraska, and section 29-4106, Revised Statutes  
8 Cumulative Supplement, 2010, are repealed.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB52, LB221, and LB284. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Leadership Box Butte from Alliance; Senator Christensen's niece, Sara Pelton, from Bertrand and Maddi Brown from Imperial; and members of Leadership Hastings from Hastings, Leadership Tomorrow from Grand Island, Leadership York from York, and Odegeo - Leadership for Fillmore County from Geneva.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

**ADJOURNMENT**

At 11:47 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Tuesday, February 22, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 22, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 22, 2011

**PRAYER**

The prayer was offered by Reverend Jimmy Shelbourn, First Presbyterian Church, Beatrice.

**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 Senators Nelson, Nordquist, and Pankonin who were excused; and Senator Lautenbaugh who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 12.** Placed on Final Reading.  
**LEGISLATIVE BILL 25.** Placed on Final Reading.  
**LEGISLATIVE BILL 26.** Placed on Final Reading.  
**LEGISLATIVE BILL 77.** Placed on Final Reading.  
**LEGISLATIVE BILL 78.** Placed on Final Reading.  
**LEGISLATIVE BILL 146.** Placed on Final Reading.  
**LEGISLATIVE BILL 264.** Placed on Final Reading.  
**LEGISLATIVE BILL 303.** Placed on Final Reading.  
**LEGISLATIVE BILL 326.** Placed on Final Reading.  
**LEGISLATIVE BILL 331.** Placed on Final Reading.  
**LEGISLATIVE BILL 332.** Placed on Final Reading.  
**LEGISLATIVE BILL 334.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**MOTION - Approve Appointments**

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 579:

Nebraska Railway Council  
 Ralph Holzfaster  
 Frank Landis  
 Gary Rasmussen  
 John Rebensdorf

Voting in the affirmative, 38:

Adams	Cook	Hansen	Langemeier	Schilz
Avery	Cornett	Harms	Larson	Schumacher
Bloomfield	Dubas	Harr, B.	Louden	Smith
Brasch	Fischer	Heidemann	McCoy	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Pahls	Wightman
Christensen	Haar, K.	Karpisek	Pirsch	
Conrad	Hadley	Krist	Price	

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Council	Lathrop	Wallman
Coash	Gloor	McGill	

Excused and not voting, 4:

Lautenbaugh	Nelson	Nordquist	Pankonin
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 72, 74, and 75 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 72, 74, and 75.

**GENERAL FILE**

**LEGISLATIVE BILL 237.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 164.** Title read. Considered.

Committee AM286, found on page 495, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 257.** Title read. Considered.

Committee AM58, found on page 495, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 24.** Placed on Final Reading.

**LEGISLATIVE BILL 94.** Placed on Final Reading.

**LEGISLATIVE BILL 98.** Placed on Final Reading.

**LEGISLATIVE BILL 311.** Placed on Final Reading.

**LEGISLATIVE BILL 347.** Placed on Final Reading.

**LEGISLATIVE BILL 396.** Placed on Final Reading.

**LEGISLATIVE BILL 462.** Placed on Final Reading.

**LEGISLATIVE BILL 474.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**AMENDMENTS - Print in Journal**

Senator Council filed the following amendment to LB383:

AM331

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-27,136, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-27,136 The Legislature may appropriate funds collected
- 6 by a general sales tax and income tax for aid to incorporated
- 7 municipalities, counties, and natural resources districts. The
- 8 transfer to the Property Tax Credit Cash Fund from the General

9 Fund for FY2011-12 is reduced by \$22,000,000. The transfer to the  
 10 Property Tax Credit Cash Fund from the General Fund for FY2012-13  
 11 is reduced by \$22,000,000.

12 Sec. 2. Original section 77-27,136, Reissue Revised  
 13 Statutes of Nebraska, is repealed.

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

Senator Council filed the following amendment to LB383:  
 AM334

1 1. Insert the following new sections:

2 Sec. 7. For purposes of sections 7 to 10 of this act:

3 (1) Criminal detention facility has the same meaning as  
 4 in section 83-4,125; and

5 (2) State prisoner means a person who has been convicted  
 6 and sentenced as an adult to a Department of Correctional Services  
 7 facility, has been placed on probation for such offense, or is a  
 8 parolee held on behalf of the department.

9 Sec. 8. (1) The county in which a prisoner committed an  
 10 offense or is alleged to have committed an offense is responsible  
 11 for the cost of keeping and maintaining the prisoner in a criminal  
 12 detention facility located within the state which is not reimbursed  
 13 by a city, the state, or the federal government.

14 (2) Subject to the appropriation limitations and claims  
 15 filing deadlines established in this section for county jail  
 16 reimbursement assistance, after sentencing if a prisoner is a state  
 17 prisoner, the state shall reimburse the county where the state  
 18 prisoner was or is maintained in a criminal detention facility at  
 19 the rate of thirty-five dollars per day for each day the state  
 20 prisoner was maintained in the criminal detention facility for  
 21 such offense until the day the state prisoner is transferred to a  
 22 Department of Correctional Services facility, placed on probation  
 23 for such offense, or released from custody at the request of  
 1 the department, except that during any quarterly fiscal period  
 2 if state appropriations are not sufficient to satisfy all of the  
 3 eligible county jail reimbursement claims filed, then the state  
 4 shall prorate each county's total reimbursement for that quarterly  
 5 fiscal period in proportion to the remaining appropriation.

6 (3) Any county jail reimbursement claims not timely filed  
 7 by any county and any county jail reimbursement claims paid by the  
 8 state on a prorated basis shall not be filed or refiled, and no  
 9 such claims shall be reimbursed by the state.

10 (4) Subject to available appropriations, the department  
 11 shall reimburse all counties on a quarterly basis for all eligible  
 12 county jail reimbursement claims as soon as practicable after the  
 13 end of each quarterly filed period.

14 (5) The county board or county board of corrections shall  
 15 request reimbursement as provided in section 9 of this act. If  
 16 the department has been notified under section 83-4,133 that the

17 criminal detention facility which is requesting reimbursement does  
18 not qualify for reimbursement under this section, the department  
19 shall deny the reimbursement request for the days the facility was  
20 not qualified.

21 (6) If a conviction on which reimbursement for prisoner  
22 costs was based is reversed and the case dismissed, the amount of  
23 such reimbursement shall be refunded as provided in section 9 of  
24 this act. The county attorney shall notify the sheriff or county  
25 board of corrections of the dismissal of any such case.

26 (7) The Department of Correctional Services shall  
27 reimburse counties for eligible county jail reimbursement claims  
1 subject to the appropriation limitations and claims filing  
2 deadlines in this section. The total annual appropriations approved  
3 by the Legislature for the department for county jail reimbursement  
4 assistance shall not exceed three million nine hundred ten thousand  
5 dollars. County jail reimbursement claims filed for any fiscal year  
6 shall only be paid out of the same fiscal year's appropriation,  
7 including any amounts reappropriated or certified as encumbrances  
8 for county jail reimbursement assistance, but no previous fiscal  
9 year claims shall be paid or filed by counties to be paid from a  
10 subsequent fiscal year's new appropriation established for county  
11 jail reimbursement assistance. County jail reimbursement claims, as  
12 certified by each county, shall be received in the office of the  
13 accounting section of the department within forty-five days after  
14 the end of any quarterly fiscal period ending on March 31, June  
15 30, September 30, and December 31. Any claims not meeting these  
16 deadlines shall be determined ineligible for future filing and  
17 shall not be reimbursed by the state.

18 Sec. 9. (1) The county board of each county and the  
19 county board of corrections serving pursuant to Chapter 23, article  
20 28, confining state prisoners within its jails shall receive  
21 reimbursement from the state pursuant to section 8 of this act  
22 for boarding such prisoners. Such boards are hereby authorized to  
23 provide such meals, fuel, lights, washing, and clothing as may be  
24 necessary for the comfort of such prisoners while in custody in  
25 the county. The sheriff or county board of corrections shall, on  
26 a regular basis not less than quarterly nor more than monthly,  
27 make a report in writing to the Director of Correctional Services  
1 of the number of state prisoners in custody in such county for  
2 whom reimbursement is claimed and the number of days for which  
3 reimbursement is claimed and the number of state prisoners for  
4 whom reimbursement was obtained under section 8 of this act  
5 and the amount of reimbursement to be refunded. Such report  
6 shall be consistent with the rules and regulations adopted and  
7 promulgated by the Department of Correctional Services. All claims  
8 for reimbursement shall be sworn to by the sheriff or a designated  
9 representative of the county board of corrections before the clerk  
10 of the county and certified to under his or her seal. Thereupon  
11 the director shall request that a warrant be drawn upon the State

12 Treasurer for the amount due to the county treasurer of the county,  
 13 and the amount drawn shall be credited to the general fund of the  
 14 county.

15 (2) For purposes of substantiating a claim, the  
 16 department may audit the records and reports of a county relating  
 17 to the county's claim for reimbursement under this section and  
 18 section 8 of this act. The department shall audit such records and  
 19 reports once every two years or as otherwise deemed necessary by  
 20 the department. The county board or county board of corrections  
 21 shall keep the records pertaining to a claim for two years after  
 22 the date the claim is submitted to the department.

23 Sec. 10. The Department of Correctional Services shall  
 24 adopt and promulgate rules and regulations to implement sections 7  
 25 to 10 of this act.

26 2. On page 4, line 20, after "60-3,190" insert "and  
 27 section 8 of this act".

1 3. Renumber the remaining sections accordingly.

Senator Krist filed the following amendment to LB179:  
 AM423

1 1. Insert the following new section:

2 Sec. 6. Section 38-2854, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 38-2854 (1) A pharmacist intern shall be (a) a student  
 5 currently enrolled in an accredited pharmacy program, (b) a  
 6 graduate of an accredited pharmacy program serving his or her  
 7 internship, or (c) a graduate of a pharmacy program located  
 8 outside the United States which is not accredited and who has  
 9 successfully passed equivalency examinations approved by the board.  
 10 Intern registration based on enrollment in or graduation from an  
 11 accredited pharmacy program shall expire not later than fifteen  
 12 months after the date of graduation or at the time of professional  
 13 licensure, whichever comes first. Intern registration based on  
 14 graduation from a pharmacy program located outside of the United  
 15 States which is not accredited shall expire not later than fifteen  
 16 months after the date of issuance of the registration or at the  
 17 time of professional licensure, whichever comes first.

18 (2) A pharmacist intern may compound and dispense drugs  
 19 or devices and fill prescriptions only in the presence of and under  
 20 the immediate personal supervision of a licensed pharmacist. Such  
 21 licensed pharmacist shall either be (a) the person to whom the  
 22 pharmacy license is issued or a person in the actual employ of  
 23 the pharmacy licensee or (b) the delegating pharmacist designated  
 1 in a delegated dispensing agreement by a hospital with a delegated  
 2 dispensing permit.

3 (3) Performance as a pharmacist intern under the  
 4 supervision of a licensed pharmacist shall be predominantly related  
 5 to the practice of pharmacy and shall include the keeping of  
 6 records and the making of reports required under state and federal

- 7 statutes. The department, with the recommendation of the board,  
 8 shall adopt and promulgate rules and regulations as may be required  
 9 to establish standards for internship.  
 10 2. On page 11, strike beginning with the second comma in  
 11 line 22 through "in" in line 23, show as stricken, and insert "2  
 12 Graduation from".  
 13 3. On page 12, strike lines 2 through 10 and show as  
 14 stricken; and in line 11 strike "section 38-2851" and insert  
 15 "sections 38-2851 and 38-2854".  
 16 4. Renumber the remaining section accordingly.

### NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, March 9, 2011 1:30 p.m.

LB461  
 LB521  
 LB690

Thursday, March 10, 2011 1:30 p.m.

LB665  
 LB652  
 LB689  
 LB350

(Signed) Brad Ashford, Chairperson

### COMMITTEE REPORTS

General Affairs

**LEGISLATIVE BILL 249.** Placed on General File with amendment.  
 AM297

- 1 1. On page 3, line 25, strike "surrounded by property  
 2 owned by" and insert "(a) surrounded by property owned by the  
 3 college or university including any public or private easement,  
 4 street, or right-of-way adjacent to the property owned by the  
 5 college or university or (b) adjacent to property on two or more  
 6 sides owned by the college or university including any public or  
 7 private easement, street, or right-of-way adjacent to the property  
 8 owned by the college or university.".  
 9 2. On page 4, strike line 1.

**LEGISLATIVE BILL 524.** Placed on General File with amendment.  
AM340

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

3 Section 1. Section 9-701, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 9-701 (1) For purposes of this section:

6 (a) Financial institution has the same meaning as in  
7 section 8-101;

8 (a)-(b) Gift enterprise means a contest, game of chance,  
9 savings promotion raffle, or game promotion which is conducted  
10 within the state or throughout the state and other states in  
11 connection with the sale of consumer or trade products or services  
12 solely as business promotions and in which the elements of chance  
13 and prize are present. Gift enterprise does not include any scheme  
14 using the game of bingo or keno; any non-telecommunication-related,  
15 player-activated electronic or electromechanical facsimile of any  
16 game of chance; or any slot machine of any kind. A gift enterprise  
17 shall not utilize pickle cards as defined in section 9-315.

18 Promotional game tickets may be utilized subject to the following:

19 (i) The tickets utilized shall be manufactured or  
20 imprinted with the name of the operator on each ticket;

21 (ii) The tickets utilized shall not be manufactured with  
22 a cost per play printed on them; and

23 (iii) The tickets utilized shall not be substantially  
1 similar to any type of pickle card approved by the Department of  
2 Revenue pursuant to section 9-332.01; ~~and~~

3 (b)-(c) Operator means any person, firm, corporation,  
4 association, governmental entity, or agent or employee thereof who  
5 promotes, operates, or conducts a gift enterprise. Operator does  
6 not include any nonprofit organization or any agent or employee  
7 thereof, except that operator includes any ~~credit union~~ financial  
8 institution chartered under state or federal law or any agent  
9 or employee thereof who promotes, operates, or conducts a gift  
10 enterprise; and-

11 (d) Savings promotion raffle means a contest conducted by  
12 a financial institution chartered under state or federal law or any  
13 agent or employee thereof in which a chance of winning a designated  
14 prize is obtained by the deposit of a specified amount of money in  
15 a savings account or other savings program if each entry has an  
16 equal chance of winning.

17 (2) Any operator may conduct a gift enterprise within  
18 this state in accordance with this section.

19 (3) An operator shall not:

20 (a) Design, engage in, promote, or conduct a gift  
21 enterprise in connection with the promotion or sale of consumer  
22 products or services in which the winner may be unfairly  
23 predetermined or the game may be manipulated or rigged;



24 (b) Arbitrarily remove, disqualify, disallow, or reject  
25 any entry;

26 (c) Fail to award prizes offered;

27 (d) Print, publish, or circulate literature or  
1 advertising material used in connection with such gift enterprise  
2 which is false, deceptive, or misleading; or

3 (e) Require an entry fee, a payment or promise of payment  
4 of any valuable consideration, or any other consideration as a  
5 condition of entering a gift enterprise or winning a prize from the  
6 gift enterprise, except that a contest, game of chance, or business  
7 promotion may require, as a condition of participation, evidence  
8 of the purchase of a product or service as long as the purchase  
9 price charged for such product or service is not greater than it  
10 would have been without the contest, game of chance, or business  
11 promotion. For purposes of this section, consideration shall not  
12 include (i) filling out an entry blank, (ii) entering by mail  
13 with the purchase of postage at a cost no greater than the cost  
14 of postage for a first-class letter weighing one ounce or less,  
15 ~~or~~(iii) entering by a telephone call to the operator of or for  
16 the gift enterprise at a cost no greater than the cost of postage  
17 for a first-class letter weighing one ounce or less, or (iv) the  
18 deposit of money in a savings account or other savings program,  
19 regardless of the interest rate earned by such account or program.  
20 When the only method of entry is by telephone, the cost to the  
21 entrant of the telephone call shall not exceed the cost of postage  
22 for a first-class letter weighing one ounce or less for any reason,  
23 including (A) whether any communication occurred during the call  
24 which was not related to the gift enterprise or (B) the fact that  
25 the cost of the call to the operator was greater than the cost to  
26 the entrant allowed under this section.

27 (4) An operator shall disclose to participants all terms  
1 and conditions of a gift enterprise.

2 ~~(4)(a)~~~~(5)(a)~~ The Department of Revenue may adopt and  
3 promulgate rules and regulations necessary to carry out the  
4 operation of gift enterprises.

5 (b) Whenever the department has reason to believe that a  
6 gift enterprise is being operated in violation of this section or  
7 the department's rules and regulations, it may bring an action in  
8 the district court of Lancaster County in the name of and on behalf  
9 of the people of the State of Nebraska against the operator of  
10 the gift enterprise to enjoin the continued operation of such gift  
11 enterprise anywhere in the state.

12 ~~(5)(a)~~~~(6)(a)~~ Any person, firm, corporation, association,  
13 or agent or employee thereof who engages in any unlawful acts or  
14 practices pursuant to this section or violates any of the rules and  
15 regulations promulgated pursuant to this section shall be guilty of  
16 a Class II misdemeanor.

17 (b) Any person, firm, corporation, association, or agent  
18 or employee thereof who violates any provision of this section

19 or any of the rules and regulations promulgated pursuant to this  
 20 section shall be liable to pay a civil penalty of not more than  
 21 one thousand dollars imposed by the district court of Lancaster  
 22 County for each such violation which shall ~~accrue to the permanent~~  
 23 ~~school fund.~~ be remitted to the State Treasurer for distribution  
 24 in accordance with Article VII, section 5, of the Constitution  
 25 of Nebraska. Each day of continued violation shall constitute a  
 26 separate offense or violation for purposes of this section.

27 (7) A financial institution may limit the number of  
 1 chances that a participant in a savings promotion raffle may obtain  
 2 for making the required deposits, but shall not limit the number of  
 3 deposits.

4 ~~(6)-(8)~~ In all proceedings initiated in any court or  
 5 otherwise under this section, the Attorney General or appropriate  
 6 county attorney shall prosecute and defend all such proceedings.

7 ~~(7)-(9)~~ This section shall not apply to any activity  
 8 authorized and regulated under the Nebraska Bingo Act, the Nebraska  
 9 County and City Lottery Act, the Nebraska Lottery and Raffle Act,  
 10 the Nebraska Pickle Card Lottery Act, or the Nebraska Small Lottery  
 11 and Raffle Act.

12 Sec. 2. Original section 9-701, Reissue Revised Statutes  
 13 of Nebraska, is repealed.

(Signed) Russ Karpisek, Chairperson

Judiciary

**LEGISLATIVE BILL 202.** Placed on General File with amendment.  
 AM399

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

3 Section 1. Section 28-101, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:

5 28-101 Sections 28-101 to 28-1356 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. (1) Notwithstanding any other provision of law,  
 8 any person sentenced to life imprisonment, who, at the time of the  
 9 commission of the crime, was under eighteen years of age and has  
 10 served at least twenty years of that sentence, may submit to the  
 11 Board of Pardons a petition for sentence commutation.

12 (a) Those persons who entered custody prior to July 1,  
 13 1994, may submit a petition in 2012;

14 (2) The person shall file the original petition with the  
 15 board. A copy of the petition shall be served on the Attorney  
 16 General or county attorney that prosecuted the case. The petition  
 17 shall include the person's statement that he or she was under  
 18 eighteen years of age at the time of the crime, was sentenced to  
 19 life imprisonment, and that one of the following is true:

20 (a) The person was convicted pursuant to section 28-303  
21 or 28-304 or of aiding and abetting another person in the violation  
22 of such section;

23 (b) The person does not have juvenile felony  
1 adjudications for assault or other felony crimes with a significant  
2 potential for personal harm to victims prior to the offense for  
3 which the sentence is being considered for commutation;

4 (c) The person committed the offense with at least one  
5 adult co-person; or

6 (d) The person has performed acts that tend to indicate  
7 rehabilitation or the potential for rehabilitation, including, but  
8 not limited to, availing himself or herself of rehabilitative,  
9 educational, or vocational programs, if those programs have been  
10 available at his or her classification level and facility, using  
11 self-study for self-improvement, or showing evidence of remorse.

12 (3) If any of the information required in subsection  
13 (2) of this section is missing from the petition, or if proof of  
14 service on the Attorney General or county attorney is not provided,  
15 the board shall return the petition to the person and advise him  
16 or her that the matter cannot be considered without the missing  
17 information. The person may resubmit a petition that includes the  
18 information or proof of service.

19 (4) A reply to the petition, if any, shall be filed with  
20 the board within sixty days after the date on which the Attorney  
21 General or county attorney was served with the petition, unless a  
22 continuance is granted for good cause.

23 (5) If the board finds by a preponderance of the evidence  
24 that the statements in the petition are true, the board shall  
25 hold a hearing to consider whether to commute the sentence of the  
26 person. Victims, or family members of a victim if the victim is  
27 deceased, may participate in the hearing.

1 (6) The factors that the board shall consider when  
2 determining whether to commute the sentence include, but are not  
3 limited to, the following:

4 (a) The person was convicted pursuant to section 28-303  
5 or 28-304 or of aiding and abetting another person in the violation  
6 of such section;

7 (b) The person does not have juvenile felony  
8 adjudications for assault or other felony crimes with a significant  
9 potential for personal harm to victims prior to the offense for  
10 which the sentence is being considered for commutation;

11 (c) The person committed the offense with at least one  
12 adult co-person;

13 (d) Prior to the offense for which the sentence is  
14 being considered for commutation, the person had insufficient adult  
15 support or supervision and had suffered from psychological or  
16 physical trauma, or significant stress;

17 (e) The person suffers from cognitive limitations due  
18 to mental illness, developmental disabilities, or other factors

19 that did not constitute a defense, but influenced the person's  
 20 involvement in the offense;

21 (f) The person has performed acts that tend to indicate  
 22 rehabilitation or the potential for rehabilitation, including, but  
 23 not limited to, availing himself or herself of rehabilitative,  
 24 educational, or vocational programs, if those programs have been  
 25 available at his or her classification level and facility, using  
 26 self-study for self-improvement, or showing evidence of remorse;

27 (g) The person has maintained family ties or connections  
 1 with others through letter writing, calls, or visits, or has  
 2 eliminated contact with individuals outside of prison who are  
 3 involved with crime; and

4 (h) The person has had no disciplinary actions for  
 5 violent activities in the last five years in which the person was  
 6 determined to be the aggressor.

7 (7) The board shall have the discretion to commute the  
 8 sentence of the person. The discretion of the board shall be  
 9 exercised in consideration of the criteria in subsection (6) of  
 10 this section. Victims, or family members of a victim if the victim  
 11 is deceased, shall be notified of the sentence commutation hearing  
 12 and may participate in the hearing.

13 (8) If the sentence is not commuted, the person may  
 14 submit another petition for sentence commutation to the board five  
 15 years after the initial filing. If sentence commutation is not  
 16 granted under that petition, the person may file another petition  
 17 ten years after the initial filing. If sentence commutation is not  
 18 granted under that petition, the person may file another petition  
 19 fifteen years after the initial filing. If sentence commutation is  
 20 not granted under that petition, a final petition may be submitted  
 21 twenty years after the initial filing.

22 (9) In addition to the criteria in subsection (6) of this  
 23 section, the board may consider any other criteria that the board  
 24 deems relevant to its decision, so long as the board identifies  
 25 them on the record, provides a statement of reasons for adopting  
 26 them, and states why the person does or does not satisfy the  
 27 criteria.

1 (10) This section applies retroactively and shall be  
 2 utilized as part of the board's pardon authority as defined in  
 3 section 83-170.

4 Sec. 3. Section 83-1,127, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 83-1,127 The Board of Pardons shall:

7 (1) Exercise the pardon authority as defined in section  
 8 83-170 for all criminal offenses except treason and cases of  
 9 impeachment;

10 (2) Hold sentence commutation hearings pursuant to  
 11 section 2 of this act;

12 ~~(2)-(3)~~ (3) Make rules and regulations for its own  
 13 administration and operation;

14 ~~(3)~~(4) Appoint and remove its employees as prescribed  
 15 by the State Personnel System and delegate appropriate powers and  
 16 duties to them;  
 17 ~~(4)~~(5) Consult with the Board of Parole concerning  
 18 applications for the exercise of pardon authority;  
 19 ~~(5)~~(6) Consult with the Department of Motor Vehicles  
 20 concerning applications received from the department pursuant to  
 21 section 60-6,209 for the exercise of pardon authority; and  
 22 ~~(6)~~(7) Exercise all powers and perform all duties  
 23 necessary and proper in carrying out its responsibilities under the  
 24 provisions of the Nebraska Treatment and Corrections Act.  
 25 Sec. 4. Original section 83-1,127, Reissue Revised  
 26 Statutes of Nebraska, and section 28-101, Revised Statutes  
 27 Cumulative Supplement, 2010, are repealed.

(Signed) Brad Ashford, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 78.** Introduced by Krist, 10; Cornett, 45; Langemeier, 23; McCoy, 39; McGill, 26; Mello, 5; Price, 3; Smith, 14.

WHEREAS, Brigadier General John N.T. "Jack" Shanahan served as the Commander of the 55th Wing, Offutt Air Force Base, Nebraska, from April 24, 2009, to March 9, 2011; and

WHEREAS, General Shanahan provided superlative leadership in organizing, training, and equipping six groups and 32 squadrons executing worldwide intelligence, surveillance, and reconnaissance; electronic attack; command and control; presidential support; and treaty verification missions totaling an unprecedented 1,700 missions around the globe; and

WHEREAS, General Shanahan is also responsible for base support to 90 associate units, including United States Strategic Command, the Air Force Weather Agency, and more than 57,000 active-duty members, civilians, family members, and retirees; and

WHEREAS, General Shanahan's leadership was key to the success of seven uniquely designed RC/OC/WC-135 aircraft, which include the COBRA BALL, COMBAT SENT, OPEN SKIES, and CONSTANT PHOENIX; and

WHEREAS, General Shanahan's vision led to the success of the EC-130H COMPASS CALL and its electronic attack mission, which has flown missions in support of both Iraq and Afghanistan; and

WHEREAS, General Shanahan was able to secure the success of the National Airborne Operations Center as it flew more than 2,700 hours with four aircraft supporting the President of the United States and the Secretary of Defense around the world; and

WHEREAS, General Shanahan distinguished himself by exceptional meritorious conduct in the performance of outstanding service to the United States as Commander of the 55th Wing, Offutt Air Force Base; and

WHEREAS, during General Shanahan's command, his exemplary ability, diligence, and devotion to duty were instrumental factors in the resolution of

many complex problems of major importance to the United States Air Force; and

WHEREAS, the superior initiative, outstanding leadership, and personal endeavor displayed by General Shanahan reflect great credit upon himself and the United State Air Force.

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

1. That the Legislature hereby congratulates and extends its sincere appreciation to Brigadier General John N.T. "Jack" Shanahan and thanks him for his excellent service to our state and nation.

2. That a copy of this resolution be sent to Brigadier General John N.T. "Jack" Shanahan.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 210.** Title read. Considered.

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

**LEGISLATIVE BILL 471.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 159.** Title read. Considered.

Committee AM244, found on page 517, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 191.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 278.** Placed on Select File with amendment.  
ER34

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 provide a duty for the Revisor of Statutes;".

**LEGISLATIVE BILL 368.** Placed on Select File.

**LEGISLATIVE BILL 399.** Placed on Select File.

**LEGISLATIVE BILL 556.** Placed on Select File.

**LEGISLATIVE BILL 281.** Placed on Select File.

**LEGISLATIVE BILL 314.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

## Banking, Commerce and Insurance

**LEGISLATIVE BILL 404.** Placed on General File.

**LEGISLATIVE BILL 70.** Placed on General File with amendment.  
AM82

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 44-5503, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-5503 The department, in consideration of the payment
- 5 of the license fee, may issue a surplus lines license, revocable
- 6 at any time, to any individual who currently holds an insurance
- 7 producer license or to a foreign or domestic corporation. The
- 8 corporate surplus lines license shall list all officers or
- 9 employees of the corporation who currently hold an insurance
- 10 producer license or meet the requirements for an individual surplus
- 11 lines license and who have authority to transact surplus lines
- 12 business on behalf of the corporation. Only individuals listed
- 13 on the corporate surplus lines license shall transact surplus
- 14 lines business on behalf of the corporate licensee. If the
- 15 applicant is an individual, the application for the license shall
- 16 include the applicant's social security number. The director may
- 17 utilize the national insurance producer data base of the National
- 18 Association of Insurance Commissioners, or any other equivalent
- 19 uniform national data base, for the licensure of an individual or
- 20 an entity as a surplus lines producer and for renewal of such
- 21 license.
- 22 2. On page 8, strike beginning with "Every" in line
- 23 3 through the period in line 22, show the old matter as
- 1 stricken, and insert "(1) For the purposes of carrying out the
- 2 Nonadmitted and Reinsurance Reform Act of 2010, which is Subtitle
- 3 B of the Dodd-Frank Wall Street Reform and Consumer Protection

4 Act, Public Law 111-203, as such act existed on January 1,  
5 2011, the director may enter the Nonadmitted Insurance Multi-State  
6 Agreement in order to facilitate the collection, allocation, and  
7 disbursement of premium taxes attributable to the placement of  
8 nonadmitted insurance, provide for uniform methods of allocation  
9 and reporting among nonadmitted insurance risk classifications, and  
10 share information among states relating to nonadmitted insurance  
11 premium taxes.

12 (2) The director may participate in the clearinghouse  
13 established through the Nonadmitted Insurance Multi-State Agreement  
14 for the purpose of collecting and disbursing to reciprocal  
15 states any funds collected applicable to properties, risks, or  
16 exposures located or to be performed outside of this state. To  
17 the extent that other states where portions of the properties,  
18 risks, or exposures reside have failed to enter into a compact  
19 or reciprocal allocation procedure with the State of Nebraska,  
20 the net premium tax shall be retained by the State of Nebraska.  
21 If the director chooses to participate in the clearinghouse for  
22 the purpose authorized by this subsection, the director may also  
23 participate in such clearinghouse for purposes of surplus lines  
24 policies applicable to risks located solely within this state.

25 (3) Every surplus lines licensee transacting business  
26 under the Surplus Lines Insurance Act shall, on or before February  
27 15 for the quarter ending the preceding December 31, May 15 for the  
1 quarter ending the preceding March 31, August 15 for the quarter  
2 ending the preceding June 30, and November 15 for the quarter  
3 ending the preceding September 30 of each year, make and file with  
4 the department a verified statement upon a form prescribed by the  
5 department or a designee of the director which shall exhibit the  
6 true amount of all such business transacted during that period.

7 (4)(a) Every surplus lines licensee transacting business  
8 under the Surplus Lines Insurance Act shall collect and pay to  
9 the director or the director's designee, at the time the statement  
10 required under subsection (3) of this section is filed, a sum based  
11 on the total gross premiums charged, less any return premiums,  
12 for surplus lines insurance provided by the licensee pursuant to  
13 the license. In no event shall such taxes be determined on a  
14 retaliatory basis pursuant to section 44-150.

15 (b) When the insurance covers properties, risks, or  
16 exposures located or to be performed solely in this state on behalf  
17 of an insured whose home state is the State of Nebraska, the sum  
18 payable shall be computed based on an amount equal to three percent  
19 of the premiums to be remitted to the State Treasurer in accordance  
20 with section 77-912.

21 (c) When the insurance covers properties, risks, or  
22 exposures located or to be performed both in and out of this state,  
23 the sum payable shall be computed based on:



24 (i) For purposes of the portion that is attributable to  
 25 instate risks, an amount and rate equal to that set forth in  
 26 subdivision (4)(b) of this section; plus

27 (ii) For purposes of the portion that is attributable to  
 1 out-of-state risks, an amount equal to the portion of the premiums  
 2 allocated to each of the other states or territories and at a rate  
 3 as established by each state or territory as being applicable to  
 4 the properties, risks, or exposures located or performed outside  
 5 of this state. The tax on any portion of the premium unearned at  
 6 termination of insurance having been credited by the state to the  
 7 licensee shall be returned to the policyholder directly by the  
 8 surplus lines licensee or through the producing broker, if any. The  
 9 surplus lines licensee is prohibited from rebating, for any reason,  
 10 any portion of the tax.

11 (5) The director may utilize or adopt the allocation  
 12 schedule included in the Nonadmitted Insurance Multi-State  
 13 Agreement for the purpose of allocating risk and computing the  
 14 tax due on the portion of premium attributable to each risk  
 15 classification and to each state in which properties, risks, or  
 16 exposures are located."

17 3. On page 13, strike beginning with "No" in line 13  
 18 through the comma in line 14, show as stricken, and insert "On or  
 19 before February 15 for the quarter ending the preceding December  
 20 31, May 15 for the quarter ending the preceding March 31, August 15  
 21 for the quarter ending the preceding June 30, and November 15 for  
 22 the quarter ending the preceding September 30 of each year."

23 4. On page 14, strike beginning with "annually" in line  
 24 3 through the period in line 8, show the old matter as stricken,  
 25 and insert ", on or before February 15 for the quarter ending the  
 26 preceding December 31, May 15 for the quarter ending the preceding  
 27 March 31, August 15 for the quarter ending the preceding June 30,  
 1 and November 15 for the quarter ending the preceding September 30  
 2 of each year, pay to the department a tax in the amount required by  
 3 subdivision (4)(a) of section 44-5506."

4 5. Renumber the remaining sections and correct the  
 5 repealer accordingly.

(Signed) Rich Pahls, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 343.** Placed on General File.

**LEGISLATIVE BILL 628.** Placed on General File.

**LEGISLATIVE BILL 230.** Placed on General File with amendment.  
 AM365

1 1. On page 4, lines 2 and 3, strike the new matter;  
 2 in line 4 strike "or" and show as stricken and after the last  
 3 semicolon insert "or public utility infrastructure specifications

4 or design drawings the public disclosure of which would create a  
 5 substantial likelihood of endangering public safety or property,  
 6 unless otherwise provided by state or federal law;"; in line 17  
 7 after "payment" insert "and customer use"; and in lines 17 and 18  
 8 strike "customer use information,".

**LEGISLATIVE BILL 337.** Placed on General File with amendment.  
 AM275

- 1 1. Strike original sections 2 and 8.
- 2 2. On page 25, line 12, strike "23-2301,"; and in line 13
- 3 strike "77-2608, and 84-1301" and insert "and 77-2608".
- 4 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 499.** Placed on General File with amendment.  
 AM404

- 1 1. Strike original sections 3 and 4 and renumber the
- 2 remaining sections accordingly.
- 3 2. On page 12, line 4, strike "32-628, 32-631,".

**LEGISLATIVE BILL 338.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 43.** Placed on Final Reading.

**LEGISLATIVE BILL 108.** Placed on Final Reading.

**LEGISLATIVE BILL 178.** Placed on Final Reading.

ST4

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "60-4,171," has been inserted after the last comma.

**LEGISLATIVE BILL 178A.** Placed on Final Reading.

**LEGISLATIVE BILL 215.** Placed on Final Reading.

ST5

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 39, the matter beginning with "proof" in line 6 through "in" in line 7 has been struck and "the information and documentation required by" inserted.

**LEGISLATIVE BILL 410.** Placed on Final Reading.

**LEGISLATIVE BILL 410A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Wednesday, March 2, 2011 1:30 p.m.

Mark Pinkerton - Game and Parks Commission

LB526

LB595

LB596

Thursday, March 3, 2011 1:30 p.m.

LB127

LB655

LB656

Friday, March 4, 2011 1:30 p.m.

LR40CA

Wednesday, March 9, 2011 1:30 p.m.

LB587

LB626

LB653

Thursday, March 10, 2011 1:30 p.m.

LB328

LB645

LB683

(Signed) Chris Langemeier, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 181A.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 181, One Hundred Second Legislature, First Session, 2011.

**RESOLUTION****LEGISLATIVE RESOLUTION 79.** Introduced by Hadley, 37.

WHEREAS, Sara Culey, an esteemed resident of Kearney, Nebraska, and a student at Kearney High School, has achieved national recognition for exemplary volunteer service by receiving a 2011 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Culey earned this award by giving generously of her time and energy to organize a community-wide memorial event and a physical memorial at the local community tennis courts to honor her best friend, an avid tennis player, who died in a car accident. Ms. Culey, who helped raise two thousand dollars to support the project, managed the event logistics, promotion, and volunteer recruitment for the memorial candle-lighting event and the building of a new shade shelter at the courts in her friend's honor; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Culey who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Sara Culey as a recipient of a 2011 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Sara Culey.

Laid over.

**VISITORS**

Visitors to the Chamber were Vickie and Somer Young from Omaha; members of Leadership Lincoln County from North Platte; and Merlin Boelling from Clearwater.

The Doctor of the Day was Dr. Mandy Bajwa from Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Utter, the Legislature adjourned until 9:00 a.m., Wednesday, February 23, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-THIRD DAY - FEBRUARY 23, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 23, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators B. Harr, Lautenbaugh, and Nelson who were excused; and Senators Heidemann, Schilz, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**MESSAGE FROM THE GOVERNOR**

February 22, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 19e, 23, 28, 29, 30, 46, 47e, 59e, 68, 72, 74e, 75e, 76e, 111, 122, 134e, 154, 157, 157A, 163, 163A, 208, 211, 212e, and 241e were received in my office on February 16, 2011.

These bills were signed and delivered to the Secretary of State on February 22, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

**ANNOUNCEMENT**

Senator Krist designates LB284 as his priority bill.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 237.** Placed on Select File.

**LEGISLATIVE BILL 164.** Placed on Select File.

**LEGISLATIVE BILL 257.** Placed on Select File with amendment.  
ER35

- 1 1. On page 1, strike beginning with "section" in line
- 2 2 through line 5 and insert "sections 86-143 and 86-144, Reissue
- 3 Revised Statutes of Nebraska; to change filing requirements for
- 4 telecommunications companies as prescribed; and to repeal the
- 5 original sections."

(Signed) Tyson Larson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 383.** Senator Council renewed her amendment, AM331, found on page 603.

**SENATOR GLOOR PRESIDING****PRESIDENT SHEEHY PRESIDING**

Senator Krist moved the previous question. The question is, "Shall the debate now close?"

Senator Krist moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Cook	Howard	Louden
Council	Karpisek	Wallman

Voting in the negative, 35:

Adams	Christensen	Fulton	Langemeier	Price
Ashford	Coash	Gloor	Larson	Schilz
Avery	Conrad	Hadley	McCoy	Schumacher
Bloomfield	Cornett	Hansen	McGill	Smith
Brasch	Dubas	Harms	Pahls	Sullivan
Campbell	Fischer	Janssen	Pankonin	Utter
Carlson	Flood	Krist	Pirsch	Wightman

Present and not voting, 4:

Haar, K.      Lathrop      Mello      Nordquist

Excused and not voting, 4:

Harr, B.      Heidemann      Lautenbaugh      Nelson

The Council amendment lost with 6 ayes, 35 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### ANNOUNCEMENT

The Chair announced today is Senator Flood's birthday.

### COMMITTEE REPORTS

Agriculture

**LEGISLATIVE BILL 107.** Placed on General File.

**LEGISLATIVE BILL 305.** Placed on General File.

(Signed) Tom Carlson, Chairperson

### AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB474:  
AM417

(Amendments to Final Reading copy)

- 1      1. Insert the following section:
- 2      Sec. 13. Section 84-304.02, Reissue Revised Statutes of
- 3      Nebraska, is amended to read:
- 4      84-304.02 ~~The~~ (1) Except as provided in subsection (2)
- 5      of this section, the Auditor of Public Accounts, or a person
- 6      designated by him or her, shall prepare a written review of all
- 7      audit, accounting, or financial reports required to be filed by
- 8      a political subdivision of the state with the Auditor of Public
- 9      Accounts and cause one copy of such written review to be mailed to

10 the political subdivision involved and one copy to the accountant  
 11 who prepared the report. Such written review shall specifically  
 12 set forth wherein the audit, accounting, or financial report fails  
 13 to comply with the applicable minimum standards and the necessary  
 14 action to be taken to bring the report into compliance with such  
 15 standards. The Auditor of Public Accounts may, upon continued  
 16 failure to comply with such standards, refuse to accept for filing  
 17 an audit, accounting, or financial report or any future report  
 18 submitted for filing by any political subdivision.

19 (2) For public retirement system plan reports required to  
 20 be submitted to the Auditor of Public Accounts pursuant to sections  
 21 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017,  
 22 16-1037, 19-3501, 23-1118, 23-3526, and 71-1631.02, the auditor may  
 1 prepare a review of such report pursuant to subsection (1) of this  
 2 section but is not required to do so.

3 2. On page 1, line 3; and page 44, line 1, strike "and  
 4 84-1503" and insert "84-304.02, and 84-1503".

5 3. Renumber the remaining sections accordingly.

### ANNOUNCEMENT

Senator McCoy designates LB22 as his priority bill.

### SELECT FILE

**LEGISLATIVE BILL 383.** Senator Council renewed her amendment, AM334, found on page 604.

Senator Council moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Cook	Council	Karpisek	Wallman
------	---------	----------	---------

Voting in the negative, 35:

Adams	Christensen	Gloor	Larson	Price
Ashford	Coash	Haar, K.	Lathrop	Schilz
Avery	Conrad	Hansen	McCoy	Schumacher
Bloomfield	Cornett	Harms	McGill	Smith
Brasch	Dubas	Janssen	Pahls	Sullivan
Campbell	Fischer	Krist	Pankonin	Utter
Carlson	Flood	Langemeier	Pirsch	Wightman

Present and not voting, 4:



Howard            Louden            Mello            Nordquist

Excused and not voting, 6:

Fulton            Harr, B.            Lautenbaugh  
Hadley            Heidemann            Nelson

The Council amendment lost with 4 ayes, 35 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following amendment:  
AM490

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-27,136, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-27,136 The For fiscal years beginning on and after
- 6 July 1, 2013, the Legislature may appropriate funds collected
- 7 by a general sales tax and income tax for aid to incorporated
- 8 municipalities, counties, and natural resources districts.
- 9 Sec. 2. Section 77-27,137.03, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 77-27,137.03 The For fiscal years beginning on and after
- 12 July 1, 2013, the Legislature shall may appropriate funds as aid to
- 13 counties in an amount equal to a percentage of the total real and
- 14 personal property valuation of all counties, and if the Legislature
- 15 appropriates funds, such percent to be shall not be less than .0075
- 16 percent nor more than .0125 percent.
- 17 Of the appropriation, each county shall receive thirty
- 18 thousand dollars and the remaining amount shall be distributed
- 19 to each county on the basis of the ratio of the total real and
- 20 personal property valuation in the county to the total real and
- 21 personal property valuation in the state.
- 22 The Tax Commissioner shall determine the amount to be
- 23 distributed to the various counties under this section and certify
- 1 such amounts to the Director of Administrative Services on or
- 2 before July 1 of each year. Each amount shall be distributed in
- 3 nine as nearly as possible equal monthly payments on the last
- 4 business day of each month beginning in September.
- 5 Sec. 3. This act becomes operative on July 1, 2011.
- 6 Sec. 4. Original sections 77-27,136 and 77-27,137.03,
- 7 Reissue Revised Statutes of Nebraska, are repealed.
- 8 Sec. 5. Since an emergency exists, this act takes effect
- 9 when passed and approved according to law.

Senator Lathrop offered the following amendment to the Mello amendment:

FA5

Amend AM490

Strike "may" in page 1 line 6 and insert in its place "shall".

Senator Lathrop withdrew his amendment.

Senator Mello moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Cook	Karpisek	McGill	Sullivan
Council	Lathrop	Mello	Wallman
Howard	Louden	Nordquist	

Voting in the negative, 32:

Adams	Coash	Gloor	Langemeier	Schumacher
Avery	Conrad	Haar, K.	Larson	Smith
Bloomfield	Cornett	Hansen	McCoy	Utter
Brasch	Dubas	Harms	Pahls	Wightman
Campbell	Fischer	Heidemann	Pankonin	
Carlson	Flood	Janssen	Pirsch	
Christensen	Fulton	Krist	Price	

Excused and not voting, 6:

Ashford	Harr, B.	Nelson
Hadley	Lautenbaugh	Schilz

The Mello amendment lost with 11 ayes, 32 nays, and 6 excused and not voting.

Senator Mello requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Coash	Gloor	Langemeier	Price
Avery	Conrad	Haar, K.	Larson	Schumacher
Bloomfield	Cornett	Hansen	McCoy	Smith
Brasch	Dubas	Harms	McGill	Sullivan
Campbell	Fischer	Heidemann	Pahls	Utter
Carlson	Flood	Janssen	Pankonin	Wightman
Christensen	Fulton	Krist	Pirsch	

Voting in the negative, 9:

Cook	Howard	Lathrop	Mello	Wallman
Council	Karpisek	Louden	Nordquist	

Excused and not voting, 6:

Ashford	Harr, B.	Nelson
Hadley	Lautenbaugh	Schilz

Advanced to Enrollment and Review for Engrossment with 34 ayes, 9 nays, and 6 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT

Transportation and Telecommunications

**LEGISLATIVE BILL 289.** Placed on General File with amendment. AM416 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 80.** Introduced by Utter, 33.

WHEREAS, Brandon Bankson has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brandon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Brandon refurbished a livestock trailer for the Rural Ranchers 4-H Club; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brandon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brandon Bankson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brandon Bankson.

Laid over.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 210.** Placed on Select File.

**LEGISLATIVE BILL 471.** Placed on Select File.

**LEGISLATIVE BILL 159.** Placed on Select File with amendment.  
ER36

- 1 1. On page 1, line 4, strike "and"; and in line 5 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 2, line 21, strike "provided" and insert
- 4 "except".
- 5 3. On page 3, line 19, strike the underscored comma.

(Signed) Tyson Larson, Chairperson

### MOTION - Print in Journal

Senator Cook filed the following motion to LB51:

MO14

Recommit to committee.

### AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB114:

AM491

(Amendments to E & R amendments, ER25)

- 1 1. On page 1, strike beginning with "Such" in line
- 2 9 through the period in line 12 and insert "In promulgating a
- 3 standard for honey, the department may utilize as a guideline
- 4 available authoritative references to the composition and grades of
- 5 honey.".

Senator Gloor filed the following amendment to LB274:

AM472

- 1 1. On page 3, after line 24, insert the following new
- 2 subsection:
- 3 "(4) A drug manufacturer which exercises reasonable care
- 4 shall be immune from civil or criminal liability for any injury,
- 5 death, or loss to persons or property relating to the relabeling
- 6 and redispensing of drugs returned from a long-term care facility.
- 7 (5) Notwithstanding subsection (4) of this section, the
- 8 relabeling and redispensing of drugs returned from a long-term care

9 facility does not absolve a drug manufacturer of any criminal or  
 10 civil liability that would have existed but for the relabeling and  
 11 redispensing and such relabeling and redispensing does not increase  
 12 the liability of such drug manufacturer that would have existed but  
 13 for the relabeling and redispensing."; and in line 25 strike "(4)"  
 14 and insert "(6)".

Senator Campbell filed the following amendment to LB225:  
 AM495

- 1 1. On page 2, line 9, strike the new matter.

Senator Conrad filed the following amendments to LB51:  
 AM440

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 adult day service'; in line 10 after 'clinic' insert 'or adult day  
 4 service'; in"; and in line 3 before "clinical" insert "or adult day  
 5 service".

AM441

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 ambulatory surgical center'; in line 10 after 'clinic' insert 'or  
 4 ambulatory surgical center'; in"; and in line 3 before "clinical"  
 5 insert "or ambulatory surgical center".

AM442

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 assisted-living facility'; in line 10 after 'clinic' insert 'or  
 4 assisted-living facility'; in"; and in line 3 before "clinical"  
 5 insert "or assisted-living facility".

AM443

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert  
 2 "line 7, strike 'a health clinic' and insert 'each health clinic  
 3 and center or group home for the developmentally disabled'; in  
 4 line 10 after 'clinic' insert 'or center or group home for the  
 5 developmentally disabled'; in"; and in line 3 before "clinical"  
 6 insert "or center or group home for the developmentally disabled".

AM445

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert  
 2 "line 7, strike 'a health clinic' and insert 'each health clinic

- 3 and general acute hospital'; in line 10 after 'clinic' insert
- 4 'or general acute hospital'; in"; and in line 3 before "clinical"
- 5 insert "or general acute hospital".

## AM447

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert
- 2 "line 7, strike 'a health clinic' and insert 'each health clinic
- 3 and health care practitioner facility'; in line 10 after 'clinic'
- 4 insert 'or health care practitioner facility'; in"; and in line 3
- 5 before "clinical" insert "or health care practitioner facility".

## AM449

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 7, strike 'a health clinic' and insert 'each health clinic and home
- 3 health agency'; in line 10 after 'clinic' insert 'or home health
- 4 agency'; in"; and in line 3 before "clinical" insert "or home
- 5 health agency".

## AM450

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 7, strike 'a health clinic' and insert 'each health clinic and
- 3 hospice service'; in line 10 after 'clinic' insert 'or hospice
- 4 service'; in"; and in line 3 before "clinical" insert "or hospice
- 5 service".

## AM452

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 7, strike 'a health clinic' and insert 'each health clinic and
- 3 intermediate care facility'; in line 10 after 'clinic' insert 'or
- 4 intermediate care facility'; in"; and in line 3 before "clinical"
- 5 insert "or intermediate care facility".

## AM453

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 7, strike 'a health clinic' and insert 'each health clinic and
- 3 intermediate care facility for the mentally retarded'; in line
- 4 10 after 'clinic' insert 'or intermediate care facility for the
- 5 mentally retarded'; in"; and in line 3 before "clinical" insert "or
- 6 intermediate care facility for the mentally retarded".

## AM457

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 7, strike 'a health clinic' and insert 'each health clinic and

3 mental health center'; in line 10 after 'clinic' insert 'or mental  
 4 health center'; in"; and in line 3 before "clinical" insert "or  
 5 mental health center".

## AM458

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 nursing facility'; in line 10 after 'clinic' insert 'or nursing  
 4 facility'; in"; and in line 3 before "clinical" insert "or nursing  
 5 facility".

## AM460

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 psychiatric or mental hospital'; in line 10 after 'clinic' insert  
 4 'or psychiatric or mental hospital'; in"; and in line 3 before  
 5 "clinical" insert "or psychiatric or mental hospital".

## AM461

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert  
 2 "line 7, strike 'a health clinic' and insert 'each health clinic  
 3 or rehabilitation hospital'; in line 10 after 'clinic' insert 'or  
 4 rehabilitation hospital'; in"; and in line 3 before "clinical"  
 5 insert "or rehabilitation hospital".

## AM462

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 respite care service'; in line 10 after 'clinic' insert 'or respite  
 4 care service'; in"; and in line 3 before "clinical" insert "or  
 5 respite care service".

## AM463

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 skilled nursing facility'; in line 10 after 'clinic' insert 'or  
 4 skilled nursing facility'; in"; and in line 3 before "clinical"  
 5 insert "or skilled nursing facility".

## AM464

(Amendments to Standing Committee amendments, AM79)

1 1. On page 1, line 1, after the first comma insert "line  
 2 7, strike 'a health clinic' and insert 'each health clinic and  
 3 substance abuse treatment center'; in line 10 after 'clinic' insert

- 4 'or substance abuse treatment center'; in"; and in line 3 before  
 5 "clinical" insert "or substance abuse treatment center".

AM439

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 1, after the first comma insert "line  
 2 7, after 'clinic' insert ', including a crisis pregnancy center,;  
 3 in".

AM438

(Amendments to Standing Committee amendments, AM79)

- 1 1. On page 1, line 2, strike the second occurrence of  
 2 "and"; and in line 3 after the last quotation mark insert "; and in  
 3 line 24 after 'department' insert 'or any private, not-for-profit  
 4 family planning clinic licensed as a health clinic'".

Senator Avery filed the following amendment to LB165:

AM485

(Amendments to Standing Committee amendments, AM316)

- 1 1. Strike section 3.  
 2 2. On page 2, strike beginning with "from" in line 20  
 3 through "77-2703.04" in line 21 and insert "that are subject to  
 4 the state sales tax from the sale of services and equipment of any  
 5 telecommunications company".

**MOTION - Print in Journal**Senator K. Haar filed the following motion to LB581:

MO15

Withdraw bill.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB48. No objections. So ordered.

Senators Bloomfield, Larson, McCoy, and Price asked unanimous consent to add their names as cointroducers to LB51. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Karen, Brooke, and Kelsey Bredthauer and Kenna and Kylie Dean Ogle from Broken Bow; 43 twelfth-grade students and teachers from Syracuse; and members of the Nebraska Christian Home Education Association from across the state.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.



**ADJOURNMENT**

At 12:09 p.m., on a motion by Senator Pahls, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FOURTH DAY - FEBRUARY 24, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 24, 2011

**PRAYER**

The prayer was offered by Pastor Paul Lillenas, Hickory Grove - St. Paul Lutheran Church, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators B. Harr and McCoy who were excused; and Senators Cornett, Janssen, Karpisek, Lautenbaugh, Nelson, Utter, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 613, line 24, strike "30" and insert "32".

Page 613, line 32, strike "four" and insert "seven".

The Journal for the thirty-second day was approved as corrected.

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 383.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 191.** Placed on Select File with amendment.  
ER37

- 1 1. On page 3, line 15, strike "subsection" and insert
- 2 "section"; and in line 19 strike "not".
- 3 2. On page 5, line 21, strike "subsection", show as
- 4 stricken, and insert "subdivision".

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 22.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, March 22, 2011 8:00 a.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Greg Adams, Chairperson

Health and Human Services

Room 1510

Thursday, March 3, 2011 1:30 p.m.

LB581 (cancel)

(Signed) Kathy Campbell, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 181A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 114.** ER25, found on page 550, was adopted.

Senator Dubas withdrew her amendment, AM354, found on page 552.

Senator Dubas renewed her amendment, AM491, found on page 628.

The Dubas amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 243.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 62.** ER26, found on page 551, was adopted.

Senator Lathrop offered the following amendment:  
AM496

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 23-1111, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 23-1111 (1) The county officers in all counties shall
- 6 have the necessary clerks and assistants for such periods and at
- 7 such salaries as ~~they~~ the county officers may determine, subject to
- 8 budgetary approval by the county board. ~~with the approval of the~~
- 9 ~~county board, whose salaries shall be paid out of the general fund~~
- 10 ~~of the county.~~
- 11 (2) In carrying out its budget-making duties, a county
- 12 board shall not eliminate an office or unduly hinder a county
- 13 officer in the conduct of his or her statutory duties. If a
- 14 county officer challenges the county board's decision in court, the
- 15 county officer shall have the burden to prove such elimination or
- 16 hindrance by clear and convincing evidence.
- 17 Sec. 2. Original section 23-1111, Reissue Revised
- 18 Statutes of Nebraska, is repealed.

The Lathrop amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 36.** ER29, found on page 551, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 225.** Senator Campbell renewed her amendment, AM495, found on page 629.

The Campbell amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 274.** ER30, found on page 551, was adopted.

Senator Gloor renewed his amendment, AM472, found on page 628.

The Gloor amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 401.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** Senator Krist renewed his amendment, AM423, found on page 606.

The Krist amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 197.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** ER32, found on page 553, was adopted.

Senator Heidemann offered the following amendment:  
AM482

(Amendments to AM357)

- 1 1. On page 1, line 10, after "undress" insert "as it is
- 2 occurring"; and in line 11, after "video" insert ", photographic,
- 3 digital" and reinstate the last stricken comma.

The Heidemann amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 308.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 335.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 160.** Advanced to Enrollment and Review for Engrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 81.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Willie Schwartzkopf, a senior at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 171-pound division; and

WHEREAS, Willie Schwartzkopf defeated Grant Harrill of Boys Town High School 9-4 in the championship match; and

WHEREAS, the win gave Willie Schwartzkopf his second straight state title; 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, FIRST SESSION:

1. That the Legislature congratulates Willie Schwartzkopf on winning the 2011 Class B State Wrestling Championship in the 171-pound division.

2. That a copy of this resolution be sent to Willie Schwartzkopf.

Laid over.

**LEGISLATIVE RESOLUTION 82.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Colton Adams, a freshman at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 112-pound division; and

WHEREAS, Colton Adams pinned Daniel Dominguez-Jimenez of O'Neil High School to win the championship match; 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, FIRST SESSION:

1. That the Legislature congratulates Colton Adams on winning the 2011 Class B State Wrestling Championship in the 112-pound division.

2. That a copy of this resolution be sent to Colton Adams.

Laid over.

**LEGISLATIVE RESOLUTION 83.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Tyler Nation, a junior at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 135-pound division; and

WHEREAS, Tyler Nation defeated Kevin Smith of Central City High School 5-2 in the championship match; and

WHEREAS, the win gave Tyler Nation his second straight state title; 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, FIRST SESSION:

1. That the Legislature congratulates Tyler Nation on winning the 2011 Class B State Wrestling Championship in the 135-pound division.

2. That a copy of this resolution be sent to Tyler Nation.

Laid over.

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 155.** Placed on General File.

**LEGISLATIVE BILL 248.** Placed on General File with amendment.  
AM272

- 1 1. On page 3, lines 20 through 24, strike the new matter;
- 2 and in line 21 after "grazing" insert ", pasture, forests, or
- 3 grassland to control weeds, pests, insects, and disease, prevent
- 4 wildland fires, manage watersheds, care for windbreaks, and conduct
- 5 scientific research".

**LEGISLATIVE BILL 38.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

### AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB159:  
AM470

- 1 1. On page 6, line 8, after "county" insert "; provided,
- 2 for any project located without the municipality or county, such
- 3 municipality or county shall find that a reasonable relationship
- 4 exists between such municipality or county and the project,
- 5 borrower, or other party or parties to the financing agreement, as
- 6 applicable".



**GENERAL FILE**

**LEGISLATIVE BILL 284.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 84.** Introduced by Campbell, 25.

WHEREAS, Steven W. Patras has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Steven has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Steven and his team of scout volunteers designed and constructed an arbor of volunteer cedar trees in Pioneers Park in Lincoln, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Steven, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Steven W. Patras on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Steven W. Patras.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, March 16, 2011 1:30 p.m.

LB609  
 LB545  
 LB671  
 LB508  
 LB460

Thursday, March 17, 2011 1:30 p.m.

LB612  
 LB565  
 LB647  
 LB515

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

The Nebraska Retirement Systems Committee designates LB509 and LB382 as its priority bills.

**COMMITTEE REPORTS**

Business and Labor

**LEGISLATIVE BILL 261.** Placed on General File.**LEGISLATIVE BILL 262.** Placed on General File with amendment.  
AM163

- 1 1. Strike the original sections and insert the following
- 2 section:
- 3 Section 1. The following sections are outright repealed:
- 4 Sections 48-401, 48-402, 48-403, 48-404, 48-405, 48-406, 48-407,
- 5 48-408, 48-409, 48-410, 48-411, 48-412, 48-413, 48-414, 48-415,
- 6 48-416, 48-417, 48-419, 48-420, 48-421, 48-422, 48-423, 48-424,
- 7 48-425, 48-426, 48-427, 48-428, 48-429, 48-430, 48-431, 48-432,
- 8 48-433, 48-434, and 48-435, Reissue Revised Statutes of Nebraska.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 181A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 27.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 32.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 31.** Title read. Considered.

Committee AM206, found on page 518, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 165.** Title read. Considered.

Committee AM316, found on page 528, was considered.

Senator Avery renewed his amendment, AM485, found on page 632, to the committee amendment.

**SENATOR GLOOR PRESIDING**

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 85.** Introduced by Pahls, 31; Christensen, 44; Gloor, 35; Langemeier, 23; Pankonin, 2; Pirsch, 4; Utter, 33.

**PURPOSE:** The purpose of this resolution is to study how the insurance laws of this state should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), regarding establishment of health insurance exchanges by the states. The study committee should

review the development and final provisions of the legislative proposals for exchange implementation resulting from the activities by the State of Nebraska pursuant to its federal State Planning and Establishment Grant, as managed by the Department of Insurance, with the cooperation of and input from other affected state agencies. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **NOTICE OF COMMITTEE HEARING**

Executive Board

Room 2102

Thursday, March 3, 2011 12:00 p.m.

LB86  
LB270  
LB271

(Signed) John Wightman, Chairperson

### **ANNOUNCEMENT**

Senator Fischer designates LB84 as her priority bill.

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

Senator Langemeier filed the following amendment to LB24:  
AM510

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 21-2024, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 21-2024 (1) Every corporation incorporated under the
- 5 Business Corporation Act shall have the purpose of engaging in any
- 6 lawful business unless a more limited purpose shall be set forth in
- 7 the articles of incorporation.

8 (2) A corporation engaging in a business subject to  
 9 regulation under another law of this state may incorporate under  
 10 the act only if permitted by, and subject to all limitations of,  
 11 such other law.

12 (3) Corporations shall not be organized under the act  
 13 to perform any personal services as specified in section 21-2202  
 14 except for personal services rendered by a designated broker as  
 15 defined in section 81-885.01.

16 (4) A designated broker as defined in section 81-885.01  
 17 may be organized as a corporation under the Business Corporation  
 18 Act or a professional corporation under the Nebraska Professional  
 19 Corporation Act.

20 Sec. 2. Section 21-2201, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 21-2201 Sections 21-2201 to 21-2222 and section 3 of this  
 1 act shall be known and may be cited as the Nebraska Professional  
 2 Corporation Act.

3 Sec. 3. A designated broker as defined in section  
 4 81-885.01 may be organized as a professional corporation under  
 5 the Nebraska Professional Corporation Act or as a corporation under  
 6 the Business Corporation Act.

7 2. On page 1, strike beginning with "the" in line 1  
 8 through line 3 and insert "real estate licensees; to amend sections  
 9 21-2024, 21-2201, 81-885.49, 81-885.51, 81-885.52, and 81-885.53,  
 10 Reissue Revised Statutes of Nebraska; to provide for incorporation  
 11 of designated brokers; to provide training".

12 3. On page 4, line 4, after "sections" insert "21-2024,  
 13 21-2201,".

14 4. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB558. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB284. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 30 seventh-grade students, teachers, and sponsor from Cedar Catholic School, Hartington; members of Leadership Sarpy; and a group from Wisconsin.

The Doctor of the Day was Dr. Maureen Rafiq from Omaha.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Friday, February 25, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIFTH DAY - FEBRUARY 25, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 25, 2011

**PRAYER**

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson and B. Harr who were excused; and Senators Coash, Conrad, Cornett, Pankonin, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 36.** Placed on Final Reading.

**LEGISLATIVE BILL 61.** Placed on Final Reading.

**LEGISLATIVE BILL 62.** Placed on Final Reading.

ST6

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 6 has been struck and "section 23-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to clerks and assistants of county officers; to prohibit the county board from eliminating or unduly hindering a county officer; to provide a standard of proof; and to repeal the original section." inserted.

**LEGISLATIVE BILL 114.** Placed on Final Reading.

**LEGISLATIVE BILL 160.** Placed on Final Reading.

**LEGISLATIVE BILL 179.** Placed on Final Reading.  
ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "section 38-2851" has been struck and "sections 38-2851 and 38-2854" inserted; and in line 6 "and pharmacist interns" has been inserted after "licensure".

**LEGISLATIVE BILL 197.** Placed on Final Reading.

**LEGISLATIVE BILL 225.** Placed on Final Reading.

**LEGISLATIVE BILL 243.** Placed on Final Reading.

**LEGISLATIVE BILL 274.** Placed on Final Reading.

**LEGISLATIVE BILL 308.** Placed on Final Reading.

**LEGISLATIVE BILL 335.** Placed on Final Reading.

**LEGISLATIVE BILL 401.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Select File.

**LEGISLATIVE BILL 27.** Placed on Select File.

**LEGISLATIVE BILL 32.** Placed on Select File.

**LEGISLATIVE BILL 31.** Placed on Select File with amendment.  
ER38

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 5 and insert "section 46-240.01, Reissue Revised
- 3 Statutes of Nebraska; to change provisions relating to supplemental
- 4 agricultural appropriations; and to repeal the original section."

(Signed) Tyson Larson, Chairperson

### MESSAGES FROM THE GOVERNOR

February 23, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:



Robert Engles, 1809 Courthouse Avenue, Auburn, NE 68305

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 23, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

David Wacker, 907 N. Webster Ave., Hastings, NE 68901

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## **REPORT**

The following report was received by the Legislature:

**Dairy Industry Licensing Board, Nebraska**  
Annual Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 24, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

O'Hara, Lindsay and Associates, Inc.  
Chiropractic Strategies Group  
Service Providers, Nebraska Association of  
Radcliffe, Walter H. of Radcliffe & Associates  
Ryan, LLC  
Rogert, Kent  
Jensen, Ronald/Jensen & Associates

**MOTION - Withdraw LB581**

Senator K. Haar renewed his motion, MO15, found on page 632, to withdraw LB581.

The K. Haar motion to withdraw the bill prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 165.** Committee AM316, found on page 528 and considered on page 643, was renewed.

Senator Avery renewed his amendment, AM485, found on page 632 and considered on page 643, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

Senator Brasch moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Brasch requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Adams	Fischer	Howard	Louden	Price
Ashford	Flood	Janssen	McCoy	Schilz
Bloomfield	Hadley	Karpisek	Nordquist	Smith
Brasch	Hansen	Langemeier	Pahls	Sullivan
Christensen	Harms	Larson	Pankonin	Utter
Cornett	Heidemann	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 16:

Avery	Cook	Gloor	Mello
Campbell	Council	Haar, K.	Nelson
Coash	Dubas	Lathrop	Schumacher
Conrad	Fulton	McGill	Wallman

Present and not voting, 1:

Krist

Excused and not voting, 2:

Carlson          Harr, B.

The motion to cease debate prevailed with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Avery amendment lost with 10 ayes, 29 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 442.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 307.** Indefinitely postponed.

(Signed) Jeremy Nordquist, Chairperson

## Urban Affairs

**LEGISLATIVE BILL 121.** Placed on General File.

**LEGISLATIVE BILL 190.** Placed on General File with amendment.  
AM376

- 1 1. Strike original sections 3 and 4.
- 2 2. On page 2, line 11, after "in" insert "subsection (1)
- 3 of".
- 4 3. On page 3, lines 8 and 11, strike "six" and insert
- 5 "seven"; strike beginning with the comma in line 13 through "large"
- 6 in line 14; and in line 17 strike "and the outside member".
- 7 4. Amend the repealer and renumber the remaining sections
- 8 accordingly.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB333:  
AM497

(Amendments to E & R amendments, ER33)

- 1 1. Strike section 6.
- 2 2. On page 6, line 13, strike "and" and after "(vii)"
- 3 insert "the next one hundred twenty-three thousand four hundred
- 4 sixty-eight dollars shall be used by the department to employ
- 5 persons to investigate and prosecute alleged violations as provided
- 6 in section 79-868; and (viii)".
- 7 3. On page 7, line 9, strike "and" and after "(vii)"
- 8 insert "the next one hundred twenty-three thousand four hundred
- 9 sixty-eight dollars shall be used by the department to employ
- 10 persons to investigate and prosecute alleged violations as provided
- 11 in section 79-868; and (viii)".
- 12 4. On page 8, line 8, strike "and"; and in line 9 after
- 13 "(vi)" insert "the next allocation shall be used by the department
- 14 to employ persons to investigate and prosecute alleged violations
- 15 as provided in section 79-868 in an aggregated amount up to the
- 16 amount used in the prior fiscal year for such purposes increased
- 17 by the basic allowable growth rate pursuant to section 79-1025; and
- 18 (vii)".
- 19 5. Amend the repealer and renumber the remaining sections
- 20 accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 165.** Senator Pahls offered the following amendment to the committee amendment:

AM520

(Amendments to Standing Committee amendments, AM316)

- 1 1. Insert the following new section:
- 2 Section 1. Section 86-157, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-157 Whenever any municipality or any other local
- 5 governmental entity imposes upon a telecommunications company any
- 6 tax or fee as described in section 86-704, (1) such tax or
- 7 fee shall, insofar as practicable, be billed pro rata to the
- 8 telecommunications company's customers receiving telecommunications
- 9 service within the territorial limits of such municipality or other
- 10 local governmental entity and (2) such tax shall be displayed
- 11 separately from any other charge on the bill or invoice sent to the
- 12 telecommunications company's customers.
- 13 2. On page 4, strike beginning with "section" in line 24
- 14 through "is" in line 25 and insert "sections 86-157 and 86-704,
- 15 Reissue Revised Statutes of Nebraska, are".
- 16 3. Renumber the remaining sections accordingly.

Senator Pahls withdrew and refiled his amendment, AM520.

Senator Avery offered the following amendment to the committee amendment:

AM527

(Amendments to Standing Committee amendments, AM316)

- 1 1. Strike section 3.
- 2 2. On page 2, strike beginning with "be" in line 19
- 3 through "77-2703.04" in line 21 and insert "not be imposed on the
- 4 receipts from the sale of telecommunication equipment".

**SENATOR SULLIVAN PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 73 and 76 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 73 and 76.

**COMMITTEE REPORT**

Health and Human Services

**LEGISLATIVE BILL 663.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Engles, Robert - Board of Trustees of the Nebraska State Colleges -  
Education

Wacker, David - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**UNANIMOUS CONSENT - Add Cointroducers**

Senator McCoy asked unanimous consent to add his name as cointroducer to LR85. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB99 and LB284. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB221. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Nebraska Library Association volunteers from across the state; and members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Riley Eckmann from Omaha.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Monday, February 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-SIXTH DAY - FEBRUARY 28, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 28, 2011

**PRAYER**

The prayer was offered by Pastor Gail Neal, Southern Heights Presbyterian Church, Lincoln.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 57.** Placed on General File with amendment.  
AM500

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. Section 18-2717, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2717 (1) No city shall appropriate from funds derived
- 5 directly from local sources of revenue for all approved economic
- 6 development programs, in each year during which such programs are
- 7 in existence, an amount in excess of four-tenths of one percent of
- 8 the taxable valuation of the city in the year in which the funds
- 9 are collected.
- 10 (2) Notwithstanding the provisions of subsections (1) and
- 11 (3) of this section, no city of the metropolitan or primary class
- 12 shall appropriate from funds derived directly from local sources
- 13 of revenue more than ~~three~~five million dollars for all approved
- 14 economic development programs in any one year, no city of the
- 15 first class shall appropriate from funds derived directly from

16 local sources of revenue more than ~~two-four~~ million dollars for all  
 17 approved economic development programs in any one year, and no city  
 18 of the second class or village shall appropriate from funds derived  
 19 directly from local sources of revenue more than ~~one-three~~ million  
 20 dollars for all approved economic development programs in any one  
 21 year.

22 (3) Notwithstanding the provisions of subsections (1) and  
 23 (2) of this section, no city shall appropriate from funds derived  
 1 directly from local sources of revenue an amount for an economic  
 2 development program in excess of the total amount approved by  
 3 the voters at the election or elections in which the economic  
 4 development program was submitted or amended.

5 (4) The restrictions on the appropriation of funds from  
 6 local sources of revenue as set out in subsections (1) through  
 7 (3) of this section shall apply only to the appropriation of  
 8 funds derived directly from local sources of revenue. Sales tax  
 9 collections in excess of the amount which may be appropriated as  
 10 a result of the restrictions set out in such subsections shall be  
 11 deposited in the city's economic development fund and invested as  
 12 provided for in section 18-2718. Any funds in the city's economic  
 13 development fund not otherwise restricted from appropriation by  
 14 reason of the city's ordinance governing the economic development  
 15 program or this section may be appropriated and spent for the  
 16 purposes of the economic development program in any amount and  
 17 at any time at the discretion of the governing body of the city  
 18 subject only to section 18-2716.

19 (5) The restrictions on the appropriation of funds from  
 20 local sources of revenue shall not apply to the reappropriation  
 21 of funds which were appropriated but not expended during previous  
 22 fiscal years.

**LEGISLATIVE BILL 309.** Placed on General File with amendment.  
 AM222

1 1. On page 2, line 12, after the period insert "No  
 2 reapportionment of a special assessment shall be done on any tract  
 3 of land upon which a tax sale certificate has been issued.".

4 2. On page 3, after line 14 insert:

5 "(6) The governing body shall file notice of any  
 6 reapportionment of a special assessment with the county treasurer  
 7 of the county where the lot or parcel is located.".

**LEGISLATIVE BILL 329.** Placed on General File with amendment.  
 AM324

1 1. Strike section 10.

2 2. Renumber the remaining sections and correct the  
 3 repealer accordingly.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Business and Labor

Room 2102

Monday, March 7, 2011 1:30 p.m.

LB502  
LB674  
LB184  
LB341  
LB245

(Signed) Steve Lathrop, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 181A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 333.** ER33, found on page 594, was adopted.

Senator Adams renewed his amendment, AM497, found on page 652.

The Adams amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 81.** ER8, found on page 430, was adopted.

Senator McCoy withdrew his amendment, AM146, found on page 425.

Senator Cornett offered the following amendment:  
AM553

(Amendments to AM198)

- 1 1. On page 1, line 7, strike "(1)" and insert "(1)(a)";
- 2 in line 8 reinstate the stricken ", license, and regulate"; in line
- 3 12 strike "and regulate the same"; and reinstate beginning with the
- 4 stricken "Such" in line 13 through the stricken period in line 14.
- 5 2. On page 2, after line 4 insert the following new
- 6 subdivision:
- 7 "(b) For purposes of this subsection, limits of the city
- 8 does not include the extraterritorial zoning jurisdiction of such
- 9 city."; in lines 13, 14, and 22, strike "tax" and insert "fee"; and
- 10 in line 16 strike "taxes" and insert "fees".
- 11 3. On page 3, lines 6, 26, and 27, strike "tax" and
- 12 insert "fee"; in line 7 strike "a person residing" and insert "any

13 individual whose primary residence is or person who owns a place of  
 14 business"; after line 8 insert the following new subdivision:  
 15 "(d) For purposes of this subsection, limits of the city  
 16 includes the extraterritorial zoning jurisdiction of such city.";  
 17 strike beginning with the underscored colon in line 9 through  
 18 "Person" in line 12 and insert ", person"; and in line 27 strike  
 19 "taxes" and insert "fees".  
 20 4. On page 4, lines 5 and 16, strike "tax" and insert  
 21 "fee"; and in line 17 strike "a person residing" and insert "any  
 22 individual whose primary residence is or person who owns a place of  
 1 business".

The Cornett amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 228.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 278.** ER34, found on page 615, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 368.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 399.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 556.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 281.** Senator Howard offered the following amendment:

AM409

1 1. On page 5, line 17, after "(a)" insert "the driver of  
 2 the limousine or bus checks the identification of each passenger  
 3 who will consume alcohol in the limousine or bus to make sure such  
 4 passenger is of legal age to consume alcohol, (b)"; and in line 18  
 5 strike "and (b)" and insert ", and (c)".

Senator Howard moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Ashford	Carlson	Dubas	Howard	Nordquist
Avery	Christensen	Gloor	Lathrop	Pirsch
Brasch	Cook	Hansen	McGill	Wallman
Campbell	Council	Harms	Mello	

Voting in the negative, 25:

Adams	Fischer	Janssen	Lautenbaugh	Schumacher
Bloomfield	Flood	Karpisek	McCoy	Smith
Coash	Hadley	Krist	Nelson	Sullivan
Conrad	Harr, B.	Langemeier	Price	Utter
Cornett	Heidemann	Larson	Schilz	Wightman

Present and not voting, 4:

Fulton	Louden	Pahls	Pankonin
--------	--------	-------	----------

Excused and not voting, 1:

Haar, K.

The Howard amendment lost with 19 ayes, 25 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 314.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 164.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 257.** ER35, found on page 622, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 210.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 471.** Senator Mello offered the following amendment:

AM565

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 18-2709, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2709 (1) Qualifying business shall mean means any

5 corporation, partnership, limited liability company, or sole  
 6 proprietorship which derives its principal source of income from  
 7 any of the following: The manufacture of articles of commerce;  
 8 the conduct of research and development; the processing, storage,  
 9 transport, or sale of goods or commodities which are sold or  
 10 traded in interstate commerce; the sale of services in interstate  
 11 commerce; headquarters facilities relating to eligible activities  
 12 as listed in this section; telecommunications activities, including  
 13 services providing advanced telecommunications capability; or  
 14 tourism-related activities.

15 (2) Qualifying business also means:

16 (a) In cities of the first and second class and villages,  
 17 a business ~~shall also be a qualifying business if it that~~  
 18 derives its principal source of income from the construction  
 19 or rehabilitation of housing;

20 (b) A ~~In cities with a population of more than two~~  
 21 ~~thousand five hundred inhabitants and less than ten thousand~~  
 22 ~~inhabitants, a business shall also be a qualifying business if~~  
 23 ~~it that~~ derives its principal source of income from retail  
 1 trade, except that no more than forty percent of the total  
 2 revenue generated pursuant to the Local Option Municipal Economic  
 3 Development Act for an economic development program in any  
 4 twelve-month period and no more than twenty percent of the total  
 5 revenue generated pursuant to the act for an economic development  
 6 program in any five-year period, commencing from the date of  
 7 municipal approval of an economic development program, shall be  
 8 used by the city for or devoted to the use of retail trade  
 9 businesses. For purposes of this ~~section, subdivision,~~ retail trade  
 10 ~~shall mean means~~ a business which is principally engaged in the  
 11 sale of goods or commodities to ultimate consumers for their own  
 12 use or consumption and not for resale; ~~and-~~

13 (c) In cities with a population of two thousand five  
 14 hundred inhabitants or less, a business shall be a qualifying  
 15 business even though it derives its principal source of income from  
 16 activities other than those set out in this section.

17 (3) If a business which would otherwise be a qualifying  
 18 business employs people and carries on activities in more than  
 19 one city in Nebraska or will do so at any time during the first  
 20 year following its application for participation in an economic  
 21 development program, it shall be a qualifying business only if, in  
 22 each such city, it maintains employment for the first two years  
 23 following the date on which such business begins operations in the  
 24 city as a participant in its economic development program at a  
 25 level not less than its average employment in such city over the  
 26 twelve-month period preceding participation.

27 (4) A qualifying business need not be located within the  
 1 territorial boundaries of the city from which it is or will be  
 2 receiving financial assistance.

3 Sec. 4. Section 18-2717, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 18-2717 (1) No city shall appropriate from funds derived  
6 directly from local sources of revenue for all approved economic  
7 development programs, in each year during which such programs are  
8 in existence, an amount in excess of four-tenths of one percent of  
9 the taxable valuation of the city in the year in which the funds  
10 are collected.

11 (2) Notwithstanding the provisions of subsections (1) and  
12 (3) of this section, no city of the metropolitan or primary class  
13 shall appropriate from funds derived directly from local sources  
14 of revenue more than ~~three~~ five million dollars for all approved  
15 economic development programs in any one year, no city of the  
16 first class shall appropriate from funds derived directly from  
17 local sources of revenue more than ~~two~~ four million dollars for all  
18 approved economic development programs in any one year, and no city  
19 of the second class or village shall appropriate from funds derived  
20 directly from local sources of revenue more than ~~one~~ three million  
21 dollars for all approved economic development programs in any one  
22 year.

23 (3) Notwithstanding the provisions of subsections (1) and  
24 (2) of this section, no city shall appropriate from funds derived  
25 directly from local sources of revenue an amount for an economic  
26 development program in excess of the total amount approved by  
27 the voters at the election or elections in which the economic  
1 development program was submitted or amended.

2 (4) The restrictions on the appropriation of funds from  
3 local sources of revenue as set out in subsections (1) through  
4 (3) of this section shall apply only to the appropriation of  
5 funds derived directly from local sources of revenue. Sales tax  
6 collections in excess of the amount which may be appropriated as  
7 a result of the restrictions set out in such subsections shall be  
8 deposited in the city's economic development fund and invested as  
9 provided for in section 18-2718. Any funds in the city's economic  
10 development fund not otherwise restricted from appropriation by  
11 reason of the city's ordinance governing the economic development  
12 program or this section may be appropriated and spent for the  
13 purposes of the economic development program in any amount and  
14 at any time at the discretion of the governing body of the city  
15 subject only to section 18-2716.

16 (5) The restrictions on the appropriation of funds from  
17 local sources of revenue shall not apply to the reappropriation  
18 of funds which were appropriated but not expended during previous  
19 fiscal years.

20 2. Renumber the remaining sections and correct the  
21 repealer accordingly.

The Mello amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 159.** ER36, found on page 628, was adopted.

Senator Schumacher renewed his amendment, AM470, found on page 640.

The Schumacher amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 191.** ER37, found on page 636, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **MOTION - Return LB474 to Select File**

Senator Nordquist moved to return LB474 to Select File for his specific amendment, AM417, found on page 623.

The Nordquist motion to return prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 474.** The Nordquist specific amendment, AM417, found on page 623, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **SPEAKER FLOOD PRESIDING**

### **ANNOUNCEMENT**

Senator Cornett designates LB642 as her priority bill.

### **NOTICE OF COMMITTEE HEARING**

Transportation and Telecommunications

Room 1113

Monday, March 7, 2011 1:30 p.m.

David Wacker - Board of Public Roads Classifications and Standards

(Signed) Deb Fischer, Chairperson



**COMMITTEE REPORTS**  
Revenue

**LEGISLATIVE BILL 389.** Placed on General File with amendment.  
AM516

- 1 1. Strike original section 14 and insert the following  
2 new section:  
3 Sec. 9. By November 15 of each odd-numbered year, the  
4 Department of Economic Development shall submit a report to the  
5 Legislature and the Governor that includes:  
6 (1) The number and geographic location of qualified  
7 investors;  
8 (2) The number, geographic location, and amount of  
9 investment made into each qualified business;  
10 (3) A breakdown of the industry sectors that qualified  
11 businesses are involved;  
12 (4) The number of actual tax credits issued by project on  
13 an annual basis; and  
14 (5) The number of jobs created at each qualified  
15 business.  
16 2. On page 2, line 1, strike "9" and insert "10".  
17 3. On page 7, strike beginning with "A" in line 16  
18 through line 23 and insert "A qualified investor or qualified fund  
19 is eligible for a refundable credit equal to (a) forty percent of  
20 its qualified investment in a qualified small business for calendar  
21 years 2011 and 2012 and (b) thirty-five percent of its qualified  
22 investment in a qualified small business for other calendar years.  
23 The director shall not allocate more than three million dollars in  
1 credits to all qualified investors or qualified funds in a calendar  
2 year. If the director does not allocate the entire three million  
3 dollars of credits in a calendar year, the credits that are not  
4 allocated shall not carry forward to subsequent years. The director  
5 shall not allocate any amount for credits for calendar years after  
6 2017.".  
7 4. On page 11, strike line 23 and insert ". The director  
8 shall notify the Tax Commissioner of such determination, and the  
9 Tax Commissioner shall recapture the tax credits.".  
10 5. On page 12, line 7, after "Development" insert "and  
11 the Department of Revenue"; and in line 8 strike "carry out" and  
12 insert "administer and enforce".  
13 6. On page 22, line 17, strike "two" and insert "one".  
14 7. On page 23, line 1, strike "(d) Applications", show  
15 as stricken, and insert "(d)(i) For applications filed in calendar  
16 year 2011, applications shall be filed by July 1 and shall be  
17 complete by August 1 of the calendar year. Any application that is  
18 filed after July 1 or that is not complete on August 1 shall be  
19 considered to be filed during the following calendar year.  
20 (ii) For applications filed in calendar year 2012 and  
21 each year thereafter, applications".

- 22 8. On page 25, line 6, strike "11" and insert "10" and  
 23 after the last comma insert "13,"; and in lines 13 and 14 strike "  
 24 77-27,187.02, and 77-5905" and insert "and 77-27,187.02".  
 25 9. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 642.** Placed on General File with amendment.  
 AM493

- 1 1. On page 2, line 1, before "The" insert "(1)"; in line  
 2 4 after "department" insert "or improper or fraudulent payments  
 3 made through programs administered by the department"; in line 7  
 4 strike "or" and after "interest" insert ", or other recovery";  
 5 in line 9 strike "and" and after "interest" insert ", and other  
 6 recovery"; after line 16 insert the following new subsection:  
 7 "(2) The department may contract for the recruitment of  
 8 entities to the state that will generate sales taxable pursuant to  
 9 section 77-2703 if the contract is determined by the Governor to  
 10 be in the best interest of the state. The contract shall not be  
 11 subject to the requirements of section 73-504."; in line 17 before  
 12 "Ten" insert "(3)"; in line 18 before "this" insert "subsection  
 13 (1) of"; in line 20 strike "and" and before the period insert ",  
 14 and improper or fraudulent payments"; and in line 21 before "The"  
 15 insert "(4)".

(Signed) Abbie Cornett, Chairperson

Executive Board

**LEGISLATIVE RESOLUTION 47.** Reported to the Legislature for  
 further consideration.

(Signed) John Wightman, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 86.** Introduced by Carlson, 38.

WHEREAS, Justine Bauer, an esteemed resident of Elm Creek, Nebraska,  
 and a student at Elm Creek School, has achieved national recognition for  
 exemplary volunteer service by receiving a 2011 Prudential Spirit of  
 Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in  
 partnership with the National Association of Secondary School Principals,  
 honors young volunteers across America who have demonstrated an  
 extraordinary commitment to serving their communities; and

WHEREAS, Ms. Bauer earned this award by giving generously of her  
 time and energy to plan and implement a series of regular visits to a local  
 nursing home to increase the social interaction of the nursing home  
 residents. Ms. Bauer also encouraged others at her school and in her  
 community to help alleviate the loneliness of nursing home residents; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Bauer who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Justine Bauer as a recipient of a 2011 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Justine Bauer.

Laid over.

**LEGISLATIVE RESOLUTION 87.** Introduced by Utter, 33.

WHEREAS, the Wood River Rural High School wrestling team won the 2011 Class C State Wrestling Championship; and

WHEREAS, the Wood River Rural High School wrestling team scored 115 points to win the state title; and

WHEREAS, the Wood River Rural High School wrestling team displayed great determination, skill, perseverance, and sportsmanship throughout the team's championship season; 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, FIRST SESSION:

1. That the Legislature congratulates the Wood River Rural High School wrestling team on winning the 2011 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Wood River Rural High School wrestling team and their coach, Darin Waddington.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 165.** Committee AM316, found on page 528 and considered on pages 643 and 650, was renewed.

Senator Avery withdrew his amendment, AM527, found on page 653.

Senator Avery offered the following amendment to the committee amendment:

AM556

(Amendments to Standing Committee amendments, AM316)

1 1. Strike section 3.

2 2. On page 2, strike beginning with "be" in line 19

3 through "77-2703.04" in line 21 and insert "not be imposed on the  
 4 receipts from the sale of telecommunication equipment, advertising,  
 5 billing and collection services provided to third parties, Internet  
 6 access services, or digital products delivered electronically".

Senator Avery withdrew his amendment.

Senator Cornett offered the following amendment to the committee amendment:

AM503

(Amendments to Standing Committee amendments, AM316)

1 1. Strike sections 1 and 3 and all amendments thereto and  
 2 insert the following new section:

3 Section 1. Section 86-704, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 86-704 (1) Any telecommunications company, incorporated  
 6 or qualified to do business in this state, is granted the right  
 7 to construct, operate, and maintain telecommunications lines and  
 8 related facilities along, upon, across, and under the public  
 9 highways of this state, and upon and under lands in this state,  
 10 whether state or privately owned, except that (a) such lines and  
 11 related facilities shall be so constructed and maintained as not to  
 12 interfere with the ordinary use of such lands or of such highways  
 13 by the public and (b) all aerial wires and cables shall be placed  
 14 at a height of not less than eighteen feet above all highway  
 15 crossings.

16 (2) Sections 86-701 to 86-707 shall not transfer the  
 17 rights now vested in municipalities in relation to the regulation  
 18 of the poles, wires, cables, and other appliances or authorize  
 19 a telecommunications company to erect any poles or construct any  
 20 conduit, cable, or other facilities along, upon, across, or under  
 21 a public highway within a municipality without first obtaining  
 22 the consent of the governing body of the municipality. The  
 1 municipality shall not exercise any authority over any rights the  
 2 telecommunications company may have to deliver telecommunications  
 3 services as authorized by the Public Service Commission or the  
 4 Federal Communications Commission.

5 (3) Consent from a governing body for the use of a public  
 6 highway within a municipality shall be based upon a lawful exercise  
 7 of its statutory and constitutional authority. Such consent shall  
 8 not be unreasonably withheld, and a preference or disadvantage  
 9 shall not be created through the granting or withholding of  
 10 such consent. A municipality shall not adopt an ordinance that  
 11 prohibits or has the effect of prohibiting the ability of a  
 12 telecommunications company to provide telecommunications service.

13 (4)(a) A municipality shall not levy a tax, fee,  
 14 or charge for any right or privilege of engaging in a  
 15 telecommunications business or for the use by a telecommunications  
 16 company of a public highway other than:

17 ~~(i)~~ (i)(A) Until January 1, 2013, an occupation tax  
18 authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525;  
19 and

20 (B) Beginning January 1, 2013, an occupation tax  
21 authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525  
22 that meets the following requirements:

23 (I) The occupation tax shall be imposed only on the  
24 receipts from the sale of telecommunications service as defined in  
25 subdivision (7)(aa) of section 77-2703.04; and

26 (II) The occupation tax shall not exceed six and  
27 twenty-five hundredths percent except as provided in subsection  
1 (5) of this section; and

2 (ii) A public highway construction permit fee or charge  
3 to the extent that the fee or charge applies to all persons seeking  
4 use of the public highway in a substantially similar manner.  
5 All public highway construction permit fees or charges shall be  
6 directly related to the costs incurred by the municipality in  
7 providing services relating to the granting or administration of  
8 permits. Any highway construction permit fee or charge shall also  
9 be reasonably related in time to the occurrence of such costs.

10 (b) Any tax, fee, or charge imposed by a municipality  
11 shall be competitively neutral.

12 (5) Beginning January 1, 2013, a municipality may  
13 increase an occupation tax described in subdivision (4)(a)(i)(B)  
14 of this section to a rate that exceeds the limit contained in  
15 subdivision (4)(a)(i)(B)(II) of this section if the question of  
16 whether to increase such rate has been submitted at a primary or  
17 general election at which members of the governing body of the  
18 municipality are nominated or elected or at a special election  
19 held within the municipality and in which all registered voters  
20 shall be entitled to vote on such question. A municipality may not  
21 increase its existing rate pursuant to this subsection by more than  
22 twenty-five hundredths percent at any one election. The officials  
23 of the municipality shall order the submission of the question by  
24 submitting a certified copy of the resolution proposing the rate  
25 increase to the election commissioner or county clerk at least  
26 fifty days before the election. The election shall be conducted in  
27 accordance with the Election Act. If a majority of the votes cast  
1 upon such question are in favor of such rate increase, then the  
2 governing body of such municipality shall be empowered to impose  
3 the rate increase. If a majority of those voting on the question  
4 are opposed to such rate increase, then the governing body of the  
5 municipality shall not impose such rate increase.

6 (5)-(6) The changes made by Laws 1999, LB 496, shall not  
7 be construed to affect the terms or conditions of any franchise,  
8 license, or permit issued by a municipality prior to August 28,  
9 1999, or to release any party from any obligations thereunder. Such  
10 franchises, licenses, or permits shall remain fully enforceable  
11 in accordance with their terms. A municipality may lawfully enter

12 into agreements with franchise holders, licensees, or permittees to  
 13 modify or terminate an existing franchise, license, or agreement.

14 ~~(6)-(7)~~ Taxes or fees shall not be collected by a  
 15 municipality through the provision of in-kind services by a  
 16 telecommunications company, and a municipality shall not require  
 17 the provision of in-kind services as a condition of consent to the  
 18 use of a public highway.

19 ~~(7)-(8)~~ The terms of any agreement between a municipality  
 20 and a telecommunications company regarding use of public highways  
 21 shall be matters of public record and shall be made available to  
 22 any member of the public upon request, except that information  
 23 submitted to a municipality by a telecommunications company which  
 24 such telecommunications company determines to be proprietary shall  
 25 be deemed to be a trade secret pursuant to subdivision (3) of  
 26 section 84-712.05 and shall be accorded full protection from  
 27 disclosure to third parties in a manner consistent with state law.

### SENATOR SULLIVAN PRESIDING

The Cornett amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

### LEGISLATIVE BILL 543. Title read. Considered.

Senator Nordquist offered the following amendment:  
 AM540

1 1. On page 4, after line 17, insert the following new  
 2 subsection:

3 "(3)(a)(i) On or before October 1, 2011, the department  
 4 shall create a TANF-funded program or policy that, in compliance  
 5 with federal law, establishes categorical eligibility for federal  
 6 food assistance benefits pursuant to the Supplemental Nutrition  
 7 Assistance Program to maximize the number of Nebraska residents  
 8 being served under such program in a manner that does not increase  
 9 the current gross income eligibility limit.

10 (ii) Such TANF-funded program or policy shall eliminate  
 11 the asset test for eligibility for federal food assistance benefits  
 12 pursuant to the Supplemental Nutrition Assistance Program to the  
 13 extent authorized pursuant to federal law and under 7 C.F.R.  
 14 273.2(j)(2).

15 (iii) This subsection becomes effective only if the  
 16 department receives funds pursuant to federal participation that  
 17 may be used to implement this subsection.

18 (b) For purposes of this subsection:  
19 (i) Federal law means the federal Food and Nutrition Act  
20 of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the  
21 act; and  
22 (ii) TANF means the federal Temporary Assistance for  
23 Needy Families program established in 42 U.S.C. 601 et seq."; and  
1 in line 18 strike "(3)(a)" and insert "(4)(a)".

Pending.

## ANNOUNCEMENT

Senator Pankonin designates LB421 as his priority bill.

## COMMITTEE REPORTS

Executive Board

**LEGISLATIVE BILL 604.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

Revenue

**LEGISLATIVE BILL 370.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

## UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB463. No objections. So ordered.

## VISITORS

Visitors to the Chamber were Senator Lautenbaugh's son, Kyle Lautenbaugh, from Omaha; members of the Norfolk Youth Leadership Council from Norfolk; members of the Nebraska Firearm Owners Association from across the state; and Tamara Montegut from Omaha.

The Doctor of the Day was Dr. Anthony Montegut Sr. from Omaha.

## ADJOURNMENT

At 12:01 p.m., on a motion by Senator Wallman, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-SEVENTH DAY - MARCH 1, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 1, 2011

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present except Senator Cook who was excused; and Senators Gloor, Heidemann, Karpisek, Larson, Lautenbaugh, and Mello who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 165.** Placed on Select File with amendment.  
ER39

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through line 6 and insert "section 86-704, Reissue Revised Statutes
- 3 of Nebraska; to change municipal occupation tax provisions; and to
- 4 repeal the original section."

(Signed) Tyson Larson, Chairperson

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB543:  
AM573

- 1 1. On page 4, strike lines 11 through 17.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 88.** Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic High School girls' bowling team won the state championship for Class C at the 2011 Nebraska High School Bowling Federation State Tournament; and

WHEREAS, team members Hannah Baldacci, Ashley Crismore, Daira Gentrup, Myla Graae, Jenna McCleary, Beth Reed, and Emily Tomjack displayed great determination, skill, perseverance, and sportsmanship throughout the team's championship season; and

WHEREAS, Head Coach Rick Graae and Assistant Coach Roger Reed did a tremendous job of guiding the team to the state championship; 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, FIRST SESSION:

1. That the Legislature congratulates the Norfolk Catholic High School girls' bowling team on winning the state championship for Class C at the 2011 Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the Norfolk Catholic High School girls' bowling team and their coaches.

Laid over.

**ANNOUNCEMENT**

Senator Ashford designates LB357 as his priority bill.

**ANNOUNCEMENT**

The Chair announced today is Senator Fischer's and Senator Sullivan's birthdays.

**GENERAL FILE**

**LEGISLATIVE BILL 22.** Title read. Considered.

Senator McCoy offered the following amendment:  
AM539

- 1 1. On page 2, strike beginning with the underscored
- 2 period in line 14 through "(d)" in line 20 and insert ";
- 3 (e)".
- 4 2. On page 3, line 2, strike "(e)" and insert "(d)"; in
- 5 line 6 strike "(f)" and insert "(e)"; in line 9 after the semicolon
- 6 insert "and"; in line 10 strike "(g) Citizens" and insert "(f) A
- 7 majority of the citizens"; and strike beginning with "A" in line 12
- 8 through line 19.

**SENATOR SULLIVAN PRESIDING****SENATOR LANGEMEIER PRESIDING**

The McCoy amendment was adopted with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

Senator K. Haar offered the following amendment:

AM582

- 1 1. On page 4, line 9, strike "or to coverage" and insert
- 2 an underscored comma; and in line 10 before the period insert ", or
- 3 for an abortion that is performed because of an incidence of rape
- 4 or incest".

Pending.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 210A.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, One Hundred Second Legislature, First Session, 2011.

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, March 9, 2011 1:30 p.m.

LB603 (cancel)

Wednesday, March 16, 2011 1:30 p.m.

LB603 (reschedule)

Wednesday, March 16, 2011 1:30 p.m.

LB357 (cancel)

Wednesday, March 9, 2011 1:30 p.m.

LB357 (reschedule)

(Signed) Abbie Cornett, Chairperson

Agriculture

Room 2102

Thursday, March 17, 2011 1:00 p.m.

Lowell Minert - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 89.** Introduced by Campbell, 25.

WHEREAS, Brianna Brass, a senior at Lincoln East High School, has been named one of the top youth volunteers in Nebraska for 2011 in the 16th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 29,000 young people across the country who participated in this year's program, Brianna Brass has achieved an extraordinary honor in being named a Distinguished Finalist in 2011; and

WHEREAS, Brianna Brass recruited volunteers to help meet her goal of making and donating 56 handmade blankets to a home for abused and neglected children and organized drives to donate more than 200 stuffed animals and nearly 1,400 books for the children at CEDARS Home for Children; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Brianna Brass represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Brianna Brass on being named a 2011 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes her leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Brianna Brass.

Laid over.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Cornett amendment, AM198, on page 4, lines 20 and 26, "tax" has been struck, shown as stricken, and "fee" inserted; and in line 23 "taxes" has been struck, shown as stricken, and "fees" inserted.

2. In the E & R amendments, ER8, on page 1, line 10, "taxes" has been struck and "fees" inserted.

**LEGISLATIVE BILL 159.** Placed on Final Reading.

**LEGISLATIVE BILL 164.** Placed on Final Reading.

**LEGISLATIVE BILL 181A.** Placed on Final Reading.

**LEGISLATIVE BILL 191.** Placed on Final Reading.

**LEGISLATIVE BILL 210.** Placed on Final Reading.

**LEGISLATIVE BILL 228.** Placed on Final Reading.

**LEGISLATIVE BILL 257.** Placed on Final Reading.

**LEGISLATIVE BILL 278.** Placed on Final Reading.

**LEGISLATIVE BILL 281.** Placed on Final Reading.

**LEGISLATIVE BILL 314.** Placed on Final Reading.

**LEGISLATIVE BILL 333.** Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER33, on page 26, lines 4 and 15, "79-810," has been struck; and in line 19 "a certification fund and fees," has been struck.

**LEGISLATIVE BILL 368.** Placed on Final Reading.

**LEGISLATIVE BILL 399.** Placed on Final Reading.

**LEGISLATIVE BILL 471.** Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "and" has been struck and ", 18-2709," inserted and "and 18-2717," has been inserted after the comma; in line 3 "expand" has been struck and "redefine terms; to expand and change restrictions on appropriations from" inserted.

**LEGISLATIVE BILL 556.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**SPEAKER FLOOD PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 77, 78, and 79 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 77, 78, and 79.

**GENERAL FILE**

**LEGISLATIVE BILL 22.** The K. Haar amendment, AM582, found in this day's Journal, was renewed.

**SENATOR LANGEMEIER PRESIDING**

Senator K. Haar moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Avery	Haar, K.	Howard	Pankonin
Campbell	Hansen	Karpisek	Wallman
Conrad	Harms	McGill	Wightman

Voting in the negative, 28:

Adams	Cornett	Krist	Mello	Schilz
Bloomfield	Fischer	Langemeier	Nelson	Schumacher
Brasch	Flood	Larson	Nordquist	Smith
Carlson	Fulton	Lautenbaugh	Pahls	Utter
Christensen	Gloor	Louden	Pirsch	
Coash	Janssen	McCoy	Price	

Present and not voting, 5:

Council	Dubas	Harr, B.	Lathrop	Sullivan
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Excused and not voting, 4:

Ashford	Cook	Hadley	Heidemann
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The K. Haar amendment lost with 12 ayes, 28 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Conrad offered the following amendment:

FA6

Add new section:

Based on the findings in section 2, it is the purpose of the Mandate Opt Out and Insurance Coverage Clarification Act, to affirmatively require qualified health insurance plans to cover preventative reproductive health services, including, but not limited to, contraception.

Pending.

## NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems

Room 1525

Tuesday, March 15, 2011 12:10 p.m.

Nebraska Investment Council Annual Report

Nebraska Public Employees Retirement Systems Annual Report

(Signed) Jeremy Nordquist, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 90.** Introduced by Fulton, 29; Hansen, 42; Larson, 40; Louden, 49.

WHEREAS, Danny Woodhead, from North Platte, Nebraska, finished his football career at North Platte High School in 2003 as the Nebraska Class A leading rusher and the Nebraska Class A all-time leading rusher with 4,891 career yards; and

WHEREAS, Danny Woodhead graduated from Chadron State College after setting the NCAA record for rushing yards with 7,962 yards; and

WHEREAS, Danny Woodhead won two consecutive Harlon Hill Trophies, the highest achievement award in NCAA Division II football, while attending Chadron State College; and

WHEREAS, Danny Woodhead continued to distinguish himself after signing with the New England Patriots of the National Football League, posting the second best performance on the team in rushing yards during games in the 2010 season; and

WHEREAS, the Legislature recognizes the outstanding achievements of Nebraska residents.

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

1. That the Legislature congratulates Danny Woodhead on his outstanding achievements at all levels of competition in football.
2. That a copy of this resolution be sent to Danny Woodhead and the mayor of his hometown of North Platte, Marc Kaschke.

Laid over.

**LEGISLATIVE RESOLUTION 91.** Introduced by Avery, 28.

WHEREAS, Logan Molina won the 2011 Class A State Wrestling Championship in the 171-pound division; and

WHEREAS, Logan Molina, a senior at Lincoln High School, defeated Kevin Real, of Papillion-La Vista High School, with a 26-11 technical fall to win the state championship; and

WHEREAS, Logan Molina's victory in the state championship came at the end of an undefeated season; and

WHEREAS, the Legislature should recognize 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, FIRST SESSION:

1. That the Legislature congratulates Logan Molina on winning the 2011 Class A State Wrestling Championship in the 171-pound division.
2. That a copy of this resolution be sent to Logan Molina.

Laid over.

**LEGISLATIVE RESOLUTION 92.** Introduced by Avery, 28.

WHEREAS, Chase White won the 2011 Class A State Wrestling Championship in the 160-pound division; and

WHEREAS, Chase White, a senior at Lincoln High School, defeated Connor McMillin, of Millard North High School, with a 17-4 major decision to win the state championship; and

WHEREAS, Chase White's victory in the state championship came at the end of an undefeated season in which he broke the state record of 427 takedowns in a single season; and

WHEREAS, the Legislature should recognize 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, FIRST SESSION:

1. That the Legislature congratulates Chase White on winning the 2011 Class A State Wrestling Championship in the 160-pound division.
2. That a copy of this resolution be sent to Chase White.

Laid over.



**AMENDMENT - Print in Journal**

Senator Howard filed the following amendment to LB237:

AM581

- 1 1. On page 2, line 14, after the period insert "No state
- 2 funding shall be used to implement or operate the prescription drug
- 3 monitoring system provided for in this section.".

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Fulton asked unanimous consent to add his name as cointroducer to LB50. No objections. So ordered.

Senators Bloomfield and Brasch asked unanimous consent to add their names as cointroducers to LB521. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of the Human Resource Association of the Midlands from across the state; Tyler Wellman from Syracuse, Josiah Hood from Bellevue, Jessica Hansen from Dorchester, Jenna Woitaszewshi from Wood River, and Curtis Reynolds from Tri-County; 11 fourth-grade students and teacher from St. Paul Lutheran School, Beatrice; 6 students from the University of Nebraska Medical Center, Omaha; and 75 fourth-grade students and teachers from Wake Robin Elementary, Bellevue.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-EIGHTH DAY - MARCH 2, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 2, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 474.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 93.** Introduced by Flood, 19.

WHEREAS, Colonel Bryan Tuma was commissioned as an officer in the Nebraska State Patrol on November 2, 1979. During the initial stages of his career, Colonel Tuma served in Norfolk, Nebraska, as a trooper assigned to the Traffic Services Division. Over the course of his distinguished career, Colonel Tuma has accumulated a resume of experiences, including assignments as a drug investigator, the director of training, troop area commander, and the commander of the Administrative Services Division; and

WHEREAS, aside from his several command assignments, Colonel Tuma has served on a number of committees, work groups, and advisory boards related to highway transportation issues in the State of Nebraska. Colonel Tuma has extensive experience regarding response and recovery operations involving the Nebraska Emergency Management Agency and other state agencies. He has been directly involved with homeland security and domestic preparedness issues impacting the State of Nebraska and has served on the Governor's Homeland Security Leadership Group, the Governor's Homeland Security Policy Group, the Nebraska Commission on Law Enforcement and Criminal Justice, and the Nebraska Police Standards Advisory Council; and

WHEREAS, on June 4, 2005, Colonel Tuma was appointed by Governor Dave Heineman as Superintendent of Law Enforcement and Public Safety, Nebraska State Patrol; and

WHEREAS, Colonel Tuma, after a long and distinguished career, is retiring from the Nebraska State Patrol on March 1, 2011.

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

1. That the Legislature recognizes Colonel Bryan Tuma for his distinguished career in law enforcement and thanks him for his outstanding service to the State of Nebraska.

2. That a copy of this resolution be sent to Colonel Bryan Tuma.

Laid over.

**LEGISLATIVE RESOLUTION 94.** Introduced by Wightman, 36.

WHEREAS, the Amherst High School wrestling team won the 2011 Class D State Wrestling Championship, the school's second straight team championship; and

WHEREAS, the Amherst High School wrestling team also won the Class D State Wrestling Championship in 2006; and

WHEREAS, the Amherst High School wrestling team scored 139.5 points to win the state title over second place Pender High School's 129 points; and

WHEREAS, the Amherst High School wrestling team had two individual state champions, Tanner Taubenheim in the 130-pound division and Bryce Dibbern in the 160-pound division; 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, FIRST SESSION:

1. That the Legislature congratulates the Amherst High School wrestling team on winning the 2011 Class D State Wrestling Championship.

2. That the Legislature congratulates Tanner Taubenheim and Bryce Dibbern on their individual state championships.

3. That a copy of this resolution be sent to the Amherst High School wrestling team and their coach, Tyler Herman.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 210A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 22.** Senator Conrad withdrew her amendment, FA6, found on page 679.

Senator Conrad offered the following amendment:  
AM591

- 1 1. On page 3, line 20, strike "(2)" and insert "(2)(a)" .
- 2 2. On page 4, after line 2 insert the following new
- 3 subdivision:
- 4 "(b) Based on the findings in subsection (1) of this
- 5 section, it is the purpose of the Mandate Opt-Out and Insurance
- 6 Coverage Clarification Act to affirmatively require qualified
- 7 health insurance plans to provide coverage for preventative
- 8 reproductive health services, including, but not limited to,
- 9 contraception.".

Senator Conrad withdrew her amendment.

Senator Council offered the following amendment:  
AM589

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) Nothing in sections 1 to 7 of this act
- 4 shall be construed to require a provider of health insurance
- 5 coverage or health benefits to provide coverage for abortion
- 6 services.
- 7 (2) Nothing in sections 1 to 7 of this act shall be
- 8 construed to prohibit a provider of health insurance coverage or
- 9 health benefits from providing coverage for abortion services in
- 10 accordance with such sections.
- 11 Sec. 2. If a provider of health insurance coverage or
- 12 health benefits provides coverage for abortion services, such
- 13 provider shall not use any amount attributable to any of the
- 14 following for purposes of paying for such services:
- 15 (1) A credit received under section 36B of the Internal
- 16 Revenue Code of 1986, as amended, or any advance payment of
- 17 a credit received under section 1412 of the federal Patient
- 18 Protection and Affordable Care Act, Public Law 111-148; or
- 19 (2) A cost-sharing reduction under section 1402 of the
- 20 federal Patient Protection and Affordable Care Act, or any advance
- 21 payment of a reduction received under section 1412 of the act.
- 22 Sec. 3. (1)(a) If a provider of health insurance coverage

23 or health benefits provides coverage for abortion services, such  
1 provider shall collect from each insured, regardless of the  
2 enrollee's age, gender, or family status, a separate payment  
3 for each of the following:

4 (i) An amount equal to the portion of the premium to be  
5 paid directly by the insured for coverage other than coverage for  
6 abortion services; and

7 (ii) An amount equal to the actuarial value of the  
8 coverage for abortion services.

9 (b) The provider shall deposit the payments collected  
10 pursuant to subdivision (a) of this subsection into separate  
11 allocation accounts as provided in section 4 of this act.

12 (2) If an insured's premium for coverage is paid through  
13 a payroll deposit, the separate payments required to be collected  
14 pursuant to subdivision (1)(a) of this section shall each be paid  
15 by separate payroll deposit.

16 Sec. 4. (1) A provider of health insurance coverage or  
17 health benefits that collects payments pursuant to subdivision  
18 (1)(a)(i) of section 3 of this act shall deposit such payments into  
19 a separate account consisting solely of such payments and that is  
20 used exclusively to pay for services described in such subdivision.

21 (2) A provider of health insurance coverage or health  
22 benefits that collects payments pursuant to subdivision (1)(a)(ii)  
23 of section 3 of this act shall deposit such payments into a  
24 separate account consisting solely of such payments and that is  
25 used exclusively to pay for services described in such subdivision.

26 Sec. 5. A provider of health insurance coverage or health  
27 benefits shall estimate the monthly cost per insured, determined  
1 on an average actuarial basis, for including coverage for abortion  
2 services as described in subdivision (1)(a)(ii) of section 3 of  
3 this act. In determining such estimate, the provider:

4 (1) May take into account the impact on overall costs of  
5 the inclusion of such coverage, but shall not take into account  
6 any cost reduction estimated to result from the coverage of such  
7 services, including prenatal care, delivery, or postnatal care;

8 (2) Shall estimate such costs as if the coverage for  
9 abortion services was included for the entire population covered;  
10 and

11 (3) Shall not estimate such costs at less than one dollar  
12 per month for each insured.

13 Sec. 6. Nothing in sections 1 to 7 of this act shall be  
14 construed as to relieve any health care provider from providing  
15 emergency services as required by federal or state law.

16 Sec. 7. Sections 2 to 5 of this act shall not apply  
17 to coverage for any abortion which, in the professional judgment  
18 of the pregnant woman's physician, is necessary to preserve the  
19 woman's life or health.

Senator Council moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Avery	Conrad	Council	Howard	Schumacher
Campbell	Cook	Haar, K.	McGill	Wallman

Voting in the negative, 32:

Adams	Dubas	Harms	Mello	Smith
Bloomfield	Fischer	Janssen	Nordquist	Sullivan
Brasch	Flood	Karpisek	Pahls	Utter
Carlson	Fulton	Krist	Pankonin	Wightman
Christensen	Gloor	Larson	Pirsch	
Coash	Hadley	Louden	Price	
Cornett	Hansen	McCoy	Schilz	

Present and not voting, 1:

Harr, B.

Excused and not voting, 6:

Ashford	Langemeier	Lautenbaugh
Heidemann	Lathrop	Nelson

The Council amendment lost with 10 ayes, 32 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 95.** Introduced by Harms, 48; Loudon, 49.

WHEREAS, Taylor Counter, a senior at Scottsbluff High School, won the state championship in the girls' 100-yard breaststroke at the 2011 State Swimming and Diving Championships; and

WHEREAS, with the win, Taylor Counter became the first female swimmer in school history to win a state championship; 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, FIRST SESSION:

1. That the Legislature congratulates Taylor Counter on winning the state championship in the girls' 100-yard breaststroke at the 2011 State Swimming and Diving Championships.
2. That a copy of this resolution be sent to Taylor Counter.

Laid over.

**LEGISLATIVE RESOLUTION 96.** Introduced by Harms, 48; Louden, 49.

WHEREAS, the Scottsbluff High School drill team won the state championship in the Class A/B high kick division at the 2011 Nebraska State Cheer and Dance Championships; and

WHEREAS, the Scottsbluff High School drill team received a score of 87.33 to win the state championship in the high kick division for the fourth year in a row; and

WHEREAS, the members of the Scottsbluff High School drill team showed great determination and skill in winning the state championship; 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, FIRST SESSION:

1. That the Legislature congratulates the Scottsbluff High School drill team on winning the state championship in the Class A/B high kick division at the 2011 Nebraska State Cheer and Dance Championships.
2. That a copy of this resolution be sent to the Scottsbluff High School drill team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 97.** Introduced by Louden, 49; Harms, 48.

WHEREAS, the Morrill High School girls' basketball team won the District 6 final in Class C-2 by defeating North Platte St. Patrick High School by a score of 52-40; and

WHEREAS, the win sends the Morrill High School girls' basketball team to the 2011 Girls' State Basketball Tournament for the first time since 2003; and

WHEREAS, the Morrill High School girls' basketball team has showed great skill and determination in qualifying for the 2011 Girls' State Basketball Tournament; 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, FIRST SESSION:

1. That the Legislature congratulates the Morrill High School girls' basketball team on winning the District 6 final in Class C-2 and earning a trip to the 2011 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Morrill High School girls' basketball team and their coach, Scott Axt.

Laid over.

## COMMITTEE REPORTS

### General Affairs

**LEGISLATIVE BILL 60.** Placed on General File.

**LEGISLATIVE BILL 286.** Placed on General File.

**LEGISLATIVE BILL 299.** Placed on General File.

**LEGISLATIVE BILL 490.** Placed on General File with amendment.  
AM595

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

3 Section 1. The Live Horseracing Endowment Fund is  
4 created. The State Racing Commission may use up to five percent of  
5 the fund for administrative expenses of the commission and shall  
6 use the remainder of the fund for purses for thoroughbred race  
7 meets at racetracks conducting live horseracing in Nebraska. Any  
8 money in the fund available for investment shall be invested by the  
9 state investment office pursuant to the Nebraska Capital Expansion  
10 Act and the Nebraska State Funds Investment Act.

11 Sec. 2. Section 9-1,101, Revised Statutes Cumulative  
12 Supplement, 2010, is amended to read:

13 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County  
14 and City Lottery Act, the Nebraska Lottery and Raffle Act, the  
15 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery  
16 and Raffle Act, and section 9-701 shall be administered and  
17 enforced by the Charitable Gaming Division of the Department  
18 of Revenue, which division is hereby created. The Department of  
19 Revenue shall make annual reports to the Governor, Legislature,  
20 Auditor of Public Accounts, and Attorney General on all tax revenue  
21 received, expenses incurred, and other activities relating to the  
22 administration and enforcement of such acts.

23 (2) The Charitable Gaming Operations Fund is hereby  
1 created. Any money in the fund available for investment shall be  
2 invested by the state investment officer pursuant to the Nebraska  
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 (3)(a) Forty percent of the taxes ~~collected~~ credited to  
5 the Charitable Gaming Operations Fund pursuant to sections 9-239,  
6 9-344, 9-429, and 9-648 shall be available to the Charitable

7 Gaming Division for administering and enforcing the acts listed  
 8 in subsection (1) of this section. The remaining sixty percent  
 9 shall be transferred to the General Fund. Any portion of the  
 10 forty percent not used by the division in the administration  
 11 and enforcement of such acts and section shall be distributed as  
 12 provided in this subsection.

13 (b) On or before November 1 each year, the State  
 14 Treasurer shall transfer fifty thousand dollars from the Charitable  
 15 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund,  
 16 except that no transfer shall occur if the Charitable Gaming  
 17 Operations Fund contains less than fifty thousand dollars.

18 (c) Any money remaining in the Charitable Gaming  
 19 Operations Fund after the transfer pursuant to subdivision (b)  
 20 of this subsection not used by the Charitable Gaming Division in  
 21 its administration and enforcement duties pursuant to this section  
 22 may be transferred to the General Fund at the direction of the  
 23 Legislature.

24 (4) The Tax Commissioner shall employ investigators who  
 25 shall be vested with the authority and power of a law enforcement  
 26 officer to carry out the laws of this state administered by the Tax  
 27 Commissioner or the Department of Revenue and to enforce sections  
 1 28-1101 to 28-1117 relating to possession of a gambling device. For  
 2 purposes of enforcing sections 28-1101 to 28-1117, the authority  
 3 of the investigators shall be limited to investigating possession  
 4 of a gambling device, notifying local law enforcement authorities,  
 5 and reporting suspected violations to the county attorney for  
 6 prosecution.

7 (5) The Charitable Gaming Division may charge a fee for  
 8 publications and listings it produces. The fee shall not exceed the  
 9 cost of publication and distribution of such items. The division  
 10 may also charge a fee for making a copy of any record in its  
 11 possession equal to the actual cost per page. The division shall  
 12 remit the fees to the State Treasurer for credit to the Charitable  
 13 Gaming Operations Fund.

14 Sec. 3. Section 9-601, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 9-601 Sections 9-601 to 9-653 and section 5 of this act  
 17 shall be known and may be cited as the Nebraska County and City  
 18 Lottery Act.

19 Sec. 4. Section 9-603, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 9-603 For purposes of the Nebraska County and City  
 22 Lottery Act, the definitions found in sections 9-603.02 to 9-618  
 23 and section 5 of this act shall be used.

24 Sec. 5. Activation, with regard to lottery equipment,  
 25 means initiating the selection of winning numbers.

26 Sec. 6. Section 9-607, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 9-607 (1) Lottery shall mean a gambling scheme in which:

- 2 (a) The players pay or agree to pay something of value  
3 for an opportunity to win;
- 4 (b) Winning opportunities are represented by tickets;
- 5 (c) Winners are solely determined by one of the following  
6 two methods:
- 7 (i) By a random drawing of tickets differentiated by  
8 sequential enumeration from a receptacle by hand whereby each  
9 ticket has an equal chance of being chosen in the drawing; or
- 10 (ii) By use of a game known as keno in which a player  
11 selects up to twenty numbers from a total of eighty numbers on a  
12 paper ticket and a computer, other electronic selection device, or  
13 electrically operated blower machine which is not player-activated  
14 randomly selects up to twenty numbers from the same pool of  
15 eighty numbers and the winning players are determined by the  
16 correct matching of the numbers on the paper ticket selected by  
17 the players with the numbers randomly selected by the computer,  
18 other electronic selection device, or electrically operated blower  
19 machine, except that (A) no keno game shall permit or require  
20 player ~~access or~~ activation of lottery equipment and (B) the random  
21 selection of numbers by the computer, other electronic selection  
22 device, or electrically operated blower machine shall not occur  
23 within five minutes of the completion of the previous selection of  
24 random numbers; and
- 25 (d) The holders of the winning paper tickets are to  
26 receive cash or prizes redeemable for cash. Selection of a winner  
27 or winners shall be predicated solely on chance.
- 1 (2) Lottery shall not include:
- 2 (a) Any gambling scheme which uses any mechanical gaming  
3 device, computer gaming device, electronic gaming device, or video  
4 gaming device which has the capability of awarding something of  
5 value, free games redeemable for something of value, or tickets or  
6 stubs redeemable for something of value;
- 7 (b) Any activity authorized or regulated under the  
8 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the  
9 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and  
10 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,  
11 article 12; or
- 12 (c) Any activity prohibited under Chapter 28, article 11.
- 13 (3) Notwithstanding the requirement in subdivision  
14 (1)(c)(ii) of this section that a player select up to twenty  
15 numbers, a player may select more than twenty numbers on a paper  
16 ticket when a top or bottom, left or right, edge, or way ticket  
17 is played. For a top or bottom ticket, the player shall select  
18 all numbers from one through forty or all numbers from forty-one  
19 through eighty. For a left or right ticket, the player shall select  
20 all numbers ending in one through five or all numbers ending in  
21 six through zero. For an edge ticket, the player shall select all  
22 of the numbers comprising the outside edge of the ticket. For a way

23 ticket, the player shall select a combination of groups of numbers  
24 in multiple ways on a single ticket.

25 (4) A county, city, or village conducting a keno lottery  
26 shall designate the method of winning number selection to be used  
27 in the lottery and submit such designation in writing to the  
1 department prior to conducting a keno lottery. Only those methods  
2 of winning number selection described in subdivision (1)(c)(ii) of  
3 this section shall be permitted, and the method of winning number  
4 selection initially utilized may only be changed once during that  
5 business day as set forth in the designation. A county, city, or  
6 village shall not change the method or methods of winning number  
7 selection filed with the department or allow it to be changed  
8 once such initial designation has been made unless (a) otherwise  
9 authorized in writing by the department based upon a written  
10 request from the county, city, or village or (b) an emergency  
11 arises in which case a ball draw method of number selection would  
12 be switched to a number selection by a random number generator.  
13 An emergency situation shall be reported by the county, city,  
14 or village to the department within twenty-four hours of its  
15 occurrence.

16 Sec. 7. Section 9-648, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 9-648 (1) Any county, city, or village which conducts a  
19 lottery shall submit to the department on a quarterly basis a tax  
20 of two percent of the gross proceeds. Such tax shall be remitted  
21 not later than thirty days from the close of the preceding quarter  
22 on forms provided by the department.

23 (2) The department shall remit the tax to the State  
24 Treasurer. The State Treasurer shall credit the proceeds of the  
25 tax from the conduct of a keno lottery as defined in subdivision  
26 (1)(c)(ii) of section 9-607 to the Charitable Gaming Operations  
27 Fund until the proceeds from such tax total four million dollars  
1 annually and, of the remainder of such proceeds for each year,  
2 credit fifty percent to the Charitable Gaming Operations Fund and  
3 fifty percent to the Live Horseracing Endowment Fund. The State  
4 Treasurer shall credit the proceeds of the tax from the conduct of  
5 any other lottery under the Nebraska County and City Lottery Act  
6 ~~for credit~~ to the Charitable Gaming Operations Fund.

7 (3) All deficiencies of the tax imposed by this section  
8 shall accrue interest and be subject to a penalty as provided for  
9 sales and use taxes in the Nebraska Revenue Act of 1967.

10 Sec. 8. Sections 1, 2, 7, and 9 of this act become  
11 operative on January 1, 2012. The other sections of this act become  
12 operative on their effective date.

13 Sec. 9. Original section 9-648, Reissue Revised Statutes  
14 of Nebraska, and section 9-1,101, Revised Statutes Cumulative  
15 Supplement, 2010, are repealed.

16 Sec. 10. Original sections 9-601, 9-603, and 9-607,  
17 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 193.** Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 22.** Senator Howard offered the following amendment:

AM603

- 1 1. Insert the following new section:  
 2 Sec. 5. (1) For purposes of this section:  
 3 (a) Child means any individual under nineteen years of  
 4 age;  
 5 (b) Preexisting condition means a condition that was  
 6 present before the date of enrollment of the coverage, whether  
 7 or not any medical advice, diagnosis, care, or treatment was  
 8 recommended or received before such date; and  
 9 (c) Responsible party for a child means an adult having  
 10 custody of the child or with responsibility for the financial needs  
 11 of the child, including the responsibility to provide health care  
 12 coverage.  
 13 (2) Notwithstanding section 44-3,131, any insurer  
 14 offering an individual or group policy of sickness and accident  
 15 insurance providing coverage on an expense-incurred basis or a  
 16 health maintenance organization offering a contract delivered,  
 17 issued for delivery, or renewed in this state for the individual  
 18 market shall offer to the responsible party for a child coverage  
 19 for the child that does not exclude or limit coverage due to any  
 20 preexisting condition of the child.  
 21 2. Renumber the remaining sections accordingly.

Senator McCoy requested a ruling of the Chair on whether the Howard amendment is germane to the bill.

The Chair ruled the Howard amendment is not germane to the bill.

**SPEAKER FLOOD PRESIDING**

Senator Howard challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 16 ayes, 24 nays, 5 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Senator K. Haar offered the following amendment:

AM587

- 1 1. On page 4, line 15, after the period insert "Any
- 2 health insurance plan, contract, or policy delivered or issued for
- 3 delivery in this state shall be required to offer optional riders
- 4 that provide coverage for elective abortions.".

Senator K. Haar moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Avery	Conrad	Cook	Haar, K.
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Voting in the negative, 35:

Adams	Cornett	Harms	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Bloomfield	Fischer	Janssen	Mello	Schumacher
Brasch	Flood	Karpisek	Nordquist	Smith
Carlson	Fulton	Krist	Pahls	Sullivan
Christensen	Hadley	Langemeier	Pankonin	Utter
Coash	Hansen	Larson	Pirsch	Wightman

Present and not voting, 7:

Campbell	Gloor	Howard	Wallman
Council	Harr, B.	McGill	

Excused and not voting, 3:

Lathrop	Lautenbaugh	Nelson
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The K. Haar amendment lost with 4 ayes, 35 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 210A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 23, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Superintendent of Law Enforcement and Public Safety for the Nebraska State Patrol:

Lieutenant Colonel David Sankey, 9201 Rockland Circle, Lincoln, NE 68526

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

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 35.** Placed on General File with amendment.  
 AM512

1 1. On page 7, line 7, after "hundred" insert "ten".

**LEGISLATIVE BILL 573.** Placed on General File with amendment.  
 AM344

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 60-6,232, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 60-6,232 A rotating or flashing amber light or lights  
 6 shall be displayed on the roof of any motor vehicle being operated  
 7 by any rural mail carrier outside the corporate limits of any  
 8 municipality in this state on or near any highway in the process of  
 9 delivering mail.  
 10 A rotating or flashing amber light or lights may be  
 11 displayed on (1) any vehicle of the Military Department while on  
 12 any state emergency mission, (2) any motor vehicle being operated

13 by any public utility, vehicle service, or towing service or any  
 14 publicly or privately owned construction or maintenance vehicle  
 15 while performing its duties on or near any highway, (3) any motor  
 16 vehicle being operated by any member of the Civil Air Patrol,  
 17 (4) any pilot vehicle escorting an overdimensional load, (5) any  
 18 vehicle while actually engaged in the moving of houses, buildings,  
 19 or other objects of extraordinary bulk, including unbaled livestock  
 20 forage as authorized by subdivision (2)(f) of section 60-6,288, ~~or~~  
 21 (6) any motor vehicle owned by or operated on behalf of a railroad  
 22 carrier that is stopped to load or unload passengers, or (7) any  
 23 motor vehicle operated by or for an emergency management worker  
 1 as defined in section 81-829.39 or a storm spotter as defined  
 2 in section 3 of this act who is activated by a local emergency  
 3 management organization.

4 Sec. 2. Section 81-829.36, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 81-829.36 Sections 81-829.36 to 81-829.75 and section 3  
 7 of this act shall be known and may be cited as the Emergency  
 8 Management Act.

9 Sec. 3. (1) The Nebraska Emergency Management Agency  
 10 shall develop training, identification, and credentialing standards  
 11 for a storm spotter or emergency management worker.

12 (2) For purposes of this section, storm spotter means an  
 13 individual who performs weather spotting services as an employee or  
 14 a volunteer of a local emergency management organization and who  
 15 has been credentialed by the Nebraska Emergency Management Agency  
 16 under this section.

17 Sec. 4. Original sections 60-6,232 and 81-829.36, Reissue  
 18 Revised Statutes of Nebraska, are repealed.

The Transportation and Telecommunications 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.

Patrick Flanagan - Nebraska Information Technology Commission  
 Lance Hedquist - Nebraska Information Technology Commission  
 Daniel Hoelsing - Nebraska Information Technology Commission  
 Harold Huggenberger - Nebraska Information Technology Commission  
 Doug Kristensen - Nebraska Information Technology Commission  
 Dan Shundoff - Nebraska Information Technology Commission

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.



The Transportation and Telecommunications 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.

Blake Dillon - Nebraska Motor Vehicle Industry Licensing Board  
 William Reeg - Nebraska Motor Vehicle Industry Licensing Board  
 Fred Stone - Nebraska Motor Vehicle Industry Licensing Board

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 543.** Senator Nordquist renewed his amendment, AM540, found on page 670.

### SENATOR PRICE PRESIDING

Pending.

### COMMITTEE REPORTS

Executive Board

**LEGISLATIVE RESOLUTION 5CA.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 44CA.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

### ANNOUNCEMENT

Senator Schilz designates LB389 as his priority bill.

### WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LR39.

### VISITORS

Visitors to the Chamber were members of Bellevue Chamber of Commerce Leadership from Bellevue; 20 twelfth-grade students and teacher from Lawrence-Nelson School, Nelson; members of Inter Ministry Churches of Nebraska from across the state; 48 fourth-grade students and teachers from Eagle; a group of constituents from Madison County; and 17 high school students, teacher, and sponsor from Madison.

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

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-NINTH DAY - MARCH 3, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 3, 2011

**PRAYER**

The prayer was offered by Pastor Bobby Loud, Believers Fellowship Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Christensen, Coash, Cornett, Dubas, Karpisek, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Select File with amendment.  
ER40

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new section:
- 3 Sec. 2. (1) The Legislature finds that:
- 4 (a) In the federal Patient Protection and Affordable
- 5 Care Act, Public Law 111-148, federal tax dollars are routed
- 6 via affordability credits to qualified health insurance plans
- 7 offered through a health insurance exchange created under the act,
- 8 including plans that provide coverage for abortion;
- 9 (b) Federal funding for health insurance plans that
- 10 cover abortions is prohibited by the federal statutory restriction
- 11 commonly known as the Hyde Amendment and the Federal Employees
- 12 Health Benefits Program established under Chapter 89 of Title 5 of
- 13 the United States Code, as amended;

14 (c) Section 1303 of the federal Patient Protection and  
 15 Affordable Care Act explicitly permits each state to pass laws  
 16 prohibiting qualified health insurance plans offered through a  
 17 health insurance exchange created under the act in such state from  
 18 offering abortion coverage. Such section allows a state to prohibit  
 19 the use of public funds to subsidize health insurance plans that  
 20 cover abortions within the state;

21 (d) The laws of the State of Nebraska provide that group  
 22 health insurance plans or health maintenance agreements paid for  
 23 with public funds shall not cover abortion unless necessary to  
 1 prevent the death of the woman;

2 (e) Rust v. Sullivan, 500 U.S. 173 (1991), states that  
 3 it is permissible for a state to engage in unequal subsidization  
 4 of abortion and other medical services to encourage alternative  
 5 activity deemed in the public interest; and

6 (f) A majority of the citizens of the State of Nebraska,  
 7 like other Americans, oppose the use of public funds, both federal  
 8 and state, to pay for abortions.

9 (2) Based on the findings in subsection (1) of  
 10 this section, it is the purpose of the Mandate Opt-Out and  
 11 Insurance Coverage Clarification Act to affirmatively opt out of  
 12 allowing qualified health insurance plans that cover abortions  
 13 to participate in health insurance exchanges within the State of  
 14 Nebraska. Further, it is also the purpose of the act to limit the  
 15 coverage of abortion in all health insurance plans, contracts, or  
 16 policies delivered or issued for delivery in the State of Nebraska.

(Signed) Tyson Larson, Chairperson

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

Senator Dubas filed the following amendment to LB62:  
 AM611

(Amendments to Final Reading copy)

1 1. On page 2, line 11, after the period insert "If a  
 2 county officer challenges the board's decision, the county officer  
 3 and the board shall undergo mediation, and the county officer shall  
 4 not challenge the board's decision in court unless the mediator has  
 5 concluded that further efforts would not result in resolution of  
 6 the issue. The costs of mediation shall be shared by the county  
 7 board and the county officer.".

### **ANNOUNCEMENT**

Senator Hadley designates LB431 as his priority bill.

**COMMITTEE REPORT**  
Education

**LEGISLATIVE BILL 548.** Indefinitely postponed.

(Signed) Greg Adams, Chairperson

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR80 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR80.

**SELECT FILE**

**LEGISLATIVE BILL 284.** Considered.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** Senator Nordquist renewed his amendment, AM540, found on page 670 and considered on page 697.

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Nordquist amendment was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Senator Harms withdrew his amendment, AM573, found on page 673.

Senator Cook moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Cook requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Adams	Conrad	Gloor	Karpisek	Nordquist
Ashford	Cook	Haar, K.	Krist	Pankonin
Avery	Cornett	Hadley	Larson	Pirsch
Brasch	Council	Hansen	Lathrop	Schumacher
Campbell	Dubas	Harms	Louden	Sullivan
Carlson	Flood	Harr, B.	McGill	Wallman
Coash	Fulton	Howard	Mello	Wightman

Voting in the negative, 2:

Bloomfield Christensen

Present and not voting, 9:

Fischer	Janssen	McCoy	Schilz	Utter
Heidemann	Langemeier	Nelson	Smith	

Excused and not voting, 3:

Lautenbaugh Pahls Price

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB256:  
AM597

1 1. Strike original section 2 and insert the following new  
2 sections:  
3 Sec. 2. Section 2-1205, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 2-1205 If the commission is satisfied that its rules and  
6 regulations and all provisions of sections 2-1201 to 2-1218 have  
7 been and will be complied with, it may issue a license for a period  
8 of not more than one year. The license shall set forth the name  
9 of the licensee, the place where the races or race meetings are  
10 to be held, and the time and number of days during which racing  
11 may be conducted by such licensee. Any such license issued shall  
12 not be transferable or assignable. The commission shall have the  
13 power to revoke any license issued at any time for good cause upon  
14 reasonable notice and hearing. No license shall be granted to any  
15 corporation or association except upon the express condition that  
16 it shall not, by any lease, contract, understanding, or arrangement  
17 of whatever kind or nature, grant, assign, or turn over to any

18 person, corporation, or association the operation or management of  
19 any racing or race meeting licensed under such sections or of the  
20 parimutuel system of wagering described in section 2-1207 or in  
21 any manner permit any person, corporation, or association other  
22 than the licensee to have any share, percentage, or proportion of  
23 the money received for admissions to the racing or race meeting  
1 or from the operation of the parimutuel system; and any violation  
2 of such conditions shall authorize and require the commission  
3 immediately to revoke such license. Notwithstanding the provisions  
4 of this section to the contrary, an existing racetrack licensee may  
5 contract with another licensee under sections 2-1201 to 2-1218 to  
6 conduct a live race meeting on its behalf.

7 Sec. 3. Section 2-1226, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 2-1226 Any racetrack issued a license under sections  
10 2-1201 to 2-1223 which operates at least one live race meet  
11 during each calendar year except as provided in section 2-1228 or  
12 contracts for a live race meet as authorized under section 2-1205  
13 may apply to the commission for a simulcast facility license. An  
14 application for such license shall be in such form as may be  
15 prescribed by the commission and shall contain such information,  
16 material, or evidence as the commission may require. Any racetrack  
17 issued a simulcast facility license may display the simulcast of a  
18 horserace on which parimutuel wagering shall be allowed.

19 Sec. 4. Section 2-1228, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 2-1228 (1) Any racetrack issued a license under sections  
22 2-1201 to 2-1223 ~~(1)-(a)~~ conducting primarily quarterhorse races  
23 in the year immediately preceding the year for which application  
24 is made, regardless of the total number of days of live  
25 racing conducted in such year, ~~or (2)-(b)~~ conducting primarily  
26 thoroughbred horseraces in the year immediately preceding the year  
27 for which application is made which conducted live racing on at  
1 least seventy percent of the days for which it was authorized  
2 to conduct live racing in 1988 unless the commission determines  
3 that such racetrack licensee was unable to conduct live racing on  
4 the required number of days due to factors beyond its control,  
5 including, but not limited to, fire, earthquake, tornado, or  
6 other natural disaster, or (c) contracting for a live race meet  
7 as authorized under section 2-1205, may apply to the commission  
8 for an interstate simulcast facility license. An application for  
9 such license shall be in a form prescribed by the commission  
10 and shall contain such information, material, or evidence as the  
11 commission may require. Any racetrack licensee issued an interstate  
12 simulcast facility license may conduct the interstate simulcast  
13 of any horserace permitted under its license, and parimutuel  
14 wagering shall be allowed on such horserace. The commission  
15 shall not authorize interstate simulcasting for any racetrack  
16 licensee pursuant to sections 2-1201 to 2-1223 unless all of the

17 thoroughbred racetracks together applied for and received authority  
 18 to conduct at least one hundred eighty live racing days in the  
 19 calendar year in which the application is made.

20 (2) If any racetrack licensee, other than a racetrack  
 21 licensee contracting for a live race meet as authorized under  
 22 section 2-1205, conducts live racing for less than seventy percent  
 23 of the days assigned such racetrack licensee in 1988, (a) such  
 24 racetrack licensee shall be precluded from conducting interstate  
 25 simulcasts and (b) the number of live racing days conducted  
 26 by such racetrack licensee shall be subtracted from an amount  
 27 equal to seventy percent of all the days assigned such racetrack  
 1 licensee in 1988 and the amount remaining shall be deducted  
 2 from the one-hundred-eighty-day total required by this section.  
 3 If any racetrack licensee ceases to conduct live racing, other  
 4 than a racetrack licensee contracting for a live race meet as  
 5 authorized under section 2-1205, seventy percent of the days  
 6 assigned such racetrack licensee in 1988 shall be deducted from the  
 7 one-hundred-eighty-day total required by this section.

8 Sec. 5. Original sections 2-1205, 2-1226, and 2-1228,  
 9 Reissue Revised Statutes of Nebraska, and section 2-1201, Revised  
 10 Statutes Cumulative Supplement, 2010, are repealed.

11 2. Renumber the remaining section accordingly.

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 372.** Placed on General File.

**LEGISLATIVE BILL 544.** Placed on General File.

(Signed) Greg Adams, Chairperson

Executive Board

**LEGISLATIVE BILL 611.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

Natural Resources

**LEGISLATIVE BILL 229.** Placed on General File with amendment.  
 AM281

- 1 1. On page 2, strike beginning with "Transfers" in line 5
- 2 through the period in line 6 and show as stricken; and in line 19
- 3 strike "and", show as stricken, and insert "or".



The Natural Resources 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.

Ginger S. Willson - Director, State Energy Office

Aye: 8 Senators Carlson, Christensen, Dubas, Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources 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.

Mark Pinkerton - Game and Parks Commission

Aye: 8 Senators Carlson, Christensen, Dubas, Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

### **ANNOUNCEMENTS**

Senator Dubas designates LB297 as her priority bill.

Senator Gloor designates LB546 as his priority bill.

### **COMMITTEE REPORT** Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 34.** Title read. Considered.

### **SENATOR GLOOR PRESIDING**

Committee AM201, found on page 535, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 51.** Title read. Considered.

Committee AM79, found on page 536, was considered.

Senator Cook renewed her motion, MO14, found on page 628, to recommit to committee.

Pending.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Sankey, David - Superintendent, Nebraska State Patrol - Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

### AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB389:  
AM614

- 1 1. Strike original sections 15 and 17 and all amendments
- 2 thereto and insert the following new sections:
- 3 Sec. 15. Sections 12, 13, and 16 of this act become
- 4 operative for all taxable years beginning or deemed to begin on or
- 5 after January 1, 2011, under the Internal Revenue Code of 1986, as
- 6 amended. Sections 14, 15, 18, and 19 of this act become operative
- 7 on July 1, 2011. The other sections of this act become operative on
- 8 September 1, 2011.
- 9 Sec. 17. Original section 49-801.01, Reissue Revised
- 10 Statutes of Nebraska, is repealed.
- 11 Sec. 18. Original section 77-27,187.02, Reissue Revised
- 12 Statutes of Nebraska, is repealed.
- 13 Sec. 19. Since an emergency exists, this act takes effect
- 14 when passed and approved according to law.
- 15 2. On page 7, line 16, strike "A" and insert "For taxable
- 16 years beginning or deemed to begin on or after January 1, 2011,
- 17 under the Internal Revenue Code of 1986, as amended, a".

Senator Cornett filed the following amendment to LB81:  
AM620

(Amendments to Final Reading copy)

- 1 1. On page 3, line 19, after "used" insert "or stored".
- 2 2. On page 5, line 6, after "used" insert "or stored".

### MOTION - Print in Journal

Senator Langemeier filed the following motion to LB389:  
MO16  
Indefinitely postpone.

**VISITORS**

Visitors to the Chamber were Kenny Zoeller from Seward; 18 eleventh- and twelfth-grade students and teachers from Omaha; 50 fourth-grade students, teachers, and sponsors from Trinity Christian School, Omaha; Senator Carlson's wife, Margo Carlson, from Holdrege and Kerrie Rosheim from Axtell; and 4 tenth- through twelfth-grade students, teacher, and sponsor from West Point-Beemer Public Schools, West Point.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Friday, March 4, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 4, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 4, 2011

**PRAYER**

The prayer was offered by Reverend Donnie Bender, St. Paul's Baptist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Pahls and Smith who were excused; and Senators Coash, Council, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 543.** Placed on Select File with amendment.  
ER42

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 provide for elimination of asset testing relating to the program;".

**LEGISLATIVE BILL 34.** Placed on Select File with amendment.  
ER41

- 1 1. On page 1, strike beginning with "sections" in line
- 2 2 through line 5 and insert "section 71-401, Revised Statutes
- 3 Cumulative Supplement, 2010; to exempt religious residential
- 4 facilities from licensure and regulation as prescribed; to
- 5 harmonize provisions; and to repeal the original section.".

(Signed) Tyson Larson, Chairperson

**ANNOUNCEMENT**

Senator Karpisek designates LB490 as his priority bill.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Bloomfield has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 3, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Mueller Robak LLC  
Dermatology Society, Nebraska

**REPORT**

The following report was received by the Legislature:

**Revenue, Nebraska Department of**

Community Redevelopment Tax Increment Financing Projects Tax Year  
2010

**MOTIONS - Approve Appointments**

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 697:

Nebraska Motor Vehicle Industry Licensing Board  
Blake Dillon  
William Reeg  
Fred Stone

Voting in the affirmative, 38:

Adams	Dubas	Harr, B.	Louden	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Janssen	Nelson	Utter
Carlson	Gloor	Karpisek	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pankonin	Wightman
Conrad	Hadley	Larson	Pirsch	
Cornett	Harms	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Cook	Krist
Avery	Hansen	McGill

Excused and not voting, 5:

Coash	Council	Lautenbaugh	Pahls	Smith
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The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 696:

Nebraska Information Technology Commission

Patrick Flanagan  
 Lance Hedquist  
 Daniel Hoesing  
 Harold Huggenberger  
 Doug Kristensen  
 Dan Shundoff

Voting in the affirmative, 35:

Adams	Flood	Harr, B.	Lathrop	Pirsch
Brasch	Fulton	Heidemann	Louden	Price
Campbell	Gloor	Howard	McCoy	Schilz
Christensen	Haar, K.	Janssen	Mello	Schumacher
Coash	Hadley	Karpisek	Nelson	Utter
Conrad	Hansen	Langemeier	Nordquist	Wallman
Fischer	Harms	Larson	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Bloomfield	Cook	Dubas	McGill
Avery	Carlson	Cornett	Krist	Sullivan

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB12 with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 12.**

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change the statutes to reflect the Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446, 703 N.W.2d 898 (2005); to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB24**

Senator Langemeier withdrew his amendment, AM510, found on page 644, to LB24.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 24.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.49, 81-885.51, 81-885.52, and 81-885.53, Reissue Revised Statutes of Nebraska; to provide training requirements for licensees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council      Lautenbaugh      Pahls      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB25 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 25.**

A BILL FOR AN ACT relating to real property; to amend sections 76-2402, 76-2405, 76-2407, 76-2416, 76-2417, 76-2418, 76-2421, 76-2422, 76-2423, 76-2425, 76-2427, 76-2429, 76-2430, and 81-885.17, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2010; to define a term; to provide exemptions from certain requirements for asset management companies; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB26 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 26.** With Emergency Clause.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to adopt the Private Transfer Fee Obligation Act; to change a disclosure requirement; to repeal the original

section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 43.**

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to the limiting of optional future advances; to correct an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council      Lautenbaugh    Pahls                  Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB77 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 77. With Emergency Clause.**

A BILL FOR AN ACT relating to installment sales and loans; to amend sections 45-335, 45-336, 45-1002, and 45-1024, Reissue Revised Statutes of Nebraska; to change provisions relating to debt cancellation contracts and debt suspension contracts; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 78.** With Emergency Clause.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 94.**

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, and 43-146.01, Reissue Revised Statutes of Nebraska; to provide a requirement for the adoption of children committed to the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 98.**

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1307 and 66-4,100, Reissue Revised Statutes of Nebraska; to provide powers relating to federal-aid transportation funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 108.**

A BILL FOR AN ACT relating to division fences; to require maintenance of division fences as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Hadley	Larson	Pirsch
Ashford	Cook	Hansen	Lathrop	Price
Avery	Cornett	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nelson	Wallman
Christensen	Gloor	Krist	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Heidemann

Excused and not voting, 4:

Council      Lautenbaugh    Pahls                  Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to zoning; to amend section 19-4401, Reissue Revised Statutes of Nebraska; to authorize cities and villages to regulate planned unit developments as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Utter
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 4:

Council      Lautenbaugh    Pahls                  Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB178 with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.



The following bill was put upon final passage:

**LEGISLATIVE BILL 178.**

A BILL FOR AN ACT relating to drivers' licenses; to amend sections 29-3608, 60-462, 60-462.01, 60-4,116, 60-4,131, 60-4,131.01, 60-4,132, 60-4,137, 60-4,138, 60-4,139, 60-4,143, 60-4,144, 60-4,145, 60-4,146, 60-4,153, 60-4,154, 60-4,171, and 60-2909.01, Reissue Revised Statutes of Nebraska, and sections 75-363 and 75-364, Revised Statutes Cumulative Supplement, 2010; to adopt updated federal regulations; to define and redefine terms; to adopt and change provisions relating to commercial driver medical examinations; to provide duties for the Department of Motor Vehicles; to change provisions relating to license issuance; to change provisions relating to commercial driver disqualification; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 178A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 178, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB215 with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 215.** With Emergency Clause.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-462.02, 60-479, 60-479.01, 60-484, 60-487, 60-4,113, 60-4,114, 60-4,115, 60-4,117, 60-4,120, 60-4,121, 60-4,122, 60-4,127, 60-4,144, 60-4,149, 60-4,150, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska; to adopt certain federal regulations; to provide powers and duties for the Department of Motor Vehicles regarding the design, production, issuance, and renewal of operators'

licenses and state identification cards; to provide implementation dates; to change provisions relating to issuance and renewal of operators' licenses and state identification cards; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council	Lautenbaugh	Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 264.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 30-241, 81-176, and 81-1108.33, Reissue Revised Statutes of Nebraska, and section 12-1301, Revised Statutes Cumulative Supplement, 2010; to provide requirements for certain acquisitions of real property, structures, or improvements; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council          Pahls                  Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 303.**

A BILL FOR AN ACT relating to investment of state funds; to eliminate the restriction on investments in certain corporations doing business in Northern Ireland; and to outright repeal sections 72-1246.06, 72-1246.07, and 72-1246.08, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hansen	Larson	Pankonin
Ashford	Cook	Harms	Lathrop	Pirsch
Avery	Dubas	Harr, B.	Lautenbaugh	Price
Bloomfield	Fischer	Heidemann	Louden	Schilz
Brasch	Flood	Howard	McCoy	Schumacher
Campbell	Fulton	Janssen	McGill	Sullivan
Carlson	Gloor	Karpisek	Mello	Utter
Christensen	Haar, K.	Krist	Nelson	Wallman
Coash	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 3:

Council            Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 311.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change penalties for violations by licensees domiciled outside the state as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council            Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 326. With Emergency Clause.**

A BILL FOR AN ACT relating to government; to eliminate the Legislative Committee on Intergovernmental Cooperation and the Governor's Committee on Intergovernmental Cooperation; to outright repeal sections 81-816, 81-817, and 81-819, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council	Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 331.**

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-1316, Reissue Revised Statutes of Nebraska; to change powers and duties relating to a network; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council            Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 332.**

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council            Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 334.** With Emergency Clause.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275, 85-214, 85-215, and 85-1005, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poultry pathologist, an aquaculturist, the Nebraska Optometry Education Assistance Contract Program, the Nebraska Business Development Center, the agricultural laboratory in Box Butte County, and the Nebraska Safety Center; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Nordquist
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Lautenbaugh	Schilz
Brasch	Fischer	Heidemann	Louden	Schumacher
Campbell	Flood	Howard	McCoy	Sullivan
Carlson	Fulton	Janssen	McGill	Utter
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 3:

Council          Pahls          Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 347.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2010; to authorize interest-bearing trust accounts as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:



Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council          Pahls                  Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 396.**

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2318, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Council          Pahls                  Smith

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB410 with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 410.**

A BILL FOR AN ACT relating to appraisers; to amend section 76-2223, Revised Statutes Cumulative Supplement, 2010; to adopt the Nebraska Appraisal Management Company Registration Act; to provide a duty for the Real Property Appraiser Board; to adopt updated federal law relating to fees; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Langemeier	Pankonin
Ashford	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lautenbaugh	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 3:

Council	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 410A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 410, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cook	Hansen	Larson	Pirsch
Avery	Cornett	Harms	Lautenbaugh	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Lathrop	Wallman
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Excused and not voting, 3:

Council	Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB462 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 462.**

A BILL FOR AN ACT relating to trade names; to amend sections 21-1931, 21-19,151, 21-2028, 21-20,173, 67-234, 67-455, 87-208, 87-209, 87-210, 87-211, 87-212, 87-213, 87-215, 87-216, 87-217, and 87-218, Reissue Revised Statutes of Nebraska, and sections 84-511 and 87-214, Revised Statutes Cumulative Supplement, 2010; to include statutory damages as a remedy; to eliminate a penalty for failure to register; to harmonize provisions; to repeal the original sections; and to outright repeal section 87-220, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 383.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119, 77-27,139.02, 77-27,139.03, and 81-15,147, Reissue Revised Statutes of Nebraska, and sections 13-518 and 83-380, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to aid to municipalities, counties, and natural resources districts; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-5326, 77-27,136, 77-27,137.01, 77-27,137.03,

and 77-27,139, Reissue Revised Statutes of Nebraska, and sections 77-27,137.02 and 81-15,158, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Adams	Coash	Haar, K.	Langemeier	Schumacher
Ashford	Conrad	Hadley	Larson	Sullivan
Avery	Cornett	Hansen	Lautenbaugh	Utter
Bloomfield	Dubas	Harms	McCoy	Wightman
Brasch	Fischer	Heidemann	McGill	
Campbell	Flood	Janssen	Pankonin	
Carlson	Fulton	Karpisek	Pirsch	
Christensen	Gloor	Krist	Schilz	

Voting in the negative, 9:

Cook	Harr, B.	Lathrop	Mello	Wallman
Council	Howard	Louden	Nordquist	

Present and not voting, 2:

Nelson	Price
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Excused and not voting, 2:

Pahls	Smith
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 36.**

A BILL FOR AN ACT relating to public water supplies; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to provide for a vote on adding fluoride to the public water supply in certain cities and villages; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Conrad	Hansen	Louden	Schumacher
Ashford	Cornett	Harms	McCoy	Sullivan
Avery	Council	Howard	McGill	Utter
Bloomfield	Dubas	Janssen	Nelson	Wallman
Brasch	Fischer	Krist	Nordquist	Wightman
Campbell	Flood	Langemeier	Pankonin	
Carlson	Fulton	Larson	Pirsch	
Christensen	Haar, K.	Lathrop	Price	
Coash	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 6:

Cook	Harr, B.	Karpisek
Gloor	Heidemann	Mello

Excused and not voting, 2:

Pahls	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 61.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.08, Reissue Revised Statutes of Nebraska, and section 29-4003, Revised Statutes Cumulative Supplement, 2010; to change provisions and penalties relating to unlawful intrusion; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 114.**

A BILL FOR AN ACT relating to agriculture; to provide for a standard for honey, labeling restrictions, and an action under the Uniform Deceptive Trade Practices Act as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Cornett	Hansen	Lathrop	Price
Ashford	Council	Harms	Lautenbaugh	Schumacher
Avery	Dubas	Harr, B.	Louden	Sullivan
Brasch	Fischer	Heidemann	McCoy	Utter
Campbell	Flood	Howard	McGill	Wightman
Carlson	Fulton	Karpisek	Mello	
Christensen	Gloor	Krist	Nordquist	
Conrad	Haar, K.	Langemeier	Pankonin	
Cook	Hadley	Larson	Pirsch	

Voting in the negative, 1:

Coash

Present and not voting, 5:

Bloomfield	Janssen	Nelson	Schilz	Wallman
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Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to agricultural lands; to amend sections 76-1507, 76-1516, and 76-1523, Reissue Revised Statutes of Nebraska; to eliminate a duty of the county assessor relating to information on certain

trusts; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-1517, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB179 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to pharmacy; to amend sections 38-2851 and 38-2854, Reissue Revised Statutes of Nebraska, and sections 28-414, 38-2801, and 38-2802, Revised Statutes Cumulative Supplement, 2010; to change prescribing provisions under the Uniform Controlled Substances Act; to define a term; to change provisions relating to licensure and pharmacist interns as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"



Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 197.**

A BILL FOR AN ACT relating to civil rights; to allow breast-feeding as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Pahls                Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 225.** With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-129, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of credentials as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Sullivan
Bloomfield	Fischer	Howard	McGill	Utter
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Langemeier	Pankonin	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Pahls                Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 243.** With Emergency Clause.

A BILL FOR AN ACT relating to water; to amend section 46-2,140, Reissue Revised Statutes of Nebraska; to change membership provisions relating to the Republican River Basin Water Sustainability Task Force; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 274.**

A BILL FOR AN ACT relating to dispensed drugs and devices; to amend sections 71-2421 and 71-2453, Reissue Revised Statutes of Nebraska; to change provisions relating to return of dispensed drugs and devices; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 308.**

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Cumulative Supplement, 2010; to provide for terms of office for certain officers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 335.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321.01 and 17-568.02, Reissue Revised Statutes of Nebraska; to provide for the waiver of bidding procedures as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Pahls                      Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 401.**

A BILL FOR AN ACT relating to the Assisted-Living Facility Act; to amend section 71-5905, Reissue Revised Statutes of Nebraska; to change requirements for operating assisted-living facilities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Larson	Pankonin
Ashford	Cornett	Hansen	Lathrop	Pirsch
Avery	Council	Harms	Lautenbaugh	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Christensen	Gloor	Krist	Nelson	Wallman
Conrad	Haar, K.	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Coash            Karpisek

Excused and not voting, 2:

Pahls            Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 12, 24, 25, 26, 43, 77, 78, 94, 98, 108, 146, 178, 178A, 215, 264, 303, 311, 326, 331, 332, 334, 347, 396, 410, 410A, 462, 383, 36, 61, 114, 160, 179, 197, 225, 243, 274, 308, 335, and 401.

### **MOTION - Return LB62 to Select File**

Senator Dubas moved to return LB62 to Select File for her specific amendment, AM611, found on page 700.

### **SENATOR GLOOR PRESIDING**

Pending.

### **MOTION - Return LB81 to Select File**

Senator Cornett moved to return LB81 to Select File for her specific amendment, AM620, found on page 706.

The Cornett motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 81.** The Cornett specific amendment, AM620, found on page 706, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 509.** Placed on General File with amendment. AM549 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

Natural Resources

**LEGISLATIVE BILL 458.** Placed on General File.

**LEGISLATIVE BILL 697.** Placed on General File with amendment. AM610

1 1. On page 3, strike lines 15 through 22 and insert the  
2 following new subsection:  
3 "(3) The commission may adopt and promulgate rules and  
4 regulations to create a process to (a) review the suspension or  
5 revocation of a privilege or permit to hunt, fish, or harvest fur  
6 imposed by any jurisdiction other than Nebraska to determine if the  
7 offense for which the privilege or permit is suspended or revoked  
8 is an offense under the Game Law or would constitute grounds for  
9 suspension or revocation under sections 37-614 to 37-617 and (b)  
10 provide for a hearing, if necessary, to confirm the suspension or  
11 revocation in Nebraska or reinstate the privilege or affirm the  
12 eligibility of the person to purchase a permit in Nebraska. The  
13 process may include an application for the review and a procedure  
14 for screening applications to determine if the hearing before the  
15 commission is necessary or appropriate."

**LEGISLATIVE BILL 369.** Indefinitely postponed.

**LEGISLATIVE BILL 580.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

## Revenue

**LEGISLATIVE BILL 297.** Placed on General File.

**LEGISLATIVE BILL 423.** Placed on General File.

**LEGISLATIVE BILL 430.** Placed on General File.

**LEGISLATIVE BILL 528.** Placed on General File.

**LEGISLATIVE BILL 360.** Placed on General File with amendment.  
AM369

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-105, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 77-105 The term tangible personal property includes all
- 6 personal property possessing a physical existence, excluding money.
- 7 The term tangible personal property also includes trade fixtures,
- 8 which means machinery and equipment, regardless of the degree
- 9 of attachment to real property, used directly in commercial,
- 10 manufacturing, or processing activities conducted on real property,
- 11 regardless of whether the real property is owned or leased,
- 12 and all property-depreciable tangible personal property described
- 13 in subsection (9) of section 77-202 used in the generation of
- 14 electricity using wind as the fuel source, ~~including, but not~~
- 15 ~~limited to, that listed in subsection (9) of section 77-202.~~
- 16 The term intangible personal property includes all other personal
- 17 property, including money.
- 18 Sec. 2. Section 77-202, Revised Statutes Cumulative
- 19 Supplement, 2010, is amended to read:
- 20 77-202 (1) The following property shall be exempt from
- 21 property taxes:
- 22 (a) Property of the state and its governmental
- 23 subdivisions to the extent used or being developed for use by
- 1 the state or governmental subdivision for a public purpose. For
- 2 purposes of this subdivision, public purpose means use of the
- 3 property (i) to provide public services with or without cost to the
- 4 recipient, including the general operation of government, public
- 5 education, public safety, transportation, public works, civil and
- 6 criminal justice, public health and welfare, developments by a
- 7 public housing authority, parks, culture, recreation, community
- 8 development, and cemetery purposes, or (ii) to carry out the
- 9 duties and responsibilities conferred by law with or without
- 10 consideration. Public purpose does not include leasing of property
- 11 to a private party unless the lease of the property is at fair
- 12 market value for a public purpose. Leases of property by a public
- 13 housing authority to low-income individuals as a place of residence
- 14 are for the authority's public purpose;
- 15 (b) Unleased property of the state or its governmental
- 16 subdivisions which is not being used or developed for use for
- 17 a public purpose but upon which a payment in lieu of taxes is



18 paid for public safety, rescue, and emergency services and road  
19 or street construction or maintenance services to all governmental  
20 units providing such services to the property. Except as provided  
21 in Article VIII, section 11, of the Constitution of Nebraska,  
22 the payment in lieu of taxes shall be based on the proportionate  
23 share of the cost of providing public safety, rescue, or emergency  
24 services and road or street construction or maintenance services  
25 unless a general policy is adopted by the governing body of the  
26 governmental subdivision providing such services which provides for  
27 a different method of determining the amount of the payment in  
1 lieu of taxes. The governing body may adopt a general policy by  
2 ordinance or resolution for determining the amount of payment in  
3 lieu of taxes by majority vote after a hearing on the ordinance  
4 or resolution. Such ordinance or resolution shall nevertheless  
5 result in an equitable contribution for the cost of providing such  
6 services to the exempt property;

7 (c) Property owned by and used exclusively for  
8 agricultural and horticultural societies;

9 (d) Property owned by educational, religious, charitable,  
10 or cemetery organizations, or any organization for the exclusive  
11 benefit of any such educational, religious, charitable, or cemetery  
12 organization, and used exclusively for educational, religious,  
13 charitable, or cemetery purposes, when such property is not  
14 (i) owned or used for financial gain or profit to either the  
15 owner or user, (ii) used for the sale of alcoholic liquors for  
16 more than twenty hours per week, or (iii) owned or used by  
17 an organization which discriminates in membership or employment  
18 based on race, color, or national origin. For purposes of this  
19 subdivision, educational organization means (A) an institution  
20 operated exclusively for the purpose of offering regular courses  
21 with systematic instruction in academic, vocational, or technical  
22 subjects or assisting students through services relating to the  
23 origination, processing, or guarantying of federally reinsured  
24 student loans for higher education or (B) a museum or historical  
25 society operated exclusively for the benefit and education of the  
26 public. For purposes of this subdivision, charitable organization  
27 means an organization operated exclusively for the purpose of the  
1 mental, social, or physical benefit of the public or an indefinite  
2 number of persons; and

3 (e) Household goods and personal effects not owned or  
4 used for financial gain or profit to either the owner or user.

5 (2) The increased value of land by reason of shade and  
6 ornamental trees planted along the highway shall not be taken into  
7 account in the valuation of land.

8 (3) Tangible personal property which is not depreciable  
9 tangible personal property as defined in section 77-119 shall be  
10 exempt from property tax.

11 (4) Motor vehicles required to be registered for  
 12 operation on the highways of this state shall be exempt from  
 13 payment of property taxes.

14 (5) Business and agricultural inventory shall be exempt  
 15 from the personal property tax. For purposes of this subsection,  
 16 business inventory includes personal property owned for purposes  
 17 of leasing or renting such property to others for financial gain  
 18 only if the personal property is of a type which in the ordinary  
 19 course of business is leased or rented thirty days or less and  
 20 may be returned at the option of the lessee or renter at any time  
 21 and the personal property is of a type which would be considered  
 22 household goods or personal effects if owned by an individual. All  
 23 other personal property owned for purposes of leasing or renting  
 24 such property to others for financial gain shall not be considered  
 25 business inventory.

26 (6) Any personal property exempt pursuant to subsection  
 27 (2) of section 77-4105 or section 77-5209.02 shall be exempt from  
 1 the personal property tax.

2 (7) Livestock shall be exempt from the personal property  
 3 tax.

4 (8) Any personal property exempt pursuant to the Nebraska  
 5 Advantage Act shall be exempt from the personal property tax.

6 (9) Any depreciable tangible personal property used  
 7 directly in the generation of electricity using wind as the fuel  
 8 source shall be exempt from the property tax levied on depreciable  
 9 tangible personal property. ~~Personal~~ Depreciable tangible personal  
 10 property used directly in the generation of electricity using wind  
 11 as the fuel source includes, but is not limited to, wind turbines,  
 12 rotors and blades, towers, trackers, generating equipment,  
 13 transmission components, substations, supporting structures or  
 14 racks, inverters, and other system components such as wiring,  
 15 control systems, switchgears, and generator step-up transformers.

16 Sec. 3. Section 77-6203, Revised Statutes Cumulative  
 17 Supplement, 2010, is amended to read:

18 77-6203 (1) The owner of a wind energy generation  
 19 facility annually shall pay a nameplate capacity tax equal to  
 20 the total nameplate capacity of the commissioned wind turbine of  
 21 the wind energy generation facility multiplied by a tax rate of  
 22 three thousand five hundred eighteen dollars per megawatt.

23 (2) No tax shall be imposed on a wind energy generation  
 24 facility:

25 (a) Owned or operated by the federal government, the  
 26 State of Nebraska, a public power district, a public power and  
 27 irrigation district, an individual municipality, a registered  
 1 group of municipalities, an electric membership association, or  
 2 a cooperative; or

3 (b) That is a customer-generator as defined in section  
 4 70-2002.

5 (3) No tax levied pursuant to this section shall be  
6 construed to constitute restricted funds as defined in section  
7 13-518 for the first five years after the wind energy generation  
8 facility is commissioned.

9 (4) The presence of one or more wind energy generation  
10 facilities or supporting infrastructure shall not be a factor in  
11 the assessment, determination of actual value, or classification  
12 under section 77-201 of the real property underlying or adjacent to  
13 such facilities or infrastructure.

14 (5)(a) The Department of Revenue shall collect the tax  
15 due under this section.

16 (b) The tax shall be imposed beginning the first calendar  
17 year the wind turbine is commissioned. A wind energy generation  
18 facility commissioned prior to July 15, 2010, shall be subject to  
19 the tax levied pursuant to sections 77-6201 to 77-6204 on and after  
20 January 1, 2010. The amount of property tax on depreciable tangible  
21 personal property previously paid on a wind energy generation  
22 facility commissioned prior to July 15, 2010, which is greater than  
23 the amount that would have been paid pursuant to sections 77-6201  
24 to 77-6204 from the date of commissioning until January 1, 2010,  
25 shall be credited against any tax due under Chapter 77, and any  
26 amount so credited that is unused in any tax year shall be carried  
27 over to subsequent tax years until fully utilized.

1 (c)(i) The tax for the first calendar year shall be  
2 prorated based upon the number of days remaining in the calendar  
3 year after the wind turbine is commissioned.

4 (ii) In the first year in which a wind energy generation  
5 facility is taxed or in any year in which additional commissioned  
6 nameplate capacity is added to a wind energy generation facility,  
7 the taxes on the initial or additional nameplate capacity shall be  
8 prorated for the number of days remaining in the calendar year.

9 (iii) When a wind turbine is decommissioned or made  
10 nonoperational by a change in law or decertification from its  
11 status as a certified renewable export facility during a tax year,  
12 the taxes shall be prorated for the number of days during which the  
13 wind turbine was not decommissioned or was operational.

14 (iv) When the capacity of a wind turbine to produce  
15 electricity is reduced but the wind turbine is not decommissioned,  
16 the nameplate capacity of the wind turbine is deemed to be  
17 unchanged.

18 (6)(a) On March 1 of each year, the owner of a wind  
19 energy generation facility shall file with the Department of  
20 Revenue a report on the nameplate capacity of the facility for  
21 the previous year from January 1 through December 31. All taxes  
22 shall be due on April 1 and shall be delinquent if not paid on a  
23 quarterly basis on April 1 and each quarter thereafter. Delinquent  
24 quarterly payments shall draw interest at the rate provided for in  
25 section 45-104.02, as such rate may from time to time be adjusted.

26 (b) The owner of a wind energy generation facility is  
 27 liable for the taxes under this section with respect to the  
 1 facility, whether or not the owner of the facility is the owner of  
 2 the land on which the facility is situated.

3 (7) Failure to file a report required by subsection (6)  
 4 of this section, filing such report late, failure to pay taxes due,  
 5 or underpayment of such taxes shall result in a penalty of five  
 6 percent of the amount due being imposed for each quarter the report  
 7 is overdue or the payment is delinquent, except that the penalty  
 8 shall not exceed ten thousand dollars.

9 (8) The Department of Revenue shall enforce the  
 10 provisions of this section. The department shall adopt and  
 11 promulgate rules and regulations necessary for the implementation  
 12 and enforcement of this section.

13 (9) The Department of Revenue shall separately identify  
 14 the proceeds from the tax imposed by this section and shall pay all  
 15 such proceeds over to the county treasurer of the county where the  
 16 wind energy generation facility is located within thirty days after  
 17 receipt of such proceeds.

18 Sec. 4. This act becomes operative on January 1, 2010.

19 Sec. 5. If any section in this act or any part of any  
 20 section is declared invalid or unconstitutional, the declaration  
 21 shall not affect the validity or constitutionality of the remaining  
 22 portions.

23 Sec. 6. Original sections 77-105, 77-202, and 77-6203,  
 24 Revised Statutes Cumulative Supplement, 2010, are repealed.

25 Sec. 7. Since an emergency exists, this act takes effect  
 26 when passed and approved according to law.

(Signed) Abbie Cornett, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 98.** Introduced by B. Harr, 8.

WHEREAS, the Omaha Creighton Prep academic decathlon team won the 2011 Nebraska Academic Decathlon; and

WHEREAS, as the Nebraska championship team, the Omaha Creighton Prep academic decathlon team will compete in the national finals April 27-30 in Charlotte, North Carolina; and

WHEREAS, Coach Jeannie Brayman and Coach Barbara Hake did a tremendous job of mentoring and fostering the team; and

WHEREAS, Brian Connelly, Mitchell Kilborn, Seth Davis, John Szalewski, Robert Leddy, Jeffmin Lin, Nathan Davis, Robert McCarthy, Paul Quint, Alejandro Marichal, Dane Weinert, and Gregory Smith displayed hard work and dedication as they prepared for the competition; 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, FIRST SESSION:

1. That the Legislature congratulates the Omaha Creighton Prep academic decathlon team on winning the 2011 Nebraska Academic Decathlon.
2. That a copy of this resolution be sent to the Omaha Creighton Prep academic decathlon team and their coach, Jeannie Brayman.

Laid over.

**LEGISLATIVE RESOLUTION 99.** Introduced by B. Harr, 8.

WHEREAS, Dr. Donal Burns has distinguished himself over a forty-three-year career at the University of Nebraska; and

WHEREAS, his career has included award-winning teaching, research in atomic and molecular physics, and service in the administration of the University of Nebraska; and

WHEREAS, Dr. Burns has ably served the Board of Regents of the University of Nebraska as corporation secretary since 2004, managing meetings of the board and its committees with professionalism and precision; and

WHEREAS, Dr. Burns has been the embodiment of global engagement since being recruited in St. Petersburg, Russia, to move from his home in Northern Ireland to teach at the University of Nebraska; and

WHEREAS, in forty-three years Dr. Burns has never lost his Irish brogue or his sense of humor; and

WHEREAS, Dr. Burns can always be relied upon for a proper Irish toast, melody, joke, or poem; and

WHEREAS, Dr. Burns and his wife, Ileana Burns, have not only been beloved by students, faculty members, and a host of friends and colleagues across the University of Nebraska, but have also contributed so much to the State of Nebraska; and

WHEREAS, Dr. Burns, after a distinguished forty-three-year career, is retiring from the University of Nebraska.

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

1. That the Legislature recognizes Dr. Donal Burns for his many accomplishments and honors him for his many years of outstanding service to the University of Nebraska.
2. That a copy of this resolution be sent to Dr. Donal Burns.

Laid over.

**LEGISLATIVE RESOLUTION 100.** Introduced by Nordquist, 7; Ashford, 20; Conrad, 46; Cook, 13; Council, 11; Howard, 9; Mello, 5; Nelson, 6.

WHEREAS, Rubens J. Pamies, M.D., a native of Haiti and a graduate of St. John's University and the State University of New York at Buffalo School of Medicine and Biomedical Sciences, died February 26, 2011, at the age of fifty-two; and

WHEREAS, Dr. Pamies served as the University of Nebraska Medical Center's vice chancellor for academic affairs and dean for graduate studies from 2003-2011; and

WHEREAS, Dr. Pamies was a nationally renowned academic educator, an expert on health disparities, and a widely published author of medical issues; and

WHEREAS, Dr. Pamies was a Diplomate of the National Board of Medical Examiners and the American Board of Internal Medicine; and

WHEREAS, Dr. Pamies was committed to such efforts as promoting diversity and interprofessional education with the support of a grant from the Robert Wood Johnson Foundation; and

WHEREAS, Dr. Pamies founded the Virginia-Nebraska Alliance, a unique program involving the University of Nebraska Medical Center, Virginia Commonwealth University, and five Historically Black Colleges and Universities and a leading community college in Virginia, to provide a multitude of academic and research opportunities for minority undergraduate students and faculty and to promote diversity in health professions; and

WHEREAS, Dr. Pamies worked to identify educational opportunities for low-income children and fight health care disparities experienced in Douglas County and Sarpy County; and

WHEREAS, Dr. Pamies was an integral proponent for the effort to address behavioral health issues in the State of Nebraska; and

WHEREAS, Dr. Pamies led a comprehensive medical center relief effort in his homeland of Haiti following the 2010 earthquake that caused widespread devastation; and

WHEREAS, Dr. Pamies tirelessly committed his efforts to addressing the health needs of the poor and underserved on a local, national, and international level; and

WHEREAS, Dr. Pamies is survived by his wife, Michelle; his daughters, Christina and Rachel; his sons, Ben, Michael, and Robert; and his sister, Linda Boucard, and her husband, Ben.

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

1. That the Legislature honors the memory of Dr. Rubens J. Pamies and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Dr. Rubens J. Pamies.

3. That a copy of this resolution be sent to the family of Dr. Rubens J. Pamies.

Laid over.

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB70 as its priority bill.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 4, 2011, at 11:13 a.m. were the following: LBs 12, 24, 25, 26e, 43, 77e, 78e, 94, 98, 108, 146, 178, 178A, 215e, 264e, 303, 311, 326e, 331, 332, 334e, 347, 396, 410, 410A, 462, 383e, 36, 61, 114, 160, 179, 197, 225e, 243e, 274, 308, 335, and 401.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**AMENDMENT - Print in Journal**

Senator Sullivan filed the following amendment to LB62:  
FA7

Strike the enacting clause.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Krist, Price, and Coash asked unanimous consent to add their names as cointroducers to LR40CA. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Senator Sullivan's husband, Mike Sullivan from Cedar Rapids; 30 tenth- through twelfth-grade students and teacher from Grand Island Senior High, Grand Island; members of the Nebraska Civic Leadership Program from the UNO Political Science Department, Omaha; 8 high school students and teachers from Nebraska City; members of Leadership Columbus from Columbus; and Alina Jaeger and Sarah Hauck from Germany and Gary and Linda Helms from Kearney.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 12:06 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Monday, March 7, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-FIRST DAY - MARCH 7, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 7, 2011

**PRAYER**

The prayer was offered by Senator Fulton.

**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 Senators Pankonin and Wightman who were excused; and Senator Karpisek who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 387.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENTS**

Senator Price designates LB575 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB90 as its priority bill.

**MOTIONS - Approve Appointments**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 705:

State Energy Office  
Ginger S. Willson, Director

Voting in the affirmative, 41:

Adams	Cornett	Hansen	Louden	Schumacher
Ashford	Council	Harms	McCoy	Smith
Avery	Dubas	Heidemann	McGill	Sullivan
Bloomfield	Fischer	Howard	Mello	Utter
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Fulton	Langemeier	Pahls	
Christensen	Gloor	Larson	Pirsch	
Coash	Haar, K.	Lathrop	Price	
Conrad	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Carlson	Cook	Harr, B.	Janssen	Nelson
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Excused and not voting, 3:

Karpisek	Pankonin	Wightman
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The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 705:

Game and Parks Commission  
Mark Pinkerton

Voting in the affirmative, 40:

Adams	Cook	Hansen	Lathrop	Pirsch
Avery	Dubas	Harms	Lautenbaugh	Price
Brasch	Fischer	Harr, B.	Louden	Schilz
Campbell	Flood	Heidemann	McCoy	Schumacher
Carlson	Fulton	Howard	McGill	Smith
Christensen	Gloor	Krist	Mello	Sullivan
Coash	Haar, K.	Langemeier	Nordquist	Utter
Conrad	Hadley	Larson	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Cornett	Janssen
Bloomfield	Council	Nelson

Excused and not voting, 3:

Karpisek	Pankonin	Wightman
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 210A.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 81, 82, 83, and 84 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 81, 82, 83, and 84.

**MOTION - Return LB62 to Select File**

Senator Dubas renewed her motion, found on page 742, to return LB62 to Select File for her specific amendment, AM611, found on page 700.

The Dubas motion to return failed with 7 ayes, 33 nays, 7 present and not voting, and 2 excused and not voting.

**WITHDRAW - Amendment to LB62**

Senator Sullivan withdrew her amendment, FA7, found on page 751, to LB62.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 62.**

A BILL FOR AN ACT relating to counties; to amend section 23-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to clerks and assistants of county officers; to prohibit the county board from eliminating or unduly hindering a county officer; to provide a standard of proof; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Adams	Cornett	Hadley	Langemeier	Nordquist
Avery	Council	Hansen	Larson	Pahls
Bloomfield	Dubas	Harms	Lathrop	Pirsch
Brasch	Fischer	Heidemann	Lautenbaugh	Price
Campbell	Flood	Howard	Louden	Schilz
Carlson	Fulton	Janssen	McCoy	Schumacher
Christensen	Gloor	Karpisek	McGill	Smith
Coash	Haar, K.	Krist	Mello	Utter

Voting in the negative, 5:

Ashford	Conrad	Cook	Harr, B.	Sullivan
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Present and not voting, 2:

Nelson	Wallman
--------	---------

Excused and not voting, 2:

Pankonin	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 47.** Read. Considered.

LR47 was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB62.

**GENERAL FILE**

**LEGISLATIVE BILL 389.** Title read. Considered.

Committee AM516, found on page 665, was considered.

Pending.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR47.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 210A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 101.** Introduced by Gloor, 35; Dubas, 34.

WHEREAS, the Grand Island Senior High School wrestling team won the 2011 Class A State Wrestling Championship, the school's third straight team championship; and

WHEREAS, the Grand Island Senior High School wrestling team scored 228.5 points to win the state championship; and

WHEREAS, the Grand Island Senior High School wrestling team had thirteen state tournament qualifiers and eleven individual medalists, including four individual state champions; 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, FIRST SESSION:

1. That the Legislature congratulates the Grand Island Senior High School wrestling team on winning the 2011 Class A State Wrestling Championship.

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

Laid over.

**LEGISLATIVE RESOLUTION 102.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Lautenbaugh, 18; Mello, 5; Nelson, 6; Schilz, 47.

WHEREAS, redistricting of the various election districts will be considered during this legislative session as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created the Redistricting Committee to administer the 2011 redistricting process; and

WHEREAS, the Redistricting Committee adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2011 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. Population data from the 2010 United States Census will be used for purposes of redistricting.

2. District boundaries established by the Legislature during the 2011 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under

which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2011:

**UNITED STATES HOUSE OF REPRESENTATIVES**

(a) Three single member districts.

(b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.

(c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

**LEGISLATURE**

(a) Forty-nine single member districts.

(b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.

(c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.

(d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

**NEBRASKA SUPREME COURT**

(a) Six single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**BOARD OF REGENTS**

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**PUBLIC SERVICE COMMISSION**

(a) Five single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**STATE BOARD OF EDUCATION**

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

Laid over.

**LEGISLATIVE RESOLUTION 103.** Introduced by Pahls, 31.

WHEREAS, Jack Pape, a seventeen-year-old Boy Scout from Troop 374 in Omaha, Nebraska, will be awarded the prestigious American Spirit Award in Washington, D.C., on March 25, 2011; and

WHEREAS, the American Spirit Award recognizes individuals who demonstrate extraordinary skill, professionalism, and a spirit of excellence in a challenging situation; and

WHEREAS, Jack Pape will receive the American Spirit Award because of his courageous actions in the face of tragedies. On June 11, 2008, Jack provided first aid to individuals who were injured when a tornado ripped through the Little Sioux Scout Ranch. In 2009, Jack, while on vacation with his parents, provided CPR to a young boy who had been pulled from a swimming pool; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature recognizes Jack Pape for his heroic actions and congratulates him on receiving the American Spirit Award.

2. That a copy of this resolution be sent to Jack Pape.

Laid over.

**LEGISLATIVE RESOLUTION 104.** Introduced by B. Harr, 8; Krist, 10; Nelson, 6.

WHEREAS, the Omaha Creighton Prep swimming team won the 2011 Boys' State Swimming Championship; and

WHEREAS, the team scored an all-time state championship record of 411 points; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its fifth consecutive state championship; and

WHEREAS, Coach Tom Beck and the team's assistant coaches, Harlan Groff, Dr. Larry Raynor, and Terri Haller, did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: James Ahlgren, Michael Bauwens, Nicholas Bauwens, Nicholas Bohlim, David Carlson, Christopher Chavez, Francis Ciummo, Carter Deras, Lucas Fedde, Robert Gasnick, Zachariah Andre Gober, Earl Greene IV, Gavin Hagar, Andrew Hansen, Stephen Hansen, Miles Hector, Zachary Jacobsen, Justin Kozol, Clarence Landen IV, Sean Lawson, Robert Leddy, Erik Lindholm, Connor Magee, Matthew Magee, Matthew Medara, Patrick Militti, John Moritz, Alexander Penrice, William Raynor, Jude Sakowski, Karl Schaenzer, William Schuermann, Johnnie Shaw III,



Augustus Slavik, Joseph Sobetski, Paul Stratman, Chadwick Wiley, and Andre Wilt; 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, FIRST SESSION:

1. That the Legislature congratulates the Omaha Creighton Prep swimming team on winning the 2011 Boys' State Swimming Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their coach, Tom Beck.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR102 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR102	Redistricting

(Signed) John Wightman, Chairperson  
Executive Board

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 7, 2011, at 11:05 a.m. was the following: LB62.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Print in Journal**

Senator Krist filed the following motion to LB51:

MO17

Indefinitely postpone.

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB315:  
AM673

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 21-2024, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 21-2024 (1) Every corporation incorporated under the  
6 Business Corporation Act shall have the purpose of engaging in any  
7 lawful business unless a more limited purpose shall be set forth in  
8 the articles of incorporation.  
9 (2) A corporation engaging in a business subject to  
10 regulation under another law of this state may incorporate under  
11 the act only if permitted by, and subject to all limitations of,  
12 such other law.  
13 (3) Corporations shall not be organized under the act  
14 to perform any personal services as specified in section 21-2202  
15 except for personal services rendered by a designated broker as  
16 defined in section 81-885.01.  
17 (4) A designated broker as defined in section 81-885.01  
18 may be organized as a corporation under the Business Corporation  
19 Act.  
20 Sec. 2. Section 21-2201, Reissue Revised Statutes of  
21 Nebraska, is amended to read:  
22 21-2201 Sections 21-2201 to 21-2222 and section 3 of this  
23 act shall be known and may be cited as the Nebraska Professional  
1 Corporation Act.  
2 Sec. 3. A designated broker as defined in section  
3 81-885.01 may be organized as a professional corporation under  
4 the Nebraska Professional Corporation Act.  
5 Sec. 4. Original sections 21-2024 and 21-2201, Reissue  
6 Revised Statutes of Nebraska, are repealed.  
7 Sec. 5. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Tuesday, March 15, 2011 1:00 p.m.

Frank Peak - Community Corrections Council  
Jeffrey Davis - Community Corrections Council  
Thomas Dorwart - Community Corrections Council

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, March 17, 2011 1:30 p.m.

David Sankey - Nebraska State Patrol

(Signed) Bill Avery, Chairperson

Business and Labor

Room 2102

Monday, March 14, 2011 1:30 p.m.

Robert Kirkpatrick - Boiler Safety Code Advisory Board

Steven Bley - Boiler Safety Code Advisory Board

Thomas Phipps - Boiler Safety Code Advisory Board

LB141

LB272

LB348

LB291

LB585

LB586

(Signed) Steve Lathrop, Chairperson

### **ANNOUNCEMENTS**

The Business and Labor Committee designates LB397 as its priority bill.

Senator McGill designates LB524 as her priority bill.

### **VISITORS**

Visitors to the Chamber were 54 fourth-grade students and teachers from Joslyn Elementary, Omaha.

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Council, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 8, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 8, 2011

**PRAYER**

The prayer was offered by Reverend Zachary Anderson, Conestoga Parish of the United Methodist Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Campbell, Christensen, Karpisek, Lathrop, Lautenbaugh, and McCoy who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 750, line 38, after "survived by" insert "his wife, Michelle";  
The Journal for the fortieth day was approved as corrected.

The Journal for the forty-first day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 409.** Placed on General File with amendment.  
AM577

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. (1) After making payment in full to all
- 4 mortgagees on a fire and casualty insurance policy on any real
- 5 property and any structure covered by such policy, the insurer
- 6 shall reserve ten thousand dollars or ten percent of the basic
- 7 coverage limit applicable to the damaged property or structure,
- 8 whichever is greater, to be held as a demolition cost reserve if
- 9 all of the following apply:

10 (a) The real property is located within the limits of  
11 a city or village, including within any extraterritorial zoning  
12 jurisdiction exercised by such city or village;  
13 (b) The damage to the real property or any insured  
14 structure renders such property or structure uninhabitable or unfit  
15 for the purpose for which such property or structure was intended,  
16 without repair; and

17 (c) Proof of loss has been submitted by the policyholder  
18 to the insurer for a sum in excess of seventy-five percent of the  
19 face value of the policy covering the property and any insured  
20 structure.

21 (2) If an insurer receives proof of loss as provided in  
22 subdivision (1)(c) of this section, it shall notify the clerk of  
23 the city or village within which the property is located of the  
1 existence of the demolition cost reserve. Such notice shall be made  
2 by certified mail within fifteen working days after receipt of the  
3 proof of loss.

4 (3) The city or village shall release all interest in  
5 the demolition cost reserve within ninety days after receiving the  
6 notice provided for in subsection (2) of this section unless the  
7 city or village has instituted legal proceedings or issued an order  
8 for the demolition of the real property or any insured structure  
9 and has notified the insurer in writing of such proceedings or  
10 order. Failure by the city or village to notify the insurer under  
11 this subsection terminates the city's or village's claim to any  
12 proceeds from the demolition cost reserve.

13 (4) A demolition cost reserve shall not be required if  
14 any of the following is true:

15 (a) The insurer has received notice from both the insured  
16 and the applicable city or village that the real property or  
17 insured structure has been replaced and rebuilt, repairs have been  
18 completed, or demolition of the real property and any insured  
19 structure has been completed in compliance with all applicable  
20 state and local laws; or

21 (b) The city or village has failed to provide  
22 notification to the insurer as required by subsection (3) of this  
23 section.

24 (5) If the city or village has instituted legal  
25 proceedings, issued an order for demolition, undertaken emergency  
26 action, or is required to demolish the real property and insured  
27 structure at its expense, the city or village shall present to the  
1 insurer a report of demolition costs incurred since the date of  
2 damage or other occurrence related directly to the enforcement of a  
3 city or village ordinance. Upon receipt of such report, the insurer  
4 shall compensate the city or village up to the amount contained in  
5 the demolition cost reserve. Any amount remaining in the demolition  
6 cost reserve after such compensation shall be paid to the insured  
7 if the insured is entitled to any remaining proceeds under the  
8 policy.

- 9 (6) The insurer is not liable for any demolition costs:
- 10 (a) Not covered under the insurance policy;
- 11 (b) In excess of the limits of liability set forth in the
- 12 policy; or
- 13 (c) To the extent the demolition cost reserve amount is
- 14 needed to pay in full any interest of any mortgagee on such policy.
- 15 (7) Any insurer and its agent that complies with this
- 16 section shall be immune from any civil liability.

**LEGISLATIVE BILL 535.** Placed on General File with amendment.  
AM454

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Portable Electronics Insurance Act.
- 5 Sec. 2. For purposes of the Portable Electronics
- 6 Insurance Act:
- 7 (1) Customer means a person who purchases portable
- 8 electronics;
- 9 (2) Covered customer means a customer who elects coverage
- 10 pursuant to a portable electronics insurance policy issued to a
- 11 vendor of portable electronics;
- 12 (3) Director means the Director of Insurance;
- 13 (4) Location means any physical location in this state or
- 14 any web site, call center, or other site or similar location to
- 15 which Nebraska customers may be directed;
- 16 (5) Portable electronics means a device that is
- 17 personal, self-contained, easily carried by an individual,
- 18 and battery-operated and includes devices used for electronic
- 19 communication, viewing, listening, recording, computing, or
- 20 global positioning. Portable electronics does not include
- 21 telecommunications switching equipment, transmission wires,
- 22 cellular site transceiver equipment, or other equipment or system
- 23 used by a telecommunications company to provide telecommunications
- 1 service to consumers;
- 2 (6)(a) Portable electronics insurance means insurance
- 3 that provides coverage for the repair or replacement of portable
- 4 electronics and may provide coverage for portable electronics that
- 5 are lost, stolen, damaged, inoperable due to mechanical failure or
- 6 malfunction, or suffer other similar causes of loss; and
- 7 (b) Portable electronics insurance does not include:
- 8 (i) A service contract under the Motor Vehicle Service
- 9 Contract Reimbursement Insurance Act;
- 10 (ii) A service contract or extended warranty providing
- 11 coverage as described in subdivision (2) of section 44-102.01;
- 12 (iii) A policy of insurance providing coverage for a
- 13 seller's or manufacturer's obligations under a warranty; or
- 14 (iv) A homeowner's, renter's, private passenger
- 15 automobile, commercial multiperil, or other similar policy;

16 (7) Portable electronics transaction means the sale or  
17 lease of portable electronics by a vendor to a customer or the sale  
18 of a service related to the use of portable electronics by a vendor  
19 to a customer;

20 (8) Supervising entity means a business entity that is a  
21 licensed insurance producer or insurer; and

22 (9) Vendor means a person in the business of engaging in  
23 portable electronics transactions directly or indirectly.

24 Sec. 3. (1) A vendor shall hold a limited lines insurance  
25 license issued under the Portable Electronics Insurance Act to sell  
26 or offer coverage under a policy of portable electronics insurance.

27 (2) The director may issue a limited lines insurance  
1 license under the act. Such license shall authorize an employee or  
2 authorized representative of a vendor to sell or offer coverage  
3 under a policy of portable electronics insurance to a customer at  
4 each location at which the vendor engages in a portable electronics  
5 transaction.

6 (3) The vendor shall submit an application for a limited  
7 lines insurance license pursuant to section 4 of this act to the  
8 director and a list of all locations in this state at which the  
9 vendor intends to offer such insurance coverage shall accompany  
10 the application. A vendor shall maintain such list and make it  
11 available for the director upon request.

12 (4) Notwithstanding any other provision of law, a limited  
13 lines insurance license issued under the act shall authorize the  
14 vendor and its employees or authorized representatives to engage in  
15 the activities permitted by the act.

16 Sec. 4. (1) An application for a limited lines insurance  
17 license shall be made to and filed with the director on forms  
18 prescribed and furnished by the director.

19 (2) An application for an initial or a renewal license  
20 shall:

21 (a) Provide the name, residence address, and other  
22 information required by the director for an employee or authorized  
23 representative of the vendor that is designated by the vendor  
24 as the person responsible for the vendor's compliance with the  
25 Portable Electronics Insurance Act. If the vendor derives more than  
26 fifty percent of its revenue from the sale of portable electronics  
27 insurance, the information required by this subdivision shall be  
1 provided for all persons of record having beneficial ownership of  
2 ten percent or more of any class of securities of the vendor  
3 registered under federal securities law; and

4 (b) Provide the location of the vendor's home office.

5 (3) Any application for licensure under the act for  
6 an existing vendor shall be made within ninety days after the  
7 application is made available by the director.

8 (4) An initial license issued pursuant to the act shall  
9 be valid for one year and expires on April 30 of each year.



10 (5) Any vendor licensed under the act shall pay an  
11 initial license fee to the director in an amount prescribed by  
12 the director but not to exceed one hundred dollars and shall pay  
13 a renewal fee in an amount prescribed by the director but not to  
14 exceed one hundred dollars.

15 Sec. 5. (1) At each location at which portable  
16 electronics insurance is offered to a customer, a brochure or other  
17 written material shall be available to the customer which:

18 (a) Discloses the fact that portable electronics  
19 insurance may provide a duplication of coverage already provided  
20 by a customer's homeowner's insurance policy, renter's insurance  
21 policy, or other similar insurance coverage;

22 (b) States that the enrollment by the customer in a  
23 portable electronics coverage program is not required in order to  
24 purchase or lease portable electronics or services;

25 (c) Summarizes the material terms of the portable  
26 electronics insurance, including:

27 (i) The identity of the insurer;

1 (ii) The identity of the supervising entity;

2 (iii) The amount of any applicable deductible and how it  
3 is to be paid;

4 (iv) The benefits of the coverage; and

5 (v) The key terms and conditions of the coverage,

6 including whether portable electronics may be repaired or replaced  
7 with a similar reconditioned make or model or with nonoriginal  
8 manufacturer parts or equipment;

9 (d) Summarizes the process for filing a claim, including  
10 a description of how to return the portable electronics and the  
11 maximum fee applicable if the customer fails to comply with any  
12 equipment return requirements; and

13 (e) States that the customer may cancel enrollment for  
14 portable electronics insurance coverage at any time and receive any  
15 applicable unearned premium refund on a pro rata basis.

16 (2) Portable electronics insurance may be offered on  
17 a month-to-month or other periodic basis as a group or master  
18 commercial inland marine policy issued to a vendor for its covered  
19 customers. A covered customer who elects to enroll for coverage  
20 shall receive a certificate of insurance and an explanation of  
21 coverage or instructions on how to obtain such materials upon  
22 request.

23 (3) Eligibility and underwriting standards for customers  
24 who elect to enroll in portable electronics insurance coverage  
25 shall be established by the insurer for each portable electronics  
26 insurance program.

27 Sec. 6. (1) An employee or authorized representative of  
1 a vendor may sell or offer for sale portable electronics insurance  
2 to customers and shall not be subject to licensure as an insurance  
3 producer if:

4 (a) The vendor obtains a limited lines insurance license  
5 pursuant to section 3 of this act that authorizes its employees  
6 or authorized representatives to sell or offer for sale portable  
7 electronics insurance under this section;

8 (b) The insurer issuing the portable electronics  
9 insurance directly supervises or appoints a supervising entity to  
10 supervise the administration of the insurance program, including  
11 development of a training program for employees and authorized  
12 representatives of a vendor. The training required by this  
13 subdivision shall comply with the following:

14 (i) The training shall be delivered to employees and  
15 authorized representatives of a vendor who are directly involved in  
16 the activity of selling or offering for sale portable electronics  
17 insurance;

18 (ii) The training may be provided in electronic form. If  
19 the training is provided in electronic form, the supervising entity  
20 shall implement a supplemental education program that is conducted  
21 and overseen by licensed employees of the supervising entity; and

22 (iii) Each employee and authorized representative shall  
23 receive basic instruction on the portable electronics insurance  
24 offered to customers and the disclosures required by section 4 of  
25 this act; and

26 (c) The vendor does not advertise, represent, or  
27 otherwise hold itself or any of its employees or authorized  
1 representatives out as authorized insurers or licensed insurance  
2 producers.

3 (2) The charges for portable electronics insurance  
4 coverage may be billed and collected by the vendor. Any charge  
5 to the customer for coverage that is not included in the cost  
6 associated with the purchase or lease of portable electronics  
7 shall be separately itemized on the covered customer's bill. If  
8 the portable electronics insurance coverage is included in the  
9 purchase or lease of portable electronics or related services, the  
10 vendor shall clearly and conspicuously disclose to the customer  
11 that portable electronics insurance coverage is included with the  
12 portable electronics or related services. No vendor shall require  
13 the purchase of any kind of insurance specified in this section as  
14 a condition of the purchase or lease of portable electronics or  
15 services. If such insurance is purchased, the portable electronics  
16 insurance coverage offered by the limited lines insurance licensee  
17 to a customer is primary over any other insurance coverage  
18 applicable to the portable electronics. A vendor who bills and  
19 collects such charges shall not be required to maintain such funds  
20 in a segregated account if the vendor is authorized by the insurer  
21 to hold such funds in an alternative manner and remits such amounts  
22 to the supervising entity within sixty days after receipt. All  
23 funds received by a vendor from a covered customer for the sale  
24 of portable electronics insurance shall be considered funds held  
25 in trust by the vendor in a fiduciary capacity for the benefit

26 of the insurer. A vendor may receive compensation for billing and  
 27 collection services.

1 Sec. 7. (1) If a vendor violates any provision of the  
 2 Portable Electronics Insurance Act, the director may, after notice  
 3 and a hearing:

4 (a) Revoke or suspend a limited lines insurance license  
 5 issued under the Portable Electronics Insurance Act;

6 (b) Impose such other penalties, including suspension of  
 7 the transaction of insurance at specific vendor locations where  
 8 violations have occurred, as the director deems necessary or  
 9 convenient to carry out the purposes of the act; and

10 (c) Impose an administrative fine of not more than one  
 11 thousand dollars per violation or five thousand dollars in the  
 12 aggregate.

13 Sec. 8. Notwithstanding any other provision of law:

14 (1) An insurer may terminate or otherwise change the  
 15 terms and conditions of a policy of portable electronics insurance  
 16 only upon providing the vendor and enrolled customers with at least  
 17 sixty days' notice, except that:

18 (a) An insurer may terminate an enrolled customer's  
 19 insurance policy upon fifteen days' notice for:

20 (i) Discovery of fraud or material misrepresentation in  
 21 obtaining coverage or in the presentation of a claim under such  
 22 policy; or

23 (ii) Nonpayment of premium; or

24 (b) An insurer may immediately terminate an enrolled  
 25 customer's insurance policy:

26 (i) If the enrolled customer ceases to have active  
 27 service with the vendor of portable electronics; or

1 (ii) If an enrolled customer exhausts the aggregate limit  
 2 of liability, if any, under the portable electronics insurance  
 3 policy and the insurer sends notice of termination to the customer  
 4 within thirty days after exhaustion of the limit. If such notice  
 5 is not sent within the thirty-day period, the customer shall  
 6 continue to be enrolled in such insurance policy notwithstanding  
 7 the aggregate limit of liability until the insurer sends notice of  
 8 termination to the customer;

9 (2) If the insurer changes the terms and conditions,  
 10 the insurer shall provide the vendor with a revised policy or  
 11 endorsement and each enrolled customer with a revised certificate,  
 12 endorsement, updated brochure, or other evidence indicating a  
 13 change in the terms and conditions has occurred and a summary of  
 14 the material changes;

15 (3) If a portable electronics insurance policy is  
 16 terminated by a vendor, the vendor shall mail or deliver written  
 17 notice to each enrolled customer at least thirty days prior to the  
 18 termination advising the customer of such termination and of the  
 19 effective date of termination; and

20 (4) If notice is required under this section, it shall

21 be:

22 (a) In writing and may be mailed or delivered to a vendor  
 23 at the vendor's mailing address and to an enrolled customer at such  
 24 customer's last-known mailing address on file with the insurer. The  
 25 insurer or vendor, as applicable, shall maintain proof of mailing  
 26 in a form authorized or accepted by the United States Postal  
 27 Service or a commercial mail delivery service; or

1 (b) In electronic form. If notice is delivered in  
 2 electronic form, the insurer or vendor, as applicable, shall  
 3 maintain proof that the notice was sent.

4 Sec. 9. Any records pertaining to transactions under the  
 5 Portable Electronics Insurance Act shall be kept available and open  
 6 to inspection by the director or his or her representatives with  
 7 notice and during business hours. Records shall be maintained for  
 8 three years following the completion of transactions under the act.

9 Sec. 10. This act becomes operative on January 1, 2012.

(Signed) Rich Pahls, Chairperson

### NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Room 1507

Tuesday, March 15, 2011 1:30 p.m.

AM673 to LB315

(Signed) Rich Pahls, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 389.** Committee AM516, found on page 665 and considered on page 757, was renewed.

The committee amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Pending.

### COMMITTEE REPORTS

Judiciary

**LEGISLATIVE BILL 100.** Placed on General File with amendment.  
 AM165

- 1 1. On page 3, line 19, after "any" insert "temporary";
- 2 and strike beginning with "Any" in line 22 through line 24.

**LEGISLATIVE BILL 415.** Placed on General File with amendment.  
AM525

- 1 1. On page 2, after line 15, insert the following new
- 2 subsection:
- 3 "(3) Any article prohibited by law, regulation, or order
- 4 of the detaining authority shall be listed on a sign that is
- 5 clearly posted and visible to all persons entering the detention
- 6 facility.".

**LEGISLATIVE BILL 479.** Placed on General File with amendment.  
AM335

- 1 1. On page 3, strike beginning with "In" in line 1
- 2 through line 8.

**LEGISLATIVE BILL 618.** Placed on General File with amendment.  
AM391

- 1 1. On page 2, strike beginning with "to" in line 13
- 2 through "district" in line 14 and insert "by a school".

(Signed) Brad Ashford, Chairperson

### ANNOUNCEMENT

Senator Sullivan designates LB629 as her priority bill.

### COMMITTEE REPORTS

General Affairs

The General Affairs 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.

Robert "Bob" Culver Jr. - Nebraska Arts Council  
 Donna Hastings - Nebraska Arts Council  
 Mark Laughlin - Nebraska Arts Council  
 Lynn Roper - Nebraska Arts Council  
 Nana Smith - Nebraska Arts Council

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Edwin Bergstraesser - State Electrical Board

Cory Mueller - State Electrical Board

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Kristopher Covi - State Racing Commission

Jeffrey Galyen - State Racing Commission

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 105.** Introduced by Adams, 24.

WHEREAS, the Seward Bluejays won the 2011 Class B Girls' State Basketball Championship at the Bob Devaney Sports Center in Lincoln, Nebraska, on March 5, 2011; and

WHEREAS, the Seward Bluejays defeated the Elkhorn Antlers by a score of 70-54 in the championship game; and

WHEREAS, Coach Tom Tvrdy took the Seward Bluejays to their third straight Class B state championship; and

WHEREAS, the Seward Bluejays have won an outstanding 75 consecutive games; and

WHEREAS, the Seward Bluejays have finished their third basketball season in a row with a perfect record.

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

1. That the Legislature congratulates Coach Tom Tvrdy and the Seward Bluejays on winning the 2011 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Seward Bluejays and Coach Tom Tvrdy.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 389.** Senator Cornett renewed her amendment, AM614, found on page 706.

The Cornett amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Langemeier withdrew his motion, MO16, found on page 706, to indefinitely postpone.

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

**LEGISLATIVE BILL 546.** Title read. Considered.

Committee AM348, found on page 594, was considered.

Senator McGill offered the following amendment to the committee amendment:

AM599

(Amendments to Standing Committee amendments, AM348)

- 1 1. On page 1, line 10, after the semicolon insert
- 2 "and"; and strike beginning with the semicolon in line 12 through
- 3 "stricken" in line 13.

The McGill amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Pending.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 388.** Placed on General File.

(Signed) Rich Pahls, Chairperson

Education

**LEGISLATIVE BILL 204.** Placed on General File with amendment.  
AM659

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-7611, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

5 71-7611 (1) The Nebraska Health Care Cash Fund is  
6 created. The State Treasurer shall transfer (a) fifty-six million  
7 one hundred thousand dollars no later than July 15, 2009, and  
8 (b) fifty-nine million one hundred thousand dollars beginning July  
9 15, 2010, and annually thereafter no later than July 15 from the  
10 Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska  
11 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash  
12 Fund, except that such amount shall be reduced by the amount of  
13 the unobligated balance in the Nebraska Health Care Cash Fund at  
14 the time the transfer is made. The state investment officer upon  
15 consultation with the Nebraska Investment Council shall advise the  
16 State Treasurer on the amounts to be transferred from the Nebraska  
17 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco  
18 Settlement Trust Fund under this section in order to sustain such  
19 transfers in perpetuity. The state investment officer shall report  
20 to the Legislature on or before October 1 of every even-numbered  
21 year on the sustainability of such transfers. Except as otherwise  
22 provided by law, no more than the amount specified in this  
23 subsection may be appropriated or transferred from the Nebraska  
1 Health Care Cash Fund in any fiscal year.

2 (2) Any money in the Nebraska Health Care Cash Fund  
3 available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the  
5 Nebraska State Funds Investment Act.

6 (3) One million dollars in the Nebraska Health Care  
7 Cash Fund shall be transferred each year to the Autism Treatment  
8 Program Cash Fund for five fiscal years beginning on a date  
9 determined by the Department of Health and Human Services but no  
10 later than ninety days after a waiver under section 68-966 has  
11 been approved and shall be distributed with matching private funds  
12 from the Autism Treatment Program Cash Fund and matching funds  
13 from Title XIX of the federal Social Security Act in each fiscal  
14 year as follows: (a) First, to the Department of Health and Human  
15 Services for costs related to application, implementation, and  
16 administration of a waiver pursuant to section 68-966; (b) second,  
17 to the department for other medical costs for children who would  
18 not otherwise qualify for medicaid except for the waiver; and (c)  
19 third, the balance to fund services pursuant to the waiver.

20 (4) The University of Nebraska and postsecondary  
21 educational institutions having colleges of medicine in Nebraska  
22 and their affiliated research hospitals in Nebraska, as a condition  
23 of receiving any funds appropriated or transferred from the  
24 Nebraska Health Care Cash Fund, shall not discriminate against any  
25 person on the basis of sexual orientation.

26 (5) The State Treasurer shall transfer two hundred  
27 thousand dollars from the Nebraska Health Care Cash Fund to the  
1 University of Nebraska Medical Center Cash Fund for the Nebraska  
2 Regional Poison Center within fifteen days after each July 1.



3 (6) Beginning on July 1, 2010, the State Treasurer shall  
4 transfer three million dollars annually no later than July 15 of  
5 each year from the Nebraska Health Care Cash Fund to the Tobacco  
6 Prevention and Control Cash Fund.

7 (7) The State Treasurer shall transfer five hundred  
8 thousand dollars annually no later than July 15 of each year from  
9 the Nebraska Health Care Cash Fund to the Stem Cell Research Cash  
10 Fund.

11 (8) No later than July 15, 2011, and no later than each  
12 July 15 thereafter, the State Treasurer shall transfer fifty-one  
13 thousand two hundred seventy-three dollars from the Nebraska Health  
14 Care Cash Fund to the Health and Human Services Cash Fund to  
15 assist the Department of Health and Human Services with the cost  
16 of providing the blood lead testing for recipients of medicaid and  
17 CHIP as provided in section 79-217.

18 Sec. 2. Section 79-217, Revised Statutes Cumulative  
19 Supplement, 2010, is amended to read:

20 79-217 (1) Except as provided in sections 79-221  
21 and 79-222, the school board or board of education of each  
22 school district and the governing authority of each private,  
23 denominational, or parochial school in this state shall require  
24 each student to be protected against measles, mumps, rubella,  
25 poliomyelitis, diphtheria, pertussis, and tetanus by immunization  
26 prior to enrollment. Any student who does not comply with this  
27 section shall not be permitted to continue in school until he or  
1 she so complies, except as provided by section 79-222. Each school  
2 district shall make diligent efforts to inform families prior to  
3 the date of school registration of the immunization requirements  
4 of this section.

5 (2) Except as provided in sections 79-221 and 79-222, the  
6 school board or board of education of each school district in this  
7 state shall require each student entering kindergarten on and after  
8 July 1, 2011, to have undergone blood lead testing after the age  
9 of eighteen months and before the age of four years or, in the  
10 case of a transfer student four years of age or older enrolling  
11 in the district for the first time, within six months prior to  
12 enrollment. Any student who does not comply with this section shall  
13 not be permitted to continue in school until he or she so complies,  
14 except as provided by section 79-222. Each school district shall  
15 make diligent efforts to inform families prior to the date of  
16 school registration of the blood lead testing requirements of this  
17 section.

18 (3) Except as provided in sections 79-221 and 79-222,  
19 on and after July 1, 2010, every student entering the seventh  
20 grade shall have a booster immunization containing diphtheria and  
21 tetanus toxoids and an acellular pertussis vaccine which meets the  
22 standards approved by the United States Public Health Service for  
23 such biological products, as such standards existed on January 1,  
24 2009.

25 ~~(3)~~(4) Except as provided in the Childhood Vaccine Act,  
 26 the cost of such immunizations shall be borne by the parent or  
 27 guardian of each student who is immunized or by the Department  
 1 of Health and Human Services for those students whose parent or  
 2 guardian is financially unable to meet such cost.

3 The cost of such blood lead testing shall be borne by  
 4 the parent or guardian of each student who is tested or, for those  
 5 students who are participating in medicaid or CHIP, as such terms  
 6 are defined in section 68-969, by the Department of Health and  
 7 Human Services.

8 (5) For purposes of this section and sections 79-219 to  
 9 79-222:

10 (a) Blood lead testing means taking a capillary sample of  
 11 blood or venous sample of blood and sending it to a laboratory to  
 12 determine the level of lead in the blood;

13 (b) Capillary sample of blood means a blood sample taken  
 14 from the finger or heel;

15 (c) Laboratory means a clinical laboratory certified  
 16 pursuant to the federal Clinical Laboratories Improvement Act of  
 17 1967, as such act existed on January 1, 2011; and

18 (d) Venous sample of blood means a blood sample taken  
 19 from a vein in the arm.

20 Sec. 3. Section 79-219, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 79-219 The Department of Health and Human Services shall  
 23 adopt and promulgate rules and regulations relating to the required  
 24 levels of protection, blood lead testing, provisional enrollment  
 25 under the provisions of section 79-222, the evidence necessary  
 26 to prove that the required examination, blood lead testing, or  
 27 immunization has been received, and the reporting of each student's  
 1 immunization and blood lead testing status. The department may  
 2 modify, add to, or delete from the list of required immunizations  
 3 set out in section 79-217. The department shall furnish local  
 4 school authorities with copies of such rules and regulations and  
 5 any other material which will assist in the carrying out of  
 6 sections 79-214 and 79-217 to 79-223.

7 Sec. 4. Section 79-220, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 79-220 At the time the parent or guardian of any child  
 10 is notified that such child must have a physical examination and  
 11 a visual evaluation pursuant to section 79-214 or immunizations  
 12 and blood lead testing pursuant to section 79-217, the parent or  
 13 guardian shall also be notified in writing of (1) his or her right  
 14 to submit a written statement refusing a physical examination, a  
 15 visual evaluation, blood lead testing, or immunization for his or  
 16 her child and (2) a telephone number or other contact information  
 17 to assist the parent or guardian in receiving information regarding  
 18 free or reduced-cost visual evaluations for low-income families who  
 19 qualify.

20 Sec. 5. Section 79-221, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-221 (1) Immunization shall not be required for a  
23 student's enrollment in any school in this state if he or she  
24 submits to the admitting official either of the following:

25 ~~(1)-(a)~~ (a) A statement signed by a physician, a physician  
26 assistant, or an advanced practice registered nurse practicing  
27 under and in accordance with his or her respective certification  
1 act, stating that, in the health care provider's opinion, the  
2 immunizations required would be injurious to the health and  
3 well-being of the student or any member of the student's family or  
4 household; or

5 ~~(2)-(b)~~ (b) An affidavit signed by the student or, if he  
6 or she is a minor, by a legally authorized representative of the  
7 student, stating that the immunization conflicts with the tenets  
8 and practice of a recognized religious denomination of which the  
9 student is an adherent or member or that immunization conflicts  
10 with the personal and sincerely followed religious beliefs of the  
11 student.

12 (2) Blood lead testing shall not be required for a  
13 student's enrollment in any school district in this state if he or  
14 she submits to the admitting official any of the following:

15 (a) A statement signed by a physician, a physician  
16 assistant, or an advanced practice registered nurse practicing  
17 under and in accordance with his or her respective certification  
18 act, stating that, in the health care provider's opinion, the  
19 blood lead testing required would be injurious to the health and  
20 well-being of the student or any member of the student's family or  
21 household;

22 (b) An affidavit signed by the student or, if he or  
23 she is a minor, by a legally authorized representative of the  
24 student, stating that the blood lead testing conflicts with  
25 the tenets and practice of a recognized religious denomination  
26 of which the student is an adherent or member or that blood  
27 lead testing conflicts with the personal and sincerely followed  
1 religious beliefs of the student; or

2 (c) A statement signed by a physician, a physician  
3 assistant, or an advanced practice registered nurse practicing  
4 under and in accordance with his or her respective certification  
5 act, stating that, in such physician's, physician assistant's,  
6 or advanced practice registered nurse's opinion, the child is at  
7 very low risk for elevated blood lead levels. For purposes of  
8 this subdivision, very low risk means that the child (i) has not  
9 lived in or spent significant time in any building built before  
10 1960, (ii) has not eaten nonfood items, (iii) has not lived with  
11 or frequently come in contact with an adult who works with lead  
12 on the job or as part of a hobby, (iv) has not lived near a  
13 battery manufacturing plant, battery recycling plant, lead smelter,  
14 or other source of significant lead emissions, (v) was not born

15 in or has not spent more than three months in Mexico, Central  
 16 America, Eastern Europe, or Southeast Asia, (vi) has not ingested  
 17 food, candy, or remedies containing lead, (vii) has not played  
 18 with toys, jewelry, or other items recalled by the United States  
 19 Consumer Product Safety Commission due to lead contamination, or  
 20 (viii) has not had significant exposure to any other product  
 21 or substance determined to contain lead by the United States  
 22 Environmental Protection Agency, the United States Department of  
 23 Housing and Urban Development, or the Centers for Disease Control  
 24 and Prevention or the Food and Drug Administration of the United  
 25 States Department of Health and Human Services.

26 Sec. 6. Section 79-222, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 79-222 (1) A student may be provisionally enrolled in  
 2 a school in Nebraska if he or she meets either of the following  
 3 qualifications:

4 (a)(i) The student, if having not received the  
 5 immunizations required by section 79-217, has begun the  
 6 immunizations required under such section 79-217 and is receiving  
 7 the necessary immunizations as rapidly as is medically feasible;  
 8 and ~~or~~

9 (ii) The student, if having not undergone the blood lead  
 10 testing required by section 79-217, is scheduled to undergo blood  
 11 lead testing; or

12 (b) The student is the child or legal ward of an officer  
 13 or enlisted person on active duty in any branch of the military  
 14 services of the United States or of his or her spouse, enrolling  
 15 in a Nebraska school following residence in another state or in a  
 16 foreign country.

17 (2) As a condition for the provisional enrollment of a  
 18 student qualified for such enrollment under subdivision (1)(b) of  
 19 this section, a parent or adult legal guardian of the student shall  
 20 provide the school with a signed written statement certifying (a)  
 21 that the student has completed the course of immunizations required  
 22 by section 79-217 and (b) that the student will undergo blood  
 23 lead testing within fifteen days or the date and results of the  
 24 student's blood lead testing.

25 (3) The provisional enrollment of a student qualified for  
 26 such enrollment under subdivision (1)(b) of this section shall not  
 27 continue beyond sixty days from the date of such enrollment. At  
 1 such time the school shall be provided, with regard to the student,  
 2 written evidence of compliance with section 79-217. The student  
 3 shall not be permitted to continue in school until such evidence of  
 4 compliance is provided.

5 Sec. 7. If a child's blood-lead level is ten micrograms  
 6 or more of lead per deciliter of blood, the Department of Health  
 7 and Human Services shall notify such child's parent or guardian  
 8 of (a) the availability of special education services pursuant to  
 9 the Special Education Act for children with lead poisoning who

10 are classified as other health impaired as defined in section  
 11 79-1118.01 and the criteria necessary for a child to be classified  
 12 as other health impaired and (b) the contact information for and  
 13 resources available through a program operated by the State of  
 14 Nebraska that provides information to parents on child development  
 15 and special education for children from birth or date of diagnosis  
 16 to age twenty-one and helps parents access information on rights  
 17 and resources to help them advocate for an appropriate education  
 18 for their child.

19 Sec. 8. Original sections 71-7611, 79-219, 79-220,  
 20 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and  
 21 section 79-217, Revised Statutes Cumulative Supplement, 2010, are  
 22 repealed.

23 Sec. 9. Since an emergency exists, this act takes effect  
 24 when passed and approved according to law.

(Signed) Greg Adams, Chairperson

Judiciary

**LEGISLATIVE BILL 512.** Placed on General File with amendment.  
 AM225

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

3 Section 1. Section 69-2402, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 69-2402 For purposes of sections 69-2401 to 69-2425:

6 (1) ~~Antique handgun or pistol shall mean~~ means any  
 7 handgun or pistol, including those with a matchlock, flintlock,  
 8 percussion cap, or similar type of ignition system, manufactured  
 9 in or before 1898 and any replica of such a handgun or pistol  
 10 if such replica (a) is not designed or redesigned for using  
 11 rimfire or conventional centerfire fixed ammunition or (b) uses  
 12 rimfire or conventional centerfire fixed ammunition which is no  
 13 longer manufactured in the United States and which is not readily  
 14 available in the ordinary channels of commercial trade;

15 (2) ~~Criminal history record check shall include~~ includes  
 16 a check of the criminal history records of the Nebraska State  
 17 Patrol and a check of the Federal Bureau of Investigation's  
 18 National Instant Criminal Background Check System; ~~and~~

19 (3) Firearm-related disability means a person is not  
 20 permitted to (a) purchase, possess, ship, transport, or receive a  
 21 firearm under either state or federal law, (b) obtain a certificate  
 22 to purchase, lease, rent, or receive transfer of a handgun under  
 23 section 69-2404, or (c) obtain a permit to carry a concealed  
 1 handgun under the Concealed Handgun Permit Act; and

2 (3)-(4) ~~Handgun shall mean~~ means any firearm with a  
 3 barrel less than sixteen inches in length or any firearm designed  
 4 to be held and fired by the use of a single hand.

5 Sec. 2. Section 69-2409.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:  
7 69-2409.01 (1) For purposes of sections 69-2401 to  
8 69-2425, the Nebraska State Patrol shall be furnished ~~upon the~~  
9 ~~patrol's request~~ with only such information as may be necessary  
10 for the sole purpose of determining whether an individual is  
11 disqualified from purchasing or possessing a handgun pursuant to  
12 state or federal law or is subject to the disability provisions  
13 of 18 U.S.C. 922(d)(4) and (g)(4). Such information shall be  
14 furnished by the Department of Health and Human Services. The  
15 clerks of the various courts shall furnish to the Department of  
16 Health and Human Services, ~~and Nebraska State Patrol,~~ as soon  
17 ~~as practicable but~~ within thirty days after ~~the an~~ order of  
18 commitment or ~~finding and the~~ discharge is issued or after removal  
19 of firearm-related disabilities pursuant to section 6 of this  
20 act, all information necessary to set up and maintain the data  
21 base required by this section. This information shall include (a)  
22 information regarding those persons who are currently receiving  
23 mental health treatment pursuant to a commitment order of a mental  
24 health board or who have been discharged, ~~and~~ (b) information  
25 regarding those persons who have been committed to treatment  
26 pursuant to section 29-3702, and (c) information regarding those  
27 persons who have had firearm-related disabilities removed pursuant  
1 to section 6 of this act. The mental health board shall notify  
2 the Department of Health and Human Services and the Nebraska State  
3 Patrol when such disabilities have been removed. The Department of  
4 Health and Human Services shall also maintain in the data base  
5 a listing of persons committed to treatment pursuant to section  
6 29-3702. Information regarding mental health board commitments and  
7 commitments pursuant to section 29-3702 shall not be retained  
8 in the data base maintained by the department on persons who  
9 have been discharged from those commitments more than five years  
10 previously. Any such ~~To ensure the accuracy of the data base, any~~  
11 ~~information maintained or disclosed under this subsection shall~~  
12 ~~remain privileged and confidential and shall not be redisclosed or~~  
13 ~~utilized for any other purpose.~~ be updated, corrected, modified,  
14 or removed, as appropriate, and as soon as practicable, from any  
15 data base that the state or federal government maintains and makes  
16 available to the National Instant Criminal Background Check System.  
17 ~~The procedures for furnishing such the~~ information shall guarantee  
18 that no information is released beyond what is necessary for  
19 purposes of this section.

20 (2) In order to comply with sections 69-2401 and 69-2403  
21 to 69-2408 and this section, the Nebraska State Patrol shall  
22 provide to the chief of police or sheriff of an applicant's place  
23 of residence or a licensee in the process of a criminal history  
24 record check pursuant to section 69-2411 only the information  
25 regarding whether or not the applicant is disqualified from  
26 purchasing or possessing a handgun.

27 (3) Any person, agency, or mental health board  
 1 participating in good faith in the reporting or disclosure of  
 2 records and communications under this section is immune from any  
 3 liability, civil, criminal, or otherwise, that might result by  
 4 reason of the action.

5 (4) Any person who intentionally causes the Nebraska  
 6 State Patrol to request information pursuant to this section  
 7 without reasonable belief that the named individual has submitted  
 8 a written application under section 69-2404 or has completed a  
 9 consent form under section 69-2410 shall be guilty of a Class II  
 10 misdemeanor in addition to other civil or criminal liability under  
 11 state or federal law.

12 Sec. 3. Section 71-901, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 71-901 Sections 71-901 to 71-962 and sections 5 and 6 of  
 15 this act shall be known and may be cited as the Nebraska Mental  
 16 Health Commitment Act.

17 Sec. 4. Section 71-903, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 71-903 For purposes of the Nebraska Mental Health  
 20 Commitment Act, unless the context otherwise requires, the  
 21 definitions found in sections 71-904 to 71-914 and section 5 of  
 22 this act shall apply.

23 Sec. 5. Firearm-related disability means a person is not  
 24 permitted to (a) purchase, possess, ship, transport, or receive a  
 25 firearm under either state or federal law, (b) obtain a certificate  
 26 to purchase, lease, rent, or receive transfer of a handgun under  
 27 section 69-2404, or (c) obtain a permit to carry a concealed  
 1 handgun under the Concealed Handgun Permit Act.

2 Sec. 6. (1) Upon release from commitment or treatment,  
 3 a person who, because of a mental health-related commitment or  
 4 adjudication occurring under the laws of this state, is subject to  
 5 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4) or is  
 6 disqualified from obtaining a certificate to purchase, lease, rent,  
 7 or receive transfer of a handgun under section 69-2404 or a permit  
 8 to carry a concealed handgun under the Concealed Handgun Permit Act  
 9 may petition the mental health board to remove such disabilities.

10 (2) Upon the filing of the petition, the subject may  
 11 request and, if the request is made, shall be entitled to, a review  
 12 hearing by the mental health board. The mental health board shall  
 13 grant a petition filed under subsection (1) of this section if the  
 14 mental health board determines that:

15 (a) The subject will not be likely to act in a manner  
 16 dangerous to public safety; and

17 (b) The granting of the relief would not be contrary to  
 18 the public interest.

19 In determining whether to remove the subject's  
 20 firearm-related disabilities, the mental health board shall receive  
 21 and consider evidence upon the following:

- 22 (i) The circumstances surrounding the subject's mental  
 23 health commitment or adjudication;  
 24 (ii) The subject's record, which shall include, at a  
 25 minimum, the subject's mental health and criminal history records;  
 26 (iii) The subject's reputation, developed, at a minimum,  
 27 through character witness statements, testimony, or other character  
 1 evidence; and  
 2 (iv) Changes in the subject's condition, treatment,  
 3 treatment history, or circumstances relevant to the relief sought.  
 4 (3) If a decision is made by the mental health board to  
 5 remove the subject's firearm-related disabilities, the clerks of  
 6 the various courts shall immediately send as soon as practicable  
 7 but within thirty days an order to the Nebraska State Patrol and  
 8 the Department of Health and Human Services, in a form and in a  
 9 manner prescribed by the Department of Health and Human Services  
 10 and the Nebraska State Patrol, stating its findings, which shall  
 11 include a statement that, in the opinion of the mental health  
 12 board, (a) the subject is not likely to act in a manner that  
 13 is dangerous to public safety and (b) removing the subject's  
 14 firearm-related disabilities will not be contrary to the public  
 15 interest.  
 16 (4) The subject may appeal a denial of the requested  
 17 relief to the district court, and review on appeal shall be de  
 18 novo.  
 19 (5) If a petition is granted under this section, the  
 20 commitment or adjudication for which relief is granted shall be  
 21 deemed not to have occurred for purposes of section 69-2404 and  
 22 the Concealed Handgun Permit Act and, pursuant to section 105(b) of  
 23 Public Law 110-180, for purposes of 18 U.S.C. 922(d)(4) and (g)(4).  
 24 Sec. 7. This act becomes operative on January 1, 2012.  
 25 Sec. 8. Original sections 69-2402, 69-2409.01, 71-901,  
 26 and 71-903, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

## NOTICE OF COMMITTEE HEARING

Education

Room 1525

Wednesday, March 23, 2011 8:30 a.m.

Steve Seline - Nebraska Educational Telecommunications Commission  
 Robert Engles - Board of Trustees of the Nebraska State Colleges  
 Dennis Baack - Nebraska Educational Telecommunications Commission

(Signed) Greg Adams, Chairperson



**ANNOUNCEMENTS**

The Education Committee designates LB637 as its priority bill.

Senator Pahls designates LB544 as his priority bill.

The Appropriations Committee designates LB464 as its priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 546.** Senator Krist offered the following amendment:

AM692

- 1 1. On page 2, line 8, strike "except section R313.".
- 2 2. On page 3, lines 18 through 20, strike the new matter.
- 3 3. On page 4, lines 13 and 16, reinstate the stricken
- 4 matter; and in lines 15 through 18 strike the new matter.

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 421.** Title read. Considered.

Committee AM228, found on page 544, was considered.

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 86 and 87 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 86 and 87.

**COMMITTEE REPORTS**

General Affairs

**LEGISLATIVE BILL 56.** Placed on General File.

**LEGISLATIVE BILL 554.** Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

## ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB477 and LB112 as its priority bills.

The General Affairs Committee designates LB286 and LB407 as its priority bills.

## AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB41:  
AM652

- 1 1. On page 16, strike beginning with "The" in line 24
- 2 through line 25.
- 3 2. On page 17, strike line 1.

Senator Flood filed the following amendment to LB20:  
AM657

(Amendments to Standing Committee amendments, AM64)

- 1 1. Insert the following new section:
- 2 Sec. 8. Section 28-456.01, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 28-456.01 (1) No person shall purchase, receive, or
- 5 otherwise acquire, other than wholesale acquisition by a retail
- 6 business in the normal course of its trade or business, any
- 7 drug product containing more than three and six-tenths grams
- 8 of pseudoephedrine base or three and six-tenths grams of
- 9 phenylpropanolamine base during a twenty-four-hour period unless
- 10 purchased pursuant to a medical order. Any person who violates this
- 11 section shall be guilty of an infraction as defined in section
- 12 ~~29-431~~, a Class IV misdemeanor for the first offense and a Class
- 13 III misdemeanor for each subsequent offense.
- 14 (2) No person shall purchase, receive, or otherwise
- 15 acquire, other than wholesale acquisition by a retail business
- 16 in the normal course of its trade or business, any drug product
- 17 containing more than nine grams of pseudoephedrine base or nine
- 18 grams of phenylpropanolamine base during a thirty-day period unless
- 19 purchased pursuant to a medical order. Any person who violates this
- 20 section shall be guilty of a Class IV misdemeanor for the first
- 21 offense and a Class III misdemeanor for each subsequent offense.
- 22 2. Renumber the remaining sections and correct the
- 1 repealer section accordingly.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 106.** Introduced by Bloomfield, 17.

WHEREAS, the Homer Lady Knights won the 2011 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Homer Lady Knights defeated the Crofton Warriors in the championship game by a score of 49-45, defeated the Hartington Cedar Catholic Trojans in the semifinals by a score of 41-39, and defeated the Lutheran High Northeast Lady Eagles in the first game of the tournament in overtime by a score of 45-43; and

WHEREAS, the Homer Lady Knights finished the year with a record of 26 wins and 2 losses; and

WHEREAS, Coach Merlyn Tremayne and his Lady Knights worked hard, kept up their spirit, and promoted the "Cinderella" story; and

WHEREAS, Coach Tremayne perpetuated the "Cinderella" story by telling his team that they had made it to the state tournament and would see if the "slipper fit"; and

WHEREAS, the 2011 Homer Lady Knights have achieved the very first Girls' State Basketball Championship in school history.

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

1. That the Legislature congratulates the Homer Lady Knights for their achievement in winning the 2011 Class C-2 Girls' State Basketball Championship.

2. That the Legislature congratulates Coach Merlyn Tremayne for his team's excellent season and his guidance.

3. That a copy of this resolution be sent to Coach Merlyn Tremayne.

Laid over.

**LEGISLATIVE RESOLUTION 107.** Introduced by Howard, 9; Adams, 24; Avery, 28.

WHEREAS, nationally more than one hundred sixty thousand students stay home from school each day for fear of being bullied; and

WHEREAS, bullying is the most common form of violence; and

WHEREAS, bullying causes deep psychological pain, and children who are bullied often experience low self-esteem, depression, physical problems, more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, bullying affects all children who experience and witness it; and

WHEREAS, a school-wide commitment to stop bullying can reduce bullying by more than fifty percent; and

WHEREAS, it takes a community to prevent the bullying of children; and

WHEREAS, National Bullying Prevention Month encourages communities nationwide to work together to increase awareness of the prevalence and impact of bullying on all children.

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

1. That October 2011 be designated as Nebraska School Bullying Prevention Month, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

**LEGISLATIVE RESOLUTION 108.** Introduced by Cornett, 45.

WHEREAS, on June 16, 2011, IBM will celebrate its 100-year anniversary, which is unmatched in the world of business and technology; and

WHEREAS, while countless corporations, political groups, technologies, economic upheavals, and scientific disciplines have risen and disappeared throughout the decades, IBM has persevered. Its insights are critical to Nebraska's rising leaders who are charting their paths in a more global and competitive world; and

WHEREAS, IBM has always created technological discoveries that have transformed our lives, including the first electronic calculator and programmable computers, the chip powering the leading gaming consoles, and the Watson computer that defeated past champions on the popular television game show, Jeopardy!; and

WHEREAS, IBM has continued to reinvent itself as a modern corporation through best practices in strong leadership, management training, and global growth; and

WHEREAS, IBM's long-term view of leadership development and talent management has helped affect positive changes within business and society. The company has pioneered many of the management practices of the twentieth-century business, including diversity and accessibility, cross-cultural adaptability, and training managers on a massive scale; and

WHEREAS, IBM has a long and rich history of serving Nebraska businesses and government; and

WHEREAS, today, IBM is continuing to shape the way the world works by working with federal and state agencies and local governments to streamline and connect operations, citizens services, and critical mentions using cloud computing and to detect waste, fraud, and abuse using analytics; and

WHEREAS, the company is also supporting growing cities around the world including Dubuque, Iowa, and Corpus Christi, Texas, to establish solutions to build "Smarter Cities." These efforts include reducing traffic congestion and resulting air pollution, digitizing health records to improve patient care, improving access to and quality of education, enhancing

surveillance systems to reduce crime rates, sourcing and managing power more intelligently, and improving the quality and supply of and access to water.

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

1. That the Legislature congratulates IBM for its 100 years of innovation and contributions to society.
2. That a copy of this resolution be sent to the corporate headquarters of IBM.

Laid over.

**LEGISLATIVE RESOLUTION 109.** Introduced by Howard, 9; Campbell, 25; Gloor, 35; Wallman, 30.

WHEREAS, eHealth Initiative, a national organization committed to quality, safety, and efficiency of health care through information technology, awarded Dr. Harris Frankel its eHealth Physician Advocate of the Year Award; and

WHEREAS, the award was given in recognition of Dr. Frankel's leadership and commitment to technological advancements leading to the implementation of the Nebraska Health Information Initiative; and

WHEREAS, Dr. Frankel has been a champion for Nebraska's cutting edge electronic medical records program; and

WHEREAS, Dr. Frankel was instrumental in the creation, pilot, and overall success of the Nebraska Health Information Initiative program; and

WHEREAS, Dr. Frankel received the award on January 19, 2011, during the Fourth Annual eHealth Conference and Awards Reception held in Washington, D.C.

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

1. That the Legislature congratulates Dr. Harris Frankel for being named the eHealth Physician Advocate of the Year.
2. That a copy of this resolution be sent to Dr. Harris Frankel.

Laid over.

**LEGISLATIVE RESOLUTION 110.** Introduced by Howard, 9; Campbell, 25; Gloor, 35.

WHEREAS, prescription drug abuse is a growing and pervasive problem throughout the country; and

WHEREAS, drug-related deaths are more frequent than traffic fatalities in sixteen states; and

WHEREAS, two thousand five hundred children and adolescents begin abusing prescription medications each day; and

WHEREAS, an estimated seven million Americans abused prescription medications in 2009; and

WHEREAS, prescription pain medication is the fastest growing addiction in the United States; and

WHEREAS, abuse of prescription drugs affects not only individuals, but also their families and communities.

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

1. That the month of October 2011 be designated as Prescription Drug Abuse Awareness Month in Nebraska.

2. That during October 2011 communities are encouraged to participate in activities designed to increase public awareness about the danger of abusing prescription medications.

Laid over.

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

Senator Fulton asked unanimous consent to add his name as cointroducer to LR40CA. No objections. So ordered.

Senator Larson asked unanimous consent to add his name as cointroducer to LB229. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 16 eighth-grade students, teacher, and sponsors from Meridian Public School, Daykin; Elizabeth Barrett from Omaha; and Home Instead Senior Care owners from across the state.

The Doctor of the Day was Dr. Anthony Montegut from Omaha.

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Avery, the Legislature adjourned until 9:00 a.m., Wednesday, March 9, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-THIRD DAY - MARCH 9, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 9, 2011

**PRAYER**

The prayer was offered by Senator Harms.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Janssen who was excused; and Senators Karpisek, Lautenbaugh, Pahls, Price, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**MOTION - Print in Journal**

Senator Wightman filed the following motion to LB16:  
MO18  
Withdraw bill.

**NOTICE OF COMMITTEE HEARING**

Redistricting

Room 1525

Wednesday, March 16, 2011 12:00 p.m.

LR102

(Signed) Chris Langemeier, Chairperson

**ANNOUNCEMENTS**

Senator B. Harr designates LB387 as his priority bill.

Senator Brasch designates LB690 as her priority bill.

Senator Coash designates LB100 as his priority bill.

Senator Larson designates LB229 as his priority bill.

Senator Wightman designates LB388 as his priority bill.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 81.** With Emergency Clause.

A BILL FOR AN ACT relating to cities and villages; to amend section 14-109, Reissue Revised Statutes of Nebraska, and section 18-1214, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to occupation taxes and motor vehicle registration; to authorize motor vehicle fees as prescribed; to define terms; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Adams	Cornett	Hadley	Louden	Smith
Ashford	Council	Hansen	McCoy	Sullivan
Brasch	Dubas	Harms	McGill	Utter
Campbell	Fischer	Harr, B.	Mello	Wallman
Carlson	Flood	Heidemann	Nelson	Wightman
Christensen	Fulton	Langemeier	Pankonin	
Coash	Gloor	Larson	Pirsch	
Conrad	Haar, K.	Lathrop	Schumacher	

Voting in the negative, 4:

Cook	Howard	Krist	Nordquist
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Present and not voting, 2:

Avery	Bloomfield
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Excused and not voting, 6:

Janssen	Lautenbaugh	Price
Karpisek	Pahls	Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB333 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 333.** With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend sections 79-720, 79-722, 79-760.04, 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108, and 79-1108.02, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and eliminate allocation provisions relating to the Education Innovation Fund; to change provisions relating to multicultural education, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, and allocation and transfer of certain funds as prescribed; to eliminate provisions relating to a student achievement coordinator; to harmonize provisions; to repeal the original sections; to outright repeal section 79-11,150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Schilz
Avery	Cornett	Hansen	Louden	Schumacher
Bloomfield	Council	Harms	McCoy	Smith
Brasch	Dubas	Harr, B.	McGill	Sullivan
Campbell	Fischer	Heidemann	Mello	Utter
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Krist	Nordquist	Wightman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Janssen            Karpisek            Lautenbaugh    Pahls            Price

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 88, 89, 90, 91, 92, and 93 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 88, 89, 90, 91, 92, and 93.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 81 and 333.

### **SELECT FILE**

**LEGISLATIVE BILL 27.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 32.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 31.** ER38, found on page 648, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 165.** ER39, found on page 673, was adopted.

The Pahls amendment, AM520, found on page 653, was withdrawn.

Advanced to Enrollment and Review for Engrossment.

### **GENERAL FILE**

**LEGISLATIVE BILL 421.** Committee AM228, found on page 544 and considered 785, was renewed.

### **SENATOR GLOOR PRESIDING**

The committee amendment was adopted with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 12 present

and not voting, and 4 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 111.** Introduced by Utter, 33.

WHEREAS, the Hastings St. Cecilia Hawkettes won the 2011 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the victory marked the first state championship in girls' basketball for the Hastings St. Cecilia Hawkettes since 1979; and

WHEREAS, the Hastings St. Cecilia Hawkettes displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; 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, FIRST SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia Hawkettes on winning the 2011 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia Hawkettes and their coach, Jahn Kile.

Laid over.

**LEGISLATIVE RESOLUTION 112.** Introduced by Larson, 40; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Sergeant Marcus Holan, United States Marine Corps, has achieved the Bronze Star Medal for heroic achievements in connection with combat while serving as Squad Leader, 3d Combat Team 7, Marine Expeditionary Brigade, in Afghanistan on February 15, 2010; and

WHEREAS, while conducting a mission in Marjah, Afghanistan, Sergeant Holan's platoon was attacked by heavy machine-gun fire and rocket-propelled grenades, and Sergeant Holan courageously maneuvered his squad to engage enemy forces and launched an attack to acquire the enemy position; and

WHEREAS, Sergeant Holan led his squad under enemy fire to a light antitank weapon, where he fired a rocket at the compound and temporarily subdued the enemy. Sergeant Holan continued towards the compound under

small arms fire, threw a fragmentation grenade over the compound wall, and eliminated enemy combatants; and

WHEREAS, Sergeant Holan's heroic actions were rousing to the Marines around him and led to the platoon's mission being accomplished. Through his guidance, devout initiative and complete dedication to duty, Sergeant Holan portrayed great valor and upheld the highest traditions of the United States Marine Corps and the United States Naval Service.

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

1. That the Legislature expresses sincere gratitude for Sergeant Marcus Holan's service to his country and congratulates him for earning the Bronze Star Medal.

2. That a copy of this resolution be sent to Sergeant Marcus Holan.

Laid over.

### ANNOUNCEMENTS

Senator Avery designates LB606 as his priority bill.

Senator K. Haar designates LB283 as his priority bill.

The Health and Human Services Committee designates LB95 as its priority bill.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 2011, at 9:23 a.m. were the following: LBs 81e and 333e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 81e and 333e.

(Signed) Scott Price

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 480.** Placed on General File.

**LEGISLATIVE BILL 503.** Placed on General File.

**LEGISLATIVE BILL 606.** Placed on General File.

**LEGISLATIVE BILL 139.** Placed on General File with amendment.  
AM292

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

3 Section 1. Section 23-3104, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 23-3104 As used in the County Purchasing Act, unless the  
6 context otherwise requires:

7 (1) Mobile equipment ~~shall mean means~~ all vehicles  
8 propelled by any power other than muscular, including, but  
9 not limited to, motor vehicles, off-road designed vehicles,  
10 motorcycles, passenger cars, self-propelled mobile homes,  
11 truck-tractors, trucks, cabin trailers, semitrailers, trailers,  
12 utility trailers, and road and general-purpose construction and  
13 maintenance machinery not designed or used primarily for the  
14 transportation of persons or property, including, but not limited  
15 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,  
16 leveling graders, earthmoving carryalls, power shovels, earthmoving  
17 equipment, and crawler tractors;

18 (2) Personal property ~~shall include, but not be includes,~~  
19 but is not limited to, supplies, materials, mobile equipment, and  
20 equipment used by or furnished to any county officer, office,  
21 department, institution, board, or other agency of the county  
22 government. Personal property shall does not include election  
23 ballots;

1 (3) Services ~~shall mean means~~ any and all services except  
2 telephone, telegraph, postal, and electric light and power service,  
3 other similar services, and election contractual services; and

4 (4) Purchasing or purchase ~~shall mean means~~ the obtaining  
5 of personal property or services by sale, lease, or other  
6 contractual means. Purchase ~~shall also include includes~~ contracting  
7 with sheltered workshops for products or services as provided in  
8 Chapter 48, article 15.

9 Sec. 2. Section 23-3107, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 23-3107 The county board or purchasing agent, subject  
12 to the approval of the county board, shall: (1) Prescribe the  
13 manner in which personal property shall be purchased, delivered,  
14 and distributed; (2) prescribe dates for making estimates, the  
15 future period which they are to cover, the form in which they  
16 are submitted, and the manner of their authentication; (3) revise  
17 forms from time to time as conditions warrant; (4) provide for the  
18 transfer to and between county departments and agencies of personal  
19 property which is surplus with one department or agency but which  
20 may be needed by another or others; (5) dispose of by sale personal  
21 property which has been declared by the county board to be surplus  
22 and which is obsolete or not usable by the county. ~~Such Except~~  
23 as otherwise provided in subsection (2) of section 23-3115, such  
24 property with a value of less than two thousand five hundred

25 dollars may be sold without competitive bidding. ~~Property-Except as~~  
 26 otherwise provided in subsection (2) of section 23-3115, property  
 27 with a value of two thousand five hundred dollars or more shall  
 1 be sold through competitive bidding; (6) prescribe the amount of  
 2 cash deposit or bond to be submitted with a bid on a contract and  
 3 the amount of deposit or bond to be given for the performance of  
 4 a contract, if the amount of the bond is not specifically provided  
 5 by law; and (7) prescribe the manner in which claims for personal  
 6 property or services delivered to any department or agency of the  
 7 county shall be submitted, approved, and paid.

8 Sec. 3. Section 23-3115, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 23-3115 (1) The county board or the purchasing agent,  
 11 with the approval of the county board, may authorize a county  
 12 official or employee to sell surplus personal property, other  
 13 than mobile equipment, which is obsolete or not usable by the  
 14 county, ~~other than mobile equipment, having~~ and which has a value  
 15 of less than two thousand five hundred dollars. In making such  
 16 authorization, the county board or purchasing agent may place any  
 17 restriction on the type or value of property to be sold, restrict  
 18 such authority to a single transaction or to a period of time, or  
 19 make any other appropriate restrictions or conditions.

20 (2) The county board or the purchasing agent, with the  
 21 approval of the county board, may authorize a county official or  
 22 employee to sell surplus mobile equipment which is obsolete or  
 23 not usable by the county and which has a value of less than five  
 24 thousand dollars. Surplus mobile equipment which is obsolete or not  
 25 usable by the county and which has a value of five thousand dollars  
 26 or more shall be sold through competitive bidding.

27 ~~(2)-(3)~~ Any county official or employee granted the  
 1 authority to sell surplus personal property which is obsolete or  
 2 not usable by the county as prescribed in subsection (1) or (2) of  
 3 this section shall make a written report to the county board within  
 4 thirty days after the end of the fiscal year reflecting, for each  
 5 transaction, the item sold, the name and address of the purchaser,  
 6 the price paid by the purchaser for each item, and the total amount  
 7 paid by the purchaser.

8 ~~(3)-(4)~~ The money generated by any sales authorized by  
 9 this section shall be payable to the county treasurer and shall be  
 10 credited to the funds of the department, office, or agency to which  
 11 the property belonged.

12 ~~(4)-(5)~~ No person authorized by the county board or  
 13 purchasing agent to make such sales shall be authorized to make or  
 14 imply any warranty of any kind whatsoever as to the nature, use,  
 15 condition, or fitness for a particular purpose of any property sold  
 16 pursuant to this section. Any person making sales authorized by  
 17 this section shall inform the purchaser that such property is being  
 18 sold as is without any warranty of any kind whatsoever.

19 Sec. 4. Original sections 23-3104, 23-3107, and 23-3115,  
 20 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 176.** Placed on General File with amendment.  
 AM622

- 1 1. On page 2, line 13, after "case" insert "if the
- 2 violator did not appear at the hearing personally or by counsel".

**LEGISLATIVE BILL 254.** Placed on General File with amendment.  
 AM240

- 1 1. On page 4, after line 1, insert the following new
- 2 subsection:
- 3 "(5) The changes made to this section by this legislative
- 4 bill do not affect the duty of a register of deeds to file
- 5 an instrument presented for recordation as set forth in sections
- 6 23-1506 and 76-237".

**LEGISLATIVE BILL 352.** Placed on General File with amendment.  
 AM631

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 3-301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 3-301 For purposes of the Airport Zoning Act, unless the
- 6 context otherwise requires:
- 7 (1) Airport means any area of land or water designed and
- 8 set aside for the landing and taking off of aircraft and utilized
- 9 or to be utilized in the interest of the public for such purposes;
- 10 (2) Airport hazard means any structure or tree or use
- 11 of land which obstructs the airspace required for the flight of
- 12 aircraft in landing or taking off at an airport or is otherwise
- 13 hazardous to such landing or taking off of aircraft;
- 14 (3) Airport hazard area means any area of land or
- 15 water upon which an airport hazard might be established if not
- 16 prevented as provided in the act, but such area shall not extend
- 17 in any direction a distance in excess of ~~three miles from the~~
- 18 ~~adjacent boundary of an airport;~~ the limits provided for approach,
- 19 operation, transition, and turning zones;
- 20 (4) Approach zone means a zone that extends from the end
- 21 of each operation zone and is centered along the extended runway
- 22 centerlines. An approach zone's dimensions are as follows:
- 23 (a) For an existing or proposed instrument runway:
  - 1 (i) An approach zone extends ten miles from the operation
  - 2 zone, measured along the extended runway centerline. The approach
  - 3 zone is one thousand feet wide at the end of the zone nearest
  - 4 the runway and expands uniformly to sixteen thousand eight hundred
  - 5 forty feet wide at the farthest end of the zone; and
  - 6 (ii) The height limit of an approach zone begins at the
  - 7 elevation of the runway end for which it is the approach and rises

8 one foot vertically for every fifty feet horizontally, except that  
9 the height limit shall not exceed one hundred fifty feet above  
10 the nearest existing or proposed runway end elevation within three  
11 miles of the end of the operation zone at that runway end. At three  
12 miles from such operation zone, the height limit resumes sloping  
13 one foot vertically for every fifty feet horizontally and continues  
14 to the ten-mile limit; and

15 (b) For an existing or proposed visual runway:

16 (i) An approach zone extends from the operation zone to  
17 the limits of the turning zone, measured along the extended runway  
18 centerline. The approach zone is five hundred feet wide at the  
19 end of the zone nearest the runway and expands uniformly so that  
20 at a point on the extended runway centerline three miles from the  
21 operation zone, the approach zone is three thousand seven hundred  
22 feet wide; and

23 (ii) The height limit of an approach zone begins at the  
24 elevation of the runway end for which it is the approach and rises  
25 one foot vertically for every forty feet horizontally, except that  
26 the height limit shall not exceed one hundred fifty feet above  
27 the nearest existing or proposed runway end elevation within three  
1 miles of the end of the operation zone at that runway end;

2 (5) Operation zone means a zone that is longitudinally  
3 centered on each existing or proposed runway. An operation zone's  
4 dimensions are as follows:

5 (a) For existing and proposed paved runways, the  
6 operation zone extends two hundred feet beyond the ends of each  
7 runway. For existing and proposed turf runways, the operation zone  
8 begins and ends at the same points as the runway begins and ends;

9 (b) For existing and proposed instrument runways, the  
10 operation zone is one thousand feet wide, with five hundred feet  
11 on either side of the runway centerline. For all other existing  
12 and proposed runways, the operation zone is five hundred feet  
13 wide, with two hundred fifty feet on either side of the runway  
14 centerline; and

15 (c) The height limit of the operation zone is the same as  
16 the height of the nearest point on an existing or proposed runway  
17 or the surface of the ground, whichever is higher;

18 (4)-(6) Political subdivision means any municipality,  
19 city, village, or county;

20 (5)-(7) Person means any individual, firm, partnership,  
21 limited liability company, corporation, company, association,  
22 joint-stock association, or body politic and includes any trustee,  
23 receiver, assignee, or other similar representative thereof;

24 (6)-(8) Structure means any object constructed or  
25 installed by man, including, but without limitation, buildings,  
26 towers, smokestacks, and overhead transmission lines; and

27 (9) Transition zone means a zone that extends outward at  
1 a right angle to the runway centerline and upward at a rate of one  
2 foot vertically for every seven feet horizontally. The height limit



3 of a transition zone begins at the height limit of the adjacent  
 4 approach zone or operation zone and ends at a height of one hundred  
 5 fifty feet above the highest elevation on the existing or proposed  
 6 runway;

7 ~~(7)~~(10) Tree means any object of natural growth; and-  
 8 (11) Turning zone's outer limit means the area located  
 9 at a distance of three miles as a radius from the corners of  
 10 the operation zone of each runway and connecting adjacent arcs  
 11 with tangent lines, excluding any area within the approach zone,  
 12 operation zone, or transition zone. The height limit of the turning  
 13 zone is one hundred fifty feet above the highest elevation on the  
 14 existing or proposed runway.

15 Sec. 2. Section 3-303, Revised Statutes Cumulative  
 16 Supplement, 2010, is amended to read:

17 3-303 In order to prevent the creation or establishment  
 18 of airport hazards, every political subdivision that has adopted  
 19 a comprehensive plan and zoning regulations and has an airport  
 20 hazard area within the area of its zoning jurisdiction, shall  
 21 adopt, administer, and enforce, under the police power and in  
 22 the manner and upon the conditions hereinafter prescribed, airport  
 23 zoning regulations for such airport hazard area, which regulations  
 24 shall meet the minimum regulations as prescribed by the Department  
 25 of Aeronautics for the airport classifications for each airport and  
 26 may divide such area into zones and, within such zones, specify the  
 27 land uses permitted and regulate and restrict the height to which  
 1 the structures and trees may be erected or allowed to grow. Any  
 2 existing structure or tree in compliance on the effective date of  
 3 this act shall be deemed to be in compliance after the effective  
 4 date of this act if the structure or tree does not increase in  
 5 height.

6 Sec. 3. Original section 3-301, Reissue Revised Statutes  
 7 of Nebraska, and section 3-303, Revised Statutes Cumulative  
 8 Supplement, 2010, are repealed.

**LEGISLATIVE BILL 143.** Indefinitely postponed.

**LEGISLATIVE BILL 419.** Indefinitely postponed.

**LEGISLATIVE BILL 501.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 418.** Placed on General File with amendment.  
 AM643

1 1. On page 2, line 25, strike "message otherwise" and  
 2 insert "person as defined in section 49-1438 with respect to  
 3 activity subject to the Nebraska Political Accountability and  
 4 Disclosure Act".

5 2. On page 3, line 1, strike the new matter.

**LEGISLATIVE BILL 500.** Placed on General File with amendment.  
AM717

- 1 1. On page 5, line 9, after "to" insert "significantly
- 2 and materially".

**LEGISLATIVE BILL 220.** Indefinitely postponed.

**LEGISLATIVE BILL 659.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

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.

Kathy Boswell - Nebraska Rural Health Advisory Commission  
Douglas Dilly - Nebraska Rural Health Advisory Commission  
Martin Fattig - Nebraska Rural Health Advisory Commission  
Zachary Frey - Nebraska Rural Health Advisory Commission  
Sharon Vandegrift - Nebraska Rural Health Advisory Commission

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Susan Staab - Foster Care Review Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Diane Jackson - State Board of Health  
Dale Michels - State Board of Health  
Roger Reamer - State Board of Health

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

(Signed) Kathy Campbell, Chairperson

## Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Keith Hansen - State Emergency Response Commission  
Tim Hofbauer - State Emergency Response Commission  
Dana Miller - State Emergency Response Commission

Aye: 6 Senators Avery, Brasch, Karpisek, Price, Schumacher, Sullivan.  
Nay: 0. Absent: 2 Senators Janssen, Pahls. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Brian Tessman - State Personnel Board

Aye: 6 Senators Avery, Brasch, Karpisek, Price, Schumacher, Sullivan.  
Nay: 0. Absent: 2 Senators Janssen, Pahls. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

## Transportation and Telecommunications

The Transportation and Telecommunications 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.

LeRoy Gerrard - Board of Public Roads Classifications and Standards  
David Wacker - Board of Public Roads Classifications and Standards

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 260.** Title read. Considered.

Committee AM310, found on page 536, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 105.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

### ANNOUNCEMENT

The Chair announced today is Senator Hadley's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 207.** Title read. Considered.

### SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 563.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 289A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Second Legislature, First Session, 2011.

### ANNOUNCEMENTS

The Urban Affairs Committee designates LB329 and LB54 as its priority bills.

Senator Adams designates LB235 as his priority bill.

Senator Conrad designates LB345 as her priority bill.

The Judiciary Committee designates LB463 and LB251 as its priority bills.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 113.** Introduced by Howard, 9; Avery, 28; Brasch, 16; Christensen, 44; Conrad, 46; Cook, 13; Dubas, 34; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4; Wallman, 30.

WHEREAS, Fetal Alcohol Spectrum Disorders Awareness Day has been celebrated internationally on September 9th of each year since 1999; and

WHEREAS, Fetal Alcohol Spectrum Disorders (FASD) describes a spectrum of significant physical, mental, behavioral, and learning effects that can occur in individuals whose mothers consume alcohol during pregnancy; and

WHEREAS, only forty percent of women realize they are pregnant at four weeks, a critical time for organ development, and many women continue to drink during this period because they do not know they are pregnant; and

WHEREAS, nationally one in thirty women engage in binge drinking when they are pregnant; and

WHEREAS, FASD is a lifelong disability that is completely preventable; and

WHEREAS, the first step in preventing FASD is making sure that potential parents are aware of the dangers of alcohol consumption during pregnancy.

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

1. That September 9, 2011, be designated Fetal Alcohol Spectrum Disorders Awareness Day in Nebraska.

2. That on September 9, 2011, individuals, organizations, and communities are encouraged to engage in discussions and activities that raise awareness about FASD and the dangers of consuming alcohol during pregnancy.

Laid over.

**LEGISLATIVE RESOLUTION 114.** Introduced by Howard, 9; Avery, 28; Brasch, 16; Christensen, 44; Conrad, 46; Cook, 13; Dubas, 34; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4.

WHEREAS, in the United States, one in eight babies is born too soon; and

WHEREAS, prematurity is the number one killer of newborns; and

WHEREAS, premature birth can result in lifelong health effects, including cerebral palsy, mental retardation, chronic lung disease, blindness, and hearing loss; and

WHEREAS, the key to preventing and treating issues related to prematurity is education of parents and health care providers and research into prevention and causes; and

WHEREAS, there is much more work to be done.

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

1. That November 2011 be designated Prematurity Awareness Month in Nebraska. That during this month individuals, organizations, and communities are encouraged to engage in discussion and activities that raise awareness about the dangers of premature birth and its prevention.
2. That a copy of this resolution be sent to the March of Dimes.

Laid over.

## COMMITTEE REPORTS

### General Affairs

**LEGISLATIVE BILL 279.** Placed on General File with amendment.  
AM694

- 1 1. On page 2, line 3, strike "No", show as stricken, and
- 2 insert "(1)(a) Except as otherwise provided in subsection (2) of
- 3 this section, no"; and in line 15 strike "No", show as stricken,
- 4 and insert paragraphing and "(b) Except as otherwise provided in
- 5 subsection (2) of this section, no".
- 6 2. On page 3, after line 2, insert the following new
- 7 subsection:
- 8 "(2) A manufacturer of beer may acquire an ownership
- 9 interest otherwise prohibited by subsection (1) of this section,
- 10 for a period not to exceed two years, upon the death or bankruptcy
- 11 of the wholesaler with which the manufacturer is doing business or
- 12 upon the wholesaler with which the manufacturer is doing business
- 13 becoming ineligible to hold a license under section 53-125."

**LEGISLATIVE BILL 336.** Placed on General File with amendment.  
AM695

- 1 1. On page 3, line 4, after the period insert "No such
- 2 employment shall be approved if the licensee receives more than
- 3 fifty percent of the licensee's gross revenue from the sale or
- 4 dispensing of alcoholic liquor."

**LEGISLATIVE BILL 407.** Placed on General File with amendment.  
AM696

- 1 1. Insert the following new sections:
- 2 Section 1. Section 53-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-101 Sections 53-101 to 53-1,122 and section 8 of this
- 5 act shall be known and may be cited as the Nebraska Liquor Control
- 6 Act.
- 7 Sec. 2. Section 53-110, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 53-110 (1) No person shall be appointed as a
- 10 commissioner, the executive director of the commission, or an

11 employee of the commission who is not a citizen of the United  
 12 States and who has not resided within the State of Nebraska  
 13 successively for two years next preceding the date of his or her  
 14 appointment.

15 (2) No person ~~(1)-(a)~~ convicted of or who has pleaded  
 16 guilty to a felony or any violation of any federal or state law  
 17 concerning the manufacture or sale of alcoholic liquor prior or  
 18 subsequent to the passage of the Nebraska Liquor Control Act, ~~(2)~~  
 19 (b) who has paid a fine or penalty in settlement of any prosecution  
 20 against him or her for any violation of such laws, or ~~(3)-(c)~~ who  
 21 has forfeited his or her bond to appear in court to answer charges  
 22 for any such violation shall be appointed commissioner.

23 (3)(a) Except as otherwise provided in subdivision (b) of  
 1 this subsection, no ~~No~~ commissioner or employee of the commission  
 2 may, directly or indirectly, individually, as a member of a  
 3 partnership, as a member of a limited liability company, or as  
 4 a shareholder of a corporation, have any interest whatsoever  
 5 in the manufacture, sale, or distribution of alcoholic liquor,  
 6 receive any compensation or profit from such manufacture, sale, or  
 7 distribution, or have any interest whatsoever in the purchases or  
 8 sales made by the persons authorized by the act to purchase or to  
 9 sell alcoholic liquor.

10 (b) With the written approval of the executive director,  
 11 an employee of the commission, other than the executive director  
 12 or a division manager, may accept part-time or seasonal employment  
 13 with a person licensed or regulated by the commission. No such  
 14 employment shall be approved if the licensee receives more than  
 15 fifty percent of the licensee's gross revenue from the sale or  
 16 dispensing of alcoholic liquor.

17 (4) This section shall not prevent any commissioner, the  
 18 executive director, or any employee from purchasing and keeping in  
 19 his or her possession for the use of himself, herself, or members  
 20 of his or her family or guests any alcoholic liquor which may be  
 21 purchased or kept by any person pursuant to the act.

22 Sec. 7. Section 53-177, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 53-177 (1) Except as otherwise provided in subsection  
 25 (2) of this section, no license shall be issued for the sale  
 26 at retail of any alcoholic liquor within one hundred fifty feet  
 27 of any church, school, hospital, or home for aged or indigent  
 1 persons or for veterans, their wives or children. This prohibition  
 2 does not apply (a) to any location within such distance of  
 3 one hundred fifty feet for which a license to sell alcoholic  
 4 liquor at retail has been granted by the ~~Nebraska Liquor Control~~  
 5 ~~Commission~~ commission for two years continuously prior to making  
 6 of application for license, ~~and~~ (b) to hotels offering restaurant  
 7 service, to regularly organized clubs, or to restaurants, food  
 8 shops, or other places where sale of alcoholic liquor is not  
 9 the principal business carried on, if such place of business so

10 exempted was established for such purposes prior to May 24, 1935,  
 11 or (c) to a college or university in the state which is subject to  
 12 section 2 of this act.

13 (2) If a proposed location for the sale at retail of  
 14 any alcoholic liquor is within one hundred fifty feet of any  
 15 church, a license may be issued if the commission gives notice to  
 16 the affected church and holds a hearing as prescribed in section  
 17 53-133.

18 ~~(3) No alcoholic liquor, other than beer, shall be sold~~  
 19 ~~for consumption on the premises within three hundred feet from the~~  
 20 ~~campus of any college or university in the state, except that this~~  
 21 ~~section:~~

22 ~~(a) Does not prohibit a nonpublic college or university~~  
 23 ~~from contracting with an individual or corporation holding a~~  
 24 ~~license to sell alcoholic liquor at retail for the purpose of~~  
 25 ~~selling alcoholic liquor at retail on the campus of such college~~  
 26 ~~or university at events sanctioned by such college or university~~  
 27 ~~but does prohibit the sale of alcoholic liquor at retail by such~~  
 1 ~~licensee on the campus of such nonpublic college or university at~~  
 2 ~~student activities or events; and~~

3 ~~(b) Does not prohibit sales of alcoholic liquor by a~~  
 4 ~~community college culinary education program pursuant to section~~  
 5 ~~53-124.15.~~

6 Sec. 8. (1) No alcoholic liquor shall be sold for  
 7 consumption on the premises within three hundred feet from the  
 8 campus of any college or university in the state, except that this  
 9 section:

10 (a) Does not prohibit a nonpublic college or university  
 11 from contracting with an individual or corporation holding a  
 12 license to sell alcoholic liquor at retail for the purpose of  
 13 selling alcoholic liquor at retail on the campus of such college  
 14 or university at events sanctioned by such college or university  
 15 but does prohibit the sale of alcoholic liquor at retail by such  
 16 licensee on the campus of such nonpublic college or university at  
 17 student activities or events; and

18 (b) Does not prohibit sales of alcoholic liquor by a  
 19 community college culinary education program pursuant to section  
 20 53-124.15.

21 (2) Except as otherwise provided in subsection (4) of  
 22 this section, the commission may waive the three-hundred-foot  
 23 restriction in subsection (1) of this section taking into  
 24 consideration one or more of the following:

25 (a) The impact of retail sales of alcoholic liquor for  
 26 consumption on the premises on the academic mission of the college  
 27 or university;

1 (b) The impact on students and prospective students if  
 2 such sales were permitted on or near campus;

3 (c) The impact on economic development opportunities  
 4 located within or in proximity to the campus; and



- 5 (d) The waiver would likely reduce the number of  
 6 applications for special designated licenses requested by the  
 7 college or university or its designee.  
 8 (3) To apply for a waiver under this section, the  
 9 applicant shall submit a written application to the commission. The  
 10 commission shall notify the governing body of the affected college  
 11 or university when the commission receives an application for a  
 12 waiver. The application shall include:  
 13 (a) The address of the location for which the waiver is  
 14 requested;  
 15 (b) The name and type of business for which the waiver is  
 16 requested; and  
 17 (c) A description of the justification for the waiver  
 18 explaining how the proposed location complies with the findings  
 19 prescribed in subsection (2) of this section.  
 20 (4) The commission shall not waive the three-hundred-foot  
 21 restriction in subsection (1) of this section without written  
 22 approval from the governing body of the college or university or  
 23 its designee if the physical location of the property which is  
 24 the subject of the requested waiver is (a) surrounded by property  
 25 owned by the college or university including any public or private  
 26 easement, street, or right-of-way adjacent to the property owned  
 27 by the college or university or (b) adjacent to property on two  
 1 or more sides owned by the college or university including any  
 2 public or private easement, street, or right-of-way adjacent to the  
 3 property owned by the college or university.  
 4 2. On page 8, line 10, after "sections" insert "53-101,  
 5 53-110,"; and in line 11 strike "and 53-133" and insert "53-133,  
 6 and 53-177".  
 7 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 641.** Placed on General File with amendment.  
 AM656

- 1 1. On page 2, line 24, after "commission" insert "(a)".  
 2 2. On page 3, line 1, after "occurred" insert "or (b)  
 3 within thirty days after the conclusion of an ongoing police  
 4 investigation, whichever is later".  
 5 3. On page 5, line 19, after "commission" insert "(1)";  
 6 in line 20 strike "or" and insert ", (2) within thirty days after";  
 7 and in line 21 after the last comma insert "or (3) within thirty  
 8 days after the conclusion of an ongoing police investigation,".

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 621.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 41.** Title read. Considered.

Committee AM219, found on page 541, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Hadley renewed his amendment, AM652, found on page 786.

The Hadley amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 342.** Title read. Considered.

Committee AM221, found on page 542, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 366.** Title read. Considered.

Committee AM122, found on page 543, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 255.** Title read. Considered.

Pending.

**LEGISLATIVE BILL 51.** Senator Cook withdrew her motion, MO14, found on page 628 and considered on page 705, to recommit to committee.

Senator Conrad withdrew her amendments, AM440, AM441, AM442, AM443, AM445, AM447, AM449, AM450, AM452, AM453, AM457, AM458, AM460, AM461, AM462, AM463, AM464, AM439, and AM438, found on pages 629, 630, 631, and 632.

Senator Krist renewed his motion, MO17, found on page 761, to indefinitely postpone.

Laid over.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 115.** Introduced by Price, 3; Cornett, 45; Council, 11; Langemeier, 23; McCoy, 39; Mello, 5; Smith, 14; Sullivan, 41.

WHEREAS, the Bellevue East Chieftains won the 2011 Class A Girls' State Basketball Championship; and

WHEREAS, the victory marked the third state championship in girls' basketball for the Bellevue East Chieftains since 2002; and

WHEREAS, the Bellevue East Chieftains displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; 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, FIRST SESSION:

1. That the Legislature congratulates the Bellevue East Chieftains on winning the 2011 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Bellevue East Chieftains and their coach, Scott Jensen.

Laid over.

**LEGISLATIVE RESOLUTION 116.** Introduced by Council, 11; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Parnell D. Matthews was born September 19, 1975, in Omaha, Nebraska, to Robert and Gloria Matthews; and

WHEREAS, Parnell D. Matthews graduated from Omaha North High School and excelled in basketball; and

WHEREAS, Parnell D. Matthews earned his bachelor's degree in criminal justice from the University of Nebraska at Omaha; and

WHEREAS, Parnell D. Matthews was an eight-year veteran of the Nebraska State Patrol and served in the Traffic Services Division Troop-A Omaha; and

WHEREAS, Parnell D. Matthews was active as a child passenger seat technician and dedicated to the protection of young children; and

WHEREAS, Parnell D. Matthews worked diligently to keep our citizens safe through DUI enforcement; and

WHEREAS, Parnell D. Matthews was a proud public servant who committed himself to serving the people of Nebraska; and

WHEREAS, Parnell D. Matthews touched the lives of many and received an outpouring of love and support during his brief illness; and

WHEREAS, Parnell D. Matthews was a dedicated state trooper who loved his job and cherished his family and friends; and

WHEREAS, Parnell D. Matthews died on March 3, 2011; and

WHEREAS, Parnell D. Matthews is survived by his children, Parnell, Jr., TyPree, DeAngelo, and TyNell.

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

1. That the Legislature expresses its deep and sincere appreciation of Parnell D. Matthews for his dedication and service to the people of Nebraska.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Parnell D. Matthews.

3. That a copy of this resolution be sent to the family of Parnell D. Matthews as a token of the high regard the people of Nebraska have for him and his service to the state.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Wightman filed the following amendment to LB388:  
AM649

- 1 1. On page 3, strike lines 5 through 8 and insert:
- 2 "The State Treasurer shall transfer one million dollars
- 3 from the Affordable Housing Trust Fund to the Site and Building
- 4 Development Fund on or after January 1, 2012, but no later than
- 5 January 10, 2012.
- 6 The State Treasurer shall transfer one million dollars
- 7 from the Affordable Housing Trust Fund to the Site and Building
- 8 Development Fund on or after January 1, 2013, but no later than
- 9 January 10, 2013."
- 10 2. On page 10, line 16, strike "ninety" and insert
- 11 "ninety-five"; and in line 17 strike "thirty" and insert
- 12 "twenty-five".

Senator McGill filed the following amendment to LB524:  
AM697

(Amendments to Standing Committee amendments, AM340)

- 1 1. On page 1, strike lines 6 and 7.
- 2 2. On page 1, line 8; and page 2, lines 3 and 7, strike
- 3 the new matter and reinstate the stricken matter.
- 4 3. On page 2, line 8, strike the new matter; and in line
- 5 11 strike "(d)" and insert "(c)".

6 4. On page 2, line 12; and page 4, line 27, strike  
7 "financial institution" and insert "credit union".

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 389A.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 283.** Placed on General File.

(Signed) Greg Adams, Chairperson

Health and Human Services

**LEGISLATIVE BILL 304.** Placed on General File.

**LEGISLATIVE BILL 541.** Placed on General File.

**LEGISLATIVE BILL 95.** Placed on General File with amendment.  
AM704

1 1. Strike the original section and insert the following  
2 new sections:  
3 Section 1. Every lead agency which is under contract with  
4 the Department of Health and Human Services on the effective date  
5 of this act to provide out-of-home care for children under the age  
6 of nineteen years shall be accredited within eighteen months after  
7 the effective date of this act by a national accrediting entity  
8 with respect to the services being provided by such lead agency.  
9 Any lead agency entering into such a contract after the effective  
10 date of this act shall be so accredited within eighteen months  
11 after entering into such contract. The department may adopt and  
12 promulgate rules and regulations to carry out the requirements of  
13 this section.  
14 Sec. 2. (1) It is the intent of the Legislature to attain  
15 a stable system of care for children and families involved in  
16 the child welfare system and the juvenile justice system and for  
17 wards of the state. To obtain this stability, it is the intent of  
18 the Legislature that pursuant to subsections (3) and (4) of this  
19 section there be a moratorium on contracting with any new lead  
20 agency for the provision of services in the child welfare system  
21 and the juvenile justice system and for wards of the state pursuant  
22 to the child welfare reform initiative known as Families Matter and

23 a moratorium on adding new or additional service areas to any new  
 1 lead agency contracting to provide services in the child welfare  
 2 system and juvenile justice system and for wards of the state  
 3 pursuant to the child welfare reform initiative known as Families  
 4 Matter.

5 (2) For purposes of attaining such stability, the  
 6 Legislature has adopted Legislative Resolution 37, One Hundred  
 7 Second Legislature, First Session, 2011, to provide for continued  
 8 review, investigation, and assessment of such child welfare reform  
 9 initiative and development of a report and appropriate legislation  
 10 to establish a stable system of care for children and families  
 11 involved in the child welfare system and the juvenile justice  
 12 system and for wards of the state.

13 (3) Until June 1, 2012, service coordination and case  
 14 management functions, including supervision of service coordination  
 15 and case management functions, offered through the child welfare  
 16 system and the juvenile justice system and for wards of the state  
 17 shall be provided by employees of the Department of Health and  
 18 Human Services, and not by contract employees or by contract, in  
 19 areas of the state, including the western, central, and northern  
 20 service areas, which were previously provided through Boys and  
 21 Girls Home as a lead agency under contract for service delivery and  
 22 service coordination between Boys and Girls Home and the Division  
 23 of Children and Family Services of the department as of September  
 24 30, 2010.

25 (4) Until June 1, 2012, the department shall not enter  
 26 into any contract with a new lead agency for purposes of service  
 27 coordination and case management functions, including supervision  
 1 of service coordination and case management functions, for the  
 2 child welfare system and the juvenile justice system and for wards  
 3 of the state in the areas identified in subsection (3) of this  
 4 section.

**LEGISLATIVE BILL 431.** Placed on General File with amendment.  
 AM407

1 1. Strike original section 8 and insert the following new  
 2 section:

3 Sec. 8. (1) A health care provider or an individual  
 4 (a) serving as a member or employee of a peer review committee,  
 5 working on behalf of a peer review committee, furnishing counsel  
 6 or services to a peer review committee, or participating in a peer  
 7 review activity as an officer, director, employee, or member of  
 8 the governing board of a facility which is a health care provider  
 9 and (b) acting without malice shall not be held liable in damages  
 10 to any person for any acts, omissions, decisions, or other conduct  
 11 within the scope of the functions of a peer review committee.

12 (2) A person who makes a report or provides information  
 13 to a peer review committee shall not be subject to suit as a result  
 14 of providing such information if such person acts without malice.

- 15 2. On page 3, line 13, after "by" insert "the governing  
 16 board of a facility which is".  
 17 3. On page 4, line 11, strike the second "or"; and in  
 18 line 12 after "committee" insert ", or participates in a peer  
 19 review activity as an officer, director, employee, or member of the  
 20 governing board of a facility which is a health care provider".

**LEGISLATIVE BILL 468.** Placed on General File with amendment.  
 AM380

- 1 1. On page 2, lines 10 and 11, strike the new matter; in  
 2 lines 15 and 16 reinstate the stricken matter; and in line 19 after  
 3 the period insert "Any changes in medicaid copayments in fiscal  
 4 year 2011-12 are exempt from the reporting requirement of this  
 5 subsection and the requirements of section 68-912.".

(Signed) Kathy Campbell, Chairperson

### ANNOUNCEMENTS

Senator Heidemann designates LB386 as his priority bill.

Senator Wallman designates LB667 as his priority bill.

Senator Nordquist designates LB558 as his priority bill.

### UNANIMOUS CONSENT - Add Cointroducers

Senators Coash, Fulton, Larson, and Lautenbaugh asked unanimous consent to add their names as cointroducers to LB298. No objections. So ordered.

### VISITORS

Visitors to the Chamber were members of North Star Services from West Point; members of Nebraska Boys and Girls Clubs from across the state; 45 fourth-grade students and teachers from Conestoga Elementary, Murray; 31 fourth-grade students and teacher from Freeman Public School, Adams; 9 eleventh- and twelfth-grade students and teachers from Aquinas High School, David City; and Andrew Klutman from Omaha.

The Doctor of the Day was Dr. Ronald Klutman from Columbus.

### ADJOURNMENT

At 11:59 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature





**FORTY-FOURTH DAY - MARCH 10, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 10, 2011

**PRAYER**

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

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Ashford who was excused; and Senators Cornett and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 389.** Placed on Select File with amendment. ER43 is available in the Bill Room.

**LEGISLATIVE BILL 546.** Placed on Select File with amendment. ER44

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-6403, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 71-6403 (1) There is hereby created the state building
- 6 code. The Legislature hereby adopts by reference:
- 7 (a) The International Building Code (IBC), ~~2000~~2009
- 8 edition, published by the International Code Council;
- 9 (b) The International Residential Code (IRC), ~~2000~~
- 10 ~~edition, 2009 edition, except section R313,~~ published by the
- 11 International Code Council; and

12 (c) The International Existing Building Code, 2009  
 13 Edition, published by the International Code Council.

14 (2) The codes adopted by reference in subsection (1) of  
 15 this section shall constitute the state building code except as  
 16 amended pursuant to the Building Construction Act or as otherwise  
 17 authorized by state law.

18 ~~(3) Whenever a new edition of the codes adopted in~~  
 19 ~~subsection (1) of this section is published, such new edition shall~~  
 20 ~~be considered the state building code.~~

21 Sec. 2. Section 71-6405, Revised Statutes Cumulative  
 22 Supplement, 2010, is amended to read:

23 71-6405 All state agencies, including all state  
 1 constitutional offices, state administrative departments, and  
 2 state boards and commissions, the University of Nebraska, and the  
 3 Nebraska state colleges, shall comply with the state building  
 4 code. No state agency may adopt, promulgate, or enforce any rule  
 5 or regulation in conflict with the state building code unless  
 6 otherwise specifically authorized by statute to adopt or enforce  
 7 a building or construction code other than the state building  
 8 code. Nothing in the Building Construction Act shall authorize  
 9 any state agency to apply such act to manufactured homes or  
 10 recreational vehicles regulated by the Uniform Standard Code for  
 11 Manufactured Homes and Recreational Vehicles or to modular housing  
 12 units regulated by the Nebraska Uniform Standards for Modular  
 13 Housing Units Act. A state agency may, by rule or regulation, amend  
 14 the state building code by adopting any supplement, ~~new edition,~~  
 15 or appendix of the International Building Code (IBC), ~~2000-2009~~  
 16 edition, International Residential Code (IRC), ~~2000-edition, 2009~~  
 17 edition, or the International Existing Building Code, 2009 Edition,  
 18 referred to in section 71-6403, except that all amendments shall  
 19 be approved in advance by the Director of Administrative Services.  
 20 Amendments to the state building code may also include variations  
 21 from the code which will reduce unnecessary costs of construction,  
 22 increase safety, durability, or efficiency, or address special  
 23 local conditions within the state and may include adoption of  
 24 section R313 of the 2009 edition of the International Residential  
 25 Code.

26 Sec. 3. Section 71-6406, Revised Statutes Cumulative  
 27 Supplement, 2010, is amended to read:

1 71-6406 (1) Any political subdivision may enact,  
 2 administer, or enforce a local building or construction code if or  
 3 as long as such political subdivision adopts the state building  
 4 code. The political subdivision shall regularly update its code.  
 5 For purposes of this section, a code shall be deemed to be  
 6 regularly updated if the most ~~recent edition~~ recently enacted state  
 7 building code is adopted by the political subdivision within two  
 8 years, ~~after the publication date of the edition.~~ No political  
 9 subdivision may adopt or enforce a local building or construction  
 10 code other than as provided by this section.

- 11 (2) A political subdivision may amend its local building  
 12 or construction code if the amendment:  
 13 (a) Conforms generally with the state building code;  
 14 (b) Adopts a special or differing building standard by  
 15 modifying or deleting any portion of the state building code in  
 16 order to reduce unnecessary costs of construction, increase safety,  
 17 durability, or efficiency, or address special local conditions  
 18 within its jurisdiction;~~or~~  
 19 (c) Adopts any supplement, new edition, appendix, or  
 20 component or combination of components of the state building code;  
 21 or-  
 22 (d) Adopts section R313 of the 2009 edition of the  
 23 International Residential Code.  
 24 (3) A political subdivision may adopt and promulgate  
 25 amendments for the proper administration and enforcement of its  
 26 local building or construction code including organization of  
 27 enforcement, qualifications of staff members, examination of plans,  
 1 inspections, appeals, permits, and fees. Any amendment adopted  
 2 pursuant to this section shall be published separately from  
 3 the local building or construction code. Fees, if any, for  
 4 services which monitor a builder's application of codes shall  
 5 be negotiable between the political subdivisions involved, but such  
 6 fees shall not exceed the actual expenses incurred by the political  
 7 subdivision doing the monitoring.  
 8 (4) Notwithstanding the provisions of the Building  
 9 Construction Act, a public building of a political subdivision  
 10 shall be built in accordance with the applicable local building or  
 11 construction code.  
 12 Sec. 4. Original sections 71-6403, 71-6405, and 71-6406,  
 13 Revised Statutes Cumulative Supplement, 2010, are repealed.  
 14 2. On page 1, strike beginning with "state" in line 1  
 15 through "Code" in line 5 and insert "Building Construction Act;  
 16 to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes  
 17 Cumulative Supplement, 2010; to change provisions relating to the  
 18 state building code and local building or construction codes".

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

- LEGISLATIVE BILL 27.** Placed on Final Reading.  
**LEGISLATIVE BILL 31.** Placed on Final Reading.  
**LEGISLATIVE BILL 32.** Placed on Final Reading.  
**LEGISLATIVE BILL 165.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

## Agriculture

**LEGISLATIVE BILL 200.** Placed on General File with amendment.  
AM645

- 1 1. Strike sections 6 and 7 and insert the following  
2 sections:  
3 Sec. 6. It is the intent of the Legislature that one  
4 hundred fifty thousand dollars shall be appropriated annually to  
5 provide funding for the Nebraska Healthy Food Financing Initiative  
6 Act.  
7 Sec. 7. Section 13-208, Reissue Revised Statutes of  
8 Nebraska, is amended to read:  
9 13-208 The total amount of tax credit granted for  
10 programs approved and certified under the Community Development  
11 Assistance Act by the department for any fiscal year shall not  
12 exceed ~~three hundred fifty-two~~ hundred thousand dollars.  
13 2. On page 6, line 6, strike beginning with the first  
14 occurrence of "any" through the comma; and in line 7 strike the  
15 comma.  
16 3. On page 10, line 2, strike "2-5424" and insert  
17 "13-208".

**LEGISLATIVE BILL 459.** Placed on General File with amendment.  
AM720

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. No political subdivision may by rule,  
4 regulation, ordinance, resolution, or proclamation define or assign  
5 a legal status to an animal or animals that is in any manner  
6 inconsistent with the status of animals as personal property.  
7 Sec. 2. The Revisor of Statutes shall assign section 1 of  
8 this act within Chapter 13, article 4.

**LEGISLATIVE BILL 698.** Placed on General File with amendment.  
AM650

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 66-1214, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-1214 ~~Commencing January 1, 1986, motor~~ Motor fuel  
6 dispensers shall be labeled on both faces with the product identity  
7 using the most descriptive terms commercially practicable. In  
8 addition, all alcohol-blended fuel dispensers shall have a label  
9 stating: With or containing ethanol, methanol, or ethanol and  
10 methanol or with similar wording if the motor fuel being dispensed  
11 contains ~~one~~ eleven percent or more by volume of alcohol. Any  
12 person who owns or controls such a motor fuel dispenser and does  
13 not attach the notice required by this section shall be guilty of

14 an infraction.

15 2. On page 3, line 10, strike "2.20" and insert "2.20.1".

**LEGISLATIVE BILL 109.** Indefinitely postponed.

**LEGISLATIVE BILL 110.** Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

### **ANNOUNCEMENTS**

Senator Utter designates LB482 as his priority bill.

Senator Schumacher designates LB230 as his priority bill.

The Legislative Performance Audit Committee designates LB617 as its priority bill.

The Health and Human Services Committee designates LB177 as its priority bill.

Senator Campbell designates LB600 as her priority bill.

Senator Janssen designates LB279 as his priority bill.

The Natural Resources Committee designates LR40CA as its priority resolution.

Senator Louden designates LB106 as his priority bill.

Senator Langemeier designates LB549 as his priority bill.

Senator Christensen designates LB648 as his priority bill.

### **REPORTS**

The following reports were received by the Legislature:

**Educational Lands and Funds, Board of**

Sixty-Seventh Biennial Report

**Health and Human Services, Department of**

Director's Report on the Proposal to License Applied Behavior Analysts

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 9, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Belcher, Barbara N.

Merck Sharp & Dohme Corp. and its Affiliates (Withdrawn 03/04/2011)

Kidman, Victoria

State Farm Insurance Companies (Withdrawn 03/07/2011)

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 81e and 333e.

(Signed) Charlie Janssen

**ANNOUNCEMENT**

The Chair announced today is Senator K. Haar's birthday.

**MOTIONS - Approve Appointments**

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 773:

Nebraska Arts Council

Robert "Bob" Culver Jr.

Donna Hastings

Mark Laughlin

Lynn Roper

Nana Smith

Voting in the affirmative, 39:

Adams	Cook	Harms	Louden	Pirsch
Avery	Council	Harr, B.	McCoy	Price
Bloomfield	Dubas	Howard	McGill	Schilz
Brasch	Fischer	Karpisek	Mello	Smith
Campbell	Flood	Krist	Nelson	Utter
Carlson	Fulton	Larson	Nordquist	Wallman
Christensen	Gloor	Lathrop	Pahls	Wightman
Conrad	Haar, K.	Lautenbaugh	Pankonin	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Hansen	Janssen	Sullivan
Hadley	Heidemann	Langemeier	

Excused and not voting, 3:

Ashford	Cornett	Schumacher
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The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 774:

State Electrical Board  
 Edwin Bergstraesser  
 Cory Mueller

Voting in the affirmative, 37:

Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Karpisek	Mello	Utter
Campbell	Fulton	Krist	Nelson	Wallman
Carlson	Gloor	Larson	Nordquist	Wightman
Christensen	Haar, K.	Lathrop	Pankonin	
Conrad	Hadley	Lautenbaugh	Pirsch	
Cook	Harms	Louden	Price	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Dubas	Harr, B.	Langemeier	Schilz
Coash	Hansen	Janssen	Pahls	Sullivan

Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 774:

State Racing Commission  
 Kristopher Covi  
 Jeffrey Galyen

Voting in the affirmative, 42:

Avery	Dubas	Heidemann	McGill	Schumacher
Bloomfield	Fischer	Howard	Mello	Smith
Brasch	Flood	Karpisek	Nelson	Sullivan
Campbell	Fulton	Krist	Nordquist	Utter
Carlson	Gloor	Langemeier	Pahls	Wallman
Christensen	Haar, K.	Larson	Pankonin	Wightman
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	
Cook	Harms	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Adams	Council	Harr, B.	Janssen	Louden
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Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

Nebraska Rural Health Advisory Commission  
 Kathy Boswell  
 Douglas Dilly  
 Martin Fattig  
 Zachary Frey  
 Sharon Vandegrift

Voting in the affirmative, 40:



Avery	Dubas	Harr, B.	Louden	Pirsch
Bloomfield	Fischer	Heidemann	McCoy	Price
Brasch	Flood	Howard	McGill	Schumacher
Campbell	Gloor	Karpisek	Mello	Smith
Carlson	Haar, K.	Krist	Nelson	Sullivan
Coash	Hadley	Langemeier	Nordquist	Utter
Conrad	Hansen	Lathrop	Pahls	Wallman
Cook	Harms	Lautenbaugh	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Adams	Council	Janssen	Schilz
Christensen	Fulton	Larson	

Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

Foster Care Review Board  
Susan Staab

Voting in the affirmative, 38:

Avery	Cook	Harms	McCoy	Schumacher
Bloomfield	Dubas	Harr, B.	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Gloor	Langemeier	Nordquist	Wallman
Christensen	Haar, K.	Lathrop	Pahls	Wightman
Coash	Hadley	Lautenbaugh	Pirsch	
Conrad	Hansen	Louden	Price	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Fulton	Janssen	Larson	Schilz
Council	Heidemann	Krist	Pankonin	

Excused and not voting, 2:

Ashford          Cornett

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

State Board of Health

Diane Jackson

Dale Michels

Roger Reamer

Voting in the affirmative, 39:

Avery	Council	Harr, B.	Louden	Price
Bloomfield	Dubas	Heidemann	McGill	Schumacher
Brasch	Fischer	Howard	Mello	Smith
Campbell	Gloor	Krist	Nelson	Sullivan
Carlson	Haar, K.	Langemeier	Nordquist	Utter
Coash	Hadley	Larson	Pahls	Wallman
Conrad	Hansen	Lathrop	Pankonin	Wightman
Cook	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Flood	Janssen	McCoy
Christensen	Fulton	Karpisek	Schilz

Excused and not voting, 2:

Ashford          Cornett

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 803:

State Emergency Response Commission

Keith Hansen

Tim Hofbauer

Dana Miller

Voting in the affirmative, 39:

Avery	Cook	Howard	McGill	Schilz
Bloomfield	Dubas	Karpisek	Mello	Schumacher
Brasch	Fischer	Krist	Nelson	Smith
Campbell	Gloor	Langemeier	Nordquist	Sullivan
Carlson	Haar, K.	Larson	Pahls	Utter
Christensen	Hadley	Lathrop	Pankonin	Wallman
Coash	Hansen	Lautenbaugh	Pirsch	Wightman
Conrad	Harms	McCoy	Price	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Flood	Harr, B.	Janssen
Council	Fulton	Heidemann	Louden

Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 803:

State Personnel Board  
 Brian Tessman

Voting in the affirmative, 41:

Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Karpisek	Mello	Sullivan
Brasch	Flood	Krist	Nelson	Utter
Campbell	Gloor	Langemeier	Nordquist	Wallman
Carlson	Haar, K.	Larson	Pahls	Wightman
Christensen	Hadley	Lathrop	Pankonin	
Conrad	Hansen	Lautenbaugh	Price	
Cook	Harms	Louden	Schilz	
Council	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Fulton	Janssen
Coash	Heidemann	Pirsch

Excused and not voting, 2:

Ashford            Cornett

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 803:

Board of Public Roads Classifications and Standards

LeRoy Gerrard

David Wacker

Voting in the affirmative, 42:

Adams	Cornett	Heidemann	McCoy	Schumacher
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Karpisek	Mello	Sullivan
Brasch	Flood	Krist	Nelson	Utter
Campbell	Haar, K.	Langemeier	Nordquist	Wallman
Carlson	Hadley	Larson	Pankonin	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Conrad	Harms	Lautenbaugh	Price	
Cook	Harr, B.	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 6:

Coash	Fulton	Janssen
Council	Gloor	Pahls

Excused and not voting, 1:

Ashford

The appointments were confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 94, 95, 96, and 97 were adopted.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 94, 95, 96, and 97.

**MOTION - Withdraw LB16**

Senator Wightman renewed his motion, MO18, found on page 791, to withdraw LB16.

The Wightman motion to withdraw the bill prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 413.** Placed on General File.

**LEGISLATIVE BILL 525.** Placed on General File.

**LEGISLATIVE BILL 591.** Placed on General File.

**LEGISLATIVE BILL 687.** Placed on General File.

**LEGISLATIVE BILL 542.** Placed on General File with amendment. AM655

- 1 1. On page 2, lines 11 and 12, strike "if available";
- 2 in line 12 after "employees" insert "when no national vaccine
- 3 shortage exists"; and strike beginning with "or" in line 14 through
- 4 line 16 and insert "except that an employee may elect not to be
- 5 vaccinated.
- 6 The hospital shall keep a record of which employees
- 7 receive the annual vaccination against influenza and which
- 8 employees do not receive such vaccination."

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, March 17, 2011 1:30 p.m.

Thomas Incontro - Foster Care Review Board

Mark Zimmerer - Foster Care Review Board

Martha Parker - Nebraska Child Abuse Prevention Fund Board

Debra Parsow - State Board of Health

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENTS**

Senator Cook designates LB152 as her priority bill.

The Agriculture Committee designates LB305 and LB200 as its priority bills.

Senator Carlson designates LB698 as his priority bill.

Senator Bloomfield designates LB521 as his priority bill.

### AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB387:  
AM636

1 1. Strike original sections 2, 10, and 11, and insert the  
2 following new sections:

3 Sec. 2. For purposes of the Business Innovation Act:

4 (1) Department means the Department of Economic  
5 Development;

6 (2) Distressed area means a municipality, a county with a  
7 population of fewer than one hundred thousand inhabitants according  
8 to the most recent federal decennial census, an unincorporated area  
9 within a county, or a census tract in Nebraska that (a) has an  
10 unemployment rate which exceeds the statewide average unemployment  
11 rate, (b) has a per capita income below the statewide average per  
12 capita income, or (c) had a population decrease between the two  
13 most recent federal decennial censuses;

14 (3) Federal grant program means the federal Small  
15 Business Administration's Small Business Innovation Research grant  
16 program;

17 (4) Microenterprise means a for-profit business entity  
18 with not more than ten full-time equivalent employees;

19 (5) Prototype means an original model on which something  
20 is patterned by a resident of Nebraska or a company located in  
21 Nebraska; and

22 (6) Value-added agriculture means increasing the net  
23 worth of food or nonfood agricultural products by processing,  
1 alternative production and handling methods, collective marketing,  
2 or other innovative practices.

3 Sec. 4. In selecting projects to receive financial  
4 assistance under the Business Innovation Act, the department shall  
5 develop a qualified action plan by January 1 of each even-numbered  
6 year. The plan shall set forth selection criteria to be used  
7 to determine priorities which are appropriate to local conditions  
8 and the state's economy, including the state's immediate need for  
9 innovation development, proposed increases in jobs and investment,  
10 private dollars leveraged, industry support and participation, and  
11 repayment, in part or in whole, of financial assistance awarded by  
12 the fund. The Economic Development Commission shall submit the plan  
13 to the Governor for approval.

14 Sec. 8. (1) The department shall establish an innovation  
15 in value-added agriculture program. The purpose of this program is  
16 to provide financial assistance to:

- 17 (a) Support small enterprise formation in the  
 18 agricultural sector of Nebraska's rural economy, including  
 19 innovative efforts for value-added enterprises;  
 20 (b) Support the development of agricultural communities  
 21 and economic opportunity through innovation in farming and ranching  
 22 operations, rural communities, and businesses for the development  
 23 of value-added agricultural products;  
 24 (c) Enhance the income and opportunity for farming and  
 25 ranching operations in Nebraska in order to stem the decline in  
 26 their numbers;  
 27 (d) Increase the farming and ranching operations' share  
 1 of the food-system profit;  
 2 (e) Enhance opportunities for farming and ranching  
 3 operations to participate in electronic commerce and new and  
 4 emerging markets that strengthen rural economic opportunities; and  
 5 (f) Encourage the production and marketing of specialty  
 6 crops in Nebraska and to support the creation and development of  
 7 agricultural enterprises and businesses that produce and market  
 8 specialty crops in Nebraska.  
 9 (2) Agricultural cooperatives, farming or ranching  
 10 operations, and private businesses and enterprises operating in  
 11 Nebraska shall be eligible for financial assistance under this  
 12 section.  
 13 (3) An entity receiving financial assistance shall  
 14 provide a twenty-five percent match of such assistance.  
 15 (4) The department shall not award more than one million  
 16 dollars per year for financial assistance under this section.  
 17 Sec. 12. (1) It is the intent of the Legislature to  
 18 appropriate seven million dollars from the General Fund to the  
 19 Department of Economic Development for the Business Innovation Act  
 20 for each of fiscal years 2011-12 and 2012-13.  
 21 (2) Up to five percent of the funds appropriated may be  
 22 used by the department, or by a nonprofit entity with which the  
 23 department contracts, for administrative expenses.  
 24 2. On page 2, line 1, strike "14" and insert "15";  
 25 strike lines 22 and 23 and insert "high growth, high technological  
 26 companies, small businesses, and microenterprises and to enhance  
 27 creation of wealth and quality jobs. The Legislature finds that the  
 1 act will"; and in line 25 strike "5" and insert "6".  
 2 3. On page 3, line 2, strike "5" and insert "6"; in  
 3 line 5 strike "6" and insert "7"; in line 8 strike "7" and  
 4 insert "9"; in line 9 after "(5)" insert "Establish a financial  
 5 assistance program pursuant to section 8 of this act for innovation  
 6 in value-added agriculture;  
 7 (6)" and strike "8" and insert "10"; in line 12 strike  
 8 "9" and insert "11"; and in line 15 strike "5 to 9" and insert "6  
 9 to 11".  
 10 4. On page 4, line 11, strike "headquartered" and insert  
 11 "operating".

12 5. On page 6, line 14, after "public" insert "or  
13 private".

14 6. On page 7, line 10; page 8, lines 15, 19, 21, and 25;  
15 page 9, lines 3, 6, 11, 16, 18, 21, and 23; and page 10, line 7,  
16 after "delivery" insert "or microloan technical assistance".

17 7. On page 9, line 19, strike "and"; in line 21 strike  
18 the period and insert "; and"; and after line 21 insert:

19 "(e) Provide grants to establish loan-loss reserve funds  
20 to match loan capital borrowed from other sources, including  
21 federal microenterprise loan programs.".

22 8. On page 10, line 5, strike "and"; and strike lines 6  
23 through 10 and insert:

24 "(b) The department may contract with one or more  
25 statewide microenterprise development assistance organizations to  
26 carry out this section. No less than seventy percent of microloan  
27 funds shall be disbursed in microloans which do not exceed fifty  
1 thousand dollars or used to capitalize loan-loss reserve funds for  
2 such loans; and

3 (c) No less than thirty percent of the microloan  
4 funds shall be used by microenterprise development assistance  
5 organizations for small business technical assistance.

6 (5) Each year the department shall award at least five  
7 hundred thousand dollars but not more than one million dollars  
8 under this section.".

9 9. Renumber the remaining sections accordingly.

## ANNOUNCEMENTS

Senator Mello designates LB682 as his priority bill.

Senator Smith designates LB252 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB499 and LB176 as its priority bills.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB159 with 47 ayes, 1 nay, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to cities, villages, and counties; to amend sections 13-1101, 13-1102, 13-1104, 13-1105, and 13-1109, Reissue



Revised Statutes of Nebraska; to provide for bonds for nonprofit enterprises; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 164.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-6,291, Reissue Revised Statutes of Nebraska; to provide notification requirements prior to moving a building or object over a certain height or width; to provide a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" "

Voting in the affirmative, 47:

Adams	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	
Cook	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 191.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-1,107 and 83-1,108, Reissue Revised Statutes of Nebraska; to change provisions relating to sentence reductions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Cook	Hansen	Larson	Pahls
Avery	Cornett	Harms	Lathrop	Pankonin
Bloomfield	Council	Harr, B.	Lautenbaugh	Price
Brasch	Dubas	Heidemann	Louden	Schumacher
Campbell	Fischer	Howard	McCoy	Smith
Carlson	Fulton	Janssen	McGill	Sullivan
Christensen	Gloor	Karpisek	Mello	Utter
Coash	Haar, K.	Krist	Nelson	Wallman
Conrad	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Flood            Pirsch            Schilz

Excused and not voting, 1:

Ashford

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB210 with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2609, 72-258.03, 77-702, 77-1327, 77-1783.01, 77-2704.50, 77-2705.01, 77-2708, 77-2709, 81-1260, and 81-15,164, Reissue Revised Statutes of Nebraska, and sections 13-3107 and 81-8,128, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the due dates for certain sales tax returns, sales and use taxes, and certain fees; to change provisions relating to school lands, qualifications of the Property Tax Administrator, data reporting, personal liability for corporate taxes, common or contract carrier exemption certificates, and supervision of the State Athletic Commissioner; to eliminate the Greenbelt Advisory Committee; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-1355, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 210A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 228.**

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173 and 81-190, Reissue Revised Statutes of Nebraska; to provide for energy audits to be conducted under the act; to require a report; to remove obsolete language; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-191.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 257.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-143 and 86-144, Reissue Revised Statutes of Nebraska; to change filing requirements for telecommunications companies as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 278.**

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska; to authorize county officer and employee salary and reimbursable expenses payments to be made by electronic funds transfer or direct deposit as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 281.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 53-186, 53-186.01, and 60-6,211.08, Reissue Revised Statutes of Nebraska; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Council	Heidemann	McCoy	Schilz
Avery	Dubas	Janssen	McGill	Schumacher
Bloomfield	Fischer	Karpisek	Mello	Smith
Brasch	Flood	Krist	Nelson	Sullivan
Campbell	Fulton	Langemeier	Nordquist	Utter
Coash	Gloor	Larson	Pahls	Wallman
Conrad	Haar, K.	Lathrop	Pankonin	
Cook	Hadley	Lautenbaugh	Pirsch	
Cornett	Harr, B.	Louden	Price	

Voting in the negative, 6:

Carlson	Hansen	Howard
Christensen	Harms	Wightman

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 284.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1320.02, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful picketing of a funeral; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 314.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-183, Reissue Revised Statutes of Nebraska; to provide an exception for wine relating to certain sales practices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Smith
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:



Nelson

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 368.**

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616 and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nominations for office; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 399.** With Emergency Clause.

A BILL FOR AN ACT relating to elections; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change the number of signatures needed for nomination by petition in certain partisan offices; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 471.**

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2708, 18-2709, 18-2714, and 18-2717, Reissue Revised Statutes of Nebraska; to redefine terms; to expand and change restrictions on appropriations from local sources of revenue for the use of economic development programs; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 474.**

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, 84-304.02, and 84-1503, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to require certain reports be submitted to the Auditor of Public Accounts; to eliminate certain report submission and notification requirements; to provide powers for the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB556 with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 556.**

A BILL FOR AN ACT relating to counties; to amend section 22-161.01, Revised Statutes Cumulative Supplement, 2010; to change boundaries of certain counties; to repeal the original section; and to outright repeal section 22-141, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 159, 164, 191, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399, 471, 474, and 556.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 421.** Placed on Select File with amendment.  
ER45

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 change a provision relating to display of permits;".

**LEGISLATIVE BILL 260.** Placed on Select File with amendment.  
ER47

- 1 1. On page 2, line 14, strike "occurs" and insert
- 2 "occur".

**LEGISLATIVE BILL 105.** Placed on Select File.

**LEGISLATIVE BILL 207.** Placed on Select File with amendment.  
ER49

- 1 1. On page 3, line 22, strike the new matter and insert
- 2 "and section 1 of this act".

**LEGISLATIVE BILL 563.** Placed on Select File with amendment.  
ER48

- 1 1. On page 4, line 17, strike the last semicolon and
- 2 insert an underscored comma.

**LEGISLATIVE BILL 621.** Placed on Select File.

**LEGISLATIVE BILL 41.** Placed on Select File with amendment.  
ER46

- 1 1. On page 32, line 18, strike "license", show as
- 2 stricken, and insert "permit".

(Signed) Tyson Larson, Chairperson

**ANNOUNCEMENTS**

The Natural Resources Committee designates LB595 as its priority bill.

The Revenue Committee designates LB384 as its priority bill.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 156.** Placed on General File.**LEGISLATIVE RESOLUTION 40CA.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 255.** Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 259.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 45.** Title read. Considered.

Committee AM321, found on page 579, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**SELECT FILE****LEGISLATIVE BILL 237.** Senator Howard renewed her amendment, AM581, found on page 681.

The Howard amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 256.** Senator Karpisek renewed his amendment, AM597, found on page 702.

Pending.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 558.** Placed on General File with amendment. AM728

1 1. On page 2, line 5, after the underscored period insert  
 2 "If included as part of the diversity plan of a learning community,  
 3 the focus school or focus program shall be eligible for a focus  
 4 school and program allowance pursuant to section 79-1007.05.";  
 5 reinstate the stricken matter beginning with "(3)" in line 14  
 6 through the last comma in line 15 and after the reinstated matter  
 7 insert "the school districts shall form a joint entity pursuant  
 8 to the Interlocal Cooperation Act for the purpose of creating,  
 9 implementing, and operating such focus program, focus school, or  
 10 magnet school. The agreement creating such joint entity shall  
 11 address legal, financial, and academic responsibilities, and the  
 12 assignment to participating school districts of students enrolled  
 13 in such focus program, focus school, or magnet school who reside in  
 14 nonparticipating school districts."; and in line 20 strike the new  
 15 matter and reinstate the stricken matter.

(Signed) Greg Adams, Chairperson

Revenue

**LEGISLATIVE BILL 385.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

**ANNOUNCEMENTS**

The Executive Board designates LB576 as its priority bill.

Senator Nelson designates LB664 as his priority bill.

Senator Fulton designates LB564 as his priority bill.

Senator Lathrop designates LB479 as his priority bill.

The Business and Labor Committee designates LB151 as its priority bill.

Senator Harms designates LB35 as his priority bill.

Senator Pirsch designates LB675 as his priority bill.

Senator Council designates LB204 as her priority bill.

Senator Flood designates LB670 as his priority bill.

Senator Lautenbaugh designates LB142 as his priority bill.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 2011, at 11:01 a.m. were the following: LBs 159e, 164, 191e, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399e, 471, 474, and 556.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### MESSAGE FROM THE GOVERNOR

March 10, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 12, 24, 25, 26e, 36, 43, 61, 77e, 78e, 94, 98, 108, 114, 146, 160, 178, 178A, 179, 197, 215e, 225e, 243e, 264e, 274, 303, 308, 311, 326e, 331, 332, 334e, 335, 347, 383e, 396, 401, 410, 410A, and 462, were received in my office on March 4, 2011.

Engrossed Legislative Bill 62 was received in my office on March 7, 2011.

Engrossed Legislative Bill 81e was received in my office on March 9, 2011.

These bills were signed and delivered to the Secretary of State on March 10, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### RESOLUTION

**LEGISLATIVE RESOLUTION 117.** Introduced by Smith, 14; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Wallman, 30.

WHEREAS, Richard Takechi was born on November 28, 1937, in Pocatello, Idaho, and moved to Omaha, Nebraska, with his family that same year; and

WHEREAS, Richard Takechi graduated from Omaha Technical High School in 1955 and from the University of Nebraska at Omaha in 1959; and



WHEREAS, Richard Takechi worked as a jeweler in his family-owned business, Takechi's Jewelers; and

WHEREAS, Richard Takechi was a member of the Omaha City Council from 1977 to 1981 and 1985 to 1997, was a member of the Learning Community Coordinating Council from 2008 to 2010, and served two terms as Douglas County Register of Deeds; and

WHEREAS, Richard Takechi was a member of the Greater Omaha Chamber of Commerce, Omaha Sister Cities Association, Ikebana International, Japanese American Citizens League, Rotary International, Footprinters International Chapter 40, Omaha Business Boosters, and the Lutheran Church of the Master; and

WHEREAS, Richard Takechi died on March 9, 2011, at the age of 73.

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

1. That the Legislature posthumously honors Richard Takechi for his many accomplishments, for his dedication and service to his community, and for his inspiration to others to serve in public office.

2. That the Legislature extends its condolences to the family of Richard Takechi.

3. That a copy of this resolution be sent to the family of Richard Takechi.

Laid over.

### AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB297:  
AM747

- 1 1. Insert the following new section:  
2 Sec. 6. Section 13-2705, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:  
4 13-2705 The department may conditionally approve grants  
5 of assistance from the fund to eligible and competitive applicants  
6 within the following limits:  
7 (1) A grant request shall be at least ~~twenty-ten~~ thousand  
8 dollars but no more than:  
9 (a) For a city of the primary class, ~~one-two million five~~  
10 two hundred fifty thousand dollars;  
11 (b) For a municipality with a population of forty  
12 thousand but less than one hundred thousand, ~~seven-one million~~  
13 one hundred fifty-twenty-five thousand dollars;  
14 (c) For a municipality with a population of twenty  
15 thousand but less than forty thousand, ~~five-seven~~ hundred fifty  
16 thousand dollars;  
17 (d) For a municipality with a population of ten thousand  
18 but less than twenty thousand, ~~four-six~~ hundred thousand dollars;  
19 and  
20 (e) For a municipality with a population of less than ten  
21 thousand, ~~two-three~~ hundred fifty-seventy-five thousand dollars;

22 (2) Assistance from the fund shall not amount to more  
23 than fifty percent of the cost of construction, renovation, or  
1 expansion; and

2 (3) A municipality shall not be awarded more than one  
3 grant in any ~~five-year~~three-year period.

4 2. Renumber the remaining sections and correct the  
5 repealer accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB237. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were members of Keith County Area Development and Ogallala/Keith County Chamber from Ogallala; and 61 fourth-grade students and teachers from Avery Elementary, Bellevue.

The Doctor of the Day was Dr. Roger Meyer from Utica.

#### **ADJOURNMENT**

At 12:05 p.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Monday, March 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIFTH DAY - MARCH 14, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 14, 2011

**PRAYER**

The prayer was offered by Reverend Darin Corder, Bennet Community Church, Bennet.

**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 Senators Christensen and Council who were excused; and Senators Campbell, Carlson, B. Harr, Heidemann, and Louden who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**ANNOUNCEMENT**

Speaker Flood designates LBs 137, 156, 226, 289, 316, 337, 360, 385, 390, 400, 404, 449, 465, 468, 500, 512, 535, 541, 589, 590, 628, 665, 669, 673, and 684 as Speaker priority bills.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 98, 99, and 100 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 98, 99, and 100.

**GENERAL FILE**

**LEGISLATIVE BILL 389A.** Title read. Considered.

Senator Cornett offered the following amendment:

AM765

- 1 1. On page 2, line 1, strike "\$85,075" and insert
- 2 "\$62,000".

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

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 524.** Title read. Considered.

Committee AM340, found on page 608, was considered.

Senator McGill renewed her amendment, AM697, found on page 812, to the committee amendment.

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

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 342.** Placed on Select File with amendment.

ER50

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 4 and insert "sections 31-409 and 31-409.02, Reissue
- 3 Revised Statutes of Nebraska; to change provisions relating to
- 4 the hours of and notice requirements for annual elections as
- 5 prescribed; and to repeal the original sections."

**LEGISLATIVE BILL 366.** Placed on Select File with amendment.

ER51

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-15,175, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-15,175 (1) The board may make an annual allocation

6 each fiscal year from the Nebraska Environmental Trust Fund to  
7 the Nebraska Environmental Endowment Fund as provided in section  
8 81-15,174.01. The board shall make annual allocations from the  
9 Nebraska Environmental Trust Fund and may make annual allocations  
10 each fiscal year from the Nebraska Environmental Endowment Fund  
11 for projects which conform to the environmental categories of the  
12 board established pursuant to section 81-15,176 and to the extent  
13 the board determines those projects to have merit. The board  
14 shall establish a calendar annually for receiving and evaluating  
15 proposals and awarding grants. To evaluate the economic, financial,  
16 and technical feasibility of proposals, the board may establish  
17 subcommittees, request or contract for assistance, or establish  
18 advisory groups. Private citizens serving on advisory groups shall  
19 be reimbursed for their actual and necessary expenses pursuant to  
20 sections 81-1174 to 81-1177.

21 (2) The board shall establish rating systems for ranking  
22 proposals which meet the board's environmental categories and other  
23 criteria. The rating systems shall include, but not be limited to,  
1 the following considerations:

2 (a) Conformance with categories established pursuant to  
3 section 81-15,176;

4 (b) Amount of funds committed from other funding sources;

5 (c) Encouragement of public-private partnerships;

6 (d) Geographic mix of projects over time;

7 (e) Cost-effectiveness and economic impact;

8 (f) Direct environmental impact; and

9 (g) Environmental benefit to the general public and the  
10 long-term nature of such public benefit.

11 (3) The board may establish a subcommittee to rate grant  
12 applications. If the board uses a subcommittee, the meetings of  
13 such subcommittee shall be subject to the Open Meetings Act. The  
14 subcommittee shall (a) use the rating systems established by the  
15 board under subsection (2) of this section, (b) assign a numeric  
16 value to each rating criterion, combine these values into a total  
17 score for each application, and rank the applications by the total  
18 scores, (c) recommend an amount of funding for each application,  
19 which amount may be more or less than the requested amount, and  
20 (d) submit the ranked list and recommended funding to the board  
21 for its approval or disapproval. ~~A motion to deviate from the~~  
22 ~~subcommittee's recommendations must specify the reason for doing so~~  
23 ~~and be adopted with an affirmative vote of not fewer than eight~~  
24 ~~members of the board.~~

(4) The board may commit funds to multiyear projects,  
26 subject to available funds and appropriations. No commitment shall  
27 exceed three years without formal action by the board to renew the  
1 grant or contract. Multiyear commitments may be exempt from the  
2 rating process except for the initial application and requests to  
3 renew the commitment.

4 (5) The board shall adopt and promulgate rules and  
 5 regulations and publish guidelines governing allocations from the  
 6 fund. Such rules and regulations shall include, but not be limited  
 7 to, rules and regulations providing for a public hearing on the  
 8 proposed projects and funding and providing that the board shall  
 9 make no decision on the proposed projects and funding until at  
 10 least thirty days after such public hearing. The board shall  
 11 conduct annual reviews of existing projects for compliance with  
 12 project goals and grant requirements.

13 (6) Every five years the board may evaluate the long-term  
 14 effects of the projects it funds. The evaluation may assess  
 15 a sample of such projects. The board may hire an independent  
 16 consultant to conduct the evaluation and may report the evaluation  
 17 findings to the Legislature and the Governor.

18 Sec. 2. Section 84-1409, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 84-1409 For purposes of the Open Meetings Act, unless the  
 21 context otherwise requires:

22 (1)(a) Public body means (i) governing bodies of  
 23 all political subdivisions of the State of Nebraska, (ii)  
 24 governing bodies of all agencies, created by the Constitution of  
 25 Nebraska, statute, or otherwise pursuant to law, of the executive  
 26 department of the State of Nebraska, (iii) all independent boards,  
 27 commissions, bureaus, committees, councils, subunits, or any other  
 1 bodies created by the Constitution of Nebraska, statute, or  
 2 otherwise pursuant to law, (iv) all study or advisory committees  
 3 of the executive department of the State of Nebraska whether  
 4 having continuing existence or appointed as special committees with  
 5 limited existence, (v) advisory committees of the bodies referred  
 6 to in subdivisions (i), (ii), and (iii) of this subdivision, and  
 7 (vi) instrumentalities exercising essentially public functions; and

8 (b) Public body does not include (i) subcommittees  
 9 of such bodies unless a quorum of the public body attends a  
 10 subcommittee meeting or unless such subcommittees are holding  
 11 hearings, making policy, or taking formal action on behalf of  
 12 their parent body, except that all meetings of any subcommittee  
 13 established under section 81-15,175 are subject to the Open  
 14 Meetings Act, and (ii) entities conducting judicial proceedings  
 15 unless a court or other judicial body is exercising rulemaking  
 16 authority, deliberating, or deciding upon the issuance of  
 17 administrative orders;

18 (2) Meeting means all regular, special, or called  
 19 meetings, formal or informal, of any public body for the purposes  
 20 of briefing, discussion of public business, formation of tentative  
 21 policy, or the taking of any action of the public body; and

22 (3) Videoconferencing means conducting a meeting  
 23 involving participants at two or more locations through the use of  
 24 audio-video equipment which allows participants at each location  
 25 to hear and see each meeting participant at each other location,

26 including public input. Interaction between meeting participants  
 27 shall be possible at all meeting locations.

1 Sec. 3. Original sections 81-15,175 and 84-1409, Reissue  
 2 Revised Statutes of Nebraska, are repealed.

3 2. On page 1, strike beginning with "Act" in line 1  
 4 through line 5 and insert "Board; to amend sections 81-15,175  
 5 and 84-1409, Reissue Revised Statutes of Nebraska; to change  
 6 provisions relating to subcommittee recommendations and procedures  
 7 for projects and funding; to provide for applicability of the Open  
 8 Meetings Act; and to repeal the original sections.".

**LEGISLATIVE BILL 255.** Placed on Select File.

**LEGISLATIVE BILL 259.** Placed on Select File.

**LEGISLATIVE BILL 45.** Placed on Select File with amendment.  
 ER52

1 1. On page 3, line 15, after "81-3415" insert an  
 2 underscored comma; and in line 16 strike "and" and show as  
 3 stricken and after "~~81-3449~~" insert an underscored comma.

4 2. On page 13, lines 15 and 18, strike "from" and show as  
 5 stricken.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 237.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 387A.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 387, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

**COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 80.** Placed on General File with amendment.  
 AM289

1 1. On page 3, line 3, after "may" insert "approve the  
 2 plan."

**LEGISLATIVE BILL 137.** Placed on General File with amendment.  
AM735

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

3 Section 1. Section 29-3001, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 29-3001 (1) A prisoner in custody under sentence and  
6 claiming a right to be released on the ground that there was such  
7 a denial or infringement of the rights of the prisoner as to render  
8 the judgment void or voidable under the Constitution of this state  
9 or the Constitution of the United States, may file a verified  
10 motion ~~at any time~~ in the court which imposed such sentence,  
11 stating the grounds relied upon, and asking the court to vacate or  
12 set aside the sentence.

13 (2) Unless the motion and the files and records of the  
14 case show to the satisfaction of the court that the prisoner is  
15 entitled to no relief, the court shall cause notice thereof to  
16 be served on the county attorney, grant a prompt hearing thereon,  
17 determine the issues and make findings of fact and conclusions of  
18 law with respect thereto. If the court finds that there was such a  
19 denial or infringement of the rights of the prisoner as to render  
20 the judgment void or voidable under the Constitution of this state  
21 or the Constitution of the United States, the court shall vacate  
22 and set aside the judgment and shall discharge the prisoner or  
23 resentence him or grant a new trial as may appear appropriate.

1 Proceedings under the provisions of sections 29-3001 to 29-3004  
2 shall be civil in nature. Costs shall be taxed as in habeas corpus  
3 cases.

4 (3) A court may entertain and determine such motion  
5 without requiring the production of the prisoner, whether or not a  
6 hearing is held. Testimony of the prisoner or other witnesses may  
7 be offered by deposition. The court need not entertain a second  
8 motion or successive motions for similar relief on behalf of the  
9 same prisoner.

10 (4) A one-year period of limitation shall apply to the  
11 filing of a verified motion for postconviction relief. The one-year  
12 limitation period shall run from the later of:

13 (a) The date the judgment of conviction became final by  
14 the conclusion of a direct appeal or the expiration of the time for  
15 filing a direct appeal;

16 (b) The date on which the factual predicate of the  
17 constitutional claim or claims alleged could have been discovered  
18 through the exercise of due diligence;

19 (c) The date on which an impediment created by state  
20 action, in violation of the Constitution of the United States or  
21 the Constitution of Nebraska or any law of this state, is removed,  
22 if the prisoner was prevented from filing a verified motion by such  
23 state action;



24 (d) The date on which a constitutional claim asserted was  
 25 initially recognized by the Supreme Court of the United States or  
 26 the Nebraska Supreme Court, if the newly recognized right has been  
 27 made applicable retroactively to cases on postconviction collateral  
 1 review; or

2 (e) The effective date of this act.

3 Sec. 2. Original section 29-3001, Reissue Revised

4 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 463.** Placed on General File with amendment.  
 AM754 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Wednesday, March 23, 2011 1:00 p.m.

Stan Clouse - Nebraska Natural Resources Commission

(Signed) Chris Langemeier, Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB389:  
 AM762

(Amendments to E & R amendments, ER43)

- 1 1. On page 1, line 8, after "Family" insert "member".
- 2 2. On page 3, lines 23 and 27; page 5, lines 3, 4, and
- 3 14; page 6, lines 6 and 7; page 7, line 27; page 8, line 1; page
- 4 9, lines 6, 8, and 17; and page 11, line 15, before "investment"
- 5 insert "qualified".
- 6 3. On page 4, lines 9, 12, 14, 17, and 19, strike
- 7 "fund" and insert "pass-through entity"; and in line 25 strike
- 8 "Investments in the" and insert "A qualified".
- 9 4. On page 5, line 8, strike "taxable" and insert
- 10 "calendar"; in line 12 strike "investors" and insert "individuals,
- 11 trusts, or pass-through entities"; and in lines 21, 24, and 26
- 12 strike "investor" and insert "individual, trust, or pass-through
- 13 entity".
- 14 5. On page 6, line 2, strike "investor who" and insert
- 15 "individual, trust, or pass-through entity which".
- 16 6. On page 6, line 17; page 7, lines 11 and 17; and page
- 17 8, lines 1, 12, 20, and 21, before "credit" insert "tax".
- 18 7. On page 6, lines 22, 24, and 26; page 7, lines 2, 9,
- 19 and 25; page 8, lines 4, 13, 14, and 23; page 9, line 1; and page

- 20 10, line 20, before all occurrences of "credits" insert "tax".
- 21 8. On page 7, line 2, strike "taxable" and insert
- 22 "calendar"; in line 9 strike "over all taxable years"; and in line
- 1 16 strike "member of the family" and insert "family member".
- 2 9. On page 8, line 21, after "investor" insert "or
- 3 qualified fund".
- 4 10. On page 9, line 1, strike "taxable year in which" and
- 5 insert "date"; in line 9 strike "an" and insert "a qualified"; and
- 6 in line 15 after "following" insert "calendar".
- 7 11. On page 11, line 1, strike "distribution" and insert
- 8 "allocation"; and in line 18 after "project" insert "under the
- 9 Angel Investment Tax Credit Act".

Senator K. Haar filed the following amendment to LB283:  
AM615

- 1 1. On page 12, after line 21 insert the following new
- 2 subsection:
- 3 "(14) Before a school board approves an energy efficiency
- 4 project to be funded pursuant to this section, such school board
- 5 shall generate an Energy Star efficiency rating on any school
- 6 building involved in the proposed energy efficiency project using
- 7 the Environmental Protection Agency's free online tool, Portfolio
- 8 Manager. If the energy efficiency project is approved and funded
- 9 pursuant to this section, such school board shall also maintain an
- 10 up-to-date Energy Star efficiency rating using Portfolio Manager on
- 11 such school building during the term of any bonds issued for such
- 12 energy efficiency project.".

## GENERAL FILE

**LEGISLATIVE BILL 297.** Title read. Considered.

Senator Flood offered the following amendment:  
AM749

- 1 1. On page 6, line 8, after "events" insert "and a
- 2 library".

The Flood amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 490.** Title read. Considered.

Committee AM595, found on page 689, was considered.

Senator Karpisek offered the following amendment to the committee amendment:

AM760

(Amendments to Standing Committee amendments, AM595)

- 1 1. On page 6, line 27, strike "four million" and insert
- 2 "one million six hundred thousand".

Pending.

## COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 106.** Placed on General File with amendment.  
AM731

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. For purposes of sections 13-318 to 13-326,
- 4 public safety services means crime prevention, offender detention,
- 5 and police services.
- 6 Sec. 2. Section 13-318, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 13-318 (1) Any county and any municipalities ~~and fire~~
- 9 ~~protection districts~~ within the county may provide for the joint
- 10 financing and operation of public safety services pursuant to an
- 11 agreement under the Interlocal Cooperation Act or Joint Public
- 12 Agency Act.
- 13 (2) Joint public safety services shall be operated by a
- 14 public safety commission consisting of at least three members who
- 15 represent the county and the participating municipalities ~~and fire~~
- 16 ~~protection districts~~ as provided in the agreement. Only elected
- 17 officials are eligible to serve on the commission. ~~In counties~~
- 18 ~~with more than one hundred thousand inhabitants, the county~~
- 19 ~~and participating municipalities and fire protection districts~~
- 20 ~~may appoint a separate fire protection and emergency services~~
- 21 ~~commission of at least three members to operate or coordinate fire~~
- 22 ~~protection or emergency services in the county and participating~~
- 23 ~~municipalities and fire protection districts. If the public safety~~
- 1 ~~services to be provided include fire protection, at least one~~
- 2 ~~representative of each fire protection district shall be a member~~
- 3 ~~of the commission.~~ The commission may employ officers and other
- 4 employees necessary to carry out its duties and responsibilities
- 5 for public safety services ~~or fire protection or emergency services~~
- 6 and may enter into contracts, acquire and dispose of property,
- 7 and receive funds appropriated to it by the county and any
- 8 participating municipality, ~~or fire protection district,~~ granted or
- 9 appropriated to it by the state or federal government or an agency
- 10 thereof, given to it by any individual, or collected from the
- 11 sales and use tax authorized by section 13-319. ~~If fire protection~~
- 12 ~~services or emergency services are to be provided, the commission~~

13 ~~shall appoint an individual trained in fire protection or emergency~~  
 14 ~~services with at least five years of experience in providing such~~  
 15 ~~services who shall coordinate fire protection and financing of the~~  
 16 ~~services in the county. The individual shall serve at the pleasure~~  
 17 ~~of the commission. The commission shall have other powers as are~~  
 18 ~~granted to the county and any of the participating municipalities~~  
 19 ~~or fire protection districts acting independently except as limited~~  
 20 ~~by the agreement.~~

21 Sec. 3. Original section 13-318, Reissue Revised Statutes  
 22 of Nebraska, is repealed.

**LEGISLATIVE BILL 682.** Placed on General File with amendment.  
 AM626

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

3 Section 1. Sections 1 to 11 of this act shall be known  
 4 and may be cited as the Sewer Infrastructure Assistance Act.

5 Sec. 2. (1) The Legislature finds that municipalities of  
 6 the state face an urgent need to construct, upgrade, redevelop,  
 7 and replace sewer infrastructure facilities to reduce combined  
 8 sewer overflow. By providing sewer facilities, municipalities  
 9 provide the building blocks for economic development. Not only  
 10 does the investment in infrastructure generate an immediate stream  
 11 of economic activity, it also lays the groundwork for private  
 12 investment that will use the facilities so provided. Municipalities  
 13 currently are in critical need of assistance in providing these  
 14 facilities. Municipalities are limited in their ability to finance  
 15 major infrastructure projects and are generally required by federal  
 16 regulation to follow a cost-of-service user fee system to fund  
 17 wastewater operations and maintenance costs including replacement.  
 18 Additionally, many alternate financing options contain statutory  
 19 budget and tax levy restrictions. In order to minimize the burden  
 20 on property taxpayers in Nebraska, the Legislature finds that it  
 21 is fair and equitable to encourage the use of fees for services to  
 22 finance major infrastructure projects.

23 (2) The Legislature determines that it is in the public  
 1 interest to assist municipalities by establishing a fund to provide  
 2 funds to municipalities to be used to replace and redevelop sewer  
 3 infrastructure facilities to reduce combined sewer overflow.

4 (3) In order that the state may receive long-term  
 5 economic and fiscal benefits from such facilities, a need exists  
 6 to provide state assistance to municipalities endeavoring to  
 7 construct, acquire, substantially reconstruct, expand, operate,  
 8 improve, or equip such facilities.

9 (4) Therefore, it is deemed to be in the best interest  
 10 of the state and its municipalities that the state assist  
 11 municipalities in financing the construction, acquisition,  
 12 substantial reconstruction, expansion, operation, improvement, or  
 13 equipping of sewer infrastructure facilities.

14 (5) The amount of state assistance under the Sewer  
15 Infrastructure Assistance Act shall be limited to the state sales  
16 tax revenue collected by municipalities on the increase in monthly  
17 sewer use fees on and after July 1, 2013, attributable to combined  
18 sewer overflow projects.

19 Sec. 3. For purposes of the Sewer Infrastructure  
20 Assistance Act:

21 (1) Board means a board consisting of the Director  
22 of Environmental Quality, the chief executive officer of the  
23 Department of Health and Human Services, and the State Fire  
24 Marshal;

25 (2) Bond means a general obligation bond, redevelopment  
26 bond, lease-purchase bond, revenue bond, or combination of any  
27 such bonds and a loan from the Wastewater Treatment Facilities  
1 Construction Loan Fund;

2 (3) Combined sewer overflow project means a municipal  
3 project to reduce overflows from a combined sewer system pursuant  
4 to a long-term control plan approved by the Department of  
5 Environmental Quality;

6 (4) Eligible facility means any facility that is  
7 constructed or installed pursuant to an approved long-term control  
8 plan;

9 (5) General obligation bond means any bond or refunding  
10 bond issued by a municipality and which is payable from the  
11 proceeds of an ad valorem tax; and

12 (6) Revenue bond means any bond or refunding bond issued  
13 by a municipality which is not payable from the proceeds of an ad  
14 valorem tax.

15 Sec. 4. Any municipality that has acquired, constructed,  
16 improved, or equipped or has approved a general obligation bond  
17 issue or revenue bond issue to acquire, construct, improve, or  
18 equip eligible facilities may apply to the board for state  
19 assistance. The state assistance shall only be used (1) to  
20 repay the debt borrowed through one or more issues of bonds  
21 to be expended by the municipality to acquire, construct, improve,  
22 and equip eligible facilities until repayment in full of the  
23 amounts expended or borrowed by the municipality, including the  
24 principal of and interest on bonds, for eligible facilities and  
25 (2) to pay amounts to be expended by the municipality without  
26 the issuance of bonds to acquire, construct, improve, and equip  
27 eligible facilities.

1 Sec. 5. (1) All applications for state assistance under  
2 the Sewer Infrastructure Assistance Act shall be in writing and  
3 shall include a certified copy of the approving action of the  
4 governing body of the applicant describing the proposed eligible  
5 facility.

6 (2) The application shall contain:

7 (a) A description of the proposed financing of the  
8 eligible facility, including the estimated principal and interest

9 requirements for bonds proposed to be issued in connection with the  
10 eligible facility or, if no bonds are to be issued, a description  
11 of the costs of the eligible facility; and

12 (b) Any other project information deemed appropriate by  
13 the board.

14 (3) Upon receiving an application for state assistance,  
15 the board shall review the application and notify the applicant of  
16 any additional information needed for a proper evaluation of the  
17 application.

18 Sec. 6. (1) After consideration of the application and  
19 determination that the application conforms to all requirements  
20 for eligibility for state assistance under the Sewer Infrastructure  
21 Assistance Act, the board shall issue a finding that the combined  
22 sewer overflow project described in the application is eligible for  
23 state assistance.

24 (2) If the board finds that the project described in  
25 the application is an eligible facility, the application shall be  
26 approved.

27 (3) A majority of the board members constitutes a quorum  
1 for the purpose of conducting business. All actions of the board  
2 shall be by a majority vote of all the board members.

3 Sec. 7. If an application is approved, the Tax  
4 Commissioner shall:

5 (1) Audit or review audits of the sewer use fees  
6 collected by the municipality to determine the state sales tax  
7 revenue and local option sales tax revenue collected by the  
8 municipality on the increase in monthly sewer use fees on and after  
9 July 1, 2013, attributable to the combined sewer overflow project;  
10 and

11 (2) Certify annually the amount of such state sales tax  
12 revenue collected by the municipality on such increased fees to the  
13 State Treasurer.

14 Sec. 8. (1) The Sewer Infrastructure Fund is created.  
15 Upon the annual certification under section 7 of this act, the  
16 State Treasurer shall transfer the amount certified from the  
17 General Fund to the Sewer Infrastructure Fund. Any money in the  
18 fund available for investment shall be invested by the state  
19 investment officer pursuant to the Nebraska Capital Expansion Act  
20 and the Nebraska State Funds Investment Act.

21 (2) The board shall distribute from the fund to any  
22 municipality for which an application for state assistance under  
23 the Sewer Infrastructure Assistance Act has been approved an  
24 amount not to exceed the lesser of the total cost of acquiring,  
25 constructing, improving, or equipping the eligible facility or  
26 the total state sales tax revenue collected by the municipality  
27 on the increase in monthly sewer use fees on and after July 1,  
1 2013, attributable to the combined sewer overflow project. The  
2 distribution shall be conditioned upon the municipality using the  
3 local option sales tax revenue collected on the increase in monthly

4 sewer use fees attributable to the combined sewer overflow project  
 5 for the same purposes as permitted for the funds distributed under  
 6 this section notwithstanding any terms or conditions set forth  
 7 in the resolution proposing the local option sales tax. Funds  
 8 distributed under this section shall be used only to assist with  
 9 the costs of acquiring, constructing, improving, or equipping the  
 10 eligible facilities, including any financing costs, shall be kept  
 11 in a separate fund, and shall not be used to fund the general  
 12 operations of the municipality.

13 (3) State assistance to the applicant shall no longer  
 14 be available upon the retirement of the bonds issued to acquire,  
 15 construct, improve, or equip the eligible facility or any  
 16 subsequent bonds that refunded the original issue, or if bonds  
 17 are not issued, upon payment of the cost to acquire, construct,  
 18 improve, or equip the eligible facility or when state assistance  
 19 reaches the amount determined under subsection (2) of this section,  
 20 whichever comes first.

21 Sec. 9. The applicant may issue from time to time its  
 22 bonds and refunding bonds to finance and refinance the acquisition,  
 23 construction, improvement, and equipping of eligible facilities and  
 24 appurtenant public facilities that are a part of the same project.  
 25 The bonds may be sold by the applicant in such manner and for such  
 26 price as the applicant deems appropriate.

27 Sec. 10. The Department of Revenue shall submit an annual  
 1 report to the Legislature on or before August 1 of each year which  
 2 includes, but is not limited to, a description of the demand for  
 3 state assistance under the Sewer Infrastructure Assistance Act, a  
 4 list of the recipients and amounts of state assistance awarded  
 5 pursuant to the act in the previous fiscal year, the status of each  
 6 project awarded state assistance, and an estimate of the number of  
 7 jobs created or sustained by each such project. The department may  
 8 require recipients of financial assistance to provide reports to  
 9 enable the department to fulfill the requirements of this section.

10 Sec. 11. The Department of Revenue may adopt and  
 11 promulgate rules and regulations to carry out the Sewer  
 12 Infrastructure Assistance Act.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

**LEGISLATIVE BILL 265.** Placed on General File.

**LEGISLATIVE BILL 406.** Placed on General File.

**LEGISLATIVE BILL 534.** Indefinitely postponed.

(Signed) Kathy Campbell, Chairperson

**AMENDMENTS - Print in Journal**

Senator Avery filed the following amendment to LB490:  
AM759

(Amendments to Standing Committee amendments, AM595)

- 1 1. Strike sections 3 to 6, 8, and 10 and insert the
- 2 following new section:
- 3 Sec. 4. This act becomes operative on January 1, 2012.
- 4 2. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB490:  
AM778

(Amendments to Standing Committee amendments, AM595)

- 1 1. On page 6, line 27, strike "four" and insert "ten".

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB558. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Leron Peters from Omaha; Mark Batt from Utica; El Siebert from Omaha; 15 twelfth-grade students and teacher from Hildreth-Wilcox High School, Wilcox; and 52 fifth-grade students, teachers, and sponsors from Fremont Bellfield Elementary, Fremont.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Pankonin, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SIXTH DAY - MARCH 15, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 15, 2011

**PRAYER**

The prayer was offered by Pastor Vern Olson, Cedar Valley Parish, Cedar Rapids and Belgrade.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORT**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 239.** Placed on General File with amendment. AM727 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 118.** Introduced by Bloomfield, 17.

WHEREAS, the South Sioux City Cardinals won the 2011 Class B Boys' State Basketball Championship; and

WHEREAS, the South Sioux City Cardinals, ranked first coming into the tournament, won a second consecutive title with a 69-56 victory over the Gretna Dragons, who were ranked second; and

WHEREAS, the South Sioux City Cardinals won the semifinal game over Lincoln Pius X by the score of 50-47 and defeated the Holdrege Dusters in the first game of the tournament by a score of 66-33; and

WHEREAS, the South Sioux City Cardinals finished the season with twenty-four victories and two losses; and

WHEREAS, the South Sioux City Cardinals are the third team in the past fifteen years to win consecutive Class B state championships in the Boys' State Basketball Tournament; and

WHEREAS, for the first time during the season, all five starters on the South Sioux City Cardinal basketball team finished the championship game with scores in the double digits; and

WHEREAS, the South Sioux City Cardinals are as successful in the classroom as they are on the basketball court, with six members of the basketball team achieving grade point averages of 4.0.

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

1. That the South Sioux City Cardinals be congratulated for winning the 2011 Class B Boys' State Basketball Championship.

2. That the Legislature congratulates Head Coach Terry Comstock for his excellent season and guidance of his team.

3. That a copy of this resolution be sent to the Cardinals and Head Coach Terry Comstock.

Laid over.

### MESSAGE FROM THE GOVERNOR

March 15, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 333e was received in my office on March 9, 2011.

I signed and delivered this bill to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

### AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB546:  
AM748

(Amendments to E & R amendments, ER44)

- 1 1. On page 1, line 10, strike the new matter and insert
- 2 "2006 edition".

- 3 2. On page 2, line 16, strike "2009" and insert "2006";  
4 and in lines 23 through 25 strike the new matter.  
5 3. On page 3, lines 18 and 21, reinstate the stricken  
6 matter; and in lines 20 through 23 strike the new matter.

### GENERAL FILE

**LEGISLATIVE BILL 544.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 119.** Introduced by Brasch, 16.

WHEREAS, the West Point Central Catholic Bluejays won the 2011 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the victory gave the Bluejays their third state title and the first since back-to-back Class C-2 state championships in 1998 and 1999; and

WHEREAS, the Bluejays displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; 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, FIRST SESSION:

1. That the Legislature congratulates the West Point Central Catholic Bluejays on winning the 2011 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the West Point Central Catholic Bluejays and their coach, Derek Ippensen.

Laid over.

**LEGISLATIVE RESOLUTION 120.** Introduced by Adams, 24.

WHEREAS, Dave and Lorraine Lostroh have monitored and presented testimony before the Legislature on behalf of Nebraska home schoolers for over twenty years; and

WHEREAS, Dave and Lorraine Lostroh have alerted Nebraska Christian Home Educators Association (NCHEA) members regarding legislation and legal and political issues affecting home schooling and parental rights on state and national scenes; and

WHEREAS, Dave and Lorraine Lostroh conducted a candidate survey during election years for distribution to NCHEA members; and

WHEREAS, Dave and Lorraine Lostroh have served as contacts for Nebraska legislators and their staff on issues impacting home schooling and the family; and

WHEREAS, Dave and Lorraine Lostroh documented the history and development of home schooling in Nebraska by writing a booklet for distribution; and

WHEREAS, Dave and Lorraine Lostroh have represented Nebraska at national home school leadership conferences and networked with the leaders of other state home school organizations; and

WHEREAS, Dave and Lorraine Lostroh continue to faithfully serve as NCHEA Legislative Liaisons after over twenty years of service for others.

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

1. That the Legislature congratulates Dave and Lorraine Lostroh on their years of service to the Nebraska Christian Home Educators Association.

2. That a copy of this resolution be sent to Dave and Lorraine Lostroh.

Laid over.

## GENERAL FILE

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

Committee AM165, found on page 772, was adopted with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 230.** Title read. Considered.

Committee AM365, found on page 617, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 389A.** Placed on Select File.

**LEGISLATIVE BILL 524.** Placed on Select File with amendment.  
ER53

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-701, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 9-701 (1) For purposes of this section:

6 (a) Gift enterprise means a contest, game of chance,  
7 savings promotion raffle, or game promotion which is conducted  
8 within the state or throughout the state and other states in  
9 connection with the sale of consumer or trade products or services  
10 solely as business promotions and in which the elements of chance  
11 and prize are present. Gift enterprise does not include any scheme  
12 using the game of bingo or keno; any non-telecommunication-related,  
13 player-activated electronic or electromechanical facsimile of any  
14 game of chance; or any slot machine of any kind. A gift enterprise  
15 shall not utilize pickle cards as defined in section 9-315.  
16 Promotional game tickets may be utilized subject to the following:

17 (i) The tickets utilized shall be manufactured or

18 imprinted with the name of the operator on each ticket;

19 (ii) The tickets utilized shall not be manufactured with  
20 a cost per play printed on them; and

21 (iii) The tickets utilized shall not be substantially  
22 similar to any type of pickle card approved by the Department of  
23 Revenue pursuant to section 9-332.01; ~~and~~

1 (b) Operator means any person, firm, corporation,  
2 association, governmental entity, or agent or employee thereof who  
3 promotes, operates, or conducts a gift enterprise. Operator does  
4 not include any nonprofit organization or any agent or employee  
5 thereof, except that operator includes any credit union chartered  
6 under state or federal law or any agent or employee thereof who  
7 promotes, operates, or conducts a gift enterprise; ~~and-~~

8 (c) Savings promotion raffle means a contest conducted by  
9 a credit union chartered under state or federal law or any agent or  
10 employee thereof in which a chance of winning a designated prize is  
11 obtained by the deposit of a specified amount of money in a savings  
12 account or other savings program if each entry has an equal chance  
13 of winning.

14 (2) Any operator may conduct a gift enterprise within  
15 this state in accordance with this section.

16 (3) An operator shall not:

17 (a) Design, engage in, promote, or conduct a gift  
18 enterprise in connection with the promotion or sale of consumer  
19 products or services in which the winner may be unfairly  
20 predetermined or the game may be manipulated or rigged;

21 (b) Arbitrarily remove, disqualify, disallow, or reject  
22 any entry;

23 (c) Fail to award prizes offered;

24 (d) Print, publish, or circulate literature or  
25 advertising material used in connection with such gift enterprise  
26 which is false, deceptive, or misleading; or

27 (e) Require an entry fee, a payment or promise of payment  
1 of any valuable consideration, or any other consideration as a  
2 condition of entering a gift enterprise or winning a prize from the

3 gift enterprise, except that a contest, game of chance, or business  
 4 promotion may require, as a condition of participation, evidence  
 5 of the purchase of a product or service as long as the purchase  
 6 price charged for such product or service is not greater than it  
 7 would have been without the contest, game of chance, or business  
 8 promotion. For purposes of this section, consideration shall not  
 9 include (i) filling out an entry blank, (ii) entering by mail with  
 10 the purchase of postage at a cost no greater than the cost of  
 11 postage for a first-class letter weighing one ounce or less, ~~or~~  
 12 (iii) entering by a telephone call to the operator of or for the  
 13 gift enterprise at a cost no greater than the cost of postage for a  
 14 first-class letter weighing one ounce or less. When the only method  
 15 of entry is by telephone, the cost to the entrant of the telephone  
 16 call shall not exceed the cost of postage for a first-class letter  
 17 weighing one ounce or less for any reason, including (A) whether  
 18 any communication occurred during the call which was not related to  
 19 the gift enterprise or (B) the fact that the cost of the call to  
 20 the operator was greater than the cost to the entrant allowed under  
 21 this section, or (iv) the deposit of money in a savings account or  
 22 other savings program, regardless of the interest rate earned by  
 23 such account or program.

24 (4) An operator shall disclose to participants all terms  
 25 and conditions of a gift enterprise.

26 ~~(4)(a)-(5)(a)~~ The Department of Revenue may adopt and  
 27 promulgate rules and regulations necessary to carry out the  
 1 operation of gift enterprises.

2 (b) Whenever the department has reason to believe that a  
 3 gift enterprise is being operated in violation of this section or  
 4 the department's rules and regulations, it may bring an action in  
 5 the district court of Lancaster County in the name of and on behalf  
 6 of the people of the State of Nebraska against the operator of  
 7 the gift enterprise to enjoin the continued operation of such gift  
 8 enterprise anywhere in the state.

9 ~~(5)(a)-(6)(a)~~ Any person, firm, corporation, association,  
 10 or agent or employee thereof who engages in any unlawful acts or  
 11 practices pursuant to this section or violates any of the rules and  
 12 regulations promulgated pursuant to this section shall be guilty of  
 13 a Class II misdemeanor.

14 (b) Any person, firm, corporation, association, or agent  
 15 or employee thereof who violates any provision of this section  
 16 or any of the rules and regulations promulgated pursuant to this  
 17 section shall be liable to pay a civil penalty of not more than  
 18 one thousand dollars imposed by the district court of Lancaster  
 19 County for each such violation which shall ~~accrue to the permanent~~  
 20 school fund, be remitted to the State Treasurer for distribution  
 21 in accordance with Article VII, section 5, of the Constitution  
 22 of Nebraska. Each day of continued violation shall constitute a  
 23 separate offense or violation for purposes of this section.

24 (7) A credit union may limit the number of chances that a  
 25 participant in a savings promotion raffle may obtain for making the  
 26 required deposits but shall not limit the number of deposits.

27 ~~(6)-(8)~~ In all proceedings initiated in any court or  
 1 otherwise under this section, the Attorney General or appropriate  
 2 county attorney shall prosecute and defend all such proceedings.

3 ~~(7)-(9)~~ This section shall not apply to any activity  
 4 authorized and regulated under the Nebraska Bingo Act, the Nebraska  
 5 County and City Lottery Act, the Nebraska Lottery and Raffle Act,  
 6 the Nebraska Pickle Card Lottery Act, or the Nebraska Small Lottery  
 7 and Raffle Act.

8 Sec. 2. Original section 9-701, Reissue Revised Statutes  
 9 of Nebraska, is repealed.

**LEGISLATIVE BILL 297.** Placed on Select File with amendment.  
 ER54

1 1. On page 1, line 1, strike the first comma; in line  
 2 2 after "Center" insert "Financing"; in line 6 after "act" insert  
 3 "and a fund"; and in line 7 after the first semicolon insert "to  
 4 eliminate obsolete language;"

5 2. On page 5, strike beginning with "Local" in line 5  
 6 through "Convention" in line 6, show as stricken, and insert "Civic  
 7 and Community".

(Signed) Tyson Larson, Chairperson

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB41:  
 AM737

1 1. Insert the following new sections:

2 Sec. 28. Section 37-615, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 37-615 It shall be unlawful for any person to take any  
 5 species of wildlife protected by the Game Law while his or her  
 6 permits are revoked. It shall be unlawful for any person to apply  
 7 for or purchase a permit to hunt, fish, or harvest fur in Nebraska  
 8 while his or her permits are revoked and while the privilege to  
 9 purchase such permits is suspended. Any person who violates this  
 10 section shall be guilty of a Class III misdemeanor and in addition  
 11 shall be suspended from hunting, fishing, and fur harvesting or  
 12 purchasing permits to hunt, fish, and harvest fur for a period of  
 13 not less than two nor more than five years as the court directs.  
 14 The court shall consider the number and severity of the violations  
 15 of the Game Law in determining the length of the suspension.

16 ~~Any person whose privilege or permit to hunt, fish, or~~  
 17 ~~harvest fur in another state has been suspended or revoked as a~~  
 18 ~~result of a conviction shall not be eligible to obtain a permit~~  
 19 ~~to hunt, fish, or harvest fur if the conviction would constitute~~

20 ~~grounds for suspension or revocation under sections 37-614 to~~  
 21 ~~37-617 until the period of suspension or revocation in the other~~  
 22 ~~state has expired.~~

23 Sec. 29. Section 37-618, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 37-618 ~~Any~~ (1) Except as otherwise provided in subsection  
 3 (3) of this section, any person whose privilege or permit to  
 4 hunt, fish, or harvest fur has been suspended or revoked in any  
 5 jurisdiction within the United States or Canada shall be prohibited  
 6 from obtaining a permit for such activity in this state during the  
 7 period of suspension or revocation in the prosecuting jurisdiction  
 8 if the offense for which the privilege or permit is suspended  
 9 or revoked is an offense under the Game Law or would constitute  
 10 grounds for suspension or revocation under sections 37-614 to  
 11 37-617.

12 (2) If such person has previously obtained a permit  
 13 under the Game Law for such activity, the permit shall become  
 14 invalid and shall be suspended for the same period as determined in  
 15 the prosecuting jurisdiction. The person shall immediately return  
 16 the permit to the commission. No person shall possess a permit  
 17 which has been suspended or revoked under this section except as  
 18 otherwise provided in subsection (3) of this section.

19 (3) The commission may adopt and promulgate rules and  
 20 regulations to create a process to (a) review the suspension or  
 21 revocation of a privilege or permit to hunt, fish, or harvest fur  
 22 imposed by any jurisdiction other than Nebraska to determine if the  
 23 offense for which the privilege or permit is suspended or revoked  
 24 is an offense under the Game Law or would constitute grounds for  
 25 suspension or revocation under sections 37-614 to 37-617 and (b)  
 26 provide for a hearing, if necessary, to confirm the suspension or  
 27 revocation in Nebraska or reinstate the privilege or affirm the  
 1 eligibility of the person to purchase a permit in Nebraska. The  
 2 process may include an application for the review and a procedure  
 3 for screening applications to determine if the hearing before the  
 4 commission is necessary or appropriate.

5 (4) Any person who violates the provisions of this  
 6 section shall be guilty of a Class I misdemeanor.

7 2. Renumber the remaining sections and correct the  
 8 repealer accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 121.** Introduced by Larson, 40; Carlson, 38; Christensen, 44; Cook, 13; Cornett, 45; Council, 11; Hansen, 42; Howard, 9; Janssen, 15; Karpisek, 32; Nordquist, 7; Schilz, 47; Sullivan, 41.

WHEREAS, the University of Nebraska at Omaha wrestling program has been the most successful varsity sport at the University of Nebraska at Omaha; and



WHEREAS, the University of Nebraska at Omaha wrestling program has twenty-six top three finishes and eight national titles, including six national titles in the past eight years and the last three consecutively; and

WHEREAS, the University of Nebraska at Omaha wrestling program has produced thirty-one individual national champions, including three in 2011; and

WHEREAS, the University of Nebraska at Omaha wrestling program instills values such as teamwork, dedication, determination, and family in young men from across the country, which further enables those young men to be more productive members of their communities.

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

1. That the Legislature expresses its clear support for the University of Nebraska at Omaha wrestling program and its continuation as a varsity sport and asks the Board of Regents of the University of Nebraska to also support the tradition and excellence of the University of Nebraska at Omaha wrestling program.

2. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska and the Chancellor of the University of Nebraska at Omaha.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR121 was referred to the Reference Committee.

### **GENERAL FILE**

**LEGISLATIVE BILL 387.** Title read. Considered.

Senator Hadley renewed his amendment, AM636, found on page 830.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR ADAMS PRESIDING**

**SENATOR GLOOR PRESIDING**

Senator B. Harr offered the following amendment to the Hadley amendment:

AM804

(Amendments to AM636)

1. On page 1, strike beginning with "municipality" in
2. line 6 through the second "a" in line 9.

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 101, 103, and 104 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 101, 103, and 104.

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 54.** Placed on General File.

(Signed) Amanda McGill, Chairperson

Agriculture

**LEGISLATIVE BILL 473.** Placed on General File with amendment. AM782

1 1. On page 2, line 15, strike "the federal government";  
 2 and in line 24 after "(2)" insert "A black-tailed prairie dog  
 3 management plan shall include a finding by the county board of  
 4 adverse impacts of unmanaged black-tailed prairie dog colonies  
 5 within the county and the necessity to exercise the authority  
 6 made available under the Black-Tailed Prairie Dog Management Act.  
 7 Such management plan shall include a listing of the methods for  
 8 management of black-tailed prairie dog colonies to be used for  
 9 purposes which are consistent with the act. Such management plan  
 10 shall not conflict with any state management plan for black-tailed  
 11 prairie dogs or any rules or regulations adopted and promulgated  
 12 pursuant to the Nongame and Endangered Species Conservation Act  
 13 and shall not conflict with any state or federal recovery plan for  
 14 endangered or threatened species.

15 (3) A county may cooperate and coordinate with the  
 16 Animal and Plant Health Inspection Service of the United States  
 17 Department of Agriculture, the Game and Parks Commission, the  
 18 United States Fish and Wildlife Service, and other local, state,  
 19 and national agencies and organizations, public or private, to  
 20 prepare a coordinated program for the control and management  
 21 of black-tailed prairie dogs and to carry out its duties and  
 22 responsibilities under the Black-Tailed Prairie Dog Management Act.

23 (4)".

1 2. On page 3, strike beginning with "Cooperate" in line  
 2 17 through "(3)" in line 25.

3 3. On page 4, line 3, strike "(4)" and insert "(3)".

(Signed) Tom Carlson, Chairperson

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR121	Education

(Signed) John Wightman, Chairperson  
Executive Board

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 122.** Introduced by Ashford, 20; Adams, 24; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Susan Marchese has been a dominant figure in Nebraska amateur golf; and

WHEREAS, Susan Marchese started her remarkable record of golfing success in high school by winning the individual state championship for Class B in 1977 and 1978; and

WHEREAS, Susan Marchese has won eighteen Nebraska Women's Amateur Golf Association state championships, including multiple championships in both match play and stroke play; and

WHEREAS, Susan Marchese has also won a Nebraska Women's Amateur Golf Association senior state championship; and

WHEREAS, Susan Marchese is a member of the Nebraska Golf Hall of Fame and the Nebraska High School Sports Hall of Fame; and

WHEREAS, in April 2011, Susan Marchese will be inducted into the Omaha Sports Hall of Fame.

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

1. That the Legislature congratulates Susan Marchese on her outstanding accomplishments in Nebraska amateur golf.

2. That a copy of this resolution be sent to Susan Marchese.

Laid over.

**LEGISLATIVE RESOLUTION 123.** Introduced by Cornett, 45; Campbell, 25; Coash, 27; Fischer, 43; K. Haar, 21; Hansen, 42; Howard, 9; Lathrop, 12; McGill, 26; Pahls, 31; Pankonin, 2; Wallman, 30.

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's twentieth-largest economy, eighteenth-largest trading country, and a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, over 174,000 international flights travel to and from Taiwan, with foreign passengers making around 3.8 million trips to the island every year, and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, without Taiwan's participation, international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe.

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

1. That the Legislature endorses the proposition that Taiwan participate in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change. As a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing global warming and natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR123 was referred to the Reference Committee.

**AMENDMENTS - Print in Journal**

Senator Hadley filed the following amendment to LB329:  
AM781

- 1 1. Insert the following new sections:
- 2 Section 1. Section 18-132, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-132 The legislative bodies of all cities and villages
- 5 may adopt by ordinance the conditions, provisions, limitations, and
- 6 terms of a plumbing code, an electrical code, a fire prevention
- 7 code, a building code, and any other standard code which contains
- 8 rules and regulations printed as a code in book or pamphlet
- 9 form, by reference to such code, or portions thereof, alone,
- 10 without setting forth in the ordinance the conditions, provisions,
- 11 limitations, and terms of such code. When any such code, or portion
- 12 thereof, has been incorporated by reference into any ordinance, as
- 13 provided in this section, it shall have the same force and effect
- 14 as though it had been spread at large in such ordinance without
- 15 further or additional posting or publication thereof. Not less than
- 16 one copy of such standard code, or portion thereof, shall be filed
- 17 for use and examination by the public in the office of the clerk
- 18 of such city or village prior to the adoption thereof. The adoption
- 19 of any such standard code by reference shall be construed to
- 20 incorporate such amendments thereto as may be made in such standard
- 21 code from time to time, if the copy of such standard code so filed
- 22 is at all times kept current in the office of the clerk of such
- 23 city or village. If there is no ordinance adopting a plumbing code
- 1 in effect in a city or village, the 2009 International Plumbing
- 2 Code or the 2009 Uniform Plumbing Code accredited by the American
- 3 National Standards Institute ~~Uniform Plumbing Code, ANSI A40-1993,~~
- 4 shall serve as the plumbing code for all the area within the
- 5 jurisdiction of the city or village. Nothing in this section shall
- 6 be interpreted as creating an obligation for the city or village
- 7 to inspect plumbing work done within its jurisdiction to determine
- 8 compliance with the plumbing code.
- 9 Sec. 2. Section 18-1915, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 18-1915 The State of Nebraska shall permit cities and
- 12 villages to collect permit fees and inspect all sanitary plumbing
- 13 installed or repaired, except for a single-family dwelling or a
- 14 farm or ranch structure, within the State of Nebraska outside
- 15 of the zoning jurisdiction of cities and villages. The city or
- 16 village nearest the construction site shall have jurisdiction to
- 17 collect such permit fees and conduct the inspection of the sanitary
- 18 plumbing. If the city or village has a plumbing ordinance in force
- 19 and effect, such ordinance will govern the installation of the
- 20 sanitary plumbing. If there is no city ordinance in effect for such
- 21 city or village, the 2009 International Plumbing Code or the 2009
- 22 Uniform Plumbing Code accredited by the American National Standards

23 Institute ~~Uniform Plumbing Code, ANSI A40 1993~~, shall apply to  
24 all buildings except single-family dwellings and farm and ranch  
25 structures.

26 Any code or ordinance enacted by a city or village which  
27 is at least equal to the 2009 International Plumbing Code or the  
1 2009 Uniform Plumbing Code accredited by the American National  
2 Standards Institute Uniform Plumbing Code, ANSI A40 1993, shall  
3 take preference over the provisions of the immediately preceding  
4 sentence.

5 Sec. 3. Section 23-172, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 23-172 The county board may adopt by resolution, which  
8 shall have the force and effect of law, the conditions, provisions,  
9 limitations, and terms of a building code, a plumbing code,  
10 an electrical code, a fire prevention code, or any other code  
11 relating to building or relating to the erection, construction,  
12 reconstruction, alteration, repair, conversion, maintenance,  
13 placing, or using of any building, structure, automobile trailer,  
14 house trailer, or cabin trailer. For this purpose, the county board  
15 may adopt any standard code which contains rules or regulations  
16 printed as a code in book or pamphlet form by reference to such  
17 code or portions thereof without setting forth in the resolution  
18 the conditions, provisions, limitations, or terms of such code.

19 When such code or any such standard code or portion thereof is  
20 incorporated by reference into any resolution, it shall have the  
21 same force and effect as though it has been spread at large in  
22 such resolution without further or additional publication. One copy  
23 of such code or such standard code or portion thereof shall be  
24 filed for use and examination by the public in the office of the  
25 clerk of such county prior to its adoption. The adoption of any  
26 standard code by reference shall be construed to incorporate such  
27 amendments thereof as may be made if the copy of such standard  
1 code is kept current in the office of the clerk of the county.

2 If there is no county resolution adopting a plumbing code in  
3 effect for such county, the 2009 International Plumbing Code or  
4 the 2009 Uniform Plumbing Code accredited by the American National  
5 Standards Institute Uniform Plumbing Code, ANSI A40 1993, shall  
6 apply to all buildings. Any code adopted and approved by the county  
7 board, as provided in this section, or if there is no county  
8 resolution adopting a plumbing code in effect for such county,  
9 the 2009 International Plumbing Code or the 2009 Uniform Plumbing  
10 Code accredited by the American National Standards Institute  
11 Uniform Plumbing Code, ANSI A40 1993, and the building permit  
12 requirements or occupancy permit requirements imposed by such code  
13 or by sections 23-114.04 and 23-114.05, shall apply to all of  
14 the county except within the limits of any incorporated city or  
15 village and except within an unincorporated area where a city or  
16 village has been granted zoning jurisdiction and is exercising  
17 such jurisdiction. Nothing in this section shall be interpreted as

18 creating an obligation for the county to inspect plumbing work done  
19 within its jurisdiction to determine compliance with the plumbing  
20 code.

21 2. Renumber the remaining sections and correct the  
22 repealer accordingly.

Senator Janssen filed the following amendment to LB95:  
AM753

(Amendments to Standing Committee amendments, AM704)

1 1. Insert the following new sections:

2 Sec. 3. Section 71-1902, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 71-1902 Except as otherwise provided in this section,  
5 no person shall furnish or offer to furnish foster care for  
6 two or more children from different families without having  
7 in full force and effect a written license issued by the  
8 department upon such terms and conditions as may be prescribed  
9 by general rules and regulations adopted and promulgated by the  
10 department. The department may issue a time-limited, nonrenewable  
11 provisional license to an applicant who is unable to comply  
12 with all licensure requirements and standards, is making a good  
13 faith effort to comply, and is capable of compliance within the  
14 time period stated in the license. The department may issue a  
15 time-limited, nonrenewable probationary license to a licensee who  
16 agrees to establish compliance with rules and regulations that,  
17 when violated, do not present an unreasonable risk to the health,  
18 safety, or well-being of the foster children in the care of the  
19 applicant. No license shall be issued pursuant to this section  
20 unless the applicant has completed the required hours of training  
21 in foster care as prescribed by the department.

22 All nonprovisional and nonprobationary licenses issued  
1 under sections 71-1901 to 71-1906.01 shall expire two years from  
2 the date of issuance and shall be subject to renewal under the  
3 same terms and conditions as the original license, except that if  
4 a licensee submits a completed renewal application thirty days or  
5 more before the license's expiration date, the license shall remain  
6 in effect until the department either renews the license or denies  
7 the renewal application. No license issued pursuant to this section  
8 shall be renewed unless the licensee has completed the required  
9 hours of training in foster care in the preceding twelve months as  
10 prescribed by the department. For the issuance or renewal of each  
11 nonprovisional and nonprobationary license, the department shall  
12 charge a fee of fifty dollars for a group home, fifty dollars for a  
13 child-caring agency, and fifty dollars for a child-placing agency.  
14 For the issuance of each provisional license and each probationary  
15 license, the department shall charge a fee of twenty-five dollars  
16 for a group home, twenty-five dollars for a child-caring agency,  
17 and twenty-five dollars for a child-placing agency. A license may

18 be revoked for cause, after notice and hearing, in accordance with  
 19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home means any home which provides  
 22 twenty-four-hour care to children who are not related to the foster  
 23 parent by blood or adoption;

24 (2) Group home means a home which is operated under the  
 25 auspices of an organization which is responsible for providing  
 26 social services, administration, direction, and control for the  
 27 home and which is designed to provide twenty-four-hour care for  
 1 children and youth in a residential setting;

2 (3) Child-caring agency means an organization which is  
 3 ~~incorporated~~ organized as a corporation or a limited liability  
 4 company for the purpose of providing care for children in buildings  
 5 maintained by the organization for that purpose; and

6 (4) Child-placing agency means an organization which is  
 7 authorized by its articles of incorporation and by its license to  
 8 place children in foster family homes.

9 Sec. 4. Original section 71-1902, Reissue Revised  
 10 Statutes of Nebraska, is repealed.

Senator Utter filed the following amendment to LB387:  
 AM805

(Amendments to AM636)

1 1. Insert the following new section:

2 Sec. 16. The Business Innovation Act terminates on  
 3 October 1, 2016.

4 2. Renumber the remaining sections and correct internal  
 5 references accordingly.

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

Senator Mello asked unanimous consent to add his name as cointroducer to  
 LB329. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to  
 LB100. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as  
 cointroducer to LB315. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Paul Ries from Lincoln; Scott Dugan from  
 Grand Island; 16 fourth-grade students and teacher from Faith Lutheran  
 School, Lincoln; 14 fourth-grade students and teacher from Emmanuel-Faith  
 Lutheran School, York; 9 students and teacher from York College, York; 38  
 fifth-grade students and sponsors from Milliken Park Elementary, Fremont;  
 and a group representing Heartland Family Service Family Works from



Omaha.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 16, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 16, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Council and Krist who were excused; and Senators Ashford, Christensen, Conrad, Cornett, Heidemann, Lautenbaugh, Loudon, Nelson, Nordquist, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 544.** Placed on Select File.

**LEGISLATIVE BILL 100.** Placed on Select File.

**LEGISLATIVE BILL 230.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 124.** Introduced by Cook, 13; Ashford, 20; Council, 11; Howard, 9; Nordquist, 7; Pirsch, 4.

WHEREAS, the Omaha Central Eagles won the 2011 Class A Boys' State Basketball Championship with a 52-48 victory over Omaha Bryan; and

WHEREAS, the Eagles have won an unprecedented five Class A titles in six seasons; and

WHEREAS, the Eagles finished the season ranked first in the final Top 10 rankings for the seventh time; 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, FIRST SESSION:

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2011 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Eric Behrens.

Laid over.

**LEGISLATIVE RESOLUTION 125.** Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic Knights won the 2011 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Norfolk Catholic Knights, ranked second coming into the tournament, won the title with a 56-45 victory over the Minden Whippets, who were ranked fourth; and

WHEREAS, team members Ethan Brozek, Erik Becker, Kory Schaefer, Ben Uhing, Scott Zach, Tanner Bessmer, Drew Farlee, Luke Lyons, Jordan Molacek, Jared Uhlir, Brandon Becker, Jordan Bellar, Connor Ketter, Riley Knake, Jared Maguire, and Dylan Borer gave the Knights their first state title in school history; and

WHEREAS, the team was led by Head Coach Shane Anderson, Assistant Coach Doug Moore, Assistant Coach Josh Clark, and Manager Rick Winch; 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, FIRST SESSION:

1. That the Norfolk Catholic Knights be congratulated for winning the 2011 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Knights and Head Coach Shane Anderson.

Laid over.

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116.

**GENERAL FILE**

**LEGISLATIVE BILL 387.** Senator B. Harr renewed his amendment, AM804, found on page 873, to the Hadley amendment.

Senator B. Harr moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator B. Harr requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Avery	Hansen	Lathrop	Schumacher
Cook	Harr, B.	McGill	Smith
Haar, K.	Howard	Pahls	

Voting in the negative, 29:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Sullivan
Brasch	Fischer	Janssen	McCoy	Utter
Campbell	Flood	Karpisek	Pankonin	Wallman
Carlson	Gloor	Langemeier	Pirsch	Wightman
Conrad	Hadley	Larson	Price	

Present and not voting, 5:

Christensen	Coash	Fulton	Mello	Nelson
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Excused and not voting, 4:

Ashford	Council	Krist	Nordquist
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The B. Harr amendment lost with 11 ayes, 29 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Utter renewed his amendment, AM805, found on page 880, to the Hadley amendment.

The Utter amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Hadley renewed his amendment, AM636, found on page 830 and considered on page 873, as amended.

The Hadley amendment, as amended, was adopted with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 387A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORT**  
Health and Human Services

**LEGISLATIVE BILL 177.** Placed on General File with amendment. AM713 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 126.** Introduced by Larson, 40.

WHEREAS, Teran Boyer, a senior at Plainview High School, won the 2011 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, Teran Boyer defeated Wyatt Schake of Amherst High School 8-3 in the championship match; and

WHEREAS, Teran Boyer finished his senior wrestling season with a record of 40-0, and his season gave Plainview High School its third undefeated state champion in the history of the wrestling program; 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, FIRST SESSION:

1. That the Legislature congratulates Teran Boyer on winning the 2011 Class D State Wrestling Championship in the 152-pound division.

2. That a copy of this resolution be sent to Teran Boyer.

Laid over.

**LEGISLATIVE RESOLUTION 127.** Introduced by Larson, 40.

WHEREAS, Dominic Miller, a senior at Crofton High School, won the 2011 Class C State Wrestling Championship in the 135-pound division; and

WHEREAS, Dominic Miller defeated John Essink of Syracuse High School 6-0 in the championship match; and

WHEREAS, the win gave Dominic Miller his second straight state title and a season record of 34-1; 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, FIRST SESSION:

1. That the Legislature congratulates Dominic Miller on winning the 2011 Class C State Wrestling Championship in the 135-pound division.

2. That a copy of this resolution be sent to Dominic Miller.

Laid over.

**LEGISLATIVE RESOLUTION 128.** Introduced by Larson, 40.

WHEREAS, Corby Forbes, a sophomore at Plainview High School, won the 2011 Class D State Wrestling Championship in the 112-pound division; and

WHEREAS, Corby Forbes defeated Drew Smith of Elkhorn Valley High School 3-2 in overtime in the championship match; and

WHEREAS, the win gave Corby Forbes his first state title, and he ended his sophomore wrestling season with a record of 34-1; 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, FIRST SESSION:

1. That the Legislature congratulates Corby Forbes on winning the 2011 Class D State Wrestling Championship in the 112-pound division.

2. That a copy of this resolution be sent to Corby Forbes.

Laid over.

**LEGISLATIVE RESOLUTION 129.** Introduced by Janssen, 15; Howard, 9; Larson, 40; Price, 3; Schilz, 47.

WHEREAS, on Saturday, March 12, 2011, the University of Nebraska at Omaha Maverick wrestling team won the 2011 Division II National Wrestling Championship; and

WHEREAS, the Maverick wrestling team has now won three consecutive national championships, as well as six of the last eight national championships; and

WHEREAS, Mario Morgan (141 pounds), Esai Dominguez (149 pounds), George Ivanov (157 pounds), Ryan Pankoke (174 pounds), Aaron Denson (184 pounds), Matt Baker (197 pounds), and Taylor Escamilla (285 pounds) earned All-American status; and

WHEREAS, Mario Morgan (141 pounds), Ryan Pankoke (174 pounds), and Aaron Denson (184 pounds) won individual national championships; and

WHEREAS, the Maverick wrestling team has brought pride and honor to the State of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska at Omaha Maverick wrestling team on winning the 2011 Division II National Wrestling Championship.

2. That the Legislature recognizes the achievements of the team's wrestlers, coaches, and staff.

3. That a copy of this resolution be sent to the University of Nebraska at Omaha and to each coach and member of the 2011 University of Nebraska at Omaha Maverick wrestling team.

Laid over.

### AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB84:  
AM827

- 1 1. On page 15, line 2, strike "five" and insert "four".

Senator Cornett filed the following amendment to LB389:  
AM766

- 1 1. On page 1, after line 7 insert the following new  
2 subdivision:  
3 "(2) Distressed area means a municipality, a county  
4 with a population of fewer than one hundred thousand inhabitants  
5 according to the most recent federal decennial census, an  
6 unincorporated area within a county, or a census tract in Nebraska  
7 that (a) has an unemployment rate which exceeds the statewide  
8 average unemployment rate, (b) has a per capita income below the  
9 statewide average per capita income, or (c) had a population  
10 decrease between the two most recent federal decennial censuses";  
11 in line 8 strike "(2)" and insert "(3)"; in line 10 strike "(3)"  
12 and insert "(4)"; in line 15 strike "(4)" and insert "(5)"; and in  
13 line 17 strike "(5)" and insert "(6)".  
14 2. On page 2, line 2, strike "(6)" and insert "(7)"; in  
15 line 11 strike "(7)" and insert "(8)"; and in line 14 strike "(8)"  
16 and insert "(9)".  
17 3. On page 3, line 3, after "approved" insert "if  
18 the business meets the qualifications in subsection (3) of this



19 section".

20 4. On page 4, strike beginning with "The" in line 5  
21 through line 6; and in line 17 after "approved" insert "if the  
22 pass-through entity meets the qualifications in subsection (3) of  
23 this section".

1 5. On page 5, strike beginning with "The" in line 9  
2 through the period in line 11.

3 6. On page 6, line 2, after "approved" insert "if the  
4 individual, trust, or pass-through entity meets the qualifications  
5 in subsection (1) of this section"; and strike lines 17 through  
6 20 and insert "eligible for a refundable tax credit equal to  
7 thirty-five percent of its qualified investment in a qualified  
8 small business, except that if the qualified small business is  
9 located in a distressed area the qualified investor or qualified  
10 fund is eligible for a refundable tax credit equal to forty percent  
11 of its qualified investment in the qualified small business.".

## GENERAL FILE

**LEGISLATIVE BILL 541.** Title read. Considered.

## SPEAKER FLOOD PRESIDING

## PRESIDENT SHEEHY PRESIDING

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 465.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 385.** Title read. Considered.

Senator Mello offered the following amendment:

AM839

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

3 Section 1. Section 66-1015, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 66-1015 (1) The Energy Conservation Improvement Fund is  
6 created. There shall be a separate subaccount within the fund for  
7 each eligible entity remitting matching funds and administering  
8 a program of eligible energy conservation improvements. The fund  
9 shall be administered by the department. Funds shall be remitted  
10 by the department to the State Treasurer for deposit in the proper  
11 subaccount of the fund from state sales taxes and matching funds

12 remitted by the eligible entity as provided in subsection (2) of  
13 this section.

14 (2) Commencing July 1, 2009, any eligible entity may  
15 designate state sales taxes collected from customers for deposit  
16 in the subaccount of the fund for that eligible entity. Any such  
17 designation shall be accompanied by an equal amount of matching  
18 funds from the eligible entity. The total amount designated in any  
19 calendar year shall not exceed five percent of the total state  
20 sales tax collected in the prior calendar year. The total amount  
21 designated in any calendar year by all eligible entities shall not  
22 exceed the amount established by the Appropriations Committee of  
23 the Legislature as part of the appropriations process.

1 (3) The department shall adopt a form to (a) designate  
2 part of the state sales tax to be remitted for administering a  
3 program of eligible energy conservation improvements and (b) remit  
4 the matching funds.

5 (4) Any money in the fund available for investment  
6 shall be invested by the state investment officer pursuant to  
7 the Nebraska Capital Expansion Act and the Nebraska State Funds  
8 Investment Act.

9 Sec. 2. Original section 66-1015, Reissue Revised  
10 Statutes of Nebraska, is repealed.

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

Pending.

## COMMITTEE REPORTS

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 315.** Placed on General File with amendment.  
AM842

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

3 Section 1. Section 21-2024, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 21-2024 (1) Every corporation incorporated under the  
6 Business Corporation Act shall have the purpose of engaging in any  
7 lawful business unless a more limited purpose shall be set forth in  
8 the articles of incorporation.

9 (2) A corporation engaging in a business subject to  
10 regulation under another law of this state may incorporate under  
11 the act only if permitted by, and subject to all limitations of,  
12 such other law.

13 (3) Corporations shall not be organized under the act  
14 to perform any personal services as specified in section 21-2202  
15 except for personal services rendered by a designated broker as  
16 defined in section 81-885.01.

17 (4) A designated broker as defined in section 81-885.01  
 18 may be organized as a corporation under the Business Corporation  
 19 Act.

20 Sec. 2. Section 21-2201, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 21-2201 Sections 21-2201 to 21-2222 and section 3 of this  
 23 act shall be known and may be cited as the Nebraska Professional  
 1 Corporation Act.

2 Sec. 3. A designated broker as defined in section  
 3 81-885.01 may be organized as a professional corporation under  
 4 the Nebraska Professional Corporation Act.

5 Sec. 4. Original sections 21-2024 and 21-2201, Reissue  
 6 Revised Statutes of Nebraska, are repealed.

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

**LEGISLATIVE BILL 345.** Placed on General File with amendment.  
 AM273

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

3 Section 1. Sections 1 to 8 of this act shall be known and  
 4 may be cited as the Small Business Innovation Act.

5 Sec. 2. It is the intent of the Legislature to evolve  
 6 Nebraska's economic development and job creation policies in  
 7 order to remain competitive by adopting recommendations from  
 8 the statewide strategic plan developed by the Innovation and  
 9 Entrepreneurship Task Force. The strategic plan recognizes that  
 10 Nebraska's current policy tools targeted to fostering high-wage  
 11 job growth among small businesses, entrepreneurs, and innovators  
 12 have not kept pace with other states and jurisdictions. Nebraska  
 13 has a clear opportunity to improve our entrepreneurial ecosystem  
 14 by adopting proactive policy solutions with demonstrated positive  
 15 results.

16 Sec. 3. For purposes of the Small Business Innovation  
 17 Act:

18 (1) Department means the Department of Economic  
 19 Development;

20 (2) Nebraska-based growth business means a corporation,  
 21 partnership, limited liability company, limited partnership, or  
 22 limited liability partnership registered with the Secretary of  
 23 State that has five to fifty employees and annual sales revenue of  
 1 no less than five hundred thousand dollars and no more than two  
 2 million five hundred thousand dollars; and

3 (3) Small business innovation means the provision of  
 4 technical resources to locally owned and operated Nebraska-based  
 5 growth businesses to foster development, growth, and high-wage job  
 6 creation.

7 Sec. 4. The department may enter into a contract with a  
 8 Nebraska-based nonprofit entity, small business development center,

9 community development corporation, Nebraska-based institution of  
10 higher education, chamber of commerce, or regional development  
11 district for the purpose of carrying out the Small Business  
12 Innovation Act.

13 Sec. 5. (1) The Legislature hereby establishes a  
14 statewide pilot program to support and assist up to forty  
15 Nebraska-based growth businesses. At least one-half of the  
16 businesses assisted under the Small Business Innovation Act shall  
17 be located in counties with a population of fewer than fifty  
18 thousand inhabitants.

19 (2) The pilot program shall provide technical assistance  
20 to Nebraska-based growth businesses that includes:

21 (a) Economic gardening components and information  
22 tools, including industry trends, industry financial data, state  
23 and national demographic trends, competitive intelligence, and  
24 marketing lists; and

25 (b) Decisionmaking tools, including strategy analysis,  
26 management team makeup, capital referrals, and labor referrals.

27 Sec. 6. It is the intent of the Legislature to reallocate  
1 two hundred thousand dollars of General Funds appropriated for  
2 FY2011-12 and one hundred seventy-five thousand dollars of General  
3 Funds appropriated for FY2012-13 for the purpose of providing tax  
4 credits under the Community Development Assistance Act in order  
5 to supplement funding allocated to carry out the Small Business  
6 Innovation Act.

7 Sec. 7. The department shall prepare and present a  
8 report to the Legislature by January 1, 2013, on the Small  
9 Business Innovation Act that includes, but is not limited to,  
10 businesses assisted, aggregate change in sales revenue, number of  
11 jobs created, and range of newly created jobs that includes an  
12 average wage.

13 Sec. 8. The Small Business Innovation Act terminates on  
14 January 1, 2013.

15 Sec. 9. Section 13-208, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 13-208 The total amount of tax credit granted for  
18 programs approved and certified under the Community Development  
19 Assistance Act by the department for any fiscal year shall not  
20 exceed three hundred fifty thousand dollars, except that for fiscal  
21 years 2011-12 and 2012-13, the total amount of tax credit granted  
22 under the act shall not exceed two hundred thousand dollars.

23 Sec. 10. Original section 13-208, Reissue Revised  
24 Statutes of Nebraska, is repealed.

25 Sec. 11. Since an emergency exists, this act takes effect  
26 when passed and approved according to law.

(Signed) Rich Pahls, Chairperson

## Revenue

**LEGISLATIVE BILL 357.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 130.** Introduced by Coash, 27; Fulton, 29.

WHEREAS, Nick and Kathleen Lenzen have led the Nebraska Christian Home Educators Association for over twenty years as president and co-president, respectively; and

WHEREAS, the Lenzens have consistently presented testimony before the Legislature on behalf of Nebraska home schoolers; and

WHEREAS, the Lenzens have acted as monitors of and liaisons to the State Department of Education in relation to home schooling; and

WHEREAS, the Lenzens have maintained a membership record and supervised the distribution of the Nebraska Christian Home Educators Association newsletter to assist, challenge, encourage, and inform home schooling families in educating their children; and

WHEREAS, the Lenzens have served as a resource for families establishing local support groups; and

WHEREAS, the Lenzens have coordinated the annual Conference and Curriculum Fair with nationally known speakers, workshops, and curriculum vendors; and

WHEREAS, the Lenzens have sponsored an annual Graduate Recognition for home school graduates; and

WHEREAS, the Lenzens continue to advocate for home schooling and home schooling families across the State of Nebraska.

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

1. That the Legislature congratulates Nick and Kathleen Lenzen on twenty years of service to the Nebraska Christian Home Educators Association.

2. That a copy of this resolution be sent to Nick and Kathleen Lenzen.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Ashford asked unanimous consent to add his name as cointroducer to LR121. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB357. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Utter's wife, daughter-in-law, and grandson, Kathy Utter from Hastings, Ann Utter from West Point, and Vince Utter from Ames, Iowa and Melanie Swift from Sioux City, Iowa; 6 high school students and sponsors from Plainview; 24 fifth-grade students, teacher, and sponsors from Clarmar Elementary, Fremont; Senator Carlson's wife, Margo Carlson, and Jolene Nelson and Kathy Nantkes from Holdrege and Harold and Milrae Korb from Hastings; Sherm and Peggy Bixby from Lincoln; 50 fourth-grade students, teachers, and sponsors from Betz Elementary, Bellevue; and 45 fourth- and fifth-grade students, teachers, and sponsors from Harrison Elementary, Omaha.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-EIGHTH DAY - MARCH 17, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 17, 2011

**PRAYER**

The prayer was offered by Senator Pirsch.

**ROLL CALL**

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

The roll was called and all members were present except Senators Krist and Lautenbaugh who were excused; and Senators Ashford, Cornett, Lathrop, Loudon, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**MESSAGE FROM THE GOVERNOR**

March 16, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 159e, 164, 191e, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399e, 471, 474, and 556 were received in my office on March 10, 2011.

These bills were signed and delivered to the Secretary of State on March 16, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

## REPORTS

The following reports were received by the Legislature:

- Administrative Services, Department of**  
Collective Bargaining Negotiations Report
- Coordinating Commission for Postsecondary Education**  
2011 Nebraska Higher Education Progress Report
- Fiscal Office, Legislative**  
Monthly Consensus Estimate of General Fund Receipts
- Revenue, Nebraska Department of**  
Monthly Consensus Estimate of General Fund Receipts
- University of Nebraska**  
Collective Bargaining Negotiations Report

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 16, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

- Loontjer, Pat  
Gambling With the Good Life
- O'Hara, Lindsay and Associates, Inc.  
Broadband Coalition, Nebraska Rural  
Scrap Recycling Industries, Inc., Institute of, Northwest Chapter
- Pollock, Andy  
United Healthcare Services, Inc. and Affiliates
- Wright, Lee  
Farmers Insurance Group

## GENERAL FILE

**LEGISLATIVE BILL 385.** Senator Mello renewed his amendment, AM839, found on page 889.

## SPEAKER FLOOD PRESIDING

Senator Mello withdrew his amendment.

Pending.



**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 463A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 463, One Hundred Second Legislature, First Session, 2011; to reduce an appropriation; to state intent; and to declare an emergency.

**COMMITTEE REPORT**

Judiciary

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

Jeffrey Davis - Community Corrections Council  
Thomas Dorwart - Community Corrections Council  
Frank Peak - Community Corrections Council

Aye: 8 Senators Ashford, Coash, Council, B. Harr, Larson, Lathrop, Lautenbaugh, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 648.** Placed on General File with amendment.  
AM802

- 1 1. On page 3, strike beginning with the underscored comma
- 2 in line 8 through "decision" in line 13.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 385.** Senator Mello offered the following motion:  
MO19  
Bracket.

Senator Mello withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 468.** Title read. Considered.

**SENATOR LATHROP PRESIDING**

Committee AM380, found on page 815, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 329.** Title read. Considered.

Committee AM324, found on page 658, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Hadley withdrew his amendment, AM781, found on page 877.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORTS**

Revenue

**LEGISLATIVE BILL 83.** Indefinitely postponed.

**LEGISLATIVE BILL 99.** Indefinitely postponed.

**LEGISLATIVE BILL 632.** Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Education

**LEGISLATIVE BILL 633.** Placed on General File with amendment. AM801 is available in the Bill Room.

**LEGISLATIVE BILL 637.** Placed on General File with amendment. AM838 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 388A.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**        **Committee**  
 LR123        Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, March 24, 2011    1:00 p.m.

Shawn Kralik - Nebraska Rural Health Advisory Commission  
 Wayne Stuberg - State Board of Health  
 Daryl Wills - State Board of Health

(Signed) Kathy Campbell, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 131.** Introduced by Janssen, 15; Coash, 27.

WHEREAS, the Snyder Volunteer Fire and Rescue Department is celebrating its 100th anniversary in 2011; and

WHEREAS, the Snyder Volunteer Fire and Rescue Department has a storied history of volunteer service to Snyder and its neighboring communities; and

WHEREAS, on March 6, 1911, a few community-minded citizens decided to form a volunteer fire department in Snyder; and

WHEREAS, the 25-member department stands ready to assist the community in whatever situation arises.

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

1. That the Legislature congratulates the Snyder Volunteer Fire and Rescue Department on its 100th anniversary.

2. That the Legislature expresses its thanks to the members of the Snyder Volunteer Fire and Rescue Department for their good work over the last century.

Laid over.

**LEGISLATIVE RESOLUTION 132.** Introduced by Janssen, 15.

WHEREAS, on March 12, 2011, the University of Nebraska at Omaha (UNO) won the Division II National Championship in wrestling; and

WHEREAS, Mike Denney has been the head wrestling coach at UNO for the past thirty-two years; and

WHEREAS, Coach Denney has won seven national championships in his UNO coaching career, including six of the last eight national championships; and

WHEREAS, Coach Denney has been named NCAA Division II National Coach of the Year three times, in 1981, 1991, and 2010; and

WHEREAS, Coach Denney's teams have produced 181 All-Americans, 33 National Champions, and 113 Academic All-Americans; and

WHEREAS, the UNO wrestling team in 2006 became the first team in NCAA history to win the Academic National Championship as well as the Wrestling National Championship; and

WHEREAS, the Legislature should recognize a continuous level of excellence, scholastically as well as athletically, displayed by the University of Nebraska at Omaha wrestling team.

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

1. That the Legislature congratulates Head Coach Mike Denney on his thirty-two years of service to the University of Nebraska at Omaha.

2. That the Legislature recognizes and commends the achievements of Coach Denney's teams in competition as well as in the classroom.

3. That a copy of this resolution be sent to the University of Nebraska at Omaha and to Coach Denney.

Laid over.

**LEGISLATIVE RESOLUTION 133.** Introduced by Fulton, 29; Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; K. Haar, 21; McGill, 26; Wallman, 30.

WHEREAS, Sherman Field in Lincoln, Nebraska, is a monument to a community's multigenerational love of and dedication to the sport of baseball; and

WHEREAS, the city of Lincoln has leveraged \$1.6 million in public-private funding to renovate Sherman Field, which is used by approximately 600 players in over 250 games per year; and

WHEREAS, private philanthropy and enterprise have historically exerted the greatest influence in affecting the public good; and

WHEREAS, John Sampson, from Lincoln, Nebraska, grew up playing baseball with the Lincoln Chiefs at Sherman Field; and

WHEREAS, John Sampson, president of Sampson Construction Company, Inc., has donated over \$400,000 in labor and supplies to renew Sherman Field, which is over 50 years old; and

WHEREAS, the Legislature recognizes the outstanding generosity of Nebraska residents.

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

1. That the Legislature congratulates John Sampson on his magnanimous act of philanthropy towards the city of Lincoln.

2. That a copy of this resolution be sent to John Sampson and the mayor of his hometown of Lincoln, Chris Beutler.

Laid over.

**LEGISLATIVE RESOLUTION 134.** Introduced by Hansen, 42.

WHEREAS, Walt and Jolene Catlett were part of the original organizational committee and leadership of the Nebraska Home Educators Association, founded in 1986, later renamed the Nebraska Christian Home Educators Association; and

WHEREAS, Mr. and Mrs. Catlett edited and promoted the Nebraska Home Educators Association News publication for many years; and

WHEREAS, Mr. and Mrs. Catlett informed and petitioned the Legislature regarding the rights of parents to home school their children; and

WHEREAS, Mr. and Mrs. Catlett faithfully promoted the benefits of a Christian home education for over twenty years and continue to do so today; and

WHEREAS, Mr. and Mrs. Catlett helped lead numerous statewide conventions to provide encouragement and resources to home educators; and

WHEREAS, Mr. and Mrs. Catlett sacrificed many hours at the State Capitol as a family, building relationships and helping to procure qualified testimony before legislative committees; and

WHEREAS, Mr. and Mrs. Catlett repeatedly acted on their convictions to directly influence home schooling freedoms and continue to do so; and

WHEREAS, Mr. and Mrs. Catlett continue to serve on the executive committee of the Nebraska Christian Home Educators Association; and

WHEREAS, Mr. and Mrs. Catlett continue to serve the local North Platte and surrounding area home school community to this day.

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

1. That the Legislature congratulates Walt and Jolene Catlett for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Walt and Jolene Catlett.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB385:

AM865

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 66-1015, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 66-1015 (1) The Energy Conservation Improvement Fund is  
 6 created. There shall be a separate subaccount within the fund for  
 7 each eligible entity remitting matching funds and administering  
 8 a program of eligible energy conservation improvements. The fund  
 9 shall be administered by the department. Funds shall be remitted  
 10 by the department to the State Treasurer for deposit in the proper  
 11 subaccount of the fund from state sales taxes and matching funds  
 12 remitted by the eligible entity as provided in subsection (2) of  
 13 this section.

14 (2) Commencing July 1, ~~2009, 2013~~, any eligible entity  
 15 may designate state sales taxes collected from customers for  
 16 deposit in the subaccount of the fund for that eligible entity.  
 17 Any such designation shall be accompanied by an equal amount  
 18 of matching funds from the eligible entity. The total amount  
 19 designated in any calendar year shall not exceed five percent of  
 20 the total state sales tax collected in the prior calendar year.

21 (3) The department shall adopt a form to (a) designate  
 22 part of the state sales tax to be remitted for administering a  
 23 program of eligible energy conservation improvements and (b) remit  
 1 the matching funds.

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

6 Sec. 2. This act becomes operative on July 1, 2011.

7 Sec. 3. Original section 66-1015, Reissue Revised  
 8 Statutes of Nebraska, is repealed.

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

Senator Fulton filed the following amendment to LB45:

AM795

1 1. Insert the following new sections:

2 Section 1. Section 2-3256, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 2-3256 All design or construction by a district of  
 5 structural works costing more than ~~eighty-six one hundred thousand~~  
 6 dollars shall be under the supervision of a licensed engineer  
 7 except as otherwise provided in the Engineers and Architects  
 8 Regulation Act. The Board of Engineers and Architects shall adjust  
 9 the dollar amount in this section every fifth year. The first

10 such adjustment after the effective date of this act shall be  
11 effective on July 1, 2014, commencing July 1, 2009. The adjusted  
12 amount shall be equal to the then current amount adjusted by the  
13 cumulative percentage change in the Consumer Price Index for All  
14 Urban Consumers published by the Federal Bureau of Labor Statistics  
15 for the five-year period preceding the adjustment date. The amount  
16 shall be rounded to the next highest one-thousand-dollar amount.

17 Sec. 13. Section 81-3448, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 81-3448 (1) A person applying to the Board of Engineers  
20 and Architects for initial licensure as an architect shall submit  
21 an application accompanied by the fee established by the board  
22 and satisfactory evidence that he or she holds a degree in  
23 architecture accredited by the National Architectural ~~Accreditation~~  
1 ~~Accrediting~~ Board and that he or she has completed practical  
2 training in architectural work as required by the Board of  
3 Engineers and Architects. If an applicant is qualified, the  
4 Board of Engineers and Architects shall, by means of a written  
5 or electronic examination, examine the applicant on technical  
6 and professional subjects as prescribed by the board. None of  
7 the examination materials shall be considered public records.  
8 The board may exempt from the written examination an applicant  
9 who holds a certification issued by the National Council of  
10 Architectural Registration Boards. The Board of Engineers and  
11 Architects may adopt guidelines published from time to time by  
12 the National Council of Architectural Registration Boards. The  
13 Board of Engineers and Architects may also adopt the examinations  
14 and grading procedures of the National Council of Architectural  
15 Registration Boards and the accreditation decisions of the National  
16 Architectural ~~Accreditation~~ Accrediting Board. The Board of  
17 Engineers and Architects shall issue a certificate of licensure to  
18 each applicant who is found to be of good moral character and who  
19 satisfies the requirements set forth in this section. Licensure  
20 shall be effective upon issuance.

21 (2) ~~Persons~~ A person applying for initial licensure  
22 who ~~do~~ does not hold a degree in architecture accredited by the  
23 National Architectural ~~Accreditation~~ Accrediting Board shall submit  
24 an application accompanied by the fee established by the Board  
25 of Engineers and Architects. The application shall demonstrate  
26 satisfactory evidence of twelve years' combined architectural  
27 education and architectural work experience, including the  
1 equivalent of the Intern Development Program promulgated by the  
2 National Council of Architectural Registration Boards. If an  
3 applicant is determined by the Board of Engineers and Architects  
4 to meet this requirement, the board shall, by means of a written  
5 or electronic examination, examine the applicant on technical and  
6 professional subjects as prescribed by the board. ~~Starting January~~  
7 ~~1, 2000, only individuals who have~~ Only an individual who has  
8 earned a bachelor of science in architectural studies degree with

9 an architecture emphasis prior to December 31, 1999, ~~can~~may be  
10 considered under this subsection.

11 2. On page 8, line 9, strike "eighty-six", show as  
12 stricken, and insert "one hundred"; and strike beginning with  
13 "commencing" in line 10 through the period in line 11, show  
14 as stricken, and insert ". The first such adjustment after the  
15 effective date of this act shall be effective on July 1, 2014.".

16 3. On page 12, line 10, strike "Accreditation", show as  
17 stricken, and insert "Accrediting".

18 4. On page 16, lines 12 to 13, page 16, line 25 to page  
19 17, line 1; page 17, lines 3 to 4 and 14 to 15; and page 21,  
20 line 16, strike "Accrediting Board for Engineering and Technology  
21 accredited", show as stricken, and insert "ABET-accredited".

22 5. Renumber the remaining sections and correct internal  
23 references and the repealer accordingly.

### VISITORS

Visitors to the Chamber were 86 fourth-grade students, teachers, and sponsors from Reeder Elementary, Gretna; 21 twelfth-grade students, teacher, and sponsors from Bertrand; Stephen, Orlando, and Michael Carroll from Mississippi; Anna, Michael, Rob, Martha, Linda, David, Sarah, and Nancy Wishart; and Joni Albrecht, Joel Lamplot, Leonard Peters, and Tammy Bodlak from Thurston County.

### ADJOURNMENT

At 12:00 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Tuesday, March 22, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-NINTH DAY - MARCH 22, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**

**FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, March 22, 2011

**PRAYER**

The prayer was offered by Father Paul Rutten, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Pankonin and Pirsch who were excused; and Senators Cornett, Karpisek, Lautenbaugh, McCoy, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 200A.** Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, One Hundred Second Legislature, First Session, 2011.

**AMENDMENT - Print in Journal**

Senator Nordquist filed the following amendment to LB543:  
 AM884

- 1 1. In the Nordquist amendment, AM540, on page 1, strike
- 2 line 11 and insert "all asset limits for eligibility for federal
- 3 food assistance benefits, except that the total of liquid assets
- 4 which includes funds in personal checking and savings accounts,
- 5 money market accounts, and share accounts shall not exceed
- 6 twenty-five thousand dollars"; and in lines 12 and 13 strike

7 "to the extent authorized pursuant to" and insert ", as allowed  
8 under".

### ANNOUNCEMENT

The Chair announced March 21 is Senator McGill's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 698.** Title read. Considered.

Committee AM650, found on page 820, was considered.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?"

Senator Christensen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Christensen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Adams	Christensen	Flood	Janssen	Schilz
Ashford	Cook	Gloor	Larson	Sullivan
Brasch	Cornett	Hadley	Lathrop	Utter
Campbell	Dubas	Harms	McCoy	Wallman
Carlson	Fischer	Heidemann	Mello	Wightman

Voting in the negative, 21:

Avery	Fulton	Karpisek	Nelson	Smith
Bloomfield	Haar, K.	Krist	Nordquist	
Coash	Hansen	Langemeier	Pahls	
Conrad	Harr, B.	Lautenbaugh	Price	
Council	Howard	McGill	Schumacher	

Present and not voting, 1:

Louden

Excused and not voting, 2:

Pankonin      Pirsch

The motion to cease debate prevailed with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 32 ayes, 11 nays, 4 present

and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 600.** Placed on General File with amendment.  
AM844

- 1 1. On page 7, line 21, strike "XX" and insert "one and
- 2 one-half".
- 3 2. On page 9, strike lines 8 through 14 and insert the
- 4 following new subdivision:
- 5 "(a) To pay the department a reasonable administrative
- 6 fee for enforcing and collecting the quality assurance assessment
- 7 out of the Nursing Facility Quality Assurance Fund in addition to
- 8 any federal medical assistance matching funds. The State Treasurer
- 9 shall credit the state share of the administrative fee out of the
- 10 proceeds of the Nursing Facility Quality Assurance Fund to the
- 11 Health and Human Services Cash Fund.".
- 12 3. On page 10, line 11, strike "XX, 2011" and insert
- 13 "September 30, 2011, or after that date if allowable by the Centers
- 14 for Medicare and Medicaid Services of the United States Department
- 15 of Health and Human Services".

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 277.** Placed on General File.

**LEGISLATIVE BILL 292.** Placed on General File.

**LEGISLATIVE BILL 550.** Placed on General File.

**LEGISLATIVE BILL 449.** Placed on General File with amendment.  
AM867 is available in the Bill Room.

**LEGISLATIVE RESOLUTION 19CA.** Placed on General File with  
amendment.

AM866

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF
- 4 NEBRASKA, FIRST SESSION, RESOLVE THAT:
- 5 Section 1. At the general election in November 2012 the
- 6 following proposed amendment to the Constitution of Nebraska shall
- 7 be submitted to the electors of the State of Nebraska for approval
- 8 or rejection:

9 To amend Article IV, section 5:  
 10 IV-5 ~~All civil officers~~ A civil officer of this state  
 11 shall be liable to impeachment for any misdemeanor in office or for  
 12 any misdemeanor in pursuit of such office.  
 13 Sec. 2. The proposed amendment shall be submitted to the  
 14 electors in the manner prescribed by the Constitution of Nebraska,  
 15 Article XVI, section 1, with the following ballot language:  
 16 A constitutional amendment to provide that any  
 17 misdemeanor while in pursuit of his or her office is grounds for  
 18 impeachment of a civil officer.  
 19 For  
 20 Against.

**LEGISLATIVE BILL 610.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 45CA.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 22.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

David Sankey - Superintendent, Nebraska State Patrol

Aye: 7 Senators Avery, Brasch, Janssen, Karpisek, Price, Schumacher, Sullivan. Nay: 0. Absent: 1 Senator Pahls. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 135.** Introduced by Smith, 14; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, the State of Nebraska has a long-term and positive relationship with Japan; and

WHEREAS, Shizuoka, Japan, has been a sister city to Omaha for over forty years; and

WHEREAS, Ozu, Japan, has been a sister city to Hastings for nearly twenty years; and

WHEREAS, the Nebraska Center opened in Tokyo, Japan, in 2006 to promote business opportunities in Nebraska for Japanese businesses; and

WHEREAS, more than thirty Japanese-owned businesses are located in Nebraska; and

WHEREAS, Japan is one of Nebraska's largest trading partners, resulting in hundreds of millions of dollars in Nebraska exports annually to Japan; and

WHEREAS, on Friday, March 11, 2011, an 8.9 magnitude earthquake off the northeast coast of Japan caused a powerful tsunami that has decimated parts of Japan, has resulted in the destruction of entire towns, raging floods and fires, and has triggered a nuclear emergency; and

WHEREAS, the crisis in Japan has led to the death of over ten thousand people and the untold suffering of thousands more; and

WHEREAS, the people of Japan have responded to the crisis with exceptional courage and resolve.

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

1. That the Legislature sends its condolences to the nation of Japan.
2. That the Legislature asks the citizens of Nebraska to keep the citizens of Japan in their thoughts and prayers.
3. That the Legislature encourages the citizens of Nebraska to send support to Japan and thanks those individuals, charities, businesses, and organizations that have already provided assistance.
4. That a copy of this resolution be sent to the government of Japan.

Laid over.

**LEGISLATIVE RESOLUTION 136.** Introduced by Campbell, 25.

WHEREAS, Tyler Ryne Unruh has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tyler has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Tyler provided an energy audit,

energy efficiency upgrades, repairs, and lighting retrofits for Vine Congregational Church in Lincoln, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tyler, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tyler Ryne Unruh on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tyler Ryne Unruh.

Laid over.

### AMENDMENTS - Print in Journal

Senator Flood filed the following amendment to LB84:

FA8

Amend AM385

On line 3, insert "state" before the word "expressway".

Senator Dubas filed the following amendment to LB297:

AM843

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 13-2705, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 13-2705 The department may conditionally approve grants
- 5 of assistance from the fund to eligible and competitive applicants
- 6 within the following limits:
- 7 (1) ~~A-Except as provided in subdivision (2) of this~~
- 8 ~~section, a grant request shall be at least twenty-ten thousand~~
- 9 ~~dollars but no more than:~~
- 10 (a) For a city of the primary class, one million five
- 11 hundred thousand dollars;
- 12 (b) For a municipality with a population of forty
- 13 thousand but less than one hundred thousand, seven hundred fifty
- 14 thousand dollars;
- 15 (c) For a municipality with a population of twenty
- 16 thousand but less than forty thousand, five hundred thousand
- 17 dollars;
- 18 (d) For a municipality with a population of ten thousand
- 19 but less than twenty thousand, four hundred thousand dollars; and
- 20 (e) For a municipality with a population of less than ten
- 21 thousand, two hundred fifty thousand dollars;
- 22 (2) Upon the balance of the fund reaching two million
- 23 five hundred thousand dollars, and until the balance of the fund

- 1 falls below one million dollars, a grant request shall be at least  
 2 ten thousand dollars but no more than:  
 3 (a) For a city of the primary class, two million two  
 4 hundred fifty thousand dollars;  
 5 (b) For a municipality with a population of forty  
 6 thousand but less than one hundred thousand, one million one  
 7 hundred twenty-five thousand dollars;  
 8 (c) For a municipality with a population of twenty  
 9 thousand but less than forty thousand, seven hundred fifty thousand  
 10 dollars;  
 11 (d) For a municipality with a population of ten thousand  
 12 but less than twenty thousand, six hundred thousand dollars; and  
 13 (e) For a municipality with a population of less than ten  
 14 thousand, three hundred seventy-five thousand dollars;  
 15 ~~(2)~~(3) Assistance from the fund shall not amount to  
 16 more than fifty percent of the cost of construction, renovation, or  
 17 expansion; and  
 18 ~~(3)~~(4) A municipality shall not be awarded more than one  
 19 grant in any five-year period.  
 20 2. Renumber the remaining sections and correct the  
 21 repealer accordingly.

### VISITORS

Visitors to the Chamber were members of Youth and Adult Leadership Kearney from Kearney; nursing students and faculty from Creighton University, Omaha; and members of the Nebraska Council of Catholic Women from across the state.

### RECESS

At 12:02 p.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Pankonin and Pirsch who were excused; and Senators Ashford, Cornett, Dubas, Harms, Heidemann, Lathrop, Lautenbaugh, and Louden who were excused until they arrive.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 387.** Placed on Select File with amendment. ER57 is available in the Bill Room.

**LEGISLATIVE BILL 387A.** Placed on Select File.

**LEGISLATIVE BILL 541.** Placed on Select File.

**LEGISLATIVE BILL 465.** Placed on Select File.

**LEGISLATIVE BILL 385.** Placed on Select File.

**LEGISLATIVE BILL 468.** Placed on Select File with amendment. ER56

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-909, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-909 (1) All contracts, agreements, rules, and
- 6 regulations relating to the medical assistance program as entered
- 7 into or adopted and promulgated by the department prior to July 1,
- 8 2006, and all provisions of the medicaid state plan and waivers
- 9 adopted by the department prior to July 1, 2006, shall remain in
- 10 effect until revised, amended, repealed, or nullified pursuant to
- 11 law.
- 12 (2) Prior to the adoption and promulgation of proposed
- 13 rules and regulations under section 68-912 or relating to the
- 14 implementation of medicaid state plan amendments or waivers, the
- 15 department shall provide a report to the Governor, the Legislature,
- 16 and the Medicaid Reform Council no later than December 1 before the
- 17 next regular session of the Legislature summarizing the purpose and
- 18 content of such proposed rules and regulations and the projected
- 19 impact of such proposed rules and regulations on recipients of
- 20 medical assistance and medical assistance expenditures. Any changes
- 21 in medicaid copayments in fiscal year 2011-12 are exempt from the
- 22 reporting requirement of this subsection and the requirements of
- 23 section 68-912.
- 1 (3) The Medicaid Reform Council, no later than thirty
- 2 days after the date of receipt of any report under subsection
- 3 (2) of this section, may conduct a public meeting to receive
- 4 public comment regarding such report. The council shall promptly
- 5 provide any comments and recommendations regarding such report in
- 6 writing to the department. Such comments and recommendations shall
- 7 be advisory only and shall not be binding on the department, but
- 8 the department shall promptly provide a written response to such
- 9 comments or recommendations to the council.
- 10 (4) The department shall monitor and shall periodically,
- 11 as necessary, but no less than biennially, report to the
- 12 Governor, the Legislature, and the Medicaid Reform Council on
- 13 the implementation of rules and regulations, medicaid state plan



14 amendments, and waivers adopted under the Medical Assistance Act  
 15 and the effect of such rules and regulations, amendments, or  
 16 waivers on eligible recipients of medical assistance and medical  
 17 assistance expenditures.

18 Sec. 2. Original section 68-909, Reissue Revised Statutes  
 19 of Nebraska, is repealed.

20 2. On page 1, line 2, after "68-909" insert a comma;  
 21 and strike beginning with the second "to" in line 3 through the  
 22 semicolon in line 4.

**LEGISLATIVE BILL 329.** Placed on Select File with amendment.

ER55

- 1 1. On page 1, line 3; and page 10, line 17, strike
- 2 "81-1618,".
- 3 2. On page 7, line 16, strike "in" and insert "on".

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 90.** Title read. Considered.

Committee AM141, found on page 588, was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator B. Harr offered the following amendment:

AM877

- 1 1. On page 31, line 2, strike "documents", show as
- 2 stricken, and insert "a document".
- 3 2. On page 38, line 9, before "payment" insert "right
- 4 to".
- 5 3. On page 43, line 11; page 55, line 9; and page 56,
- 6 line 22, strike "paragraph" and insert "subdivision".
- 7 4. On page 49, line 18, strike the comma and show as
- 8 stricken.
- 9 5. On page 54, line 4, strike the first "the", show as
- 10 stricken, and insert "a".
- 11 6. On page 56, lines 11 and 14, strike "subparagraph" and
- 12 insert "subdivision".
- 13 7. On page 61, line 2, after "(f)" insert an underscored
- 14 comma.

The B. Harr amendment was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 excused and not voting.

**LEGISLATIVE BILL 509.** Title read. Considered.

Committee AM549, found on page 743, 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 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 698.** Considered.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR SULLIVAN PRESIDING**

Senator Langemeier offered the following amendment:

AM907

- 1 1. Strike original sections 1 and 3 and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1214, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1214 Commencing January 1, ~~1986, 2012,~~ motor fuel
- 6 dispensers shall be labeled on both faces with the product identity
- 7 using the most descriptive terms commercially practicable. In
- 8 addition, all ~~alcohol blended motor fuel dispensers that dispense~~
- 9 fuel that contains less than one percent of alcohol shall have a
- 10 label stating: ~~With or containing ethanol, methanol, or ethanol and~~
- 11 ~~methanol or with similar wording if the motor fuel being dispensed~~
- 12 ~~contains one percent or more by volume of alcohol. This fuel does~~
- 13 ~~not contain ethanol, methanol, or ethanol and methanol. Any person~~
- 14 ~~who owns or controls such a motor fuel dispenser and does not~~
- 15 ~~attach the notice required by this section shall be guilty of an~~
- 16 ~~infraction.~~
- 17 Sec. 3. Sections 1 and 4 of this act become operative on
- 18 January 1, 2012. The other sections of this act become operative on
- 19 their effective date.
- 20 Sec. 4. Original section 66-1214, Reissue Revised
- 21 Statutes of Nebraska, is repealed.
- 22 Sec. 5. Original section 89-186, Reissue Revised Statutes
- 23 of Nebraska, is repealed.

Senator Langemeier withdrew and refiled his amendment, AM907.

Advanced to Enrollment and Review Initial with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Howard filed the following amendment to LB177:

AM848

(Amendments to Standing Committee amendments, AM713)

- 1 1. On page 7, line 14, after "care" insert ", or the
- 2 home where any siblings currently reside which could be considered
- 3 potential placement for the foster child".

Senator Campbell filed the following amendment to LB218:

AM758

- 1 1. On page 5, line 14, after the period insert "An agency
- 2 with over five thousand employees shall provide notice in writing
- 3 to the Health and Human Services Committee of the Legislature when
- 4 forty noncovered positions have been filled by the agency head
- 5 pursuant to this subsection.".

**GENERAL FILE**

**LEGISLATIVE BILL 388.** Title read. Considered.

Senator Wightman renewed his amendment, AM649, found on page 812.

Senator Wightman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Wightman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Adams	Cornett	Howard	Nelson	Wightman
Ashford	Council	Karpisek	Nordquist	
Christensen	Haar, K.	Louden	Schilz	
Coash	Hansen	McGill	Sullivan	
Cook	Harms	Mello	Wallman	

Voting in the negative, 20:

Avery	Carlson	Harr, B.	Larson	Pahls
Bloomfield	Dubas	Heidemann	Lathrop	Price
Brasch	Fischer	Krist	Lautenbaugh	Schumacher
Campbell	Flood	Langemeier	McCoy	Smith

Present and not voting, 3:

Conrad	Fulton	Hadley
--------	--------	--------

Excused and not voting, 5:

Gloor                      Janssen                      Pankonin                      Pirsch                      Utter

The Wightman amendment lost with 21 ayes, 20 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Conrad offered the following motion:

MO21

Reconsider the vote taken on AM649.

### **SENATOR LANGEMEIER PRESIDING**

### **SENATOR PRICE PRESIDING**

Senator Conrad moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

The Conrad motion to reconsider prevailed with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The Wightman amendment, AM649, found on page 812 and considered in this day's Journal, was reconsidered.

The Chair declared the call raised.

The Wightman amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 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 388A.** Title read. Considered.

Senator Wightman offered the following amendment:

AM885

- 1     1. Strike the original sections and insert the following
- 2     new sections:
- 3     Section 1. There is hereby appropriated (1) \$2,028,000
- 4     from the Site and Building Development Fund for FY2011-12 and
- 5     (2) \$3,028,000 from the Site and Building Development Fund for
- 6     FY2012-13 to the Department of Economic Development, for Program
- 7     603, to aid in carrying out the provisions of Legislative Bill 388,
- 8     One Hundred Second Legislature, First Session, 2011.
- 9     Total expenditures for permanent and temporary salaries
- 10    and per diems from funds appropriated in this section shall not
- 11    exceed \$20,000 for FY2011-12 or \$20,000 for FY2012-13.
- 12    There is included in the appropriation to this program
- 13    for FY2011-12 \$2,000,000 Cash Funds for state aid, which shall only

14 be used for such purpose. There is included in the appropriation  
 15 to this program for FY2012-13 \$3,000,000 Cash Funds for state aid,  
 16 which shall only be used for such purpose.

17 Sec. 2. The appropriation to the Department of Economic  
 18 Development, for Program 601, is hereby reduced by \$2,000,000 Cash  
 19 Funds for FY2011-12 and by \$2,000,000 Cash Funds for FY2012-13, to  
 20 aid in carrying out the provisions of Legislative Bill 388, One  
 21 Hundred Second Legislature, First Session, 2011.

22 It is the intent of the Legislature that the reductions  
 23 contained in this section shall reduce the amount allocated for  
 1 state aid by \$2,000,000 Cash Funds for FY2011-12 and by \$2,000,000  
 2 Cash Funds for FY2012-13.

The Wightman amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 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.

### AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB479:  
 AM890

- 1 1. On page 2, strike beginning with "For" in line 15
- 2 through the period in line 18; and in line 19 after the comma
- 3 insert "his or her agent, or a mental health professional as
- 4 defined in section 71-906,".

Senator Flood filed the following amendment to LB297:  
 AM882

- 1 1. On page 7, line 8, after "section" insert "and for
- 2 applied technology that is part of the construction, renovation, or
- 3 expansion of a library".
- 4 2. On page 8, line 12, after "sources" insert ", except
- 5 that there is no match requirement for any library project that
- 6 would (a) promote early childhood education, such as development
- 7 of motor skills, creative development, or literacy programs, (b)
- 8 create learning and development opportunities for developmentally
- 9 disabled children and adults, (c) encourage literacy for children,
- 10 (d) provide educational opportunities for at-risk children, (e)
- 11 provide or enhance public Internet access opportunities, or (f)
- 12 remodel a library or any portion thereof to achieve or maintain
- 13 compliance with the federal Americans with Disabilities Act of
- 14 1990"; and in line 15 after "funds" insert ", except that for a
- 15 library project described in this subdivision, the library project
- 16 shall be deemed to have the same level of local matching funds as
- 17 the project with the highest level of local matching funds".

Senator Lathrop filed the following amendment to LB260:  
AM861

1 1. Strike sections 3 to 5 and all amendments thereto and  
2 insert the following new sections:

3 Sec. 3. For purposes of the Concussion Awareness Act:

4 (1) Chief medical officer means the chief medical officer  
5 as designated in section 81-3115; and

6 (2) Licensed health care professional means a physician  
7 or licensed practitioner under the direct supervision of a  
8 physician, a certified athletic trainer, a neuropsychologist, or  
9 some other qualified individual who (a) is registered, licensed,  
10 certified, or otherwise statutorily recognized by the State of  
11 Nebraska to provide health care services and (b) is trained in  
12 the evaluation and management of traumatic brain injuries among a  
13 pediatric population.

14 Sec. 4. (1) Each approved or accredited public, private,  
15 denominational, or parochial school shall:

16 (a) Make available training approved by the chief medical  
17 officer on how to recognize the symptoms of a concussion or brain  
18 injury and how to seek proper medical treatment for a concussion or  
19 brain injury to all coaches of school athletic teams; and

20 (b) Require that concussion and brain injury information  
21 be provided on an annual basis to students and the students'  
22 parents or guardians prior to such students initiating practice or  
23 competition. The information provided to students and the students'  
1 parents or guardians shall include, but need not be limited to:

2 (i) The signs and symptoms of a concussion;

3 (ii) The risks posed by sustaining a concussion; and

4 (iii) The actions a student should take in response to  
5 sustaining a concussion, including the notification of his or her  
6 coaches.

7 (2)(a) A student who participates on a school athletic  
8 team shall be removed from a practice or game when he or she  
9 is reasonably suspected of having sustained a concussion or brain  
10 injury in such practice or game after observation by a coach  
11 or a licensed health care professional who is professionally  
12 affiliated with or contracted by the school. Such student shall  
13 not be permitted to participate in any school supervised team  
14 athletic activities involving physical exertion, including, but  
15 not limited to, practices or games, until the student (i) has  
16 been evaluated by a licensed health care professional, (ii) has  
17 received written and signed clearance to resume participation in  
18 athletic activities from the licensed health care professional, and  
19 (iii) has submitted the written and signed clearance to resume  
20 participation in athletic activities to the school accompanied  
21 by written permission to resume participation from the student's  
22 parent or guardian.

23 (b) If a student is reasonably suspected after  
24 observation of having sustained a concussion or brain injury and is

25 removed from an athletic activity under subdivision (2)(a) of this  
26 section, the parent or guardian of the student shall be notified by  
27 the school of the date and approximate time of the injury suffered  
1 by the student, the signs and symptoms of a concussion or brain  
2 injury that were observed, and any actions taken to treat the  
3 student.

4 (c) Nothing in this subsection shall be construed to  
5 require any school to provide for the presence of a licensed health  
6 care professional at any practice or game.

7 (d) The signature of an individual who represents that  
8 he or she is a licensed health care professional on a written  
9 clearance to resume participation that is provided to a school  
10 shall be deemed to be conclusive and reliable evidence that the  
11 individual who signed the clearance is a licensed health care  
12 professional. The school shall not be required to determine or  
13 verify the individual's qualifications.

14 Sec. 5. (1) Any city, village, business, or nonprofit  
15 organization that organizes an athletic activity in which the  
16 athletes are nineteen years of age or younger and are required to  
17 pay a fee to participate in the athletic activity or whose cost to  
18 participate in the athletic activity is sponsored by a business or  
19 nonprofit organization shall:

20 (a) Make available training approved by the chief medical  
21 officer on how to recognize the symptoms of a concussion or brain  
22 injury and how to seek proper medical treatment for a concussion or  
23 brain injury to all coaches; and

24 (b) Provide information on concussions and brain injuries  
25 to all coaches and athletes and to a parent or guardian of each  
26 athlete that shall include, but need not be limited to:

27 (i) The signs and symptoms of a concussion;

1 (ii) The risks posed by sustaining a concussion; and

2 (iii) The actions an athlete should take in response to  
3 sustaining a concussion, including the notification of his or her  
4 coaches.

5 (2)(a) An athlete who participates in an athletic  
6 activity under subsection (1) of this section shall be removed  
7 from a practice or game when he or she is reasonably suspected  
8 of having sustained a concussion or brain injury in such practice  
9 or game after observation by a coach or a licensed health care  
10 professional. Such athlete shall not be permitted to participate  
11 in any supervised athletic activities involving physical exertion,  
12 including, but not limited to, practices or games, until the  
13 athlete (i) has been evaluated by a licensed health care  
14 professional, (ii) has received written and signed clearance to  
15 resume participation in athletic activities from the licensed  
16 health care professional, and (iii) has submitted the written and  
17 signed clearance to resume participation in athletic activities  
18 to the city, village, business, or nonprofit organization that

19 organized the athletic activity accompanied by written permission  
 20 to resume participation from the athlete's parent or guardian.

21 (b) If an athlete is reasonably suspected after  
 22 observation of having sustained a concussion or brain injury and is  
 23 removed from an athletic activity under subdivision (2)(a) of this  
 24 section, the parent or guardian of the athlete shall be notified by  
 25 the coach or a representative of the city, village, business, or  
 26 nonprofit organization that organized the athletic activity of the  
 27 date and approximate time of the injury suffered by the athlete,  
 1 the signs and symptoms of a concussion or brain injury that were  
 2 observed, and any actions taken to treat the athlete.

3 (c) Nothing in this subsection shall be construed to  
 4 require any city, village, business, or nonprofit organization to  
 5 provide for the presence of a licensed health care professional at  
 6 any practice or game.

7 (d) The signature of an individual who represents that  
 8 he or she is a licensed health care professional on a written  
 9 clearance to resume participation that is provided to a city,  
 10 village, business, or nonprofit organization shall be deemed to  
 11 be conclusive and reliable evidence that the individual who signed  
 12 the clearance is a licensed health care professional. The city,  
 13 village, business, or nonprofit organization shall not be required  
 14 to determine or verify the individual's qualifications.

## COMMITTEE REPORT

Urban Affairs

**LEGISLATIVE BILL 417.** Placed on General File.

(Signed) Amanda McGill, Chairperson

## BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 90A.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, One Hundred Second Legislature, First Session, 2011.

## GENERAL FILE

**LEGISLATIVE BILL 606.** Title read. Considered.



Senator Lautenbaugh offered the following amendment:

AM895

- 1 1. Insert the following new section:
- 2 Section 1. Section 32-1608, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-1608 During the election period, no candidate for a
- 5 covered elective office shall accept contributions from independent
- 6 committees, businesses, including corporations, unions, industry,
- 7 trade, or professional associations, and political parties which,
- 8 when aggregated, are in excess of fifty-one hundred percent of the
- 9 spending limitation for the office set pursuant to section 32-1604.
- 10 The commission shall calculate the limitation on contributions
- 11 under this section at the time it calculates the adjustments on the
- 12 campaign spending limitations under section 32-1604. The commission
- 13 shall publish the new contribution limits on its web site and shall
- 14 notify any candidate who files for an office which is subject to
- 15 the spending limitation of the contribution limits applicable at
- 16 the time of filing.
- 17 2. Renumber the remaining sections and correct internal
- 18 references and the repealer accordingly.

**SENATOR LANGEMEIER PRESIDING**

Pending.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Price asked unanimous consent to add his name as cointroducer to LB298. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Emily Van Cleave from Lincoln.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

**ADJOURNMENT**

At 5:02 p.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTIETH DAY - MARCH 23, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 23, 2011

**PRAYER**

The prayer was offered by Reverend Michael Benischek, Prairie View United Methodist Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett, Council, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 394.** Placed on General File with amendment.  
AM872

- 1 1. On page 3, line 5, strike "districts 1 and 2" and  
2 insert "district 1 or 2 who shall represent districts 1 and 2"; and  
3 in line 6 strike "districts 3 and 4" and insert "district 3 or 4  
4 who shall represent districts 3 and 4".  
5 2. Strike beginning with page 4, line 13, through page  
6 5, line 5, and insert "Any grower may place his or her name on a  
7 candidacy list for appointment as a grower member of the commission  
8 by filing a petition signed by at least ten resident bean growers  
9 (1) from the district in which he or she resides for an appointment  
10 under subsection (1) of section 2-3746 or (2) from the district in  
11 which he or she resides or the other district to be represented for  
12 an appointment under subsection (2) of section 2-3746. The petition  
13 shall be filed with the commission. The Governor and the commission  
14 shall make appointments from the candidacy list unless there are no  
15 names on the list.".

(Signed) Tom Carlson, Chairperson

### **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.

Lowell Minert - Nebraska State Fair Board

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

(Signed) Tom Carlson, Chairperson

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 90.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 117, 118, 119, 120, 122, 124, 125, 126, 127, 128, and 129 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 117, 118, 119, 120, 122, 124, 125, 126, 127, 128, and 129.

### **GENERAL FILE**

**LEGISLATIVE BILL 606.** Senator Lautenbaugh renewed his amendment, AM895, found on page 921.

Senator Avery requested a ruling of the Chair on whether the Lautenbaugh amendment is germane to the bill.

The Chair ruled the Lautenbaugh amendment is not germane to the bill.

Senator Lautenbaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Lautenbaugh withdrew his motion to overrule the Chair.

**SENATOR LANGEMEIER PRESIDING**

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB84:  
AM916

(Amendments to Standing Committee amendments, AM385)

1 1. Strike amendment 1 and insert the following new  
2 amendment:

3 1. Strike the original sections and insert the following  
4 new sections:

5 Section 1. Sections 1 to 5 of this act shall be known and  
6 may be cited as the Build Nebraska Act.

7 Sec. 2. For purposes of the Build Nebraska Act:

8 (1) Department means the Department of Roads;

9 (2) Fund means the State Highway Capital Improvement  
10 Fund; and

11 (3) Surface transportation project means (a) expansion or  
12 reconstruction of a road or highway which is part of the state  
13 highway system, (b) expansion or reconstruction of a bridge which  
14 is part of the state highway system, or (c) construction of a new  
15 road, highway, or bridge which, if built, would be a part of the  
16 state highway system.

17 Sec. 3. (1) The State Highway Capital Improvement Fund  
18 is created. The fund shall consist of money credited to the fund  
19 pursuant to section 77-27,132 and any other money as determined by  
20 the Legislature.

21 (2) The department may create or direct the creation  
22 of accounts within the fund as the department determines to be  
appropriate and useful in administering the fund.

2 (3) Any money in the fund available for investment  
3 shall be invested by the state investment officer pursuant to  
4 the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act. Investment earnings from investment of money in the  
6 fund shall be credited to the fund.

7 Sec. 4. The fund shall be used as follows:

8 (1) Up to eighty-five percent of the total aggregate  
9 money credited to the fund pursuant to section 77-27,132 shall  
10 be used to pay for surface transportation projects of the highest  
11 priority as determined by the department; and

12 (2) At least thirty million dollars of the total  
13 aggregate money credited to the fund pursuant to section 77-27,132  
14 shall be used, as determined by the department, for construction  
15 of the expressway system and federally designated high priority  
16 corridors.

17 Sec. 5. The department may adopt and promulgate rules and  
 18 regulations to carry out the Build Nebraska Act.

19 Sec. 6. Section 77-27,132, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 77-27,132 (1) There is hereby created a fund to be  
 22 designated the Revenue Distribution Fund which shall be set apart  
 23 and maintained by the Tax Commissioner. Revenue not required to be  
 24 credited to the General Fund or any other specified fund may be  
 25 credited to the Revenue Distribution Fund. Credits and refunds of  
 26 such revenue shall be paid from the Revenue Distribution Fund. The  
 27 balance of the amount credited, after credits and refunds, shall be  
 1 allocated as provided by the statutes creating such revenue.

2 (2) The Tax Commissioner shall pay to a depository bank  
 3 designated by the State Treasurer all amounts collected under the  
 4 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 5 to the State Treasurer bank receipts showing amounts so deposited  
 6 in the bank, and of the amounts so deposited the State Treasurer  
 7 shall

8 (a) Credit ~~credit~~ to the Highway Trust Fund all of the  
 9 proceeds of the sales and use taxes derived from the sale or  
 10 lease for periods of more than thirty-one days of motor vehicles,  
 11 trailers, and semitrailers, except that the proceeds equal to any  
 12 sales tax rate provided for in section 77-2701.02 that is in excess  
 13 of five percent derived from the sale or lease for periods of more  
 14 than thirty-one days of motor vehicles, trailers, and semitrailers  
 15 shall be credited to the Highway Allocation Fund; and-

16 (b) For transactions occurring on or after July 1, 2013,  
 17 and before July 1, 2033, of the proceeds of the sales and use taxes  
 18 derived from transactions other than those listed in subdivision  
 19 (2)(a) of this section from any sales tax rate provided for in  
 20 section 77-2701.02 that is in excess of five percent, credit  
 21 eighty-four percent to the State Highway Capital Improvement Fund  
 22 and sixteen percent to the Highway Allocation Fund. No more than  
 23 one hundred twenty-five million dollars in total may be credited  
 24 to such funds under subdivision (2)(b) of this section during any  
 25 fiscal year.

26 The balance of all amounts collected under the Nebraska  
 27 Revenue Act of 1967 shall be credited to the General Fund.

1 Sec. 7. Original section 77-27,132, Reissue Revised  
 2 Statutes of Nebraska, is repealed.

**EXECUTIVE BOARD REPORT**

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

LR47 Developmental Disabilities Special Investigative Committee

Coash  
Cornett  
Harms (VC)  
Karpisek  
Krist  
Lathrop (C)  
Wallman

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 137.** Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2011 Class D-2 Girls' State Basketball Championship by defeating Hay Springs High School by a score of 45-33; and

WHEREAS, the Wynot High School girls' basketball team ended the season with a record of 25-2; 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, FIRST SESSION:

1. That the Legislature congratulates the Wynot High School girls' basketball team on winning the 2011 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and their coach, Steve Wieseler.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 283.** Title read. Considered.

Senator K. Haar renewed his amendment, AM615, found on page 858.

Senator K. Haar moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The K. Haar amendment was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 407.** Title read. Considered.

Committee AM696, found on page 806, was considered.

**SENATOR SULLIVAN PRESIDING**

The committee amendment was adopted with 34 ayes, 0 nays, 13 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.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 204A.** Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 95.** Title read. Considered.

Committee AM704, found on page 813, was considered.

Senator Janssen renewed his amendment, AM753, found on page 879, to the committee amendment.

Pending.



**UNANIMOUS CONSENT - Add Cointroducers**

Senator Smith asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

Senators Ashford and McGill asked unanimous consent to add their names as cointroducers to LB397. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Kenzee Kucera from Lawrence; members of No Limits Tobacco Prevention Program from across the state; and 138 fourth-grade students, teachers, and sponsors from Crete.

**RECESS**

At 11:57 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Heidemann, and Nelson who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 34.** ER41, found on page 709, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 207.** ER49, found on page 845, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 563.** ER48, found on page 845, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 621.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 342.** ER50, found on page 852, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366.** ER51, found on page 852, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 255.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 259.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 218.** Senator Campbell renewed her amendment, AM758, found on page 915.

### **SENATOR CARLSON PRESIDING**

The Campbell amendment was adopted with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 35:

Adams	Flood	Heidemann	Lautenbaugh	Price
Avery	Fulton	Janssen	McCoy	Schilz
Bloomfield	Gloor	Karpisek	McGill	Schumacher
Carlson	Haar, K.	Krist	Nelson	Smith
Coash	Hadley	Langemeier	Pahls	Sullivan
Dubas	Hansen	Larson	Pankonin	Utter
Fischer	Harms	Lathrop	Pirsch	Wightman

Voting in the negative, 7:

Christensen	Cook	Howard	Nordquist
Conrad	Council	Mello	

Present and not voting, 6:

Ashford	Campbell	Harr, B.
Brasch	Cornett	Louden

Excused and not voting, 1:

Wallman

Advanced to Enrollment and Review for Engrossment with 35 ayes, 7 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 543.** ER42, found on page 709, was adopted.

Senator Nordquist withdrew his amendment, AM884, found on page 905.

Senator Nordquist offered the following amendment:  
AM935

- 1 1. In the Nordquist amendment, AM540, on page 1, strike
- 2 line 11 and insert "all asset limits for eligibility for federal
- 3 food assistance benefits, except that the total of liquid assets
- 4 which includes cash on hand and funds in personal checking and
- 5 savings accounts, money market accounts, and share accounts shall
- 6 not exceed twenty-five thousand dollars"; and in lines 12 and 13
- 7 strike "to the extent authorized pursuant to" and insert "as
- 8 allowed under".

#### **SENATOR LANGEMEIER PRESIDING**

The Nordquist amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 260.** ER47, found on page 845, was adopted.

Senator Lathrop renewed his amendment, AM861, found on page 918.

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

Advanced to Enrollment and Review for Engrossment.

#### **COMMITTEE REPORTS**

##### Revenue

**LEGISLATIVE BILL 252.** Placed on General File.

**LEGISLATIVE BILL 426.** Placed on General File with amendment.  
AM928

- 1 1. On page 3, line 20, strike "Any", show as stricken,
- 2 and insert "Except as provided in subsection (8) of this section
- 3 for a city of the primary class, any"; and after line 25 insert the
- 4 following new subsection:
- 5 "(8) A city of the primary class shall not be eligible
- 6 to receive a grant of assistance from the Local Civic, Cultural,
- 7 and Convention Center Financing Act if the city has applied for

8 and received a grant of assistance under the Sports Arena Facility  
 9 Financing Assistance Act.".

(Signed) Abbie Cornett, Chairperson

Natural Resources

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

Stan Clouse - Nebraska Natural Resources Commission

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

### AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB112:  
 AM908

(Amendments to Standing Committee amendments, AM361)

- 1 1. On page 5, line 6, after "provided" insert "by an
- 2 entity licensed by the Department of Health and Human Services as
- 3 a child-caring agency, child care facility, or child-placing agency
- 4 or"; and in lines 6 and 7 strike "Department of Health and Human
- 5 Services" and insert "department".

Senator Coash filed the following amendment to LB95:  
 AM922

(Amendments to Standing Committee amendments, AM704)

- 1 1. Strike section 2.

### SELECT FILE

**LEGISLATIVE BILL 105.** Senator Schilz offered the following amendment:

AM763

- 1 1. On page 2, line 18, after "boating" insert "safety".

The Schilz amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Larson offered the following amendment:

FA10

Strike page 2, line 15 beginning with "under" through "1985" and insert in its place "yet to reach the age of majority as defined in 43-2101".

**SENATOR CARLSON PRESIDING****SPEAKER FLOOD PRESIDING**

Senator Larson withdrew his amendment.

Senator Larson offered the following amendment:

AM818

- 1 1. On page 2, line 15, strike "1985" and insert "1990".

**SENATOR COASH PRESIDING**

Senator Larson moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Senator Larson requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bloomfield	Harr, B.	Larson	Pankonin	Smith
Brasch	Janssen	Lautenbaugh	Pirsch	
Coash	Karpisek	Nelson	Schumacher	

Voting in the negative, 29:

Adams	Conrad	Fulton	Howard	Nordquist
Ashford	Cook	Gloor	Krist	Pahls
Avery	Cornett	Haar, K.	Langemeier	Price
Campbell	Council	Hadley	Lathrop	Sullivan
Carlson	Dubas	Hansen	Louden	Utter
Christensen	Fischer	Harms	McCoy	

Present and not voting, 4:

McGill	Mello	Schilz	Wightman
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Excused and not voting, 3:

Flood	Heidemann	Wallman
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The Larsen amendment lost with 13 ayes, 29 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Grossment.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB84:  
AM940

1 1. Strike amendment 1 and insert the following new  
2 amendment:

3 1. Strike the original sections and insert the following  
4 new sections:

5 Section 1. Sections 1 to 5 of this act shall be known and  
6 may be cited as the Build Nebraska Act.

7 Sec. 2. For purposes of the Build Nebraska Act:

8 (1) Department means the Department of Roads;

9 (2) Fund means the State Highway Capital Improvement  
10 Fund; and

11 (3) Surface transportation project means (a) expansion or  
12 reconstruction of a road or highway which is part of the state  
13 highway system, (b) expansion or reconstruction of a bridge which  
14 is part of the state highway system, or (c) construction of a new  
15 road, highway, or bridge which, if built, would be a part of the  
16 state highway system.

17 Sec. 3. (1) The State Highway Capital Improvement Fund  
18 is created. The fund shall consist of money credited to the fund  
19 pursuant to section 77-27,132 and any other money as determined by  
20 the Legislature.

21 (2) The department may create or direct the creation  
22 of accounts within the fund as the department determines to be  
23 appropriate and useful in administering the fund.

1 (3) Any money in the fund available for investment  
2 shall be invested by the state investment officer pursuant to  
3 the Nebraska Capital Expansion Act and the Nebraska State Funds  
4 Investment Act. Investment earnings from investment of money in the  
5 fund shall be credited to the fund.

6 Sec. 4. The fund shall be used as follows:

7 (1) At least thirty million dollars of the money credited  
8 to the fund pursuant to section 77-27,132 each fiscal year shall  
9 be used, as determined by the department, for construction of the  
10 expressway system and federally designated high priority corridors;  
11 and

12 (2) The remaining money credited to the fund pursuant to  
13 section 77-27,132 each fiscal year shall be used to pay for surface  
14 transportation projects of the highest priority as determined by  
15 the department.

16 Sec. 5. The department may adopt and promulgate rules and  
17 regulations to carry out the Build Nebraska Act.

18 Sec. 6. Section 77-27,132, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 77-27,132 (1) There is hereby created a fund to be  
21 designated the Revenue Distribution Fund which shall be set apart  
22 and maintained by the Tax Commissioner. Revenue not required to be

23 credited to the General Fund or any other specified fund may be  
 24 credited to the Revenue Distribution Fund. Credits and refunds of  
 25 such revenue shall be paid from the Revenue Distribution Fund. The  
 26 balance of the amount credited, after credits and refunds, shall be  
 27 allocated as provided by the statutes creating such revenue.

1 (2) The Tax Commissioner shall pay to a depository bank  
 2 designated by the State Treasurer all amounts collected under the  
 3 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 4 to the State Treasurer bank receipts showing amounts so deposited  
 5 in the bank, and of the amounts so deposited the State Treasurer  
 6 shall

7 (a) ~~Credit credit~~ to the Highway Trust Fund all of the  
 8 proceeds of the sales and use taxes derived from the sale or  
 9 lease for periods of more than thirty-one days of motor vehicles,  
 10 trailers, and semitrailers, except that the proceeds equal to any  
 11 sales tax rate provided for in section 77-2701.02 that is in excess  
 12 of five percent derived from the sale or lease for periods of more  
 13 than thirty-one days of motor vehicles, trailers, and semitrailers  
 14 shall be credited to the Highway Allocation Fund; and:

15 (b) For transactions occurring on or after July 1, 2013,  
 16 and before July 1, 2033, of the proceeds of the sales and use taxes  
 17 derived from transactions other than those listed in subdivision  
 18 (2)(a) of this section from any sales tax rate provided for in  
 19 section 77-2701.02 that is in excess of five percent, credit  
 20 eighty-four percent to the State Highway Capital Improvement Fund  
 21 and sixteen percent to the Highway Allocation Fund. No more than  
 22 one hundred twenty-five million dollars in total may be credited  
 23 to such funds under subdivision (2)(b) of this section during any  
 24 fiscal year.

25 The balance of all amounts collected under the Nebraska  
 26 Revenue Act of 1967 shall be credited to the General Fund.

27 Sec. 7. Original section 77-27,132, Reissue Revised

1 Statutes of Nebraska, is repealed.

## RESOLUTION

**LEGISLATIVE RESOLUTION 138.** Introduced by Nordquist, 7;  
 Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Gloor, 35; Howard, 9;  
 McGill, 26; Mello, 5.

**PURPOSE:** The purpose of this resolution is to find a solution to the exit of  
 insurers from the health insurance marketplace for stand-alone health  
 insurance policies for children.

Children can no longer be denied health insurance based on their health  
 status, nor can insurers refuse to pay for treatment because of a preexisting  
 condition as a result of the passage of the federal Patient Protection and  
 Affordable Care Act, Public Law 111-148, as amended by the federal Health  
 Care and Education Reconciliation Act of 2010, Public Law 111-152.

However, insurers in the individual market no longer offer new stand-alone or child-only policies in the State of Nebraska.

The Secretary of the United States Department of Health and Human Services has clarified a variety of policy options available to states under the new federal health care law to overcome the collapse of the health insurance market for stand-alone policies for children. The study committee should review these and other options to find a solution to this issue.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

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

Senator Janssen asked unanimous consent to add his name as cointroducer to LB279. No objections. So ordered.

Senator Carlson asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Senator Flood's brother, Patrick Flood, from Bangkok, Thailand; 20 twelfth-grade students and teachers from Southwest High School, Bartley; and 40 fourth-grade students, teachers, and sponsor from Washington East, Norfolk.

#### **ADJOURNMENT**

At 4:05 p.m., on a motion by Senator Avery, the Legislature adjourned until 9:00 a.m., Thursday, March 24, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 24, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 24, 2011

**PRAYER**

The prayer was offered by Pastor Rick Johnson, St. Paul's Lutheran Church, DeWitt.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 84.** Title read. Considered.

Committee AM385, found on page 597, was considered.

Senator Conrad offered the following motion:

MO22

Bracket until January 4, 2012.

Pending.

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 668.** Placed on General File.

(Signed) Brad Ashford, Chairperson

## Executive Board

**LEGISLATIVE BILL 617.** Placed on General File with amendment.  
AM906

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

3 Section 1. When legislation is enacted providing for the  
4 adoption and promulgation of rules and regulations by an agency,  
5 such agency shall adopt and promulgate such rules and regulations  
6 within one year after the public hearing required under section  
7 84-907. Any agency which does not adopt and promulgate such rules  
8 and regulations as provided in this section shall submit a written  
9 explanation to the Executive Board of the Legislative Council and  
10 the standing committee of the Legislature which has subject matter  
11 jurisdiction over the issue involved in the legislation, stating  
12 the reasons why it has not adopted such rules and regulations as  
13 provided in this section, the date by which the agency expects  
14 to adopt such rules and regulations, and any suggested statutory  
15 changes that may enable the agency to adopt such rules and  
16 regulations.

17 Sec. 2. Section 84-907, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 84-907 (1) No rule or regulation shall be adopted,  
20 amended, or repealed by any agency except after public hearing  
21 on the question of adopting, amending, or repealing such rule or  
22 regulation. Notice of such hearing shall be given at least thirty  
23 days prior thereto to the Secretary of State and by publication  
1 in a newspaper having general circulation in the state. All such  
2 hearings shall be open to the public. The public hearing on a  
3 rule or regulation that is being adopted, amended, or repealed  
4 based upon a legislative bill shall be held within twelve months  
5 after the effective or operative date of the legislative bill that  
6 provides the statutory authority for the rule or regulation. If  
7 there is more than one applicable effective or operative date,  
8 the twelve-month period shall be calculated using the latest date.  
9 An agency may make written application to the Governor to extend  
10 the twelve-month period, and upon receipt of a written showing of  
11 good cause, the Governor may extend the twelve-month period for  
12 up to an additional six months. In addition to the requirements  
13 of section 84-906.01, draft copies or working copies of all rules  
14 and regulations to be adopted, amended, or repealed by any agency  
15 shall be available to the public in the office of the Secretary  
16 of State at the time of giving notice. The notice shall include:  
17 ~~(1)~~(a) A declaration of availability of such draft or work copies  
18 for public examination; ~~(2)~~(b) a short explanation of the purpose  
19 of the proposed rule or regulation or the reason for the amendment  
20 or repeal of the rule or regulation; and ~~(3)~~(c) a description,  
21 including an estimated quantification, of the fiscal impact on  
22 state agencies, political subdivisions, and persons being regulated

23 or an explanation of where the description of the fiscal impact  
 24 may be inspected and obtained. No person may challenge the validity  
 25 of any rule or regulation, the adoption, amendment, or repeal of  
 26 any rule or regulation, or any determination of the applicability  
 27 of any rule or regulation on the basis of the explanation or  
 1 description provided pursuant to subdivisions ~~(2) and (3)~~ (b) and  
 2 (c) of this section-subsection.

3 (2) Any agency adopting, amending, or repealing a rule or  
 4 regulation may make written application to the Governor who may,  
 5 upon receipt of a written showing of good cause, waive the notice  
 6 of public hearing. For purposes of this ~~section-subsection~~, good  
 7 cause shall include, but not be limited to, a showing by the agency  
 8 that:

9 (a) Compliance with the ~~public notice~~ requirements of  
 10 this section would result in extreme hardship on the citizens of  
 11 this state;

12 (b) An emergency exists which must be remedied  
 13 immediately; or

14 (c) A timely filing or publication of notice of a public  
 15 hearing or the public hearing was prevented by some unforeseeable  
 16 event beyond the immediate control of the agency and that the  
 17 parties affected have not and will not suffer material injury as a  
 18 result of the agency's action.

19 (3) Whenever public notice is waived, the agency shall,  
 20 so far as practicable, give notice to the public of the proposed  
 21 rule or regulation change and of the rule or regulation as finally  
 22 adopted or changed.

23 Sec. 3. Section 84-907.09, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 84-907.09 Whenever an agency proposes to adopt, amend,  
 26 or repeal a rule or regulation, (1) at least thirty days before  
 27 the public hearing, when notice of a proposed rule or regulation  
 1 is sent out, or (2) at the same time the agency applies to the  
 2 Governor for a waiver of the notice of public hearing under section  
 3 84-907, the agency shall provide to the Governor for review (a) a  
 4 description of the proposed rule or regulation and the entity or  
 5 entities it will impact, (b) an explanation of the necessity of  
 6 the proposed rule or regulation, including the identification of  
 7 the authorizing statute or specific legislative bill if applicable,  
 8 or the authorizing statute when there is no legislative bill  
 9 applicable, (c) a statement that the proposed rule or regulation  
 10 is consistent with legislative intent, (d) a statement indicating  
 11 whether the proposed rule or regulation is the result of a state  
 12 mandate on a local governmental subdivision and if the mandate  
 13 is funded, (e) a statement indicating if the proposed rule or  
 14 regulation is the result of a federal mandate on state government  
 15 or on a local governmental subdivision and if the mandate is  
 16 funded, (f) a description, including an estimated quantification,  
 17 of the fiscal impact on state agencies, political subdivisions, and

18 regulated persons, (g) a statement that the agency will solicit  
 19 public comment on the proposed rule or regulation before the public  
 20 hearing, and (h) a statement indicating whether or not the agency  
 21 has utilized the negotiated rulemaking process as provided for in  
 22 the Negotiated Rulemaking Act with respect to the proposed rule or  
 23 regulation.

24 Sec. 4. On or before July 1 of each year, each agency  
 25 shall provide to the Legislative Performance Audit Committee a  
 26 status report on all rules and regulations pending before the  
 27 agency. If an appropriation was made with respect to legislation  
 1 for which rules and regulations are pending to provide funding  
 2 for or additional staff to implement a program, the status report  
 3 shall include what the funding has been used for and what functions  
 4 the staff have been performing while such rules and regulations  
 5 are pending. Other content and the format of the report shall be  
 6 established by the committee no later than May 1, 2011, and shall  
 7 be updated thereafter.

8 Sec. 5. Section 84-920, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 84-920 Sections 84-901 to 84-920 and sections 1 and 4  
 11 of this act shall be known and may be cited as the Administrative  
 12 Procedure Act.

13 Sec. 6. Original sections 84-907, 84-907.09, and 84-920,  
 14 Reissue Revised Statutes of Nebraska, are repealed.

15 Sec. 7. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law.

(Signed) John Wightman, Chairperson

**NOTICE OF COMMITTEE HEARING**  
 Government, Military and Veterans Affairs

Room 1507

Tuesday, April 5, 2011 9:30 a.m.

LR123

(Signed) Bill Avery, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 139.** Introduced by Flood, 19.

WHEREAS, Charlotte Endorf of Norfolk, Nebraska, is being honored as the 2011 Nebraska Mother of the Year; and

WHEREAS, this award exemplifies the ideals of successful motherhood: understanding, patience, compassion, love, courage, character, and community spirit; and

WHEREAS, Charlotte and her husband are the parents of two children, a son and a daughter; and

WHEREAS, Charlotte and her husband have provided help and support to their daughter, who continues to improve after becoming ill with Lyme disease; and

WHEREAS, Charlotte is the author of seven inspirational books, three of which she co-authored with her daughter, Sarah. Her books include the inspirational stories of unsung heroes in her community and several books comprising a history of orphan trains, which were the beginning of foster care and adoption in the United States; and

WHEREAS, dressed in 1800s period attire, Charlotte and Sarah bring to life their stories of children's orphan train experiences for members of their community; and

WHEREAS, Charlotte and her family are a licensed foster care family and have opened their home to foster children since 2007; and

WHEREAS, Charlotte meets and exceeds the requirements of this award, all of which demand efficient organizational, time-management, and leadership skills, along with patience, a positive attitude, perseverance, and a love of family and community.

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

1. That the Legislature congratulates Charlotte Endorf on being named the 2011 Nebraska Mother of the Year.

2. That a copy of this resolution be sent to Charlotte Endorf.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 84.** The Conrad motion, MO22, found in this day's Journal, to bracket until January 4, 2012, was renewed.

Senator Carlson moved the previous question. The question is, "Shall the debate now close?"

Senator Carlson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Carlson requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 33:

Adams	Coash	Hadley	Lautenbaugh	Schilz
Ashford	Cornett	Hansen	McCoy	Schumacher
Bloomfield	Dubas	Harms	Nelson	Smith
Brasch	Fischer	Heidemann	Pahls	Sullivan
Campbell	Flood	Janssen	Pankonin	Utter
Carlson	Fulton	Krist	Pirsch	
Christensen	Gloor	Langemeier	Price	

Voting in the negative, 10:

Cook	Haar, K.	Lathrop	McGill	Nordquist
Council	Howard	Louden	Mello	Wallman

Present and not voting, 2:

Avery	Conrad
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Absent and not voting, 2:

Harr, B.	Larson
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Excused and not voting, 2:

Karpisek	Wightman
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The motion to cease debate prevailed with 33 ayes, 10 nays, 2 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Conrad motion to bracket failed with 9 ayes, 28 nays, 9 present and not voting, and 3 excused and not voting.

Senator Conrad offered the following motion:

MO23

Reconsider the vote on the bracket motion.

### **SENATOR SULLIVAN PRESIDING**

Pending.

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

Senators Hansen, Gloor, Krist, and Wallman asked unanimous consent to add their names as cointroducers to LB600. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 9 kindergarten through fifth-grade students and sponsor from Roper Elementary, Lincoln; members of YWCA Leadership Institute from Lincoln; Bonnie and Jack Nebelsick, Ashley Whitney, and Natasha Mack from Lincoln; 31 fourth-grade students, teachers, and sponsors from Bryan Elementary, Lexington; and members of Planned Parenthood from Omaha.

**RECESS**

At 11:59 a.m., on a motion by Senator Coash, 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 Senator Wightman who was excused; and Senators Ashford, Christensen, and Schilz who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 84.** The Conrad motion, MO23, found in this day's Journal, to reconsider the vote on the bracket motion, was renewed.

**SENATOR SULLIVAN PRESIDING****SENATOR COASH PRESIDING**

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 140.** Introduced by Price, 3.

WHEREAS, Luke Bredensteiner has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Bredensteiner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Bredensteiner.

Laid over.

### AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB204:  
AM938

(Amendments to Standing Committee amendments, AM659)

- 1 1. Strike section 9.
- 2 2. On page 3, line 11; and page 4, line 8, strike "2011"
- 3 and insert "2012".
- 4 3. On page 4, line 11, strike the first "the" and insert
- 5 "a Nebraska school".

Senator Conrad filed the following amendment to LB84:  
AM962

(Amendments to AM940)

- 1 1. Strike sections 6 and 7.
- 2 2. On page 1, strike beginning with "The" in line 18
- 3 through line 20 and insert "It is the intent of the Legislature to
- 4 appropriate up to one hundred twenty-five million dollars to the
- 5 fund each fiscal year beginning with fiscal year 2013-14 and ending
- 6 with fiscal year 2032-33.".
- 7 3. On page 2, lines 8 and 12 and 13, strike "pursuant to
- 8 section 77-27,132".
- 9 4. Renumber the remaining sections accordingly.

Senator Utter filed the following amendment to LB84:  
AM958

(Amendments to AM940)

- 1 1. On page 3, line 22, strike "one hundred twenty-five"
- 2 and insert "seventy-five".



**COMMITTEE REPORTS**

## Education

The Education 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.

Dennis Baack - Nebraska Educational Telecommunications Commission  
Steve Seline - Nebraska Educational Telecommunications Commission  
Darlene Starman - Nebraska Educational Telecommunications Commission

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Charles Ward - Board of Educational Lands and Funds

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Gary Bieganski - Board of Trustees of the Nebraska State Colleges  
Robert Engles - Board of Trustees of the Nebraska State Colleges  
Carter Peterson - Board of Trustees of the Nebraska State Colleges

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Wayne Camara - Technical Advisory Committee for Statewide Assessment  
Dallas Watkins - Technical Advisory Committee for Statewide Assessment

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 84.** The Conrad motion, MO23, found in this day's Journal, to reconsider the vote on the bracket motion, was renewed.

Senator Conrad moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Conrad requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 7:

Conrad	Council	Howard	Nordquist
Cook	Haar, K.	Mello	

Voting in the negative, 34:

Adams	Christensen	Gloor	Krist	Pankonin
Ashford	Coash	Hadley	Langemeier	Price
Avery	Cornett	Hansen	Larson	Schilz
Bloomfield	Dubas	Harms	Louden	Smith
Brasch	Fischer	Harr, B.	McCoy	Sullivan
Campbell	Flood	Heidemann	Nelson	Utter
Carlson	Fulton	Karpisek	Pahls	

Present and not voting, 4:

Lathrop	McGill	Schumacher	Wallman
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Absent and not voting, 1:

Pirsch

Excused and not voting, 3:

Janssen	Lautenbaugh	Wightman
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The Conrad motion to reconsider failed with 7 ayes, 34 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB84:  
AM974

(Amendments to AM940)

- 1 1. Strike section 6 and insert the following new section:  
2 Sec. 6. Section 77-4602, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 77-4602 (1) Within fifteen days after the end of each  
5 month, the Tax Commissioner shall provide a public statement of  
6 actual General Fund net receipts and a comparison of such actual  
7 net receipts to the monthly estimate certified pursuant to section  
8 77-4601.  
9 (2) Within fifteen days after the end of each fiscal  
10 year, the public statement shall also include a summary of actual  
11 General Fund net receipts and estimated General Fund net receipts  
12 for the fiscal year.  
13 (3) If the actual General Fund net receipts for the  
14 fiscal year as reported in subsection (2) of this section exceed  
15 estimated receipts for the fiscal year, the Tax Commissioner shall  
16 immediately certify to the director such excess amount. The State  
17 Treasurer shall immediately transfer an amount equal to one-half of  
18 such excess amount from the General Fund to the Cash Reserve Fund  
19 and one-half of such excess amount from the General Fund to the  
20 State Highway Capital Improvement Fund upon certification by the  
21 director of such excess amount.  
22 2. On page 1, line 19; and page 2, lines 8 and 13, strike  
1 "77-27.132" and insert "77-4602".  
2 3. On page 3, line 27, strike "77-27,132" and insert  
3 "77-4602".

Senator Loudon filed the following amendment to LB84:  
AM975

(Amendments to AM940)

- 1 1. Strike sections 6 and 7 and insert the following new  
2 sections:  
3 Sec. 6. Section 66-489, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-489 (1) At the time of filing the return required by  
6 section 66-488, such producer, supplier, distributor, wholesaler,  
7 or importer shall, in addition to the tax imposed pursuant  
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in  
9 addition to the other taxes provided for by law, pay a tax of  
10 ~~seven and one-half~~ twelve and one-half cents per gallon upon all  
11 motor fuels as shown by such return, except that there shall be  
12 no tax on the motor fuels reported if (a) the required taxes on  
13 the motor fuels have been paid, (b) the motor fuels have been sold  
14 to a licensed exporter exclusively for resale or use in another  
15 state, (c) the motor fuels have been sold from a Nebraska barge

16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel  
17 facility, including motor fuels stored offsite in bulk, by a  
18 licensed producer or supplier to a licensed distributor, (d) the  
19 motor fuels have been sold by a licensed distributor or licensed  
20 importer to a licensed distributor or to a licensed wholesaler  
21 and the seller acquired ownership of the motor fuels directly from  
22 a licensed producer or supplier at or from a refinery, barge,  
1 barge line, pipeline terminal, or ethanol or biodiesel facility,  
2 including motor fuels stored offsite in bulk, in this state or  
3 was the first importer of such fuel into this state, or (e)  
4 as otherwise provided in this section. Such producer, supplier,  
5 distributor, wholesaler, or importer shall remit such tax to the  
6 department.

7 (2) As part of filing the return required by section  
8 66-488, each producer of ethanol shall, in addition to other  
9 taxes imposed by the motor fuel laws, pay an excise tax of one  
10 and one-quarter cents per gallon through December 31, 2004, and  
11 commencing January 1, 2010, and two and one-half cents per gallon  
12 commencing January 1, 2005, through December 31, 2009, on natural  
13 gasoline purchased for use as a denaturant by the producer at  
14 an ethanol facility. All taxes, interest, and penalties collected  
15 under this subsection shall be remitted to the State Treasurer  
16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that  
17 commencing January 1, 2005, through December 31, 2009, one and  
18 one-quarter cents per gallon of such excise tax shall be credited  
19 to the Ethanol Production Incentive Cash Fund. For fiscal years  
20 2007-08 through 2011-12, if the total receipts from the excise  
21 tax authorized in this subsection and designated for deposit in  
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty  
23 thousand dollars, the State Treasurer shall deposit amounts in  
24 excess of five hundred fifty thousand dollars in the Ethanol  
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents  
27 or fuel expanders shall be exempt from the taxes imposed by this  
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and  
2 66-4,146, when the fuels are used for buses equipped to carry  
3 more than seven persons for hire and engaged entirely in the  
4 transportation of passengers for hire within municipalities or  
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry  
7 more than seven persons for hire and engaged entirely in the  
8 transportation of passengers for hire within municipalities, or  
9 within a radius of six miles thereof, in lieu of the excise tax  
10 provided for in this section, shall pay an equalization fee of a  
11 sum equal to twice the amount of the registration fee applicable to  
12 such vehicle under the laws of this state. Such equalization fee  
13 shall be paid in the same manner as the registration fee and be  
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as  
16 permitting motor fuels to be sold tax exempt. The department  
17 shall refund tax paid on motor fuels used in buses deemed exempt by  
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant  
20 by a producer at an ethanol facility as defined in section 66-1333  
21 shall be exempt from the motor fuels tax imposed by subsection (1)  
22 of this section as well as the tax imposed pursuant to sections  
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered  
25 into between the State of Nebraska and the governing body of any  
26 federally recognized Indian tribe within the State of Nebraska,  
27 motor fuels purchased on a Nebraska Indian reservation where the  
1 purchaser is a Native American who resides on the reservation shall  
2 be exempt from the motor fuels tax imposed by this section as  
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,  
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States  
6 Government or its agencies shall be exempt from the motor fuels  
7 tax imposed by this section as well as the tax imposed pursuant to  
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on  
10 the motor fuels reported if (a) the diesel fuel has been indelibly  
11 dyed and chemically marked in accordance with regulations issued by  
12 the Secretary of the Treasury of the United States under 26 U.S.C.  
13 4082 or (b) the diesel fuel contains a concentration of sulphur  
14 in excess of five-hundredths percent by weight or fails to meet  
15 a cetane index minimum of forty and has been indelibly dyed in  
16 accordance with regulations promulgated by the Administrator of the  
17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~  
19 ~~846, this legislative bill~~ apply for tax periods beginning on and  
20 after ~~July 1, 2009; October 1, 2011.~~

21 (9) The tax revenue from the increase in the tax rate  
22 provided by this legislative bill shall be remitted to the State  
23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise  
27 tax of ~~seven and one-half~~ ~~twelve and one-half~~ cents per gallon,  
1 increased by the amounts imposed or determined under sections  
2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all  
3 motor fuels used in this state and due the State of Nebraska under  
4 section 66-489. Users of motor fuels subject to taxation under  
5 this section shall be allowed the same exemptions, deductions,  
6 and rights of reimbursement as are authorized and permitted by  
7 Chapter 66, article 4, other than any commissions provided under  
8 such article. For purposes of this section and section 66-4,106,  
9 use shall mean the purchase or consumption of motor fuels in this

10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~  
 11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~  
 12 ~~1, 2009.~~ October 1, 2011. The tax revenue from the increase in the  
 13 tax rate provided by this legislative bill shall be remitted to the  
 14 State Treasurer for credit to the State Highway Capital Improvement  
 15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to  
 19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of  
 20 ~~seven and one half~~ twelve and one-half cents per gallon or gallon  
 21 equivalent is levied and imposed on all compressed fuel sold  
 22 for use in registered motor vehicles. The changes made to this  
 23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for  
 24 tax periods beginning on and after ~~July 1, 2009.~~ October 1, 2011.  
 25 The tax revenue from the increase in the tax rate provided by  
 26 this legislative bill shall be remitted to the State Treasurer for  
 27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on October 1, 2011.

2 Sec. 10. Original sections 66-489, 66-4,105, and

3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

## GENERAL FILE

**LEGISLATIVE BILL 84.** Senator Nordquist offered the following motion:  
 MO24

Recommit to committee.

Pending.

## AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB84:

FA11

Amend AM940

On page 2, line 10, before "expressway" insert "state".

## RESOLUTION

**LEGISLATIVE RESOLUTION 141.** Introduced by Price, 3; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Cook, 13; Gloor, 35; Hadley, 37; Karpisek, 32; Krist, 10; Langemeier, 23; McCoy, 39; McGill, 26; Nelson, 6; Schilz, 47; Schumacher, 22; Sullivan, 41; Wallman, 30.

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 546 of the 112th Congress, 1st Session, designates the Honor and Remember Flag, created by Honor and Remember, Inc., as an

official symbol to recognize and honor fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights the nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss.

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

1. That the Legislature designates the Honor and Remember Flag as the State of Nebraska's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges Congress to pass H.R. 546.

2. That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Nebraska congressional delegation so that they may be apprised of the sense of the Legislature in this matter.

Laid over.

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

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LR40CA. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB600. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 14 fourth-grade students, teacher, and sponsors from Holy Family, Lindsey; 20 fourth-grade students from St. Bernard Elementary, Omaha; members of Project Extra Mile from across the state; and members of Girl Scout Troop #699 from Kearney.

The Doctor of the Day was Dr. Dan Rosenquist from Columbus.

**ADJOURNMENT**

At 5:01 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Friday, March 25, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - MARCH 25, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 25, 2011

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Cook, Council, B. Harr, Heidemann, Janssen, Larson, Lautenbaugh, Pirsch, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 34.** Placed on Final Reading.  
**LEGISLATIVE BILL 105.** Placed on Final Reading.  
**LEGISLATIVE BILL 207.** Placed on Final Reading.  
**LEGISLATIVE BILL 218.** Placed on Final Reading.  
**LEGISLATIVE BILL 255.** Placed on Final Reading.  
**LEGISLATIVE BILL 259.** Placed on Final Reading.  
**LEGISLATIVE BILL 260.** Placed on Final Reading.  
**LEGISLATIVE BILL 342.** Placed on Final Reading.  
**LEGISLATIVE BILL 366.** Placed on Final Reading.

**LEGISLATIVE BILL 543.** Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER42, on page 1, line 2, "testing" has been struck and "limits" inserted and "as prescribed" has been inserted after "program".

**LEGISLATIVE BILL 563.** Placed on Final Reading.

**LEGISLATIVE BILL 621.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## REPORTS

The following reports were received by the Legislature:

### **Auditor of Public Accounts**

Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans - Pension Trust Funds of the State of Nebraska for the FY ended June 30, 2010

### **Investment Council**

2010 Annual Report

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 24, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Austin, Jordan

National Rifle Association Institute for Legislative Action (Withdrawn 03/21/2011)

Brashear, Kermit A.

Lutheran Home, The

LaSorte, Darren

National Rifle Association Institute for Legislative Action

Mueller Robak LLC

MedImmune Incorporated (Withdrawn 03/17/2011)

Svoboda, Jane

Paradise on Earth Newsletter

**GENERAL FILE**

**LEGISLATIVE BILL 84.** Senator Nordquist renewed his motion, MO24, found on page 950, to recommit to committee.

**SPEAKER FLOOD PRESIDING**

Senator Fischer offered the following motion:  
MO25

Invoke cloture pursuant to Rule 7, Section 10.

Senator Fischer moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Fischer motion to invoke cloture prevailed with 36 ayes, 12 nays, and 1 excused and not voting.

The Nordquist motion to recommit to committee failed with 8 ayes, 37 nays, 3 present and not voting, and 1 excused and not voting.

Committee AM385 was adopted with 38 ayes, 8 nays, 2 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 32:

Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Fischer	Harr, B.	Louden	Schilz
Brasch	Flood	Janssen	McCoy	Smith
Campbell	Fulton	Karpisek	Nelson	Sullivan
Carlson	Gloor	Krist	Pahls	
Christensen	Hadley	Langemeier	Pankonin	
Coash	Hansen	Larson	Pirsch	

Voting in the negative, 8:

Cook	Haar, K.	Lathrop	Mello
Council	Howard	McGill	Nordquist

Present and not voting, 8:

Adams	Conrad	Heidemann	Utter
Bloomfield	Dubas	Schumacher	Wallman

Excused and not voting, 1:

Wightman

Advanced to Enrollment and Review Initial with 32 ayes, 8 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 310.** Placed on General File with amendment.  
AM965

- 1 1. Strike original section 4.
- 2 2. On page 2, lines 19 through 25; page 3, lines 16
- 3 through 19; and page 9, lines 11 through 17, strike the new matter.
- 4 3. Renumber the remaining section and correct the
- 5 repealer section accordingly.

(Signed) Brad Ashford, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 509.** Placed on Select File with amendment.  
ER60 is available in the Bill Room.

**LEGISLATIVE BILL 698.** Placed on Select File with amendment.  
ER58

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1214, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1214 ~~Commencing January 1, 1986, motor~~ Motor fuel
- 6 dispensers shall be labeled on both faces with the product identity
- 7 using the most descriptive terms commercially practicable. In
- 8 addition, all alcohol-blended fuel dispensers shall have a label
- 9 stating: With or containing ethanol, methanol, or ethanol and
- 10 methanol or with similar wording if the motor fuel being dispensed
- 11 contains ~~one-eleven~~ percent or more by volume of alcohol. Any
- 12 person who owns or controls such a motor fuel dispenser and does
- 13 not attach the notice required by this section shall be guilty of
- 14 an infraction.
- 15 Sec. 2. Section 89-186, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 89-186 (1) The Legislature hereby adopts by reference the
- 18 following:
- 19 (a) The standards of the National Conference on Weights
- 20 and Measures published in National Institute of Standards and
- 21 Technology Handbook 44 entitled Specifications, Tolerances, and
- 22 Other Technical Requirements for Weighing and Measuring Devices as
- 23 it existed on January 1, 2003, except Section 3.31. Vehicle - Tank

1 meters. UR.2.2. Ticket Printers; Customer Ticket, Section 2.20.  
 2 Scales, N.3. Minimum Test Weights and Test Loads; and Table 4, are  
 3 not adopted. In addition to the language found in Section 3.30.  
 4 Liquid-Measuring Devices, S.1.6.4., S.1.6.5., UR.3.2., and UR.3.3.  
 5 of such handbook, any computing device in which a product or grade  
 6 is offered for sale at more than one unit price may also compute  
 7 at the lowest possible unit price for such transaction. All prices  
 8 shall still be displayed or posted on the face of the dispenser.  
 9 Such handbook shall govern all commercial and law enforcement  
 10 weighing and measuring devices in the state;

11 (b) The Uniform Regulation for the Method of Sale of  
 12 Commodities of the National Conference on Weights and Measures  
 13 published in National Institute of Standards and Technology  
 14 Handbook 130 entitled Uniform Laws and Regulations as it existed  
 15 on January 1, 2003, except section 2.20.1. Such handbook shall be  
 16 used to determine the proper units of measurement to be used in the  
 17 keeping for sale or sale of commodities;

18 (c) The Uniform Packaging and Labeling Regulation of the  
 19 National Conference on Weights and Measures published in National  
 20 Institute of Standards and Technology Handbook 130 entitled Uniform  
 21 Laws and Regulations as it existed on January 1, 2003. Such  
 22 handbook shall govern the packaging and labeling by weight,  
 23 measure, or count of commodities kept for sale or sold in this  
 24 state; and

25 (d) The procedures designated in National Institute of  
 26 Standards and Technology Handbook 133 entitled Checking the Net  
 27 Contents of Packaged Goods as it existed on January 1, 2003.

1 (2) Copies of the handbooks adopted by reference in this  
 2 section shall be filed with the Secretary of State, Clerk of the  
 3 Legislature, and Department of Agriculture.

4 (3) Whenever there exists an inconsistency between the  
 5 provisions of the Weights and Measures Act other than this section  
 6 and any of the handbooks adopted by reference, the requirements of  
 7 such provisions of the act shall control.

8 Sec. 3. Original sections 66-1214 and 89-186, Reissue  
 9 Revised Statutes of Nebraska, are repealed.

10 2. On page 1, line 3, strike "eliminate" and insert  
 11 "change" and after the semicolon insert "to harmonize provisions;"

**LEGISLATIVE BILL 388.** Placed on Select File with amendment.  
 ER59

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

3 Section 1. Sections 1 to 8 of this act shall be known and  
 4 may be cited as the Site and Building Development Act.

5 Sec. 2. The Legislature finds that current economic  
 6 conditions, lack of available industrial sites and buildings, and  
 7 declining resources at all levels of government adversely affect  
 8 the ability of Nebraska's cities and villages to obtain viable

9 industrial sites on which to build businesses, obtain buildings,  
10 and create jobs. Lack of industrial sites and buildings also  
11 affects the ability of communities to maintain and develop stable  
12 and growth-prone economies.

13 Furthermore, the Legislature finds that Nebraska is at  
14 a competitive disadvantage for business development relative to  
15 other states in the nation due to a lack of appropriately sized  
16 industrial sites and buildings available for business relocations  
17 to Nebraska and expansions. The future of investment and jobs  
18 in Nebraska will suffer should the state continue to ignore this  
19 challenge.

20 To enhance the economic development of the state and to  
21 provide for the general prosperity of all of Nebraska's citizens,  
22 it is in the public interest to assist in the provision of  
23 industrial-ready sites and buildings in all areas of the state.

1 The establishment of the Site and Building Development Fund will  
2 assist in creating conditions favorable to meeting the industrial  
3 readiness of the state.

4 Sec. 3. The Site and Building Development Fund is  
5 created. The fund shall receive money pursuant to section 76-903  
6 and may include revenue from appropriations from the Legislature,  
7 grants, private contributions, repayment of loans, and all other  
8 sources. The Department of Economic Development, as part of its  
9 comprehensive business development strategy, shall administer the  
10 fund.

11 The State Treasurer shall transfer one million dollars  
12 from the Affordable Housing Trust Fund to the Site and Building  
13 Development Fund on or after January 1, 2012, but no later than  
14 January 10, 2012.

15 The State Treasurer shall transfer one million dollars  
16 from the Affordable Housing Trust Fund to the Site and Building  
17 Development Fund on or after January 1, 2013, but no later than  
18 January 10, 2013.

19 Sec. 4. The Department of Economic Development shall use  
20 the Site and Building Development Fund to finance loans, grants,  
21 subsidies, credit enhancements, and other financial assistance for  
22 industrial site and building development and for expenses of the  
23 department as appropriated by the Legislature for administering the  
24 fund. The following activities are eligible for assistance from the  
25 fund:

26 (1) Grants or zero-interest loans to villages, cities, or  
27 counties to acquire land, infuse infrastructure, or otherwise make  
1 large sites and buildings ready for industrial development;

2 (2) Matching funds for new construction, rehabilitation,  
3 or acquisition of land and buildings to assist villages, cities,  
4 and counties;

5 (3) Technical assistance, design and finance services,  
6 and consultation for villages, cities, and counties for the  
7 creation of industrial-ready sites and buildings;

8 (4) Loan guarantees for eligible projects;

9 (5) Projects making industrial-ready sites and buildings  
10 more accessible to business and industry; and

11 (6) Infrastructure projects necessary for the development  
12 of industrial-ready sites and buildings.

13 Sec. 5. Governmental subdivisions and Nebraska nonprofit  
14 organizations are eligible to receive assistance under the Site  
15 and Building Development Act. Any entity receiving assistance under  
16 the act shall provide, or cause to be provided, matching funds for  
17 the eligible activity in an amount determined by the Department  
18 of Economic Development, which amount shall be at least equal to  
19 one hundred percent of the amount of assistance provided by the  
20 Site and Building Development Fund. Nothing in the act shall be  
21 construed to allow individuals or businesses to receive direct  
22 loans from the fund.

23 Sec. 6. (1) During each calendar year in which funds  
24 are available from the Site and Building Development Fund for  
25 use by the Department of Economic Development, the department  
26 shall allocate a specific amount of funds, not less than forty  
27 percent, to nonmetropolitan areas. For purposes of this section,  
1 nonmetropolitan areas means counties with fewer than one hundred  
2 thousand inhabitants according to the most recent federal decennial  
3 census. In selecting projects to receive fund assistance, the  
4 department shall develop a qualified action plan by January 1  
5 of each even-numbered year. The plan shall give first priority  
6 to financially viable projects that have an agreement with a  
7 business that will locate a site within ninety days of the signed  
8 agreement. The plan shall set forth selection criteria to be  
9 used to determine priorities of the fund which are appropriate  
10 to local conditions, including the community's immediate need for  
11 site and building development, proposed increases in jobs and  
12 investment, private dollars leveraged, level of local government  
13 support and participation, and repayment, in part or in whole,  
14 of financial assistance awarded by the fund. The Director of  
15 Economic Development, in consultation with the Economic Development  
16 Commission, shall submit the plan to the Governor for approval.

17 (2) The department shall fund in order of priority as  
18 many applications as will utilize available funds less actual  
19 administrative costs of the department in administering the  
20 program. In administering the program the department may contract  
21 for services or directly provide funds to other governmental  
22 entities or instrumentalities.

23 Sec. 7. The Department of Economic Development, in  
24 consultation with the Economic Development Commission, shall adopt  
25 and promulgate rules and regulations to carry out the Site and  
26 Building Development Act.

27 Sec. 8. The Department of Economic Development shall  
1 submit an annual report regarding the Site and Building Development  
2 Act to the Legislature no later than July 1 of each year beginning

3 July 1, 2012. The report shall contain no information that is  
4 protected by state or federal confidentiality laws.

5 Sec. 9. Section 58-702, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 58-702 The Legislature finds that current economic  
8 conditions, lack of available affordable housing, federal housing  
9 policies that have placed an increasing burden on the state, and  
10 declining resources at all levels of government adversely affect  
11 the ability of Nebraska's citizens to obtain safe, decent, and  
12 affordable housing. Lack of affordable housing also affects the  
13 ability of communities to maintain and develop viable and stable  
14 economies.

15 Furthermore, the Legislature finds that impediments exist  
16 to the construction and rehabilitation of affordable housing.  
17 Local codes and state statutes have an important effect on  
18 housing's affordability by placing increased costs on developers.  
19 Financing affordable housing, especially in rural areas and smaller  
20 communities, is becoming increasingly difficult. In addition,  
21 existing dilapidated housing stock and industrial buildings are  
22 detrimental to new affordable housing development and the general  
23 health and safety of people living and working in or around such  
24 places. An affordable housing trust fund would assist all Nebraska  
25 communities in financing affordable housing projects and other  
26 projects which make the community safer for residents.

27 To enhance the economic development of the state and to  
1 provide for the general prosperity of all of Nebraska's citizens,  
2 it is in the public interest to assist in the provision of safe,  
3 decent, and affordable housing in all areas of the state. The  
4 establishment of the Nebraska Affordable Housing Act will assist  
5 in creating conditions favorable to meeting the affordable housing  
6 needs of the state.

7 Sec. 10. Section 58-703, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 58-703 The Affordable Housing Trust Fund is created. The  
10 fund shall receive money pursuant to sections 8-1120 and 76-903  
11 and may include revenue from sources recommended by the housing  
12 advisory committee established in section 58-704, appropriations  
13 from the Legislature, grants, private contributions, repayment of  
14 loans, and all other sources, except that before appropriations  
15 from the General Fund may be used as a revenue source for the  
16 Affordable Housing Trust Fund or for administrative costs of the  
17 Department of Economic Development in administering the fund, such  
18 use must be specifically authorized by a separate legislative bill  
19 passed in a legislative session subsequent to the Ninety-fourth  
20 Legislature, Second Session, 1996. Any initial appropriation from  
21 the General Fund which is used as a revenue source for the  
22 Affordable Housing Trust Fund or for administrative costs shall be  
23 in an appropriations bill which does not contain appropriations for  
24 other programs. The department as part of its comprehensive housing



25 affordability strategy shall administer the Affordable Housing  
26 Trust Fund.

27 Transfers may be made from the Affordable Housing Trust  
1 Fund to the General Fund, ~~and the Behavioral Health Services Fund,~~  
2 and the Site and Building Development Fund at the direction of  
3 the Legislature. ~~The State Treasurer shall make transfers from the~~  
4 ~~Affordable Housing Trust Fund to the General Fund according to the~~  
5 ~~following schedule: (1) \$1,500,000 on or after July 1, 2005, but no~~  
6 ~~later than July 10, 2005; and (2) \$1,500,000 on or after July 1,~~  
7 ~~2006, but no later than July 10, 2006. The State Treasurer shall~~  
8 ~~transfer \$2,000,000 from the Affordable Housing Trust Fund to the~~  
9 ~~Behavioral Health Services Fund on or after July 1, 2005, but not~~  
10 ~~later than July 10, 2005.~~

11 Sec. 11. Section 58-706, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 58-706 The following activities are eligible for  
14 assistance from the Affordable Housing Trust Fund:

15 (1) New construction, rehabilitation, or acquisition of  
16 housing to assist low-income and very low-income families;

17 (2) Matching funds for new construction, rehabilitation,  
18 or acquisition of housing units to assist low-income and very  
19 low-income families;

20 (3) Technical assistance, design and finance  
21 services, and consultation for eligible nonprofit community  
22 or neighborhood-based organizations involved in the creation of  
23 affordable housing;

24 (4) Matching funds for operating costs for housing  
25 assistance groups or organizations when such grant or loan  
26 will substantially increase the recipient's ability to produce  
27 affordable housing;

1 (5) Mortgage insurance guarantees for eligible projects;

2 (6) Acquisition of housing units for the purpose of  
3 preservation of housing to assist low-income or very low-income  
4 families;

5 (7) Projects making affordable housing more accessible to  
6 families with elderly members or members who have disabilities;

7 (8) Projects providing housing in areas determined by the  
8 Department of Economic Development to be of critical importance for  
9 the continued economic development and economic well-being of the  
10 community and where, as determined by the department, a shortage of  
11 affordable housing exists;

12 (9) Infrastructure projects necessary for the development  
13 of affordable housing;

14 (10) Downpayment and closing cost assistance; ~~and~~

15 (11) Demolition of existing vacant, condemned, or  
16 obsolete housing or industrial buildings or infrastructure; and

17 ~~(11)-(12)~~ Housing education programs developed in  
18 conjunction with affordable housing projects. The education  
19 programs must be directed toward:

- 20 (a) Preparing potential home buyers to purchase  
 21 affordable housing and postpurchase education;  
 22 (b) Target audiences eligible to utilize the services of  
 23 housing assistance groups or organizations; and  
 24 (c) Developers interested in the rehabilitation,  
 25 acquisition, or construction of affordable housing.

26 Sec. 12. Section 76-903, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 76-903 The Tax Commissioner shall design such stamps in  
 2 such denominations as in his or her judgment will be the most  
 3 advantageous to all persons concerned. When any deed subject to  
 4 the tax imposed by section 76-901 is offered for recordation, the  
 5 register of deeds shall ascertain and compute the amount of the  
 6 tax due thereon and shall collect such amount as a prerequisite  
 7 to acceptance of the deed for recordation. If a dispute arises  
 8 concerning the taxability of the transfer, the register of deeds  
 9 shall not record the deed until the disputed tax is paid. If  
 10 a disputed tax has been paid, the taxpayer may file for a  
 11 refund pursuant to section 76-908. The taxpayer may also seek a  
 12 declaratory ruling pursuant to rules and regulations adopted and  
 13 promulgated by the Department of Revenue. From each two dollars  
 14 and twenty-five cents of tax collected pursuant to section 76-901,  
 15 the register of deeds shall retain fifty cents to be placed in  
 16 the county general fund and shall remit the balance to the State  
 17 Treasurer who shall credit ~~one dollar and twenty-nine~~ twenty-five  
 18 cents of such amount to the Affordable Housing Trust Fund, twenty-five  
 19 cents of such amount to the Site and Building Development Fund,  
 20 twenty-five cents of such amount to the Homeless Shelter Assistance  
 21 Trust Fund, and thirty cents of such amount to the Behavioral  
 22 Health Services Fund.

23 Sec. 13. This act becomes operative on October 1, 2011.

24 Sec. 14. Original sections 58-702, 58-703, 58-706, and  
 25 76-903, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 388A.** Placed on Select File.

**LEGISLATIVE BILL 606.** Placed on Select File.

**LEGISLATIVE BILL 283.** Placed on Select File with amendment.  
 ER62 is available in the Bill Room.

**LEGISLATIVE BILL 407.** Placed on Select File with amendment.  
 ER61 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 142.** Introduced by Pankonin, 2.

WHEREAS, Lourdes Central Catholic High School in Nebraska City won the 2011 Nebraska Academic Decathlon State Championship in the small-school division; and

WHEREAS, to encourage academic versatility, the Academic Decathlon requires participants to prepare for ten academic events, which focus on a different theme each year; and

WHEREAS, many community members and school faculty helped students prepare for and practice speeches, interviewing skills, and essay writing; and

WHEREAS, the Academic Decathlon was founded in 1981 and has come to be recognized as the most prestigious high school academic team competition in the United States; and

WHEREAS, the team from Lourdes Central Catholic High School has qualified every year to compete at the state level since the team's inception at the school sixteen years ago; and

WHEREAS, for the past nine years, the team from Lourdes Central Catholic High School has been the state champion seven times and the runner-up twice; and

WHEREAS, over the years, students from Lourdes Central Catholic High School have been awarded over forty thousand dollars for their efforts.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molley Reuland, on winning the 2011 Nebraska Academic Decathlon State Championship in the small-school division.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molley Reuland.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB84:

AM980

(Amendments to Standing Committee amendments, AM385)

1 1. Insert the following new amendments:

2 1. Strike section 6 and insert the following new section:

3 Sec. 6. Section 77-4602, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 77-4602 (1) Within fifteen days after the end of each

6 month, the Tax Commissioner shall provide a public statement of

7 actual General Fund net receipts and a comparison of such actual

8 net receipts to the monthly estimate certified pursuant to section  
9 77-4601.

10 (2) Within fifteen days after the end of each fiscal  
11 year, the public statement shall also include a summary of actual  
12 General Fund net receipts and estimated General Fund net receipts  
13 for the fiscal year.

14 (3) If the actual General Fund net receipts for the  
15 fiscal year as reported in subsection (2) of this section exceed  
16 estimated receipts for the fiscal year, the Tax Commissioner shall  
17 immediately certify to the director such excess amount. The State  
18 Treasurer shall immediately transfer an amount equal to one-half of  
19 such excess amount from the General Fund to the Cash Reserve Fund  
20 and one-half of such excess amount from the General Fund to the  
21 State Highway Capital Improvement Fund upon certification by the  
22 director of such excess amount.

1 2. On page 2, line 16; and page 3, lines 9 and 14, strike  
2 "77-27,132" and insert "77-4602".

3 4. On page 13, lines 12 and 13, strike the new matter.

4 5. On page 17, line 15, strike "77-27,132" and insert  
5 "77-4602".

Senator Council filed the following amendment to LB84:  
AM968

(Amendments to AM940)

1 1. Strike sections 6 and 7 and insert the following new  
2 section:

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

5 2. On page 1, strike beginning with "The" in line 18  
6 through line 20 and insert "The State Treasurer shall transfer all  
7 funds appropriated or transferred to the Property Tax Credit Cash  
8 Fund to the State Highway Capital Improvement Fund each fiscal year  
9 beginning with fiscal year 2011-12.".

10 3. On page 2, lines 8 and 12 and 13 strike "pursuant to  
11 section 77-27,132".

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR141 was referred to the Reference  
Committee.

### VISITORS

Visitors to the Chamber were 4 twelfth-grade students and teacher from  
Sutherland; Reverend Dr. Selwyn Bachus from Omaha; 38 fourth-grade  
students, teachers, and sponsors from Springfield; and Mr. and Mrs. Jim  
Dickman and Zach, Colby, and Sawyer Dickman from Sidney.

**ADJOURNMENT**

At 11:36 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 10:00 a.m., Monday, March 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - MARCH 28, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 28, 2011

**PRAYER**

The prayer was offered by Pastor Thomas Scherer, Community of Christ Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Krist and Wightman who were excused; and Senators Coash, Cornett, Janssen, Lautenbaugh, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 84.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**MOTIONS - Approve Appointments**

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 897:

Community Corrections Council

Jeffrey Davis

Thomas Dorwart

Frank Peak

Voting in the affirmative, 34:

Ashford	Conrad	Haar, K.	Karpisek	Pahls
Avery	Cook	Hadley	Lathrop	Pirsch
Bloomfield	Council	Hansen	McCoy	Price
Brasch	Dubas	Harms	McGill	Schumacher
Campbell	Fischer	Harr, B.	Mello	Smith
Carlson	Flood	Heidemann	Nelson	Wallman
Christensen	Gloor	Howard	Nordquist	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Langemeier	Louden	Sullivan
Fulton	Larson	Schilz	Utter

Excused and not voting, 7:

Coash	Janssen	Lautenbaugh	Wightman
Cornett	Krist	Pankonin	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 908:

Nebraska State Patrol  
Superintendent David Sankey

Voting in the affirmative, 36:

Adams	Cook	Hansen	McCoy	Schumacher
Avery	Council	Harms	McGill	Smith
Bloomfield	Dubas	Harr, B.	Mello	Utter
Brasch	Flood	Heidemann	Nelson	Wallman
Campbell	Fulton	Howard	Nordquist	
Carlson	Gloor	Karpisek	Pahls	
Christensen	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Larson	Schilz
Fischer	Louden	Sullivan

Excused and not voting, 7:



Coash	Janssen	Lautenbaugh	Wightman
Cornett	Krist	Pankonin	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 924:

Nebraska State Fair Board  
Lowell Minert

Voting in the affirmative, 36:

Adams	Dubas	Harms	McCoy	Schumacher
Bloomfield	Fischer	Harr, B.	McGill	Smith
Brasch	Flood	Heidemann	Mello	Utter
Carlson	Fulton	Howard	Nelson	Wallman
Christensen	Gloor	Karpisek	Nordquist	
Conrad	Haar, K.	Langemeier	Pahls	
Cook	Hadley	Larson	Pirsch	
Council	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Campbell	Schilz
Avery	Louden	Sullivan

Excused and not voting, 7:

Coash	Janssen	Lautenbaugh	Wightman
Cornett	Krist	Pankonin	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 932:

Nebraska Natural Resources Commission  
Stan Clouse

Voting in the affirmative, 34:

Adams	Council	Hansen	Louden	Price
Avery	Fischer	Harms	McCoy	Schumacher
Bloomfield	Flood	Harr, B.	Mello	Smith
Brasch	Fulton	Howard	Nelson	Sullivan
Carlson	Gloor	Karpisek	Nordquist	Utter
Conrad	Haar, K.	Langemeier	Pahls	Wallman
Cook	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Christensen	Heidemann	McGill
Campbell	Dubas	Lathrop	Schilz

Excused and not voting, 7:

Coash	Janssen	Lautenbaugh	Wightman
Cornett	Krist	Pankonin	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 945:

Nebraska Educational Telecommunications Commission

Dennis Baack

Steve Seline

Darlene Starman

Voting in the affirmative, 34:

Adams	Cook	Hadley	Louden	Price
Avery	Council	Hansen	McCoy	Schumacher
Bloomfield	Fischer	Harms	Mello	Smith
Brasch	Flood	Heidemann	Nelson	Sullivan
Carlson	Fulton	Howard	Nordquist	Utter
Christensen	Gloor	Karpisek	Pahls	Wallman
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Dubas	Langemeier	McGill
Campbell	Harr, B.	Lathrop	Schilz

Excused and not voting, 7:

Coash	Janssen	Lautenbaugh	Wightman
Cornett	Krist	Pankonin	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 945:

Board of Educational Lands and Funds  
Charles Ward

Voting in the affirmative, 35:

Adams	Cook	Hadley	Louden	Pirsch
Avery	Council	Hansen	McCoy	Price
Bloomfield	Fischer	Harms	Mello	Schumacher
Brasch	Flood	Heidemann	Nelson	Smith
Carlson	Fulton	Howard	Nordquist	Sullivan
Christensen	Gloor	Karpisek	Pahls	Utter
Conrad	Haar, K.	Larson	Pankonin	Wallman

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Dubas	Langemeier	McGill
Campbell	Harr, B.	Lathrop	Schilz

Excused and not voting, 6:

Coash	Janssen	Lautenbaugh
Cornett	Krist	Wightman

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 945:

Board of Trustees of the Nebraska State Colleges  
Gary Bieganski  
Robert Engles  
Carter Peterson

Voting in the affirmative, 33:

Adams	Fischer	Harms	McCoy	Schumacher
Avery	Flood	Heidemann	Mello	Smith
Bloomfield	Fulton	Howard	Nelson	Sullivan
Brasch	Gloor	Karpisek	Pahls	Utter
Carlson	Haar, K.	Larson	Pankonin	Wallman
Christensen	Hadley	Lathrop	Pirsch	
Council	Hansen	Louden	Price	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Conrad	Dubas	Langemeier	Nordquist
Campbell	Cook	Harr, B.	McGill	Schilz

Excused and not voting, 6:

Coash	Janssen	Lautenbaugh
Cornett	Krist	Wightman

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 945:

Technical Advisory Committee for Statewide Assessment  
Wayne Camara  
Dallas Watkins

Voting in the affirmative, 35:

Adams	Cook	Hansen	Lathrop	Pirsch
Avery	Council	Harms	Louden	Price
Bloomfield	Fischer	Harr, B.	McCoy	Schumacher
Brasch	Flood	Heidemann	Mello	Smith
Carlson	Gloor	Howard	Nelson	Sullivan
Christensen	Haar, K.	Karpisek	Pahls	Utter
Conrad	Hadley	Larson	Pankonin	Wallman

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Dubas	Langemeier	Nordquist
Campbell	Fulton	McGill	Schilz

Excused and not voting, 6:

Coash	Janssen	Lautenbaugh
Cornett	Krist	Wightman

The appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB460:  
AM873

- 1 1. Insert the following new sections:
- 2 Section 1. Section 29-4001, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 29-4001 Sections 29-4001 to 29-4014 and section 6 of
- 5 this act shall be known and may be cited as the Sex Offender
- 6 Registration Act.
- 7 Sec. 6. (1) Any person identified as having a low
- 8 risk of recidivism under the Sex Offender Registration Act on or
- 9 before December 31, 2009, shall be subject to the registration and
- 10 community notification procedures of the act as the act, and any
- 11 rules and regulations adopted and promulgated pursuant to the act,
- 12 existed on December 31, 2009.
- 13 (2) Subsection (1) of this section does not apply if such
- 14 person has (a) been reevaluated and identified as having a moderate
- 15 or high risk of recidivism or (b) had a law violation requiring
- 16 registration under the Sex Offender Registration Act as the act
- 17 existed on or after January 1, 2010.
- 18 2. Renumber the remaining sections and correct the
- 19 repealer section accordingly.

Senator Ashford filed the following amendment to LB460:  
AM969 is available in the Bill Room.

Senator Fischer filed the following amendment to LB229:  
AM1000

(Amendments to Standing Committee amendments, AM281)

- 1 1. Insert the following new amendment:
- 2 2. On page 5, line 16, strike "seven" and insert "five";
- 3 and in line 19 strike "2021" and insert "2015".

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 229A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, One Hundred Second Legislature, First Session, 2011; to reduce an appropriation; and to

declare an emergency.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Tuesday, April 5, 2011 12:00 p.m.

AM873 to LB460

AM969 to LB460

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 90A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

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

Committee AM512, found on page 695, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 204.** Title read. Considered.

Committee AM659, found on page 775, was considered.

Senator Council renewed her amendment, AM938, found on page 944, to the committee amendment.

Pending.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 235.** Placed on General File with amendment. AM952 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

## Revenue

**LEGISLATIVE BILL 384.** Placed on General File with amendment. AM944 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

**AMENDMENTS - Print in Journal**

Senator Louden filed the following amendment to LB84:  
AM999

(Amendments to AM940)

- 1 1. Strike sections 6 and 7 and insert the following new  
2 sections:  
3 Sec. 6. Section 66-489, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-489 (1) At the time of filing the return required by  
6 section 66-488, such producer, supplier, distributor, wholesaler,  
7 or importer shall, in addition to the tax imposed pursuant  
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in  
9 addition to the other taxes provided for by law, pay a tax of  
10 ~~seven and one-half~~ twelve and one-half cents per gallon upon all  
11 motor fuels as shown by such return, except that there shall be  
12 no tax on the motor fuels reported if (a) the required taxes on  
13 the motor fuels have been paid, (b) the motor fuels have been sold  
14 to a licensed exporter exclusively for resale or use in another  
15 state, (c) the motor fuels have been sold from a Nebraska barge  
16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel  
17 facility, including motor fuels stored offsite in bulk, by a  
18 licensed producer or supplier to a licensed distributor, (d) the  
19 motor fuels have been sold by a licensed distributor or licensed  
20 importer to a licensed distributor or to a licensed wholesaler  
21 and the seller acquired ownership of the motor fuels directly from  
22 a licensed producer or supplier at or from a refinery, barge,  
1 barge line, pipeline terminal, or ethanol or biodiesel facility,  
2 including motor fuels stored offsite in bulk, in this state or  
3 was the first importer of such fuel into this state, or (e)  
4 as otherwise provided in this section. Such producer, supplier,  
5 distributor, wholesaler, or importer shall remit such tax to the  
6 department.  
7 (2) As part of filing the return required by section  
8 66-488, each producer of ethanol shall, in addition to other  
9 taxes imposed by the motor fuel laws, pay an excise tax of one  
10 and one-quarter cents per gallon through December 31, 2004, and  
11 commencing January 1, 2010, and two and one-half cents per gallon  
12 commencing January 1, 2005, through December 31, 2009, on natural  
13 gasoline purchased for use as a denaturant by the producer at  
14 an ethanol facility. All taxes, interest, and penalties collected  
15 under this subsection shall be remitted to the State Treasurer

16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that  
17 commencing January 1, 2005, through December 31, 2009, one and  
18 one-quarter cents per gallon of such excise tax shall be credited  
19 to the Ethanol Production Incentive Cash Fund. For fiscal years  
20 2007-08 through 2011-12, if the total receipts from the excise  
21 tax authorized in this subsection and designated for deposit in  
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty  
23 thousand dollars, the State Treasurer shall deposit amounts in  
24 excess of five hundred fifty thousand dollars in the Ethanol  
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents  
27 or fuel expanders shall be exempt from the taxes imposed by this  
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and  
2 66-4,146, when the fuels are used for buses equipped to carry  
3 more than seven persons for hire and engaged entirely in the  
4 transportation of passengers for hire within municipalities or  
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry  
7 more than seven persons for hire and engaged entirely in the  
8 transportation of passengers for hire within municipalities, or  
9 within a radius of six miles thereof, in lieu of the excise tax  
10 provided for in this section, shall pay an equalization fee of a  
11 sum equal to twice the amount of the registration fee applicable to  
12 such vehicle under the laws of this state. Such equalization fee  
13 shall be paid in the same manner as the registration fee and be  
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as  
16 permitting motor fuels to be sold tax exempt. The department  
17 shall refund tax paid on motor fuels used in buses deemed exempt by  
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant  
20 by a producer at an ethanol facility as defined in section 66-1333  
21 shall be exempt from the motor fuels tax imposed by subsection (1)  
22 of this section as well as the tax imposed pursuant to sections  
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered  
25 into between the State of Nebraska and the governing body of any  
26 federally recognized Indian tribe within the State of Nebraska,  
27 motor fuels purchased on a Nebraska Indian reservation where the  
1 purchaser is a Native American who resides on the reservation shall  
2 be exempt from the motor fuels tax imposed by this section as  
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,  
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States  
6 Government or its agencies shall be exempt from the motor fuels  
7 tax imposed by this section as well as the tax imposed pursuant to  
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on  
10 the motor fuels reported if (a) the diesel fuel has been indelibly



11 dyed and chemically marked in accordance with regulations issued by  
12 the Secretary of the Treasury of the United States under 26 U.S.C.  
13 4082 or (b) the diesel fuel contains a concentration of sulphur  
14 in excess of five-hundredths percent by weight or fails to meet  
15 a cetane index minimum of forty and has been indelibly dyed in  
16 accordance with regulations promulgated by the Administrator of the  
17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~  
19 ~~846, this legislative bill~~ apply for tax periods beginning on and  
20 after ~~July 1, 2009, January 1, 2012.~~

21 (9) The tax revenue from the increase in the tax rate  
22 provided by this legislative bill shall be remitted to the State  
23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise  
27 tax of ~~seven and one-half twelve and one-half cents~~ per gallon,  
1 increased by the amounts imposed or determined under sections  
2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all  
3 motor fuels used in this state and due the State of Nebraska under  
4 section 66-489. Users of motor fuels subject to taxation under  
5 this section shall be allowed the same exemptions, deductions,  
6 and rights of reimbursement as are authorized and permitted by  
7 Chapter 66, article 4, other than any commissions provided under  
8 such article. For purposes of this section and section 66-4,106,  
9 use shall mean the purchase or consumption of motor fuels in this  
10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~  
11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~  
12 ~~1, 2009, January 1, 2012.~~ The tax revenue from the increase in the  
13 tax rate provided by this legislative bill shall be remitted to the  
14 State Treasurer for credit to the State Highway Capital Improvement  
15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to  
19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of  
20 ~~seven and one-half twelve and one-half cents~~ per gallon or gallon  
21 equivalent is levied and imposed on all compressed fuel sold  
22 for use in registered motor vehicles. The changes made to this  
23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for  
24 tax periods beginning on and after ~~July 1, 2009, January 1, 2012.~~  
25 The tax revenue from the increase in the tax rate provided by  
26 this legislative bill shall be remitted to the State Treasurer for  
27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on January 1, 2012.

2 Sec. 10. Original sections 66-489, 66-4,105, and  
3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

Senator Louden filed the following amendment to LB106:  
AM870

(Amendments to Standing Committee amendments, AM731)

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. For purposes of sections 13-318 to 13-326,  
4 public safety services means crime prevention, offender detention,  
5 and firefighter, police, medical, ambulance, or other emergency  
6 services.  
7 Sec. 2. Section 13-319, Reissue Revised Statutes of  
8 Nebraska, is amended to read:  
9 13-319 Any county by resolution of the governing body may  
10 impose a sales and use tax of one-half percent, one percent, or one  
11 and one-half percent upon the same transactions sourced as provided  
12 in sections 77-2703.01 to 77-2703.04 within the county, but outside  
13 any incorporated municipality which has adopted a local sales tax  
14 pursuant to section 77-27,142, on which the state is authorized  
15 to impose a tax pursuant to the Nebraska Revenue Act of 1967, as  
16 amended from time to time. Any sales and use tax imposed pursuant  
17 to this section must be used (1) to finance public safety services  
18 provided by a public safety commission, (2) ~~or~~ to provide the  
19 county share of funds required under any other agreement executed  
20 under the Interlocal Cooperation Act or Joint Public Agency Act,  
21 or (3) to finance public safety services provided by the county.  
22 A sales and use tax shall not be imposed pursuant to this section  
1 until an election has been held and a majority of the qualified  
2 electors have approved the tax pursuant to sections 13-322 and  
3 13-323.  
4 Sec. 3. Original section 13-319, Reissue Revised Statutes  
5 of Nebraska, is repealed.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR141	Government, Military and Veterans Affairs

(Signed) John Nelson, Vice Chairperson  
Executive Board

### UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 40 fourth-grade students and teachers from York; and 7 fourth-grade students and teacher from Dodge.

**RECESS**

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

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Krist and Wightman who were excused; and Senators Janssen, Langemeier, Loudon, and Schilz who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 90A.** Placed on Select File.

**LEGISLATIVE BILL 35.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARING**

Government, Military and Veterans Affairs

Room 1507

Tuesday, April 5, 2011 9:30 a.m.

LR141

(Signed) Bill Avery, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 204.** The Council amendment, AM938, found on page 944 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Council moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lautenbaugh	Price
Ashford	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Krist                      Wightman

The Council amendment was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Karpisek offered the following amendment to the committee amendment:

AM1014

(Amendments to Standing Committee amendments, AM659)

- 1 1. On page 4, line 6, after "district" insert "and the
- 2 governing authority of each private, denominational, or parochial
- 3 school"; and in line 11 strike "district" and insert "school".
- 4 2. On page 4, line 14; and page 7, line 13, strike
- 5 "district".

Senator Karpisek withdrew his amendment.

Committee AM659, found on page 775 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Council moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Adams	Christensen	Flood	Karpisek	Pirsch
Ashford	Coash	Fulton	Lathrop	Price
Avery	Conrad	Gloor	McGill	Schumacher
Brasch	Cook	Haar, K.	Mello	Sullivan
Campbell	Cornett	Harms	Nordquist	Wallman
Carlson	Council	Harr, B.	Pahls	

Voting in the negative, 9:

Hansen	Langemeier	Louden	Nelson	Utter
Janssen	Lautenbaugh	McCoy	Pankonin	

Present and not voting, 7:

Bloomfield	Hadley	Larson	Smith
Fischer	Howard	Schilz	

Excused and not voting, 4:

Dubas	Heidemann	Krist	Wightman
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Advanced to Enrollment and Review Initial with 29 ayes, 9 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 276.** Placed on General File.

**LEGISLATIVE BILL 665.** Placed on General File.

**LEGISLATIVE BILL 251.** Placed on General File with amendment.  
AM945

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-101, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 2 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. (1) Notwithstanding any other provision of law,
- 8 any person sentenced to life imprisonment, who, at the time of the
- 9 commission of the crime, was under eighteen years of age and has
- 10 served at least twenty years of that sentence, may submit to the
- 11 Board of Pardons a petition for sentence commutation.
- 12 (a) Those persons who entered custody prior to July 1,
- 13 1994, may submit a petition in 2012;

14 (2) The person shall file the original petition with the  
15 board. A copy of the petition shall be served on the Attorney  
16 General or county attorney that prosecuted the case. The petition  
17 shall include the person's statement that he or she was under  
18 eighteen years of age at the time of the crime, was sentenced to  
19 life imprisonment, and that one of the following is true:

20 (a) The person was convicted pursuant to section 28-303  
21 or 28-304 or of aiding and abetting another person in the violation  
22 of such section;

23 (b) The person does not have juvenile felony  
1 adjudications for assault or other felony crimes with a significant  
2 potential for personal harm to victims prior to the offense for  
3 which the sentence is being considered for commutation;

4 (c) The person committed the offense with at least one  
5 adult co-person; or

6 (d) The person has performed acts that tend to indicate  
7 rehabilitation or the potential for rehabilitation, including, but  
8 not limited to, availing himself or herself of rehabilitative,  
9 educational, or vocational programs, if those programs have been  
10 available at his or her classification level and facility, using  
11 self-study for self-improvement, or showing evidence of remorse.

12 (3) If any of the information required in subsection  
13 (2) of this section is missing from the petition, or if proof of  
14 service on the Attorney General or county attorney is not provided,  
15 the board shall return the petition to the person and advise him  
16 or her that the matter cannot be considered without the missing  
17 information. The person may resubmit a petition that includes the  
18 information or proof of service.

19 (4) A reply to the petition, if any, shall be filed with  
20 the board within sixty days after the date on which the Attorney  
21 General or county attorney was served with the petition, unless a  
22 continuance is granted for good cause.

23 (5) If the board finds by a preponderance of the evidence  
24 that the statements in the petition are true, the board shall  
25 hold a hearing to consider whether to commute the sentence of the  
26 person. Victims, or family members of a victim if the victim is  
27 deceased, may participate in the hearing.

1 (6) The factors that the board shall consider when  
2 determining whether to commute the sentence include, but are not  
3 limited to, the following:

4 (a) The person was convicted pursuant to section 28-303  
5 or 28-304 or of aiding and abetting another person in the violation  
6 of such section;

7 (b) The person does not have juvenile felony  
8 adjudications for assault or other felony crimes with a significant  
9 potential for personal harm to victims prior to the offense for  
10 which the sentence is being considered for commutation;

11 (c) The person committed the offense with at least one  
12 adult co-person;

13 (d) Prior to the offense for which the sentence is  
14 being considered for commutation, the person had insufficient adult  
15 support or supervision and had suffered from psychological or  
16 physical trauma, or significant stress;

17 (e) The person suffers from cognitive limitations due  
18 to mental illness, developmental disabilities, or other factors  
19 that did not constitute a defense, but influenced the person's  
20 involvement in the offense;

21 (f) The person has performed acts that tend to indicate  
22 rehabilitation or the potential for rehabilitation, including, but  
23 not limited to, availing himself or herself of rehabilitative,  
24 educational, or vocational programs, if those programs have been  
25 available at his or her classification level and facility, using  
26 self-study for self-improvement, or showing evidence of remorse;

27 (g) The person has maintained family ties or connections  
1 with others through letter writing, calls, or visits or has  
2 eliminated contact with individuals outside of prison who are  
3 involved with crime; and

4 (h) The person has had no disciplinary actions for  
5 violent activities in the last five years in which the person was  
6 determined to be the aggressor.

7 (7) The board shall have the discretion to commute the  
8 sentence of the person. The discretion of the board shall be  
9 exercised in consideration of the criteria in subsection (6) of  
10 this section. Victims, or family members of a victim if the victim  
11 is deceased, shall be notified of the sentence commutation hearing  
12 and may participate in the hearing.

13 (8) If the sentence is not commuted, the person may  
14 submit another petition for sentence commutation to the board five  
15 years after the initial filing. If sentence commutation is not  
16 granted under that petition, the person may file another petition  
17 ten years after the initial filing. If sentence commutation is not  
18 granted under that petition, the person may file another petition  
19 fifteen years after the initial filing. If sentence commutation is  
20 not granted under that petition, a final petition may be submitted  
21 twenty years after the initial filing.

22 (9) In addition to the criteria in subsection (6) of this  
23 section, the board may consider any other criteria that the board  
24 deems relevant to its decision, so long as the board identifies  
25 them on the record, provides a statement of reasons for adopting  
26 them, and states why the person does or does not satisfy the  
27 criteria.

1 (10) This section applies retroactively and shall be  
2 utilized as part of the board's pardon authority as defined in  
3 section 83-170.

4 Sec. 3. Section 83-1,127, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 83-1,127 The Board of Pardons shall:

7 (1) Exercise the pardon authority as defined in section  
 8 83-170 for all criminal offenses except treason and cases of  
 9 impeachment;  
 10 (2) Hold sentence commutation hearings pursuant to  
 11 section 2 of this act;  
 12 ~~(2)-(3)~~ Make rules and regulations for its own  
 13 administration and operation;  
 14 ~~(3)-(4)~~ Appoint and remove its employees as prescribed  
 15 by the State Personnel System and delegate appropriate powers and  
 16 duties to them;  
 17 ~~(4)-(5)~~ Consult with the Board of Parole concerning  
 18 applications for the exercise of pardon authority;  
 19 ~~(5)-(6)~~ Consult with the Department of Motor Vehicles  
 20 concerning applications received from the department pursuant to  
 21 section 60-6,209 for the exercise of pardon authority; and  
 22 ~~(6)-(7)~~ Exercise all powers and perform all duties  
 23 necessary and proper in carrying out its responsibilities under the  
 24 provisions of the Nebraska Treatment and Corrections Act.  
 25 Sec. 4. Original section 83-1,127, Reissue Revised  
 26 Statutes of Nebraska, and section 28-101, Revised Statutes  
 27 Cumulative Supplement, 2010, are repealed.

(Signed) Brad Ashford, Chairperson

### AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB541:  
 AM988

- 1 1. On page 3, strike beginning with the period in line
- 2 22 through line 24 and insert ", and initial contracts shall be
- 3 entered into as soon as practicable under such federal law and
- 4 regulations.".

Senator Nordquist filed the following amendment to LB509:  
 AM1013

(Amendments to E & R amendments, ER60)

- 1 1. On page 2, line 4, reinstate the stricken matter and
- 2 strike the new matter.
- 3 2. On page 13, line 7, after the period insert "Any money
- 4 in the fund available for investment shall be invested by the state
- 5 investment officer pursuant to the Nebraska Capital Expansion Act
- 6 and the Nebraska State Funds Investment Act.".
- 7 3. On page 20, lines 22 and 23; page 62, lines 18 and 19;
- 8 and page 95, lines 12 and 13, strike "eligible retirees" and insert
- 9 "retired members or beneficiaries described in subdivision (4)(b)
- 10 of this section".
- 11 4. On page 49, line 1, strike "(35)(d)(i)" and insert
- 12 "(35)".
- 13 5. On page 75, line 26, strike "2011" and insert "2009".



14 6. On page 130, line 27, after the period insert "The  
15 terms shall begin on January 1 of the appropriate year.".

### GENERAL FILE

**LEGISLATIVE BILL 204A.** Title read. Considered.

Senator Council offered the following amendment:  
AM989

- 1 1. Strike section 2.

The Council amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 431.** Title read. Considered.

### SENATOR COASH PRESIDING

Committee AM407, found on page 814, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Lathrop offered the following amendment:  
AM1016

- 1 1. On page 2, strike beginning with "prepared" in line 22
- 2 through the first "of" in line 23 and insert "created specifically
- 3 for and collected and maintained for exclusive use by".

The Lathrop amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 558.** Title read. Considered.

Committee AM728, found on page 847, was considered.

### SPEAKER FLOOD PRESIDING

Pending.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR130 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR130.

**AMENDMENTS - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB512:  
AM976

(Amendments to Standing Committee amendments, AM225)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2433, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 69-2433 An applicant shall:
  - 5 (1) Be at least twenty-one years of age;
  - 6 (2) Not be prohibited from purchasing or possessing a
  - 7 handgun by 18 U.S.C. 922, as such section existed on January 1,
  - 8 2005;
  - 9 (3) Possess the same powers of eyesight as required under
  - 10 section 60-4,118 for a Class O operator's license. If an applicant
  - 11 does not possess a current Nebraska motor vehicle operator's
  - 12 license, the applicant may present a current optometrist's or
  - 13 ophthalmologist's statement certifying the vision reading obtained
  - 14 when testing the applicant. If such certified vision reading meets
  - 15 the vision requirements prescribed by section 60-4,118 for a Class
  - 16 O operator's license, the vision requirements of this subdivision
  - 17 shall have been met;
  - 18 (4) Not have pled guilty to, not have pled nolo
  - 19 contendere to, or not have been convicted of a felony under
  - 20 the laws of this state or under the laws of any other jurisdiction;
  - 21 (5) Not have pled guilty to, not have pled nolo
  - 22 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; ~~or~~
  - 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 had no violations of any law of this state  
26 relating to firearms, unlawful use of a weapon, or controlled  
27 substances or of any similar laws of another jurisdiction in the  
1 ten years preceding the date of application;

2 (9) Not be on parole, probation, house arrest, or work  
3 release;

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

5 (11) Provide proof of training.

6 2. Renumber the remaining sections and correct internal  
7 references and the repealer section accordingly.

Senator Hadley filed the following amendment to LB387:  
AM897

(Amendments to E & R amendments, ER57)

1 1. On page 2, line 25; and page 7, line 13, after  
2 "public" insert "or private".

3 2. On page 3, lines 11 and 12, strike "by the fund"  
4 and insert "under the act"; in line 23, after "nonprofit" insert  
5 "entity"; and in line 27 strike "for" and insert "under".

6 3. On page 4, line 17; page 7, line 2; and page 8, line  
7 1, strike "total".

8 4. On page 4, line 25, strike "a total of".

9 5. On page 6, line 6; and page 7, line 10, strike  
10 "headquartered" and insert "operating".

11 6. On page 6, lines 10 and 12, after "product" insert "or  
12 process".

13 7. On page 11, lines 7 and 11, strike "No less than" and  
14 insert "At least".

### UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LR40CA. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 56 fourth-grade students and teachers from Cottonwood Elementary, Omaha.

**ADJOURNMENT**

At 4:59 p.m., on a motion by Senator Conrad, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FOURTH DAY - MARCH 29, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 29, 2011

**PRAYER**

The prayer was offered by Senator Nelson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Harms, Lathrop, Lautenbaugh, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 558.** Committee AM728, found on page 847 and considered on page 985, was renewed.

The committee amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Krist's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 512.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Committee AM225, found on page 781, was considered.

Senator Lautenbaugh renewed his amendment, AM976, found on page 986, to the committee amendment.

The Lautenbaugh amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

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

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 337.** Title read. Considered.

Committee AM275, found on page 618, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 628.** Title read. Considered.

Senator Lautenbaugh offered the following amendment:  
AM977

- 1 1. Insert the following new sections:
- 2 Section 1. Section 23-3104, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-3104 As used in the County Purchasing Act, unless the
- 5 context otherwise requires:
- 6 (1) Mobile equipment ~~shall mean~~ means all vehicles
- 7 propelled by any power other than muscular, including, but
- 8 not limited to, motor vehicles, off-road designed vehicles,
- 9 motorcycles, passenger cars, self-propelled mobile homes,
- 10 truck-tractors, trucks, cabin trailers, semitrailers, trailers,
- 11 utility trailers, and road and general-purpose construction and
- 12 maintenance machinery not designed or used primarily for the
- 13 transportation of persons or property, including, but not limited
- 14 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
- 15 leveling graders, earthmoving carryalls, power shovels, earthmoving
- 16 equipment, and crawler tractors;

17 (2) Personal property ~~shall include, but not be includes,~~  
 18 but is not limited to, supplies, materials, mobile equipment, and  
 19 equipment used by or furnished to any county officer, office,  
 20 department, institution, board, or other agency of the county  
 21 government. Personal property ~~shall does~~ not include election  
 22 ballots;

23 (3) Services ~~shall mean means~~ any and all services except  
 1 telephone, telegraph, postal, and electric light and power service,  
 2 other similar services, and election contractual services; and

3 (4) Purchasing or purchase ~~shall mean means~~ the obtaining  
 4 of personal property or services by sale, lease, or other  
 5 contractual means. Purchase ~~shall also include includes~~ contracting  
 6 with sheltered workshops for products or services as provided in  
 7 Chapter 48, article 15.

8 Sec. 2. Section 23-3107, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 23-3107 The county board or purchasing agent, subject  
 11 to the approval of the county board, shall: (1) Prescribe the  
 12 manner in which personal property shall be purchased, delivered,  
 13 and distributed; (2) prescribe dates for making estimates, the  
 14 future period which they are to cover, the form in which they  
 15 are submitted, and the manner of their authentication; (3) revise  
 16 forms from time to time as conditions warrant; (4) provide for the  
 17 transfer to and between county departments and agencies of personal  
 18 property which is surplus with one department or agency but which  
 19 may be needed by another or others; (5) dispose of by sale personal  
 20 property which has been declared by the county board to be surplus  
 21 and which is obsolete or not usable by the county. ~~Such Except~~  
 22 as otherwise provided in subsection (2) of section 23-3115, such  
 23 property with a value of less than two thousand five hundred  
 24 dollars may be sold without competitive bidding. ~~Property Except as~~  
 25 otherwise provided in subsection (2) of section 23-3115, property  
 26 with a value of two thousand five hundred dollars or more shall  
 27 be sold through competitive bidding; (6) prescribe the amount of  
 1 cash deposit or bond to be submitted with a bid on a contract and  
 2 the amount of deposit or bond to be given for the performance of  
 3 a contract, if the amount of the bond is not specifically provided  
 4 by law; and (7) prescribe the manner in which claims for personal  
 5 property or services delivered to any department or agency of the  
 6 county shall be submitted, approved, and paid.

7 Sec. 3. Section 23-3115, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 23-3115 (1) The county board or the purchasing agent,  
 10 with the approval of the county board, may authorize a county  
 11 official or employee to sell surplus personal property, other  
 12 than mobile equipment, which is obsolete or not usable by the  
 13 county, ~~other than mobile equipment, having~~ and which has a value  
 14 of less than two thousand five hundred dollars. In making such  
 15 authorization, the county board or purchasing agent may place any

16 restriction on the type or value of property to be sold, restrict  
 17 such authority to a single transaction or to a period of time, or  
 18 make any other appropriate restrictions or conditions.

19 (2) The county board or the purchasing agent, with the  
 20 approval of the county board, may authorize a county official or  
 21 employee to sell surplus mobile equipment which is obsolete or  
 22 not usable by the county and which has a value of less than five  
 23 thousand dollars. Surplus mobile equipment which is obsolete or not  
 24 usable by the county and which has a value of five thousand dollars  
 25 or more shall be sold through competitive bidding.

26 ~~(2)-(3)~~ Any county official or employee granted the  
 27 authority to sell surplus personal property which is obsolete or  
 1 not usable by the county as prescribed in subsection (1) or (2) of  
 2 this section shall make a written report to the county board within  
 3 thirty days after the end of the fiscal year reflecting, for each  
 4 transaction, the item sold, the name and address of the purchaser,  
 5 the price paid by the purchaser for each item, and the total amount  
 6 paid by the purchaser.

7 ~~(3)-(4)~~ The money generated by any sales authorized by  
 8 this section shall be payable to the county treasurer and shall be  
 9 credited to the funds of the department, office, or agency to which  
 10 the property belonged.

11 ~~(4)-(5)~~ No person authorized by the county board or  
 12 purchasing agent to make such sales shall be authorized to make or  
 13 imply any warranty of any kind whatsoever as to the nature, use,  
 14 condition, or fitness for a particular purpose of any property sold  
 15 pursuant to this section. Any person making sales authorized by  
 16 this section shall inform the purchaser that such property is being  
 17 sold as is without any warranty of any kind whatsoever.

18 Sec. 5. Original sections 23-3104, 23-3107, and 23-3115,  
 19 Reissue Revised Statutes of Nebraska, are repealed.

20 2. Renumber the remaining section accordingly.

The Lautenbaugh amendment was adopted with 30 ayes, 0 nays, 13 present  
 and not voting, and 6 excused and not voting.

Senator Cook moved for a call of the house. The motion prevailed with 28  
 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 6 present  
 and not voting, and 6 excused and not voting.

The Chair declared the call raised.



**LEGISLATIVE BILL 95.** Committee AM704, found on page 813 and considered on page 928, was renewed.

Senator Janssen renewed his amendment, AM753, found on page 879 and considered on page 928, to the committee amendment.

The Janssen amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Coash renewed his amendment, AM922, found on page 932, to the committee amendment.

Senator Coash withdrew and refiled his amendment, AM922.

Pending.

### COMMITTEE REPORT

#### Revenue

**LEGISLATIVE BILL 162.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

### AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB84:  
AM1025

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Build Nebraska Act.
- 5 Sec. 2. For purposes of the Build Nebraska Act:
- 6 (1) Department means the Department of Roads;
- 7 (2) Fund means the State Highway Capital Improvement
- 8 Fund; and
- 9 (3) Surface transportation project means (a) expansion or
- 10 reconstruction of a road or highway which is part of the state
- 11 highway system, (b) expansion or reconstruction of a bridge which
- 12 is part of the state highway system, or (c) construction of a new
- 13 road, highway, or bridge which, if built, would be a part of the
- 14 state highway system.
- 15 Sec. 3. (1) The State Highway Capital Improvement Fund
- 16 is created. The fund shall consist of money credited to the fund
- 17 pursuant to section 77-27,132 and any other money as determined by
- 18 the Legislature.
- 19 (2) The department may create or direct the creation
- 20 of accounts within the fund as the department determines to be
- 21 appropriate and useful in administering the fund.

22 (3) Any money in the fund available for investment  
 23 shall be invested by the state investment officer pursuant to  
 1 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 2 Investment Act. Investment earnings from investment of money in the  
 3 fund shall be credited to the fund.

4 Sec. 4. The fund shall be used as follows:

5 (1) At least thirty million dollars of the money credited  
 6 to the fund pursuant to section 77-27,132 each fiscal year shall  
 7 be used, as determined by the department, for construction of the  
 8 expressway system and federally designated high priority corridors;  
 9 and

10 (2) The remaining money credited to the fund pursuant to  
 11 section 77-27,132 each fiscal year shall be used to pay for surface  
 12 transportation projects of the highest priority as determined by  
 13 the department.

14 Sec. 5. The department may adopt and promulgate rules and  
 15 regulations to carry out the Build Nebraska Act.

16 Sec. 6. Section 77-27,132, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 77-27,132 (1) There is hereby created a fund to be  
 19 designated the Revenue Distribution Fund which shall be set apart  
 20 and maintained by the Tax Commissioner. Revenue not required to be  
 21 credited to the General Fund or any other specified fund may be  
 22 credited to the Revenue Distribution Fund. Credits and refunds of  
 23 such revenue shall be paid from the Revenue Distribution Fund. The  
 24 balance of the amount credited, after credits and refunds, shall be  
 25 allocated as provided by the statutes creating such revenue.

26 (2) The Tax Commissioner shall pay to a depository bank  
 27 designated by the State Treasurer all amounts collected under the  
 1 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 2 to the State Treasurer bank receipts showing amounts so deposited  
 3 in the bank, and of the amounts so deposited the State Treasurer  
 4 shall

5 (a) Credit ~~credit~~ to the Highway Trust Fund all of the  
 6 proceeds of the sales and use taxes derived from the sale or  
 7 lease for periods of more than thirty-one days of motor vehicles,  
 8 trailers, and semitrailers, except that the proceeds equal to any  
 9 sales tax rate provided for in section 77-2701.02 that is in excess  
 10 of five percent derived from the sale or lease for periods of more  
 11 than thirty-one days of motor vehicles, trailers, and semitrailers  
 12 shall be credited to the Highway Allocation Fund; and-

13 (b) For transactions occurring on or after July 1, 2013,  
 14 and before July 1, 2033, of the proceeds of the sales and use taxes  
 15 derived from transactions other than those listed in subdivision  
 16 (2)(a) of this section from any sales tax rate provided for in  
 17 section 77-2701.02 that is in excess of five percent, credit  
 18 eighty-four percent to the State Highway Capital Improvement Fund  
 19 and sixteen percent to the Highway Allocation Fund. No more than  
 20 one hundred twenty-five million dollars in total may be credited

21 to such funds under subdivision (2)(b) of this section during any  
 22 fiscal year.

23 The balance of all amounts collected under the Nebraska  
 24 Revenue Act of 1967 shall be credited to the General Fund.

25 Sec. 7. Original section 77-27,132, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

Senator Pirsch filed the following amendment to LR40CA:  
 AM886

1 1. On page 1, strike lines 8 through 10 and insert: XV-25  
 2 The citizens of Nebraska have the right to hunt, to fish, and  
 3 to harvest wildlife, including by the use of traditional methods,  
 4 subject only to laws, rules, and regulations that promote wildlife  
 5 conservation and management and that preserve the future of hunting  
 6 and fishing. Public hunting and fishing shall be a preferred means  
 7 of managing and controlling wildlife. This section shall not be  
 8 construed to modify any provision of law relating to trespass or  
 9 property rights.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Smith has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **WITHDRAW - Cointroducer**

Senator Pahls withdrew his name as cointroducer to LB315.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Coash asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 10 fourth-grade students and teacher from St. Stanislaus Elementary, Omaha; 11 seventh- and eighth-grade students, teacher, and sponsor from Johnson-Brock, Johnson; and 38 fourth-grade students and teachers from Lincoln Elementary, Beatrice.

### **RECESS**

At 12:01 p.m., on a motion by Senator Schumacher, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senators Christensen and Utter who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB95:  
AM1035

(Amendments to Standing Committee amendments, AM704)

1. On page 1, line 11, strike "may" and insert "shall".

**SELECT FILE**

**LEGISLATIVE BILL 544.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 100.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 230.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387.** ER57, found on page 912, was adopted.

Senator Hadley renewed his amendment, AM897, found on page 987.

The Hadley amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 387A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 329.** ER55, found on page 913, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 90.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 90A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 509.** ER60, found on page 956, was adopted.

Senator Nordquist renewed his amendment, AM1013, found on page 984.

The Nordquist amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 389.** ER43, found on page 817, was adopted.

Senator Cornett renewed her amendment, AM762, found on page 857.

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

Senator Cornett renewed her amendment, AM766, found on page 888.

The Cornett amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 389A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 546.** ER44, found on page 817, was adopted.

Senator Krist renewed his amendment, AM748, found on page 866.

**SENATOR COASH PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Krist requested a record vote on his amendment.

Voting in the affirmative, 14:

Bloomfield	Council	Karpisek	Louden	Nordquist
Conrad	Harr, B.	Krist	McGill	Wallman
Cook	Howard	Lathrop	Mello	

Voting in the negative, 25:

Adams	Carlson	Flood	Langemeier	Schilz
Ashford	Coash	Haar, K.	Lautenbaugh	Schumacher
Avery	Cornett	Hansen	McCoy	Smith
Brasch	Dubas	Harms	Pankonin	Sullivan
Campbell	Fischer	Heidemann	Price	Utter

Present and not voting, 8:

Fulton	Hadley	Larson	Pahls
Gloor	Janssen	Nelson	Pirsch

Excused and not voting, 2:

Christensen    Wightman

The Krist amendment lost with 14 ayes, 25 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 421.** ER45, found on page 845, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 541.** Senator Campbell renewed her amendment, AM988, found on page 984.

The Campbell amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 465.** Senator Council requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 28 ayes, 5 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 468.** ER56, found on page 912, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 20.** ER11, found on page 461, was adopted.

Senator Flood renewed his amendment, AM657, found on page 786.

### **SENATOR GLOOR PRESIDING**

The Flood amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM1027

(Amendments to Standing Committee amendments, AM64)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 6. A seller utilizing in good faith sections 3 to 7
- 3 of this act shall be immune from any civil cause of action based
- 4 upon an act or omission in carrying out the act.

The Lautenbaugh amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 41.** ER46, found on page 845, was adopted.

Senator Coash renewed his amendment, AM737, found on page 871.

The Coash amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 45.** ER52, found on page 855, was adopted.

Senator Fulton renewed his amendment, AM795, found on page 902.

The Fulton amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 204.** Placed on Select File with amendment. ER64 is available in the Bill Room.

**LEGISLATIVE BILL 204A.** Placed on Select File with amendment.  
ER63

- 1 1. On page 1, strike beginning with the semicolon in line
- 2 3 through "emergency" in line 4.

**LEGISLATIVE BILL 431.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 494.** Placed on General File.

**LEGISLATIVE BILL 456.** Placed on General File with amendment.  
AM994

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-906, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 68-906 For purposes of paying medical assistance under
- 6 the Medical Assistance Act and sections 68-1002 and 68-1006, the
- 7 State of Nebraska accepts and assents to all applicable provisions
- 8 of Title XIX and Title XXI of the federal Social Security Act.
- 9 Any reference in the Medical Assistance Act to the federal Social
- 10 Security Act or other acts or sections of federal law shall be to
- 11 such federal acts or sections as they existed on January 1, ~~2010~~.
- 12 2011.
- 13 Sec. 2. Original section 68-906, Revised Statutes
- 14 Cumulative Supplement, 2010, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB544:  
FA12

Strike the enacting clause.

**GENERAL FILE**

**LEGISLATIVE BILL 156.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.



**LEGISLATIVE BILL 95.** Committee AM704, found on page 813 and considered on page 928 and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

Senator Howard moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Howard requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Adams	Christensen	Flood	Janssen	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Pahls
Bloomfield	Cornett	Hadley	Langemeier	Pirsch
Brasch	Council	Harms	Lathrop	Schumacher
Campbell	Dubas	Harr, B.	Louden	Sullivan
Carlson	Fischer	Howard	McGill	Wallman

Voting in the negative, 7:

Coash	Hansen	Lautenbaugh	Schilz
Fulton	Larson	Nelson	

Present and not voting, 4:

Heidemann	McCoy	Price	Utter
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Excused and not voting, 3:

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

The Chair declared the call raised.

**LEGISLATIVE BILL 112.** Title read. Considered.

Committee AM361, found on page 574, was considered.

Senator Lautenbaugh renewed his amendment, AM908, found on page 932, to the committee amendment.

Senator Lautenbaugh withdrew and refiled his amendment, AM908.

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

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

### AMENDMENT - Print in Journal

Senator Larson filed the following amendment to LB305:  
AM1039

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following sections:  
 3 Section 1. Section 54-857, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 54-857 All money received pursuant to the Commercial Feed  
 6 Act shall be remitted by the director to the State Treasurer for  
 7 credit to the Commercial Feed Administration Cash Fund which is  
 8 hereby created. Such fund shall be used by the department to aid  
 9 in defraying the expenses of administering the act, ~~except that~~  
 10 ~~transfers to aid in defraying the expenses related to a cooperative~~  
 11 agreement with the United States Department of Agriculture Market  
 12 News reporting program, and to provide resources to conduct the  
 13 investigation and feasibility study for implementing a state meat  
 14 and poultry inspection program as identified in section 2 of this  
 15 act. Transfers may be made from the fund to the General Fund at  
 16 the direction of the Legislature. Any money in the Commercial Feed  
 17 Administration Cash Fund available for investment shall be invested  
 18 by the state investment officer pursuant to the Nebraska Capital  
 19 Expansion Act and the Nebraska State Funds Investment Act.  
 20 Sec. 2. On or before November 15, 2011, the Director  
 21 of Agriculture shall provide a report to the Legislature which  
 22 enumerates and describes any actions necessary to implement a  
 23 state program of meat and poultry inspection at establishments  
 1 which process meat, poultry, or meat and poultry products for  
 2 human consumption that qualifies as a cooperative state inspection  
 3 program under the Federal Meat Inspection Act, 21 U.S.C. 661,  
 4 and the Poultry Products Inspection Act, 21 U.S.C. 454. The  
 5 report shall identify necessary revisions of the Nebraska Meat and  
 6 Poultry Inspection Law, other revisions to statutory authority of  
 7 the department, and any rules and regulations promulgated thereto  
 8 in order to effect the purposes of this section. The report  
 9 shall include a detailed description of anticipated resources  
 10 required to develop and maintain such program of meat and  
 11 poultry inspection. The report shall recommend a fee schedule  
 12 that ensures revenue produced from the licensure and inspection  
 13 of establishments which process meat, poultry, or meat and poultry  
 14 products for human consumption sufficient to fund the state program  
 15 of meat and poultry inspection, including the implementation of a  
 16 fee-for-service system in conducting inspections.

17 Sec. 3. Original section 54-857, Reissue Revised Statutes  
18 of Nebraska, is repealed.

## RESOLUTION

**LEGISLATIVE RESOLUTION 143.** Introduced by Howard, 9.

WHEREAS, the Nebraska Legislative League was founded in 1913 as the Ladies Legislative League; and

WHEREAS, today the Nebraska Legislative League is an organization of more than one hundred spouses of current and former legislators, past and present senators, Supreme Court justices and judges, and constitutional officers; and

WHEREAS, many members live in Lincoln during the legislative session and maintain homes in their districts; and

WHEREAS, members share strong bonds because the support and friendship of the Nebraska Legislative League is critical to successfully managing this difficult duality; and

WHEREAS, the Nebraska Legislative League regularly holds social, religious, and volunteer activities; and

WHEREAS, the Nebraska Legislative League provides critical volunteer services, including sewing quilts and blankets, book donation, and other volunteer activities for organizations such as Saint Elizabeth Regional Medical Center and Epworth Village.

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

1. That the Legislature recognizes the Nebraska Legislative League for nearly a century of commitment to public service.

2. That a copy of this resolution be sent to the Nebraska Legislative League.

Laid over.

## UNANIMOUS CONSENT - Add Cointroducer

Senator Utter asked unanimous consent to add his name as cointroducer to LB397. No objections. So ordered.

## VISITORS

Visitors to the Chamber were former Senator Bob Kremer and his wife Bev.

The Doctor of the Day was Dr. Randy Kohl from Firth.

**ADJOURNMENT**

At 4:00 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - MARCH 30, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 30, 2011

**PRAYER**

The prayer was offered by Senator Harms.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Campbell, Coash, Cornett, Lautenbaugh, Louden, Mello, Nordquist, Schilz, and Smith who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1003, line 35, strike "Kramer" and insert "Kremer".  
The Journal for the forty-fourth day was approved as corrected.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 558.** Placed on Select File with amendment.  
ER65

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-769, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-769 (1) Any one or more member school districts of a
- 6 learning community may establish one or more focus programs, focus
- 7 schools, or magnet schools. If included as part of the diversity
- 8 plan of a learning community, the focus school or focus program
- 9 shall be eligible for a focus school and program allowance pursuant
- 10 to section 79-1007.05. ~~pursuant to the diversity plan developed by~~
- 11 ~~the learning community coordinating council.~~
- 12 (2) Focus schools, focus programs, and magnet schools may
- 13 be included in pathways across member school districts pursuant to

14 the diversity plan developed by the learning community coordinating  
15 council pursuant to section 79-2104.

16 (3) If multiple member school districts collaborate on a  
17 focus program, focus school, or magnet school, ~~one member school~~  
18 ~~district shall be designated as the primary school district.~~  
19 ~~The primary school district shall maintain legal, financial, and~~  
20 ~~academic responsibility for such focus program, focus school, or~~  
21 ~~magnet school.~~ the school districts shall form a joint entity  
22 pursuant to the Interlocal Cooperation Act for the purpose of  
23 creating, implementing, and operating such focus program, focus  
1 school, or magnet school. The agreement creating such joint entity  
2 shall address legal, financial, and academic responsibilities and  
3 the assignment to participating school districts of students  
4 enrolled in such focus program, focus school, or magnet school  
5 who reside in nonparticipating school districts.

6 (4) For purposes of this section:

7 (a) Focus program means a program that does not have  
8 an attendance area, whose enrollment is designed so that the  
9 socioeconomic diversity of the students attending the focus program  
10 reflects as nearly as possible the socioeconomic diversity of  
11 the student body of the learning community, which has a unique  
12 curriculum with specific learning goals or teaching techniques  
13 different from the standard curriculum, which may be housed in a  
14 building with other public school programs, and which may consist  
15 of either the complete education program for participating students  
16 or part of the education program for participating students;

17 (b) Focus school means a school that does not have  
18 an attendance area, whose enrollment is designed so that the  
19 socioeconomic diversity of the students attending the focus school  
20 reflects as nearly as possible the socioeconomic diversity of  
21 the student body of the learning community, which has a unique  
22 curriculum with specific learning goals or teaching techniques  
23 different from the standard curriculum, and which is housed in a  
24 building that does not contain another public school program;

25 (c) Magnet school means a school having a home attendance  
26 area but which reserves a portion of its capacity specifically  
27 for students from outside the attendance area who will contribute  
1 to the socioeconomic diversity of the student body of such school  
2 and which has a unique curriculum with specific learning goals or  
3 teaching techniques different from the standard curriculum; and

4 (d) Pathway means elementary, middle, and high school  
5 focus programs, focus schools, and magnet schools with coordinated  
6 curricula based on specific learning goals or teaching techniques.

7 Sec. 2. Original section 79-769, Reissue Revised Statutes  
8 of Nebraska, is repealed.

9 2. On page 1, strike beginning with "and" in line 3  
10 through "provisions" in line 4 and insert ", focus programs, and  
11 magnet schools".

**LEGISLATIVE BILL 512.** Placed on Select File with amendment.  
ER68

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:
- 3 Section 1. Section 69-2402, Reissue Revised Statutes of  
4 Nebraska, is amended to read:
- 5 69-2402 For purposes of sections 69-2401 to 69-2425:
- 6 (1) Antique handgun or pistol ~~shall mean~~ means any  
7 handgun or pistol, including those with a matchlock, flintlock,  
8 percussion cap, or similar type of ignition system, manufactured  
9 in or before 1898 and any replica of such a handgun or pistol  
10 if such replica (a) is not designed or redesigned for using  
11 rimfire or conventional centerfire fixed ammunition or (b) uses  
12 rimfire or conventional centerfire fixed ammunition which is no  
13 longer manufactured in the United States and which is not readily  
14 available in the ordinary channels of commercial trade;
- 15 (2) Criminal history record check ~~shall include~~ includes  
16 a check of the criminal history records of the Nebraska State  
17 Patrol and a check of the Federal Bureau of Investigation's  
18 National Instant Criminal Background Check System; ~~and~~
- 19 (3) Firearm-related disability means a person is not  
20 permitted to (a) purchase, possess, ship, transport, or receive a  
21 firearm under either state or federal law, (b) obtain a certificate  
22 to purchase, lease, rent, or receive transfer of a handgun under  
23 section 69-2404, or (c) obtain a permit to carry a concealed  
1 handgun under the Concealed Handgun Permit Act; and  
2 (3)-(4) Handgun ~~shall mean~~ means any firearm with a  
3 barrel less than sixteen inches in length or any firearm designed  
4 to be held and fired by the use of a single hand.
- 5 Sec. 2. Section 69-2409.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:
- 7 69-2409.01 (1) For purposes of sections 69-2401 to  
8 69-2425, the Nebraska State Patrol shall be furnished ~~upon the~~  
9 ~~patrol's request~~ with only such information as may be necessary  
10 for the sole purpose of determining whether an individual is  
11 disqualified from purchasing or possessing a handgun pursuant to  
12 ~~state or federal law~~ or is subject to the disability provisions  
13 of 18 U.S.C. 922(d)(4) and (g)(4). Such information shall be  
14 furnished by the Department of Health and Human Services. The  
15 clerks of the various courts shall furnish to the Department of  
16 Health and Human Services; ~~and Nebraska State Patrol, as soon~~  
17 as practicable but within thirty days after the an order of  
18 commitment or finding and the discharge is issued or after removal  
19 of firearm-related disabilities pursuant to section 7 of this  
20 act, all information necessary to set up and maintain the data  
21 base required by this section. This information shall include (a)  
22 information regarding those persons who are currently receiving  
23 mental health treatment pursuant to a commitment order of a mental  
24 health board or who have been discharged, and (b) information

25 regarding those persons who have been committed to treatment  
26 pursuant to section 29-3702, and (c) information regarding those  
27 persons who have had firearm-related disabilities removed pursuant  
1 to section 7 of this act. The mental health board shall notify  
2 the Department of Health and Human Services and the Nebraska State  
3 Patrol when such disabilities have been removed. The Department of  
4 Health and Human Services shall also maintain in the data base  
5 a listing of persons committed to treatment pursuant to section  
6 29-3702. ~~Information regarding mental health board commitments and~~  
7 ~~commitments pursuant to section 29-3702 shall not be retained~~  
8 ~~in the data base maintained by the department on persons who~~  
9 ~~have been discharged from those commitments more than five years~~  
10 ~~previously. Any such~~ To ensure the accuracy of the data base, any  
11 information maintained or disclosed under this subsection shall  
12 remain privileged and confidential and shall not be redisclosed or  
13 utilized for any other purpose. be updated, corrected, modified,  
14 or removed, as appropriate, and as soon as practicable, from any  
15 data base that the state or federal government maintains and makes  
16 available to the National Instant Criminal Background Check System.  
17 The procedures for furnishing ~~such~~ the information shall guarantee  
18 that no information is released beyond what is necessary for  
19 purposes of this section.

20 (2) In order to comply with sections 69-2401 and 69-2403  
21 to 69-2408 and this section, the Nebraska State Patrol shall  
22 provide to the chief of police or sheriff of an applicant's place  
23 of residence or a licensee in the process of a criminal history  
24 record check pursuant to section 69-2411 only the information  
25 regarding whether or not the applicant is disqualified from  
26 purchasing or possessing a handgun.

27 (3) Any person, agency, or mental health board  
1 participating in good faith in the reporting or disclosure of  
2 records and communications under this section is immune from any  
3 liability, civil, criminal, or otherwise, that might result by  
4 reason of the action.

5 (4) Any person who intentionally causes the Nebraska  
6 State Patrol to request information pursuant to this section  
7 without reasonable belief that the named individual has submitted  
8 a written application under section 69-2404 or has completed a  
9 consent form under section 69-2410 shall be guilty of a Class II  
10 misdemeanor in addition to other civil or criminal liability under  
11 state or federal law.

12 Sec. 3. Section 69-2433, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14 69-2433 An applicant shall:

15 (1) Be at least twenty-one years of age;

16 (2) Not be prohibited from purchasing or possessing a

17 handgun by 18 U.S.C. 922, as such section existed on January 1,  
18 2005;



19 (3) Possess the same powers of eyesight as required under  
 20 section 60-4,118 for a Class O operator's license. If an applicant  
 21 does not possess a current Nebraska motor vehicle operator's  
 22 license, the applicant may present a current optometrist's or  
 23 ophthalmologist's statement certifying the vision reading obtained  
 24 when testing the applicant. If such certified vision reading meets  
 25 the vision requirements prescribed by section 60-4,118 for a Class  
 26 O operator's license, the vision requirements of this subdivision  
 27 shall have been met;

1 (4) Not have pled guilty to, not have pled nolo  
 2 contendere to, or not have been convicted of a felony under  
 3 the laws of this state or under the laws of any other jurisdiction;

4 (5) Not have pled guilty to, not have pled nolo  
 5 contendere to, or not have been convicted of a misdemeanor crime  
 6 of violence under the laws of this state or under the laws of any  
 7 other jurisdiction within the ten years immediately preceding the  
 8 date of application;

9 (6) Not have been found in the previous ten years to be a  
 10 mentally ill and dangerous person under the Nebraska Mental Health  
 11 Commitment Act or a similar law of another jurisdiction or not be  
 12 currently adjudged mentally incompetent;

13 (7)(a) Have been a resident of this state for at least  
 14 one hundred eighty days. For purposes of this section, resident  
 15 does not include an applicant who maintains a residence in another  
 16 state and claims that residence for voting or tax purposes except  
 17 as provided in subdivision (b) or (c) of this subdivision; ~~or~~

18 (b) If an applicant is a member of the United States  
 19 Armed Forces, such applicant shall be considered a resident of  
 20 this state for purposes of this section after he or she has been  
 21 stationed at a military installation in this state pursuant to  
 22 permanent duty station orders even though he or she maintains a  
 23 residence in another state and claims that residence for voting or  
 24 tax purposes; or

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

3 (8) Have had no violations of any law of this state  
 4 relating to firearms, unlawful use of a weapon, or controlled  
 5 substances or of any similar laws of another jurisdiction in the  
 6 ten years preceding the date of application;

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

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

10 (11) Provide proof of training.

11 Sec. 4. Section 71-901, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 71-901 Sections 71-901 to 71-962 and sections 6 and 7 of

14 this act shall be known and may be cited as the Nebraska Mental  
15 Health Commitment Act.

16 Sec. 5. Section 71-903, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 71-903 For purposes of the Nebraska Mental Health  
19 Commitment Act, unless the context otherwise requires, the  
20 definitions found in sections 71-904 to 71-914 and section 6 of  
21 this act shall apply.

22 Sec. 6. Firearm-related disability means a person is not  
23 permitted to (1) purchase, possess, ship, transport, or receive a  
24 firearm under either state or federal law, (2) obtain a certificate  
25 to purchase, lease, rent, or receive transfer of a handgun under  
26 section 69-2404, or (3) obtain a permit to carry a concealed  
27 handgun under the Concealed Handgun Permit Act.

1 Sec. 7. (1) Upon release from commitment or treatment,  
2 a person who, because of a mental health-related commitment or  
3 adjudication occurring under the laws of this state, is subject to  
4 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4) or is  
5 disqualified from obtaining a certificate to purchase, lease, rent,  
6 or receive transfer of a handgun under section 69-2404 or a permit  
7 to carry a concealed handgun under the Concealed Handgun Permit Act  
8 may petition the mental health board to remove such disabilities.

9 (2)(a) Upon the filing of the petition, the subject may  
10 request and, if the request is made, shall be entitled to, a review  
11 hearing by the mental health board. The mental health board shall  
12 grant a petition filed under subsection (1) of this section if the  
13 mental health board determines that:

14 (i) The subject will not be likely to act in a manner  
15 dangerous to public safety; and

16 (ii) The granting of the relief would not be contrary to  
17 the public interest.

18 (b) In determining whether to remove the subject's  
19 firearm-related disabilities, the mental health board shall receive  
20 and consider evidence upon the following:

21 (i) The circumstances surrounding the subject's mental  
22 health commitment or adjudication;

23 (ii) The subject's record, which shall include, at a  
24 minimum, the subject's mental health and criminal history records;

25 (iii) The subject's reputation, developed, at a minimum,  
26 through character witness statements, testimony, or other character  
27 evidence; and

1 (iv) Changes in the subject's condition, treatment,  
2 treatment history, or circumstances relevant to the relief sought.

3 (3) If a decision is made by the mental health board to  
4 remove the subject's firearm-related disabilities, the clerks of  
5 the various courts shall immediately send as soon as practicable  
6 but within thirty days an order to the Nebraska State Patrol and  
7 the Department of Health and Human Services, in a form and in a  
8 manner prescribed by the Department of Health and Human Services

9 and the Nebraska State Patrol, stating its findings, which shall  
 10 include a statement that, in the opinion of the mental health  
 11 board, (a) the subject is not likely to act in a manner that  
 12 is dangerous to public safety and (b) removing the subject's  
 13 firearm-related disabilities will not be contrary to the public  
 14 interest.

15 (4) The subject may appeal a denial of the requested  
 16 relief to the district court, and review on appeal shall be de  
 17 novo.

18 (5) If a petition is granted under this section, the  
 19 commitment or adjudication for which relief is granted shall be  
 20 deemed not to have occurred for purposes of section 69-2404 and  
 21 the Concealed Handgun Permit Act and, pursuant to section 105(b) of  
 22 Public Law 110-180, for purposes of 18 U.S.C. 922(d)(4) and (g)(4).

23 Sec. 8. This act becomes operative on January 1, 2012.

24 Sec. 9. Original sections 69-2402, 69-2409.01, 71-901,  
 25 and 71-903, Reissue Revised Statutes of Nebraska, and section  
 26 69-2433, Revised Statutes Cumulative Supplement, 2010, are  
 27 repealed.

1 2. On page 1, strike beginning with "69-2409.01" in  
 2 line 1 through line 6 and insert "69-2402, 69-2409.01, 71-901,  
 3 and 71-903, Reissue Revised Statutes of Nebraska, and section  
 4 69-2433, Revised Statutes Cumulative Supplement, 2010; to change  
 5 provisions relating to mental health determinations for purposes of  
 6 possessing and purchasing of handguns and concealed handgun permit  
 7 applications; to change concealed handgun permit requirements  
 8 relating to residency; to provide procedures for the removal  
 9 of adverse mental health determinations; to define terms; to  
 10 harmonize provisions; to provide an operative date; and to repeal  
 11 the original sections."

**LEGISLATIVE BILL 337.** Placed on Select File with amendment.  
 ER66

1 1. On page 1, line 2, strike "23-2301,"; and in line 3  
 2 strike "77-2608, and 84-1301" and insert "and 77-2608".

**LEGISLATIVE BILL 628.** Placed on Select File with amendment.  
 ER67

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 23-3104, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 23-3104 As used in the County Purchasing Act, unless the  
 6 context otherwise requires:  
 7 (1) Mobile equipment ~~shall mean~~ means all vehicles  
 8 propelled by any power other than muscular, including, but  
 9 not limited to, motor vehicles, off-road designed vehicles,  
 10 motorcycles, passenger cars, self-propelled mobile homes,  
 11 truck-tractors, trucks, cabin trailers, semitrailers, trailers,

12 utility trailers, and road and general-purpose construction and  
 13 maintenance machinery not designed or used primarily for the  
 14 transportation of persons or property, including, but not limited  
 15 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,  
 16 leveling graders, earthmoving carryalls, power shovels, earthmoving  
 17 equipment, and crawler tractors;

18 (2) Personal property ~~shall include, but not be includes,~~  
 19 but is not limited to, supplies, materials, mobile equipment, and  
 20 equipment used by or furnished to any county officer, office,  
 21 department, institution, board, or other agency of the county  
 22 government. Personal property shall does not include election  
 23 ballots;

1 (3) Services ~~shall mean means~~ any and all services except  
 2 telephone, telegraph, postal, and electric light and power service,  
 3 other similar services, and election contractual services; and

4 (4) Purchasing or purchase ~~shall mean means~~ the obtaining  
 5 of personal property or services by sale, lease, or other  
 6 contractual means. Purchase ~~shall also include includes~~ contracting  
 7 with sheltered workshops for products or services as provided in  
 8 Chapter 48, article 15.

9 Sec. 2. Section 23-3107, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 23-3107 The county board or purchasing agent, subject  
 12 to the approval of the county board, shall: (1) Prescribe the  
 13 manner in which personal property shall be purchased, delivered,  
 14 and distributed; (2) prescribe dates for making estimates, the  
 15 future period which they are to cover, the form in which they  
 16 are submitted, and the manner of their authentication; (3) revise  
 17 forms from time to time as conditions warrant; (4) provide for the  
 18 transfer to and between county departments and agencies of personal  
 19 property which is surplus with one department or agency but which  
 20 may be needed by another or others; (5) dispose of by sale personal  
 21 property which has been declared by the county board to be surplus  
 22 and which is obsolete or not usable by the county. ~~Such Except~~  
 23 as otherwise provided in subsection (2) of section 23-3115, such  
 24 property with a value of less than two thousand five hundred  
 25 dollars may be sold without competitive bidding. ~~Property Except as~~  
 26 otherwise provided in subsection (2) of section 23-3115, property  
 27 with a value of two thousand five hundred dollars or more shall  
 1 be sold through competitive bidding; (6) prescribe the amount of  
 2 cash deposit or bond to be submitted with a bid on a contract and  
 3 the amount of deposit or bond to be given for the performance of  
 4 a contract, if the amount of the bond is not specifically provided  
 5 by law; and (7) prescribe the manner in which claims for personal  
 6 property or services delivered to any department or agency of the  
 7 county shall be submitted, approved, and paid.

8 Sec. 3. Section 23-3115, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 23-3115 (1) The county board or the purchasing agent,

11 with the approval of the county board, may authorize a county  
 12 official or employee to sell surplus personal property, other  
 13 than mobile equipment, which is obsolete or not usable by the  
 14 county, ~~other than mobile equipment, having and which has~~ a value  
 15 of less than two thousand five hundred dollars. In making such  
 16 authorization, the county board or purchasing agent may place any  
 17 restriction on the type or value of property to be sold, restrict  
 18 such authority to a single transaction or to a period of time, or  
 19 make any other appropriate restrictions or conditions.

20 (2) The county board or the purchasing agent, with the  
 21 approval of the county board, may authorize a county official or  
 22 employee to sell surplus mobile equipment which is obsolete or  
 23 not usable by the county and which has a value of less than five  
 24 thousand dollars. Surplus mobile equipment which is obsolete or not  
 25 usable by the county and which has a value of five thousand dollars  
 26 or more shall be sold through competitive bidding.

27 ~~(2)-(3)~~ Any county official or employee granted the  
 1 authority to sell surplus personal property which is obsolete or  
 2 not usable by the county as prescribed in subsection (1) or (2) of  
 3 this section shall make a written report to the county board within  
 4 thirty days after the end of the fiscal year reflecting, for each  
 5 transaction, the item sold, the name and address of the purchaser,  
 6 the price paid by the purchaser for each item, and the total amount  
 7 paid by the purchaser.

8 ~~(3)-(4)~~ The money generated by any sales authorized by  
 9 this section shall be payable to the county treasurer and shall be  
 10 credited to the funds of the department, office, or agency to which  
 11 the property belonged.

12 ~~(4)-(5)~~ No person authorized by the county board or  
 13 purchasing agent to make such sales shall be authorized to make or  
 14 imply any warranty of any kind whatsoever as to the nature, use,  
 15 condition, or fitness for a particular purpose of any property sold  
 16 pursuant to this section. Any person making sales authorized by  
 17 this section shall inform the purchaser that such property is being  
 18 sold as is without any warranty of any kind whatsoever.

19 Sec. 4. The governing body of a county, city, village,  
 20 or public utility may authorize the donation of any motor vehicle  
 21 that is owned by such county, city, village, or public utility,  
 22 if the governing body has determined that the motor vehicle has  
 23 reached the end of its useful life, to any charitable organization  
 24 described in section 501(c)(3) of the Internal Revenue Code that is  
 25 incorporated pursuant to the Nebraska Nonprofit Corporation Act.

26 Sec. 5. Original sections 23-3104, 23-3107, and 23-3115,  
 27 Reissue Revised Statutes of Nebraska, are repealed.

1 2. On page 1, strike beginning with "provide" in line 1  
 2 through line 3 and insert "amend sections 23-3104, 23-3107, and  
 3 23-3115, Reissue Revised Statutes of Nebraska; to change provisions  
 4 relating to the sale of surplus personal property under the County  
 5 Purchasing Act; to provide for the donation of motor vehicles

6 by certain political subdivisions as prescribed; to harmonize  
7 provisions; and to repeal the original sections."

(Signed) Tyson Larson, Chairperson

### MESSAGES FROM THE GOVERNOR

March 11, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska Environmental Trust Board:

James Stuart Jr., 2001 Pine Lake Rd, #400, Lincoln, NE 68512  
Paul Dunn, 2508 South 35th St., Omaha, NE 68105  
Gloria Erickson, 315 18th Avenue, Holdrege, NE 68949

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 15, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Board of Parole:

Miguel "Mike" Gomez, 240 Lakewood Drive, Lincoln, NE 68510

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 24, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being  
reappointed to the Environmental Quality Council:

Douglas Anderson, 1407 West 10 Road, Aurora, NE 68818  
John Baker, 2213 4th Avenue, Scottsbluff, NE 69361  
John Kinter, 2702 Mimick Drive, Norfolk, NE 68701  
John Turnbull, 711 Maine Ave., York, NE 68467  
Donald Williams, 230 Relf Street, Orchard, NE 68764

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 24, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed  
to the Nebraska Motor Vehicle Industry Licensing Board:

Dean Cerny, 3053 41st Avenue, Columbus, NE 68601

Contingent upon your approval, the following individual is being  
reappointed to the Nebraska Motor Vehicle Industry Licensing Board:

Sammy Reagan, 709 S. 210th Circle, Elkhorn, NE 68022

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **GENERAL FILE**

**LEGISLATIVE BILL 305.** Title read. Considered.

Senator Larson renewed his amendment, AM1039, found on page 1002.

### **SENATOR PRICE PRESIDING**

### **SENATOR GLOOR PRESIDING**

Senator Hadley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Larson amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

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

Senator Langemeier filed the following amendment to LB366:  
AM1052

(Amendments to Final Reading copy)

- 1 1. On page 4, lines 4 through 8, strike the new matter.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 144.** Introduced by Council, 11.

WHEREAS, Allen and Barbara Mayhew moved to Nebraska in 1854 with two children and built a cabin in 1855; and

WHEREAS, Barbara Mayhew's younger brother, John Kagi, was a close associate of abolitionist John Brown and helped freedom-seeking slaves escape north from Kansas using his sister's place as a stopping point; and



WHEREAS, Nebraska City was a dangerous place for abolitionists, as Nebraska Territory did not officially prohibit slavery until January 1861, and many of the leaders of Nebraska City were pro-slavery or owned slaves; and

WHEREAS, the Mayhews were never caught despite the majority opinion of their community; and

WHEREAS, John Kagi went with John Brown to Harper's Ferry, Virginia, took part in the raid on the federal arsenal, and was shot and killed at age twenty-four; and

WHEREAS, the Mayhew Cabin is dedicated to telling the story of John Kagi and the Mayhew family and educating the public about the issue of slavery; and

WHEREAS, the process of telling this story and educating the public began in the late 1930s, when Edward Bartling, owner of the site at the time, opened it to the public as a tourist attraction and memorial to the abolitionist cause; and

WHEREAS, the Mayhew Cabin's historical significance lies in its connection to the Underground Railroad during the 1850s and its important testament against slavery; and

WHEREAS, the Mayhew Cabin received notice on February 11, 2011, that it was being added to the National Register of Historic Places by the United States Department of the Interior, National Park Service, as part of the National Park Service's National Underground Railroad Network to Freedom Trail; and

WHEREAS, the Mayhew Cabin is the only site in Nebraska that is part of the National Park Service's National Underground Railroad Network to Freedom Trail.

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

1. That the Legislature congratulates Mayhew Cabin on its placement on the National Register of Historic Places.

2. That a copy of this resolution be sent to the Mayhew Cabin as a token of the high regard the people of Nebraska have for the historical significance of this site and the important contributions it makes to educating the public and serving as a memorial to the abolitionist cause.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 70.** Title read. Considered.

Committee AM82, found on page 615, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 286.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 477.** Title read. Considered.

Committee AM343, found on page 578, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 499.** Title read. Considered.

Committee AM404, found on page 618, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 15.** Placed on General File with amendment. AM161

- 1 1. On page 2, line 6, after "execution" insert "for
- 2 personal property"; and in line 10 after the period insert "Such
- 3 execution shall not serve as a lien on real estate in a county
- 4 other than the county where the judgment was rendered unless a
- 5 transcript of the judgment is filed with the clerk of the district
- 6 court in the county in which the real estate is located.".

**LEGISLATIVE BILL 17.** Placed on General File with amendment. AM159

- 1 1. Insert the following section:
- 2 Sec. 4. Section 25-2209, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 25-2209 The clerk of the district court shall keep
- 5 records to be called the appearance docket, the trial docket,
- 6 the journal, the complete record, the execution docket, the fee
- 7 book, the general index, and the judgment record. Such records
- 8 may be compiled, filed, and maintained on a computer system.
- 9 Effective not later than October 1, 1992, provision for dockets and
- 10 records of the district courts shall be established by rule of the
- 11 Supreme Court. The journal ~~and complete record~~ may be compiled and
- 12 filed on microfilm. The recording of all instruments by the roll
- 13 form of microfilm may be substituted for the method of recording
- 14 instruments in books. If this method of recording instruments on

15 microfilm is used, a security copy on silver negative microfilm  
 16 in roll form must be maintained and filed off premises under safe  
 17 conditions to insure the protection of the records. The internal  
 18 reference copies or work copies of the instruments recorded on  
 19 microfilm may be in any photographic form to provide the necessary  
 20 information as may be determined by the official in charge, and  
 21 shall meet the microfilm standards as prescribed by the State  
 22 Records Administrator.

23 2. On page 2, line 19, strike beginning with "either"  
 1 through "on" and insert "in"; and in line 20 after "system" insert  
 2 "and either paper or microfilm".

3 3. On page 3, strike the new matter in lines 3 through  
 4 12.

5 4. Renumber the remaining sections and correct the  
 6 repealer section accordingly.

**LEGISLATIVE BILL 124.** Placed on General File with amendment.  
 AM1037

1 1. On page 5, line 10; and page 6, line 5, after "tribe"  
 2 insert "when applicable and in compliance with the Nebraska Indian  
 3 Child Welfare Act".

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 589.** Placed on General File with amendment.  
 AM858

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

3 Section 1. Section 39-1359, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 39-1359 (1) The rights-of-way acquired by the department  
 6 shall be held inviolate for state highway and departmental purposes  
 7 and no physical or functional encroachments, structures, or uses  
 8 shall be permitted within such right-of-way limits, except by  
 9 written consent of the department or as otherwise provided in  
 10 subsection (2) or (3) of this section.

11 (2) A temporary use of the state highway system, other  
 12 than a freeway, by a county, city, or village, including full  
 13 and partial lane closures, shall be allowed for special events,  
 14 as designated by a county, city, or village, under the following  
 15 conditions:

16 (a) The roadway is located within the official corporate  
 17 limits or zoning jurisdiction of the county, city, or village;

18 (b) A county, city, or village making use of the state  
 19 highway system for a special event shall have the legal duty  
 20 to protect the highway and the public and shall be liable for  
 21 all damages or injuries of any nature arising out of the use

22 thereof, and the state shall have no legal duty, liability, or  
 23 responsibility therefor; and

1 (c) The county, city, or village using the state highway  
 2 system for a special event shall formally, by official governing  
 3 body action, acknowledge that it accepts the duty set out above  
 4 and, if a claim is made against the state, shall indemnify, defend,  
 5 and hold harmless the state from all claims, demands, actions,  
 6 damages, and liability, including reasonable attorney's fees, that  
 7 may arise as a result of the special event.

8 (3) If a county, city, or village has met the  
 9 requirements of subsection (2) of this section for holding a  
 10 special event and has provided thirty-days advance written notice  
 11 of the special event to the department, the county, city, or  
 12 village may proceed with its temporary use of the state highway  
 13 system.

14 Sec. 2. Original section 39-1359, Reissue Revised  
 15 Statutes of Nebraska, is repealed.

(Signed) Deb Fischer, Chairperson

Judiciary

**LEGISLATIVE BILL 612.** Placed on General File with amendment.  
 AM789

- 1 1. On page 2, line 4, strike "cause of action accrues"
- 2 and insert "plaintiff's twenty-first birthday".

(Signed) Brad Ashford, Chairperson

## VISITORS

Visitors to the Chamber were Senator Coash's grandmother, Lavonne Briggs-Thurl from Marshfield, Missouri; 51 fourth-grade students from Louisville; and 45 high school students and teacher from Wilber-Clatonia.

## RECESS

At 11:56 a.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

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

## ROLL CALL

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Cornett, Flood, Fulton, B. Harr, Loudon, and Utter who were excused until they arrive.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 100.** Placed on Final Reading.  
**LEGISLATIVE BILL 230.** Placed on Final Reading.  
**LEGISLATIVE BILL 387.** Placed on Final Reading.  
**LEGISLATIVE BILL 387A.** Placed on Final Reading.  
**LEGISLATIVE BILL 544.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Anderson, Douglas - Environmental Quality Council - Natural Resources  
 Baker, John - Environmental Quality Council - Natural Resources  
 Cerny, Dean - Nebraska Motor Vehicle Industry Licensing Board -  
 Transportation and Telecommunications  
 Dunn, Paul - Nebraska Environmental Trust Board - Natural Resources  
 Erickson, Gloria - Nebraska Environmental Trust Board - Natural Resources  
 Gomez, Miguel "Mike" - Board of Parole - Judiciary  
 Kinter, John - Environmental Quality Council - Natural Resources  
 Reagan, Sammy - Nebraska Motor Vehicle Industry Licensing Board -  
 Transportation and Telecommunications  
 Stuart, James, Jr. - Nebraska Environmental Trust Board - Natural Resources  
 Turnbull, John - Environmental Quality Council - Natural Resources  
 Williams, Donald- Environmental Quality Council - Natural Resources

(Signed) John Nelson, Vice Chairperson  
 Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 229.** Title read. Considered.

Committee AM281, found on page 704, was considered.

Senator Fischer withdrew her amendment, AM1000, found on page 973.

The committee amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Langemeier offered the following amendment:  
 AM1060

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 81-15,175, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 81-15,175 (1) The board may make an annual allocation  
 5 each fiscal year from the Nebraska Environmental Trust Fund to  
 6 the Nebraska Environmental Endowment Fund as provided in section  
 7 81-15,174.01. The board shall make annual allocations from the  
 8 Nebraska Environmental Trust Fund and may make annual allocations  
 9 each fiscal year from the Nebraska Environmental Endowment Fund  
 10 for projects which conform to the environmental categories of the  
 11 board established pursuant to section 81-15,176 and to the extent  
 12 the board determines those projects to have merit. The board  
 13 shall establish a calendar annually for receiving and evaluating  
 14 proposals and awarding grants. To evaluate the economic, financial,  
 15 and technical feasibility of proposals, the board may establish  
 16 subcommittees, request or contract for assistance, or establish  
 17 advisory groups. Private citizens serving on advisory groups shall  
 18 be reimbursed for their actual and necessary expenses pursuant to  
 19 sections 81-1174 to 81-1177.

20 (2) The board shall establish rating systems for ranking  
 21 proposals which meet the board's environmental categories and other  
 22 criteria. The rating systems shall include, but not be limited to,  
 23 the following considerations:

- 1 (a) Conformance with categories established pursuant to  
 2 section 81-15,176;
- 3 (b) Amount of funds committed from other funding sources;
- 4 (c) Encouragement of public-private partnerships;
- 5 (d) Geographic mix of projects over time;
- 6 (e) Cost-effectiveness and economic impact;
- 7 (f) Direct environmental impact; ~~and~~
- 8 (g) Environmental benefit to the general public and the  
 9 long-term nature of such public benefit; ~~and~~;
- 10 (h) Applications recommended by the Director of Natural  
 11 Resources and submitted by the Department of Natural Resources  
 12 totaling three million three hundred thousand dollars annually  
 13 that benefit any river basin determined to be fully appropriated  
 14 or designated as overappropriated pursuant to the Nebraska Ground  
 15 Water Management and Protection Act shall be awarded fifty points  
 16 in the ranking process if the Legislature appropriates three  
 17 million three hundred thousand dollars of matching funds annually  
 18 until July 1, 2014.

19 (3) The board may establish a subcommittee to rate grant  
 20 applications. If the board uses a subcommittee, the subcommittee  
 21 shall (a) use the rating systems established by the board under  
 22 subsection (2) of this section, (b) assign a numeric value to  
 23 each rating criterion, combine these values into a total score  
 24 for each application, and rank the applications by the total  
 25 scores, (c) recommend an amount of funding for each application,  
 26 which amount may be more or less than the requested amount, and  
 27 (d) submit the ranked list and recommended funding to the board  
 1 for its approval or disapproval. A motion to deviate from the  
 2 subcommittee's recommendations must specify the reason for doing so

3 and be adopted with an affirmative vote of not fewer than eight  
4 members of the board.

5 (4) The board may commit funds to multiyear projects,  
6 subject to available funds and appropriations. No commitment shall  
7 exceed three years without formal action by the board to renew the  
8 grant or contract. Multiyear commitments may be exempt from the  
9 rating process except for the initial application and requests to  
10 renew the commitment.

11 (5) The board shall adopt and promulgate rules and  
12 regulations and publish guidelines governing allocations from the  
13 fund. The board shall conduct annual reviews of existing projects  
14 for compliance with project goals and grant requirements.

15 (6) Every five years the board may evaluate the long-term  
16 effects of the projects it funds. The evaluation may assess  
17 a sample of such projects. The board may hire an independent  
18 consultant to conduct the evaluation and may report the evaluation  
19 findings to the Legislature and the Governor.

20 Sec. 4. The State Treasurer shall transfer \$600,000 from  
21 the General Fund to the Water Resources Cash Fund on or before June  
22 30, 2012, on such date as directed by the budget administrator of  
23 the budget division of the Department of Administrative Services,  
24 pursuant to section 61-218.

25 Sec. 5. The State Treasurer shall transfer \$600,000 from  
26 the General Fund to the Water Resources Cash Fund on or before June  
27 30, 2013, on such date as directed by the budget administrator of  
1 the budget division of the Department of Administrative Services,  
2 pursuant to section 61-218.

3 2. On page 2, line 17, strike "81-15,174" and insert  
4 "81-15,175".

5 3. On page 3, lines 11 and 12, strike "two million seven  
6 hundred thousand", show as stricken, and insert "three million  
7 three hundred thousand"; and in line 13 strike "FY2009-10", show as  
8 stricken, and insert "FY2011-12".

9 4. On page 5, after line 2 insert the following new  
10 subsection:

11 "(7) The Department of Natural Resources shall apply  
12 for a three-year grant from the Nebraska Environmental Trust Fund  
13 that benefits any river basin determined to be fully appropriated  
14 or designated as overappropriated pursuant to the Nebraska Ground  
15 Water Management and Protection Act prior to the application  
16 deadline beginning with fiscal year 2011-12 through fiscal year  
17 2013-14. Funds received from such grants shall be remitted to the  
18 State Treasurer for credit to the Water Resources Cash Fund for the  
19 purpose of supporting water projects as described in the Nebraska  
20 Environmental Trust grant application. It is the intent of the  
21 Legislature that the department apply for an additional three-year  
22 grant if the following criteria have been met:

- 23 [XXXX]"; and strike lines 16 through 19.  
 24 5. Renumber the remaining sections and amend the repealer  
 25 accordingly.

Pending.

### COMMITTEE REPORTS

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 73.** Placed on General File with amendment.  
 AM979

- 1 1. Strike section 8.  
 2 2. On page 3, reinstate the stricken matter beginning in  
 3 line 4 through the stricken "the" in line 20; in line 21 after the  
 4 stricken "insurer" insert "pool administrator"; and reinstate the  
 5 stricken matter beginning with "to" in line 21 through line 25.  
 6 3. On page 4, reinstate the stricken matter beginning  
 7 in line 1 through the stricken "the" in line 6; in line 6 after  
 8 the stricken "insurer" insert "pool administrator"; reinstate the  
 9 stricken matter beginning with "which" in line 6 through line 9; in  
 10 line 10 after the stricken "insurer" insert "pool administrator";  
 11 reinstate the stricken matter beginning with the first "and" in  
 12 line 10 through the second stricken "the" in line 12; in line  
 13 13 after the stricken "insurer" insert "pool administrator"; and  
 14 reinstate the stricken matter beginning with "to" in line 13  
 15 through line 25.  
 16 4. On page 5, reinstate the stricken matter in lines 1  
 17 through 11; and in lines 12 through 25 strike the new matter.  
 18 5. On page 6, lines 1 and 2, strike the new matter; in  
 19 lines 10 and 11 strike "a health maintenance organization"; and  
 20 strike beginning with "or" in line 12 through "director" in line  
 21 13.  
 22 6. On page 7, line 6, strike "health maintenance  
 23 organizations"; and in line 7 after "administrators" insert  
 1 "authorized to transact business in this state".  
 2 7. Renumber the remaining section accordingly.

(Signed) Rich Pahls, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 175.** Placed on General File with amendment.  
 AM887

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 32-1610, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-1610 The Campaign Finance Limitation Cash Fund is  
 6 hereby created. The fund shall be used by the commission to



7 provide public financing of campaigns pursuant to the Campaign  
8 Finance Limitation Act, except that transfers may be made to the  
9 General Fund at the direction of the Legislature and transfers  
10 may be made at the direction of the Legislature to the Nebraska  
11 Accountability and Disclosure Commission Cash Fund for the costs  
12 of the commission in administering the Campaign Finance Limitation  
13 Act. The ~~fund~~ Campaign Finance Limitation Cash Fund shall consist  
14 of money appropriated to it by the Legislature, amounts repaid by  
15 candidates pursuant to sections 32-1606 and 32-1607, and taxpayer  
16 contributions to the fund pursuant to section 77-27,119.04. Any  
17 money in the fund available for investment shall be invested by the  
18 state investment officer pursuant to the Nebraska Capital Expansion  
19 Act and the Nebraska State Funds Investment Act.  
20 Sec. 2. Original section 32-1610, Reissue Revised  
21 Statutes of Nebraska, is repealed.  
22 Sec. 3. Since an emergency exists, this act takes effect  
23 when passed and approved according to law.

**LEGISLATIVE BILL 234.** Placed on General File with amendment.  
AM740

1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 68-130, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 68-130 (1) Counties shall maintain, at no additional cost  
6 to the Department of Health and Human Services, office and service  
7 facilities used for the administration of the public assistance  
8 programs as such facilities existed on April 1, 1983.  
9 (2) The county board of any county may request in writing  
10 that the department review office and service facilities provided  
11 by the county for the department to determine if the department  
12 is able to reduce or eliminate office and service facilities  
13 within the county. The department shall respond in writing to such  
14 request within thirty days after receiving the request. The final  
15 decision with respect to maintaining, reducing, or eliminating  
16 office and service facilities in such county shall be made by  
17 the department, and the county may reduce or eliminate office and  
18 service facilities if authorized by such final decision.

(Signed) Bill Avery, Chairperson

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

Room 1510

Wednesday, April 6, 2011 1:00 p.m.

Carol Lomicky - Commission for the Deaf and Hard of Hearing

Wednesday, April 13, 2011 1:00 p.m.

Janet Coleman - State Board of Health

Amy Kasch - Commission for the Deaf and Hard of Hearing

Jill Reel - Foster Care Review Board

(Signed) Kathy Campbell, Chairperson

**AMENDMENTS - Print in Journal**

Senator Bloomfield filed the following amendment to LB628:  
AM1049

(Amendments to E & R amendments, ER67)

- 1 1. On page 4, line 25, after the period insert "The
- 2 governing body shall not authorize such donation if any employee of
- 3 the charitable organization or any proposed recipient of the motor
- 4 vehicle from the charitable organization is an immediate family
- 5 member of any member of the governing body.".

Senator Bloomfield filed the following amendment to LB628:  
AM1048

(Amendments to E & R amendments, ER67)

- 1 1. On page 4, line 19, before "The" insert
- 2 "(1)"; and after line 25 insert the following new
- 3 subsection:
- 4 "(2) Not more than thirty days after completion of the
- 5 donation under subsection (1) of this section, the governing body
- 6 shall publish notice once in a newspaper of general circulation in
- 7 the county in which the governing body is located that includes
- 8 the name and address of the charitable organization, the date of
- 9 the donation, the location at which the donation occurred, and the
- 10 year, make, model, and value of the donated motor vehicle.".

**GENERAL FILE**

**LEGISLATIVE BILL 229.** The Langemeier amendment, AM1060, found in this day's Journal, was renewed.

**SENATOR COASH PRESIDING**

The Langemeier amendment was adopted with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 41:

Adams	Fischer	Heidemann	McCoy	Schumacher
Bloomfield	Flood	Howard	McGill	Smith
Brasch	Fulton	Janssen	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Utter
Carlson	Haar, K.	Krist	Nordquist	Wallman
Christensen	Hadley	Langemeier	Pankonin	
Conrad	Hansen	Larson	Pirsch	
Cornett	Harms	Lathrop	Price	
Dubas	Harr, B.	Lautenbaugh	Schilz	

Voting in the negative, 3:

Cook	Council	Louden
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Present and not voting, 3:

Ashford	Avery	Coash
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Excused and not voting, 2:

Pahls	Wightman
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Advanced to Enrollment and Review Initial with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 229A.** Title read. Considered.

Senator Fischer offered the following amendment:

AM1062

- 1 1. Strike original section 2.
- 2 2. On page 2, lines 1, 2, 8, and 10, strike "\$7,000,000"
- 3 and insert "\$3,900,000".

The Fischer amendment was adopted with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

### COMMITTEE REPORT

Revenue

**LEGISLATIVE BILL 359.** Placed on General File with amendment.  
AM1067

- 1 1. On page 4, line 7, strike "seven hundred" and show as
- 2 stricken.

(Signed) Abbie Cornett, Chairperson

### AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB648:  
AM888

- 1 1. Strike the Standing Committee amendment, AM802.
- 2 2. On page 3, lines 8 through 13, strike the new matter
- 3 and insert "or hearing. After a foster child has been placed in the
- 4 foster parents' home for at least six months, foster parents shall
- 5 have standing as interested parties in the context of a hearing
- 6 regarding removal of a foster child from the foster parents' home
- 7 for placement in another foster home. Such standing entitles the
- 8 foster parents to call and cross-examine witnesses at the hearing
- 9 and appeal an adverse decision".

Senator Ashford filed the following amendment to LB463:  
AM1046 is available in the Bill Room.

Senator Mello filed the following amendment to LB682:  
AM1012

(Amendments to Standing Committee amendments, AM626)

- 1 1. On page 2, line 17; page 5, lines 8 and 9; and page 5,
- 2 line 27, and page 6, line 1, strike "on and after July 1, 2013".
- 3 2. On page 2, line 18, after "projects" insert "on and
- 4 after July 1, 2011, for cities of the first class, cities of the
- 5 second class, and villages and on and after July 1, 2013, for
- 6 cities of the metropolitan class and cities of the primary class".
- 7 3. On page 5, line 9; and page 6, line 1, after "project"
- 8 insert "on and after July 1, 2011, for cities of the first class,
- 9 cities of the second class, and villages and on and after July
- 10 1, 2013, for cities of the metropolitan class and cities of the
- 11 primary class".

Senator Ashford filed the following amendment to LB463A:  
AM1050

- 1 1. Strike original sections 2 and 3 and insert the
- 2 following new section:
- 3 Sec. 2. There is hereby appropriated \$100,000 from
- 4 the Supreme Court Education Fund for FY2011-12 to the Supreme
- 5 Court, for Program 52, to aid in carrying out the provisions
- 6 of Legislative Bill 463, One Hundred Second Legislature, First
- 7 Session, 2011.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 2. Renumber the remaining sections accordingly.

### VISITORS

Visitors to the Chamber were 72 fourth-grade students and teachers from Morton Elementary, Lexington; and 31 fourth-grade students and teachers from Battle Creek.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

### ADJOURNMENT

At 4:05 p.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - MARCH 31, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 31, 2011

**PRAYER**

The prayer was offered by Senator Hansen.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Cornett and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 90.** Placed on Final Reading.

**LEGISLATIVE BILL 90A.** Placed on Final Reading.

**LEGISLATIVE BILL 329.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 30, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bisio, John B.  
Wal-Mart Stores, Inc.

Otto, Richard J. dba Advocacy-Legislation-Leadership  
Wineries and Grape Growers Association, Nebraska

## REPORTS

The following reports were received by the Legislature:

### **Auditor of Public Accounts**

Statewide Single Audit for the year ended June 30, 2010

### **Coordinating Commission for Postsecondary Education**

Total Number of Applicants for Public Benefits and the Number of  
Applicants Rejected Pursuant to Such Sections

### **Health and Human Services, Department of**

Stem Cell Research Act Annual Report (LB606)

## GENERAL FILE

**LEGISLATIVE BILL 479.** Title read. Considered.

Committee AM335, found on page 773, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Lathrop renewed his amendment, AM890, found on page 917.

The Lathrop amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 200.** Title read. Considered.

Committee AM645, found on page 820, was considered.

Pending.

## AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB641:  
AM1040

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 1, line 2, strike "or"; in line 4 after
- 2 the comma insert "or (c) within thirty days after the verdict in
- 3 a prosecution related to such an ongoing police investigation if
- 4 the prosecuting attorney determines that reporting such violation
- 5 prior to the verdict would jeopardize such prosecution."; in line
- 6 7 strike "or"; and in line 8 after the comma insert "or (4) within
- 7 thirty days after the verdict in a prosecution related to such an



8 ongoing police investigation if the prosecuting attorney determines  
9 that reporting such violation prior to the verdict would jeopardize  
10 such prosecution,".

## RESOLUTION

### LEGISLATIVE RESOLUTION 145. Introduced by Bloomfield, 17.

WHEREAS, Sand Creek Post and Beam of Wayne, Nebraska, has been named the Nebraska Small Business of the Year for 2011 by the United States Small Business Administration; and

WHEREAS, Sand Creek Post and Beam is owned by Len Dickinson and his wife, Jule Goeller; and

WHEREAS, more than one hundred outstanding small business owners from across the country, including Len Dickinson and Jule Goeller, will receive awards in Washington, D.C., during National Small Business Week, May 16-20, 2011; and

WHEREAS, Sand Creek Post and Beam was started five years ago and has grown into a company that blends building and selling technologically advanced pre-cut, pre-engineered kits that preserve authentic Great Plains post-and-beam barns and outbuildings; and

WHEREAS, Sand Creek Post and Beam offers big wood post and beam timber barns and outbuilding kits, with frames that are assembled on a customer's existing foundation; and

WHEREAS, Sand Creek Post and Beam is an environmentally friendly business that uses all natural materials, with no chemical preparations; and

WHEREAS, Inc. magazine recognized Sand Creek Post and Beam by naming it the 218th fastest growing company in the country in 2009; and

WHEREAS, Sand Creek Post and Beam has future plans of strategically placing small production units around the country and expanding sales internationally.

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

1. That the Legislature recognizes Sand Creek Post and Beam for being named the Nebraska Small Business of the Year for 2011 by the United States Small Business Administration.

2. That the Legislature congratulates the owners of Sand Creek Post and Beam, Len Dickinson and Jule Goeller, for the recognition their business has received.

3. That a copy of this resolution be sent to Len Dickinson and Jule Goeller.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 200.** Committee AM645, found on page 820 and considered in this day's Journal, was renewed.

Senator Carlson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The committee amendment was adopted with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 200A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 176.** Title read. Considered.

Committee AM622, found on page 799, was adopted with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE RESOLUTION 40CA.** Read. Considered.

Senator Pirsch renewed his amendment, AM886, found on page 995.

Senator McGill offered the following amendment to the Pirsch amendment: AM1069

(Amendments to AM886)

- 1 1. On page 1, line 2, strike "and"; and in line 3 after
- 2 the last comma insert "to swim, to farm, to ranch, to drive, to
- 3 boat, to tube, to golf, to nap, to parent, to learn, to camp, to
- 4 pioneer, to innovate, and to watch Husker football".

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 131, 132, 133, 134, 135, 136, 137, 139, and 140 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 131, 132, 133, 134, 135, 136, 137, 139, and 140.

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Thursday, April 7, 2011 12:30 p.m.

James Stuart Jr. - Nebraska Environmental Trust Board  
Paul Dunn - Nebraska Environmental Trust Board  
Gloria Erickson - Nebraska Environmental Trust Board

(Signed) Chris Langemeier, Chairperson

Health and Human Services

Room 1510

Wednesday, April 13, 2011 1:00 p.m.

Dillard Delts - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 391.** Placed on General File with amendment.  
AM683

- 1 1. On page 2, line 16, after the second comma insert
- 2 "domestic pets."
- 3 2. On page 3, line 4, strike "and"; in line 5 after
- 4 "Association" insert "; and
- 5 "(h) The Nebraska Association of Resources Districts.";
- 6 and strike line 18 and insert
- 7 "(5) The council shall extend membership to those".

(Signed) Chris Langemeier, Chairperson

## Business and Labor

**LEGISLATIVE BILL 502.** Placed on General File.

(Signed) Steve Lathrop, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Janssen, Harms, and Pankonin asked unanimous consent to add their names as cointroducers to LB600. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Leadership Beatrice from Beatrice; Adrienne Liakos and Haley Nicholson from Curtis; Gunter Harz and Jennifer Frisbie from Colorado; 17 fourth-grade students, teacher, and sponsors from Cornerstone Christian School, Bellevue; Jim and Kathleen McKenzie from Kearney; and 40 fourth-grade students and teachers from Franklin Elementary, Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Dubas, the Legislature adjourned until 10:00 a.m., Tuesday, April 5, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SEVENTH DAY - APRIL 5, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 5, 2011

**PRAYER**

The prayer was offered by Reverend Barbara Mitchell, Tabernacle of Faith, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Cornett, Karpisek, Lautenbaugh, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 20.** Placed on Final Reading.  
ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lautenbaugh amendment, AM1027, on page 1, line 4, "the act" has been struck and "such sections" inserted.

2. The Lautenbaugh amendment, FA3, has been struck.

3. In the Standing Committee amendments, AM64, on page 7, line 11, "section 28-101" has been struck and "sections 28-101 and 28-456.01" inserted.

4. On page 1, line 3, "section 28-101" has been struck and "sections 28-101 and 28-456.01" inserted; and in line 5 "a penalty" has been struck and "and change penalties" inserted.

**LEGISLATIVE BILL 41.** Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "and" has been struck; and in line 5 "37-615, and 37-618," has been inserted after the first comma.
2. On page 34, line 18, "and 37-512" has been struck and "37-512, 37-615, and 37-618" inserted.

**LEGISLATIVE BILL 45.** Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "2-3256," has been inserted after "sections"; and in line 3 "81-3448," has been inserted after "81-3446,".
2. On page 2, lines 3 and 10, "3 and 4" has been struck and "4 and 5" inserted.
3. On page 24, line 23, "2-3256," has been inserted after "sections"; and in line 24 "81-3448," has been inserted after "81-3446,".

**LEGISLATIVE BILL 389.** Placed on Final Reading.

**LEGISLATIVE BILL 389A.** Placed on Final Reading.

**LEGISLATIVE BILL 421.** Placed on Final Reading.

**LEGISLATIVE BILL 465.** Placed on Final Reading.

**LEGISLATIVE BILL 468.** Placed on Final Reading.

**LEGISLATIVE BILL 509.** Placed on Final Reading.

**LEGISLATIVE BILL 541.** Placed on Final Reading.

**LEGISLATIVE BILL 546.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 156.** Placed on Select File.

**LEGISLATIVE BILL 95.** Placed on Select File with amendment.

ER69

- 1 1. On page 1, strike beginning with "infants" in line
- 2 1 through line 3 and insert "health and human services; to amend
- 3 section 71-1902, Reissue Revised Statutes of Nebraska; to require
- 4 accreditation for lead agencies contracting with the Department of
- 5 Health and Human Services as prescribed; to require the department
- 6 to provide certain services as prescribed; to provide for a
- 7 moratorium on certain departmental contracts; to change provisions
- 8 relating to child-caring agencies; and to repeal the original
- 9 section.".

**LEGISLATIVE BILL 112.** Placed on Select File with amendment.  
ER72

- 1 1. On page 1, strike beginning with "and" in line 1
- 2 through the semicolon in line 4 and insert ", 75-303, and 75-311,
- 3 Reissue Revised Statutes of Nebraska; to define and redefine terms;
- 4 to provide exemptions from regulation for certain transportation
- 5 service providers; to harmonize provisions;".

**LEGISLATIVE BILL 305.** Placed on Select File with amendment.  
ER75

- 1 1. In the Larson amendment, AM1039, on page 2, line 7,
- 2 strike "department" and insert "Department of Agriculture".
- 3 2. On page 1, strike beginning with "sections" in line 1
- 4 through line 7 and insert "section 54-857, Reissue Revised Statutes
- 5 of Nebraska; to change permitted uses of the Commercial Feed
- 6 Administration Cash Fund; to require the Director of Agriculture
- 7 to report regarding implementation of a state program of meat and
- 8 poultry inspection; and to repeal the original section."

**LEGISLATIVE BILL 70.** Placed on Select File with amendment.  
ER70 is available in the Bill Room.

**LEGISLATIVE BILL 286.** Placed on Select File.

**LEGISLATIVE BILL 477.** Placed on Select File with amendment.  
ER71 is available in the Bill Room.

**LEGISLATIVE BILL 499.** Placed on Select File with amendment.  
ER74

- 1 1. On page 1, line 2, strike "32-628, 32-631,"; and in
- 2 line 5 after the comma insert "petitions for nomination,".

**LEGISLATIVE BILL 229.** Placed on Select File with amendment.  
ER76

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 61-218, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 61-218 (1) The Water Resources Cash Fund is created. The
- 6 fund shall be administered by the Department of Natural Resources.
- 7 ~~Transfers may be made from the fund to the General Fund at the~~
- 8 ~~direction of the Legislature.~~ Any money in the ~~Water Resources Cash~~
- 9 ~~Fund~~ fund available for investment shall be invested by the state
- 10 investment officer pursuant to the Nebraska Capital Expansion Act
- 11 and the Nebraska State Funds Investment Act.
- 12 (2) The State Treasurer shall credit to the fund such
- 13 money as is (a) transferred to the fund by the Legislature, (b)
- 14 paid to the state as fees, deposits, payments, and repayments

15 relating to the fund, both principal and interest, (c) donated as  
 16 gifts, bequests, or other contributions to such fund from public  
 17 or private entities, ~~and~~ (d) made available by any department or  
 18 agency of the United States if so directed by such department or  
 19 agency, and (e) transferred pursuant to section 81-15,175.

20 (3) The fund shall be expended by the department (a) to  
 21 aid management actions taken to reduce consumptive uses of water  
 22 ~~and or~~ to enhance streamflows or ground water recharge in river  
 23 basins, subbasins, or reaches which are deemed by the department  
 1 overappropriated pursuant to section 46-713 or fully appropriated  
 2 pursuant to section 46-714 or are bound by an interstate compact  
 3 or decree or a formal state contract or agreement, (b) to conduct  
 4 studies and approve grants to facilitate compliance with the  
 5 Nebraska Ground Water Management and Protection Act, and (c) and  
 6 ~~(b)~~ to the extent funds are not expended pursuant to ~~subdivision~~  
 7 ~~(a)~~ subdivisions (a) and (b) of this subsection, the department  
 8 may conduct a statewide assessment of short-term and long-term  
 9 water management activities and funding needs to meet statutory  
 10 requirements in sections 46-713 to 46-718 and 46-739 and any  
 11 requirements of an interstate compact or decree or formal state  
 12 contract or agreement. The fund shall not be used to pay for  
 13 administrative expenses or any salaries for the department or any  
 14 political subdivision.

15 (4) It is the intent of the Legislature that ~~two million~~  
 16 ~~seven hundred thousand~~ three million three hundred thousand dollars  
 17 be transferred each fiscal year from the General Fund to the Water  
 18 Resources Cash Fund for ~~FY2009-10-FY2011-12~~ through FY2018-19.

19 (5)(a) Expenditures from the Water Resources Cash  
 20 Fund may be made to natural resources districts eligible under  
 21 subsection (3) of this section for activities to either achieve a  
 22 sustainable balance of consumptive water uses or assure compliance  
 23 with an interstate compact or decree or a formal state contract  
 24 or agreement and shall require a match of local funding in an  
 25 amount equal to or greater than forty percent of the total cost  
 26 of carrying out the eligible activity. The department shall, no  
 27 later than August 1 of each year, beginning in 2007, determine the  
 1 amount of funding that will be made available to natural resources  
 2 districts from the Water Resources Cash Fund and notify natural  
 3 resources districts of this determination. The department shall  
 4 adopt and promulgate rules and regulations governing application  
 5 for and use of the Water Resources Cash Fund by natural resources  
 6 districts. Such rules and regulations shall, at a minimum, include  
 7 the following components:

8 (i) Require an explanation of how the planned activity  
 9 will assure compliance with an interstate compact or decree or a  
 10 formal state contract or agreement as required by section 46-715  
 11 and the controls, rules, and regulations designed to carry out the  
 12 activity; and



13 (ii) A schedule of implementation of the activity or its  
14 components.

15 (b) Any natural resources district that fails to  
16 implement and enforce its controls, rules, and regulations as  
17 required by section 46-715 shall not be eligible for funding  
18 from the Water Resources Cash Fund until it is determined by the  
19 department that compliance with the provisions required by section  
20 46-715 has been established.

21 (6) The Department of Natural Resources shall submit an  
22 annual report to the Legislature no later than October 1 of each  
23 year, beginning in the year 2007, that shall detail the use of the  
24 Water Resources Cash Fund in the previous year. The report shall  
25 provide:

26 (a) Details regarding the use and cost of activities  
27 carried out by the department; and

1 (b) Details regarding the use and cost of activities  
2 carried out by each natural resources district that received funds  
3 from the Water Resources Cash Fund.

4 (7) The Department of Natural Resources shall apply for  
5 a three-year grant from the Nebraska Environmental Trust Fund that  
6 benefits any river basin determined to be fully appropriated or  
7 designated as overappropriated pursuant to the Nebraska Ground  
8 Water Management and Protection Act prior to the application  
9 deadline beginning with fiscal year 2011-12 through fiscal year  
10 2013-14. Funds received from such grants shall be remitted to the  
11 State Treasurer for credit to the Water Resources Cash Fund for the  
12 purpose of supporting water projects as described in the Nebraska  
13 Environmental Trust grant application. It is the intent of the  
14 Legislature that the department apply for an additional three-year  
15 grant if the following criteria have been met:

16 [XXXX].

17 Sec. 2. Section 81-15,174, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 81-15,174 The Nebraska Environmental Trust Fund is  
20 created. The fund shall be maintained in the state accounting  
21 system as a cash fund. Except as otherwise provided in this  
22 section, the fund shall be used to carry out the purposes of  
23 the Nebraska Environmental Trust Act, including the payment of  
24 administrative costs. Money in the fund shall include proceeds  
25 credited pursuant to section 9-812 and proceeds designated by  
26 the board pursuant to section 81-15,173. Any money in the fund  
27 available for investment shall be invested by the state investment  
1 officer pursuant to the Nebraska Capital Expansion Act and the  
2 Nebraska State Funds Investment Act.

3 ~~The State Treasurer shall transfer nine hundred~~  
4 ~~twenty five thousand dollars from the Nebraska Environmental Trust~~  
5 ~~Fund to the Department of Natural Resources Water Issues Cash Fund,~~  
6 ~~as administratively created pursuant to section 81-1111.04, on or~~  
7 ~~after July 1, 2003, but no later than July 10, 2003.~~

8 The State Treasurer shall transfer one million dollars  
 9 from the Nebraska Environmental Trust Fund to the Water Resources  
 10 Trust Fund on July 1, 2004.

11 ~~The State Treasurer shall transfer two million seven  
 12 hundred sixty thousand seven hundred sixty dollars from the  
 13 Nebraska Environmental Trust Fund to the University of Nebraska  
 14 Central Administration Designated Cash Fund on March 1, 2007,  
 15 unless LR 259CA is approved by the voters in the November 2006  
 16 general election, then the transfer shall occur on November 15,  
 17 2006.~~

18 Sec. 3. Section 81-15,175, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 81-15,175 (1) The board may make an annual allocation  
 21 each fiscal year from the Nebraska Environmental Trust Fund to  
 22 the Nebraska Environmental Endowment Fund as provided in section  
 23 81-15,174.01. The board shall make annual allocations from the  
 24 Nebraska Environmental Trust Fund and may make annual allocations  
 25 each fiscal year from the Nebraska Environmental Endowment Fund  
 26 for projects which conform to the environmental categories of the  
 27 board established pursuant to section 81-15,176 and to the extent

1 the board determines those projects to have merit. The board  
 2 shall establish a calendar annually for receiving and evaluating  
 3 proposals and awarding grants. To evaluate the economic, financial,  
 4 and technical feasibility of proposals, the board may establish  
 5 subcommittees, request or contract for assistance, or establish  
 6 advisory groups. Private citizens serving on advisory groups shall  
 7 be reimbursed for their actual and necessary expenses pursuant to  
 8 sections 81-1174 to 81-1177.

9 (2) The board shall establish rating systems for ranking  
 10 proposals which meet the board's environmental categories and other  
 11 criteria. The rating systems shall include, but not be limited to,  
 12 the following considerations:

13 (a) Conformance with categories established pursuant to  
 14 section 81-15,176;

15 (b) Amount of funds committed from other funding sources;

16 (c) Encouragement of public-private partnerships;

17 (d) Geographic mix of projects over time;

18 (e) Cost-effectiveness and economic impact;

19 (f) Direct environmental impact; ~~and~~

20 (g) Environmental benefit to the general public and the  
 21 long-term nature of such public benefit; ~~and-~~

22 (h) Applications recommended by the Director of Natural  
 23 Resources and submitted by the Department of Natural Resources  
 24 totaling three million three hundred thousand dollars annually  
 25 that benefit any river basin determined to be fully appropriated  
 26 or designated as overappropriated pursuant to the Nebraska Ground  
 27 Water Management and Protection Act shall be awarded fifty points  
 1 in the ranking process if the Legislature appropriates three

2 million three hundred thousand dollars of matching funds annually  
3 until July 1, 2014.

4 (3) The board may establish a subcommittee to rate grant  
5 applications. If the board uses a subcommittee, the subcommittee  
6 shall (a) use the rating systems established by the board under  
7 subsection (2) of this section, (b) assign a numeric value to  
8 each rating criterion, combine these values into a total score  
9 for each application, and rank the applications by the total  
10 scores, (c) recommend an amount of funding for each application,  
11 which amount may be more or less than the requested amount, and  
12 (d) submit the ranked list and recommended funding to the board  
13 for its approval or disapproval. A motion to deviate from the  
14 subcommittee's recommendations must specify the reason for doing so  
15 and be adopted with an affirmative vote of not fewer than eight  
16 members of the board.

17 (4) The board may commit funds to multiyear projects,  
18 subject to available funds and appropriations. No commitment shall  
19 exceed three years without formal action by the board to renew the  
20 grant or contract. Multiyear commitments may be exempt from the  
21 rating process except for the initial application and requests to  
22 renew the commitment.

23 (5) The board shall adopt and promulgate rules and  
24 regulations and publish guidelines governing allocations from the  
25 fund. The board shall conduct annual reviews of existing projects  
26 for compliance with project goals and grant requirements.

27 (6) Every five years the board may evaluate the long-term  
1 effects of the projects it funds. The evaluation may assess  
2 a sample of such projects. The board may hire an independent  
3 consultant to conduct the evaluation and may report the evaluation  
4 findings to the Legislature and the Governor.

5 Sec. 4. The State Treasurer shall transfer \$600,000 from  
6 the General Fund to the Water Resources Cash Fund on or before June  
7 30, 2012, on such date as directed by the budget administrator of  
8 the budget division of the Department of Administrative Services,  
9 pursuant to section 61-218.

10 Sec. 5. The State Treasurer shall transfer \$600,000 from  
11 the General Fund to the Water Resources Cash Fund on or before June  
12 30, 2013, on such date as directed by the budget administrator of  
13 the budget division of the Department of Administrative Services,  
14 pursuant to section 61-218.

15 Sec. 6. Original sections 81-15,174 and 81-15,175,  
16 Reissue Revised Statutes of Nebraska, and section 61-218, Revised  
17 Statutes Cumulative Supplement, 2010, are repealed.

18 Sec. 7. Since an emergency exists, this act takes effect  
19 when passed and approved according to law.

20 2. On page 1, strike beginning with "section" in line  
21 1 through line 8 and insert "sections 81-15,174 and 81-15,175,  
22 Reissue Revised Statutes of Nebraska, and section 61-218, Revised  
23 Statutes Cumulative Supplement, 2010; to change and eliminate

24 provisions relating to the Water Resources Cash Fund and the  
 25 Nebraska Environmental Trust Fund; to provide an additional  
 26 consideration for grants from the Nebraska Environmental Trust  
 27 Fund as prescribed; to provide for fund transfers; to repeal the  
 1 original sections; and to declare an emergency."

**LEGISLATIVE BILL 229A.** Placed on Select File with amendment.  
 ER77

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. There is hereby appropriated (1) \$3,900,000  
 4 from the Water Resources Cash Fund for FY2011-12 and (2) \$3,900,000  
 5 from the Water Resources Cash Fund for FY2012-13 to the Department  
 6 of Natural Resources, for Program 334, to aid in carrying out the  
 7 provisions of Legislative Bill 229, One Hundred Second Legislature,  
 8 First Session, 2011.  
 9 There is included in the appropriation to this program  
 10 for FY2011-12 \$3,900,000 Cash Funds for state aid, which shall only  
 11 be used for such purpose. There is included in the appropriation  
 12 to this program for FY2012-13 \$3,900,000 Cash Funds for state aid,  
 13 which shall only be used for such purpose.  
 14 No expenditures for permanent and temporary salaries and  
 15 per diems for state employees shall be made from funds appropriated  
 16 in this section.  
 17 Sec. 2. Since an emergency exists, this act takes effect  
 18 when passed and approved according to law.  
 19 2. On page 1, strike beginning with "to" in line 3  
 20 through the semicolon in line 4.

**LEGISLATIVE BILL 479.** Placed on Select File.

**LEGISLATIVE BILL 200.** Placed on Select File with amendment.  
 ER78

1 1. On page 1, strike beginning with "agriculture" in  
 2 line 1 through line 5 and insert "community development; to amend  
 3 sections 13-208 and 81-3603, Reissue Revised Statutes of Nebraska;  
 4 to adopt the Nebraska Healthy Food Financing Initiative Act; to  
 5 create a fund; to provide funding; to change the tax credit  
 6 limit under the Community Development Assistance Act; to harmonize  
 7 provisions; and to repeal the original sections."  
 8 2. On page 2, line 7, after "populations" insert an  
 9 underscored comma; in line 12 after "to" insert "the"; and in line  
 10 19 strike "farmers" and insert "farmers".  
 11 3. On page 5, line 7, after "Infants" insert an  
 12 underscored comma; and in line 25 strike "by".

**LEGISLATIVE BILL 200A.** Placed on Select File.

**LEGISLATIVE BILL 176.** Placed on Select File with amendment.  
ER73

- 1 1. On page 1, line 4, after "violators" insert "in
- 2 certain cases as prescribed".
- 3 2. On page 2, line 22, strike "49-1495," and show as
- 4 stricken.

(Signed) Tyson Larson, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 146.** Introduced by Flood, 19.

WHEREAS, Dustin Wood has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Dustin has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Dustin organized and supervised the construction of a picnic shelter at First Christian Church in Norfolk, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dustin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dustin Wood on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Dustin Wood.

Laid over.

**ATTORNEY GENERAL'S OPINION**Opinion 11001

DATE: March 31, 2011

TO: Senator Heath Mello  
Nebraska Legislature

FROM: Jon Bruning, Attorney General  
L. Jay Bartel, Assistant Attorney General

RE: LB 54 – Whether Legislation Establishing the Base Year for Tax-Increment Financing of Redevelopment Projects as the Year Prior to Commencement of Rehabilitation, Acquisition, or Redevelopment is Consistent with Neb. Const. Art. VIII, § 12.

Dear Senator Mello:

Neb. Rev. Stat. § 18-2147(1) (2007) provides that "[a]ny redevelopment plan . . . may contain a provision that any ad valorem tax levied upon real property in a redevelopment project for the benefit of any public body shall be divided, for a period not to exceed fifteen years after the effective date of such a provision by the governing body. . . ." LB 54 proposes to amend § 18-2147(1) to provide that the taxes on real property in a redevelopment project would be divided "for a period not to exceed fifteen years after the governing body enters into a redevelopment contract. . . ." LB 54, § 1. AM218 would amend LB 54 to provide, in part, that real property taxes "for a redevelopment project established for the purpose of rehabilitating, acquiring, or redeveloping substandard or blighted property" would be divided "for a period not to exceed fifteen years after the commencement of such rehabilitation, acquisition, or redevelopment. . . ." AM218, § 2. Your question is whether the changes proposed to § 18-2147(1) by AM218 are consistent with Neb. Const. art. VIII, § 12, the constitutional provision authorizing cities and villages to incur indebtedness for the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property, and pledge for the payment of bonds issued for that purpose, for a period not to exceed fifteen years, taxes levied on property in the project area that are "in excess of the assessed valuation of such property for the year prior to rehabilitation, acquisition, or redevelopment."

**A. Community Development and Tax Increment Financing ["TIF"]**

The Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2144 (2007 and Cum. Supp. 2010) generally "authorizes a city to define and acquire substandard or blighted areas and redevelop them in accordance with an approved redevelopment plan which in turn shall conform to the general plan for the municipality as a whole." Monarch Chemical Works,

Inc. v. City of Omaha, 203 Neb. 33, 36, 277 N.W.2d 423, 425 (1979). Cities or villages may create a division or department to function as a community development agency, or may establish a Community Redevelopment Authority ["CRA"] to prepare and carry out redevelopment plans for areas which have been declared substandard and blighted. Neb. Rev. Stat. §§ 18-2101.01, 18-2102 (2007) and 18-2102.01 (Cum. Supp. 2010). Redevelopment projects may be funded by the use of "Tax Increment Financing" ["TIF"], which allows the increased property taxes generated by the redevelopment to be used to finance the redevelopment. Neb. Rev. Stat. §§ 18-2147 to 18-2153 (2007); 350 N.A.C. § 18.001.01. After a redevelopment project is approved, the city or CRA may issue TIF bonds to finance the project. A redevelopment plan may provide that real property taxes in a redevelopment project shall be divided "for a period not to exceed fifteen years after the effective date of such provision. . . ." Neb. Rev. Stat. § 18-2147(1) (2007). Taxing entities can levy taxes on real property in the project on the redevelopment project valuation, also known as the base value, which means "the assessed valuation on the taxable property in a redevelopment project last certified to the political subdivisions in the year prior to the effective date of the provision authorizing the dividing of ad valorem tax pursuant to" Neb. Rev. Stat. §§ 18-2103(21) and 18-2147 (2007). 310 N.A.C. § 18.002.15. The portion of tax assessed on real property in the redevelopment project in excess of the base value for the current year, the redevelopment project excess valuation, is accounted for separately and used to pay off the financing or debt incurred for the project for a period not to exceed fifteen years. Neb. Rev. Stat. §§ 18-1247(1)(b) (2007). Notice of the provision for dividing taxes must be sent by the city or CRA to the county assessor on or before August 1 in the calendar year that the division of real property taxes is to become effective. Neb. Rev. Stat. § 18-2147(3) (2007); 350 N.A.C. § 18.003.03.

## **B. Constitutional Authorization of TIF**

In 1978, a constitutional amendment was presented to the voters to approve authorizing cities and villages to issue bonds and other evidence of indebtedness to acquire and redevelop substandard and blighted property in a redevelopment project, and to pledge and apply to pay off such indebtedness all taxes levied on the value of real property in excess of the prior year's valuation on property in the project area for a period not to exceed fifteen years. 1978 Neb. Laws, LB 469, § 1. The amendment was adopted and became Neb. Const. art. VIII, § 12. In 1984, this provision was amended to allow cities and villages to incur indebtedness to rehabilitate substandard and blighted property, in addition to permitting acquisition and redevelopment. 1984 Neb. Laws, LR 227. An amendment altering the financing provisions relating to redevelopment of substandard and blighted property by further defining the project area was approved in 1988. 1987 Neb. Laws, LR 11. Neb. Const. art. VIII, § 12, currently provides as follows:

For the purpose of rehabilitating, acquiring, or redeveloping substandard

and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

### C. Analysis

Your question is whether it is permissible under art. VIII, § 12, for the Legislature to amend § 18-2147(1) to provide that the taxes on real property in a redevelopment project are to be divided "for a period not to exceed fifteen years after the governing body enters into a redevelopment contract. . . ." (LB 54, § 1), or to amend § 18-2147(1) to provide that real property taxes for a redevelopment project are to be divided "for a period not to exceed fifteen years after the commencement of such rehabilitation, acquisition, or redevelopment. . . ." (AM218, § 2). Resolution of this issue turns on the meaning of the language in art. VIII, § 2, authorizing the pledge of taxes levied on the valuation of property in the project area that are in excess of the assessed valuation of such property "for the year prior to such rehabilitation, acquisition, or redevelopment."

The Nebraska Supreme Court has recognized the following general rules governing the interpretation of constitutional provisions:

The intent and understanding of [the] framers [of a constitutional provision] and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layman. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also



appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting State ex rel. State Railway Comm'n v. Ramsey, 151 Neb. 333, 340-41, 37 N.W.2d 502, 508 (1949) (citations omitted)).

The reference to "the year prior to such rehabilitation, acquisition, or redevelopment" in art. VIII, § 12, does not incorporate any particular temporal requirement establishing when "such rehabilitation, acquisition, or redevelopment" occurs for purposes of determining the base or redevelopment project valuation. While "acquisition" contemplates a relatively fixed time, "rehabilitation" or "redevelopment" are acts which may commence and end at much different points in time. A rehabilitation or redevelopment project may not be completed within a single year, but may span more than one year from commencement to completion. Establishing either the date of execution of the project agreement or commencement of the project as the point in time at which the year prior to rehabilitation, acquisition, or redevelopment occurs for purposes of determining the redevelopment project or "base" value, as opposed to completion of the project, is not, in our opinion, inconsistent with art. VIII, § 12. Such an interpretation is reasonable and consistent with the ordinary meaning of the language employed in this constitutional provision. Accordingly, we conclude that the amendments to § 18-2147(1) proposed under LB 54 or AM 218 are not inconsistent with art. VIII, § 12.

We point out, however, that use of either the date of execution of the redevelopment project agreement or commencement of the redevelopment project as the effective date for determining the base or redevelopment project valuation for purposes of commencing the division of property taxes will, in the case of projects which take a year or more to complete, reduce the effective period for recapture of incremental tax revenues to less than fifteen years. In order to maximize the tax increment revenues available during the allowable fifteen year recapture period, establishing the effective date for division of taxes at some point after execution of the project agreement or commencement of the project may be appropriate to account for the time taken to complete rehabilitation or redevelopment. To that end, utilizing an effective date for division of taxes tied to completion of the project could help maximize the allowable time period for recapture. For projects with an increase in assessed valuation resulting from redevelopment over a period of years, however, establishing the effective date for division of taxes as the date of completion would result in a base value that would be higher than the value of the property prior to development for a multi-year project, as the base value must be the assessed value for the previous year. We believe, however, that this interpretation is also permissible under art. VIII, § 12, and may be more consistent with the intent to permit use of the maximum amount of the fifteen year recapture period.

Very truly yours,  
**JON BRUNING**  
 Attorney General

(Signed) L. Jay Bartel  
 Assistant Attorney General

cc: Patrick J. O'Donnell  
 Clerk of the Legislature  
 07-470-30

### GENERAL FILE

**LEGISLATIVE RESOLUTION 40CA.** Senator McGill renewed her amendment, AM1069, found on page 1034, to the Pirsch amendment.

Pending.

### COMMITTEE REPORTS

Redistricting

**LEGISLATIVE RESOLUTION 102.** Reported to the Legislature for further consideration.

(Signed) Chris Langemeier, Chairperson

Revenue

**LEGISLATIVE BILL 570.** Placed on General File with amendment.  
 AM641

- 1 1. Strike original sections 3 to 6 and insert the
- 2 following new sections:
- 3 Sec. 3. This act becomes operative on July 1, 2011.
- 4 Sec. 4. Original section 77-2704.15, Reissue Revised
- 5 Statutes of Nebraska, and section 12-101, Revised Statutes
- 6 Cumulative Supplement, 2010, are repealed.
- 7 Sec. 5. Since an emergency exists, this act takes effect
- 8 when passed and approved according to law.

(Signed) Abbie Cornett, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 147.** Introduced by Pankonin, 2.

WHEREAS, the Plattsmouth Blue Devils won the 2011 Class B State High School Powerlifting Championship; and

WHEREAS, the Blue Devils finished the season earning their eighth consecutive Class B state title; and

WHEREAS, the team's fourteen boys and three girls set two new state squat records and earned six first-place titles and three second-place titles; and

WHEREAS, the Blue Devils have brought great pride to their school, their school district, their communities, and their friends and families as they demonstrated discipline, efficiency, and tenacity throughout the season.

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

1. That the Legislature congratulates the Plattsmouth Blue Devils and their coaches, Keith Meisenheimer, Rita Carlsson, Kacie Sharp, and Steven Parks, on winning the 2011 Class B State High School Powerlifting Championship.

2. That a copy of this resolution be sent to the Plattsmouth Blue Devils and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 148.** Introduced by Heidemann, 1.

WHEREAS, Timothy Blecha, the son of Marvin and Candy Blecha of Humboldt, Nebraska, and a member of Troop 387, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tim has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Tim earned 28 merit badges, is an Ordeal member of the Order of the Arrow, earned the World Conservation Award, and has held patrol leader and instructor leadership positions within the troop; and

WHEREAS, Tim's community service project consisted of burying drainage tubes for Bruun Memorial Library in Humboldt; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tim, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Timothy Blecha on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Timothy Blecha.

Laid over.

### AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB84:  
AM1093

(Amendments to AM1025)

- 1 1. Strike sections 6 and 7 and insert the following new  
2 sections:  
3 Sec. 6. Section 66-489, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-489 (1) At the time of filing the return required by  
6 section 66-488, such producer, supplier, distributor, wholesaler,  
7 or importer shall, in addition to the tax imposed pursuant  
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in  
9 addition to the other taxes provided for by law, pay a tax of  
10 ~~seven and one-half~~ ~~twelve and one-half~~ cents per gallon upon all  
11 motor fuels as shown by such return, except that there shall be  
12 no tax on the motor fuels reported if (a) the required taxes on  
13 the motor fuels have been paid, (b) the motor fuels have been sold  
14 to a licensed exporter exclusively for resale or use in another  
15 state, (c) the motor fuels have been sold from a Nebraska barge  
16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel  
17 facility, including motor fuels stored offsite in bulk, by a  
18 licensed producer or supplier to a licensed distributor, (d) the  
19 motor fuels have been sold by a licensed distributor or licensed  
20 importer to a licensed distributor or to a licensed wholesaler  
21 and the seller acquired ownership of the motor fuels directly from  
22 a licensed producer or supplier at or from a refinery, barge,  
1 barge line, pipeline terminal, or ethanol or biodiesel facility,  
2 including motor fuels stored offsite in bulk, in this state or  
3 was the first importer of such fuel into this state, or (e)  
4 as otherwise provided in this section. Such producer, supplier,  
5 distributor, wholesaler, or importer shall remit such tax to the  
6 department.  
7 (2) As part of filing the return required by section  
8 66-488, each producer of ethanol shall, in addition to other  
9 taxes imposed by the motor fuel laws, pay an excise tax of one  
10 and one-quarter cents per gallon through December 31, 2004, and  
11 commencing January 1, 2010, and two and one-half cents per gallon  
12 commencing January 1, 2005, through December 31, 2009, on natural  
13 gasoline purchased for use as a denaturant by the producer at  
14 an ethanol facility. All taxes, interest, and penalties collected  
15 under this subsection shall be remitted to the State Treasurer  
16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that  
17 commencing January 1, 2005, through December 31, 2009, one and  
18 one-quarter cents per gallon of such excise tax shall be credited

19 to the Ethanol Production Incentive Cash Fund. For fiscal years  
20 2007-08 through 2011-12, if the total receipts from the excise  
21 tax authorized in this subsection and designated for deposit in  
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty  
23 thousand dollars, the State Treasurer shall deposit amounts in  
24 excess of five hundred fifty thousand dollars in the Ethanol  
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents  
27 or fuel expanders shall be exempt from the taxes imposed by this  
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and  
2 66-4,146, when the fuels are used for buses equipped to carry  
3 more than seven persons for hire and engaged entirely in the  
4 transportation of passengers for hire within municipalities or  
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry  
7 more than seven persons for hire and engaged entirely in the  
8 transportation of passengers for hire within municipalities, or  
9 within a radius of six miles thereof, in lieu of the excise tax  
10 provided for in this section, shall pay an equalization fee of a  
11 sum equal to twice the amount of the registration fee applicable to  
12 such vehicle under the laws of this state. Such equalization fee  
13 shall be paid in the same manner as the registration fee and be  
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as  
16 permitting motor fuels to be sold tax exempt. The department  
17 shall refund tax paid on motor fuels used in buses deemed exempt by  
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant  
20 by a producer at an ethanol facility as defined in section 66-1333  
21 shall be exempt from the motor fuels tax imposed by subsection (1)  
22 of this section as well as the tax imposed pursuant to sections  
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered  
25 into between the State of Nebraska and the governing body of any  
26 federally recognized Indian tribe within the State of Nebraska,  
27 motor fuels purchased on a Nebraska Indian reservation where the  
1 purchaser is a Native American who resides on the reservation shall  
2 be exempt from the motor fuels tax imposed by this section as  
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,  
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States  
6 Government or its agencies shall be exempt from the motor fuels  
7 tax imposed by this section as well as the tax imposed pursuant to  
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on  
10 the motor fuels reported if (a) the diesel fuel has been indelibly  
11 dyed and chemically marked in accordance with regulations issued by  
12 the Secretary of the Treasury of the United States under 26 U.S.C.  
13 4082 or (b) the diesel fuel contains a concentration of sulphur

14 in excess of five-hundredths percent by weight or fails to meet  
 15 a cetane index minimum of forty and has been indelibly dyed in  
 16 accordance with regulations promulgated by the Administrator of the  
 17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~  
 19 ~~846, this legislative bill~~ apply for tax periods beginning on and  
 20 after ~~July 1, 2009, January 1, 2012.~~

21 (9) The tax revenue from the increase in the tax rate  
 22 provided by this legislative bill shall be remitted to the State  
 23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise  
 27 tax of ~~seven and one-half~~ twelve and one-half cents per gallon,  
 1 increased by the amounts imposed or determined under sections  
 2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all  
 3 motor fuels used in this state and due the State of Nebraska under  
 4 section 66-489. Users of motor fuels subject to taxation under  
 5 this section shall be allowed the same exemptions, deductions,  
 6 and rights of reimbursement as are authorized and permitted by  
 7 Chapter 66, article 4, other than any commissions provided under  
 8 such article. For purposes of this section and section 66-4,106,  
 9 use shall mean the purchase or consumption of motor fuels in this  
 10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~  
 11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~  
 12 ~~1, 2009, January 1, 2012.~~ The tax revenue from the increase in the  
 13 tax rate provided by this legislative bill shall be remitted to the  
 14 State Treasurer for credit to the State Highway Capital Improvement  
 15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to  
 19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of  
 20 ~~seven and one-half~~ twelve and one-half cents per gallon or gallon  
 21 equivalent is levied and imposed on all compressed fuel sold  
 22 for use in registered motor vehicles. The changes made to this  
 23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for  
 24 tax periods beginning on and after ~~July 1, 2009, January 1, 2012.~~  
 25 The tax revenue from the increase in the tax rate provided by  
 26 this legislative bill shall be remitted to the State Treasurer for  
 27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on January 1, 2012.

2 Sec. 10. Original sections 66-489, 66-4,105, and  
 3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

### UNANIMOUS CONSENT - Add Cointroducer

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB200. No objections. So ordered.

## VISITORS

Visitors to the Chamber were a group of parents and professionals advocating for people with intellectual disabilities from across the state; 40 fourth-grade students, teachers, and sponsors from York; Karen Lovejoy, Jake Seeman, Russell E. Kirkpatrick, and Kristine Negley from Omaha; 35 fourth-grade students and teachers from Gretna; 50 fourth-, fifth-, and sixth-grade students, teacher, and sponsors from Cedar Bluffs; and 84 fourth-grade students, teachers, and sponsors from Field Club School, Omaha.

## RECESS

At 12:01 p.m., on a motion by Senator Hadley, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

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

## ROLL CALL

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Larson, Loudon, Schilz, and Wallman who were excused until they arrive.

## AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB637:  
AM1057

(Amendments to Standing Committee amendments, AM838)

- 1 1. Strike section 12 and insert the following new
- 2 sections:
- 3 Sec. 12. (1) Except as otherwise provided in this
- 4 section, after review of an initial application for authorization
- 5 to operate, including any further information submitted by the
- 6 applicant as required by the commission and any investigation of
- 7 the applicant as the commission may deem necessary or appropriate,
- 8 the commission shall grant or deny the application for initial
- 9 authorization to operate. A grant of an initial authorization to
- 10 operate may be on such terms and conditions as the commission
- 11 may specify. Such authorization shall be for a five-year period
- 12 unless the commission determines that a shorter period of time is
- 13 appropriate based on the standards established pursuant to section
- 14 6 of this act.
- 15 (2) After review of an application to renew an
- 16 authorization to operate, including any further information
- 17 submitted by the applicant as required by the commission and

18 any investigation of the applicant as the commission may deem  
19 necessary or appropriate, the commission shall grant or deny the  
20 application for renewal of an authorization to operate. Renewal of  
21 an authorization to operate may be on such terms and conditions  
22 as the commission may specify. Such authorization shall be for  
1 a five-year period, unless the commission determines that a  
2 shorter renewal period is appropriate based on the standards  
3 established pursuant to section 6 of this act. If the applicant  
4 has, for at least twenty academic years under the same ownership,  
5 continuously offered one or more four-year undergraduate programs  
6 with a physical presence in Nebraska in compliance with state and  
7 federal law, the commission shall grant authorization to operate  
8 on a continuing basis, unless the commission determines that an  
9 additional review period is appropriate based on the standards  
10 established pursuant to section 6 of this act.

11 (3) Except as otherwise provided in this section,  
12 modifications, as defined by the commission in rules and  
13 regulations, to an existing authorization to operate shall require  
14 an application to the commission. After review of the application,  
15 including any further information submitted by the applicant as  
16 required by the commission and any investigation of the applicant  
17 as the commission may deem necessary or appropriate, the commission  
18 shall grant or deny the application. Approval of the application  
19 may be on such terms and conditions as the commission may specify.  
20 Such authorization shall be for a five-year period unless the  
21 commission determines that a shorter period of time is appropriate  
22 based on the standards established pursuant to section 6 of this  
23 act.

24 (4) If an application for an initial authorization to  
25 operate or a modification to an existing authorization to operate  
26 includes a request to establish a new campus in this state, as  
27 defined by the commission in rules and regulations, the commission  
1 shall hold a public hearing. The hearing shall be scheduled  
2 following a completed review of the application for authorization  
3 to operate or the modification of an authorization to operate,  
4 including any further information submitted by the applicant as  
5 required by the commission and any investigation of the applicant  
6 as the commission may deem necessary or appropriate, and shall be  
7 conducted according to the Administrative Procedure Act. After the  
8 public hearing, the commission shall grant or deny the application.  
9 A grant of authorization to operate or the modification of an  
10 authorization to operate may be on such terms and conditions as the  
11 commission may specify. Such authorization or modification shall  
12 be for a five-year period unless the commission determines that  
13 a shorter period of time is appropriate based on the standards  
14 established pursuant to section 6 of this act.

15 Sec. 30. Section 85-2105, Revised Statutes Cumulative  
16 Supplement, 2010, is amended to read:

17 85-2105 (1) An applicant for the Access College Early



18 Scholarship Program shall complete an application form developed  
 19 and provided by the commission and shall forward the form to his  
 20 or her guidance counselor. Such application shall include, but  
 21 not be limited to, the applicant's high school, social security  
 22 number, date of birth, grade point average, grade level, qualified  
 23 postsecondary educational institution, and information necessary  
 24 to determine the student's eligibility. The guidance counselor  
 25 shall verify the student's eligibility under the Access College  
 26 Early Scholarship Program Act and shall forward the ~~information~~  
 27 application to the commission for review within fifteen days  
 1 following receipt of the form from the student. Notification of  
 2 tuition and mandatory fees to be accrued by the student shall  
 3 be provided to the commission by the student, high school, or  
 4 qualified postsecondary educational institution as determined by  
 5 the commission.

6 (2) The commission shall review the application and  
 7 verify the student's eligibility under the act. The commission  
 8 shall notify the student and the student's guidance counselor of  
 9 the verification of eligibility and the estimated award amount in  
 10 writing within thirty days following receipt of the form from the  
 11 student's guidance counselor. The scholarship award shall equal  
 12 the lesser of tuition and mandatory fees accrued by the student  
 13 after any discounts applicable to such student from the qualified  
 14 postsecondary educational institution or the tuition and mandatory  
 15 fees that would have been accrued by the student for the same  
 16 number of credit hours if the student were taking the course as a  
 17 full-time, resident, undergraduate student from the University of  
 18 Nebraska-Lincoln. The commission shall forward such amount directly  
 19 to the qualified postsecondary educational institution as payment  
 20 of such student's tuition and mandatory fees.

21 (3) The commission shall make such payments in the order  
 22 the applications are received, except that the commission may limit  
 23 the number of scholarships awarded in each term.

24 (4) The commission may limit the number of scholarships a  
 25 student may receive.

26 (5) For any student receiving a scholarship pursuant to  
 27 the act for tuition and mandatory fees, the qualified postsecondary  
 1 educational institution receiving the payment shall report either  
 2 the student's grade for the course or the student's failure to  
 3 complete the course to the commission within thirty days after  
 4 the end of the course or within one hundred eighty days after  
 5 receipt of a payment pursuant to the act if the course for which  
 6 the scholarship was awarded does not have a specified ending  
 7 date. The commission shall keep the identity of students receiving  
 8 scholarships confidential, except as necessary to comply with the  
 9 requirements of the act.

10 2. On page 1, strike line 19; and in line 20 strike  
 11 "(5)(a)" and insert "(4)(a)".

12 3. On page 2, line 26, strike "(6)" and insert "(5)".

13 4. On page 3, line 1, strike "(7)" and insert "(6)"; in  
 14 line 5 strike "(8)" and insert "(7)"; in line 9 strike "(9)" and  
 15 insert "(8)"; and in line 13 strike "(10)" and insert "(9)".

16 5. On page 6, line 1, strike "and the" and insert ";  
 17 (8) The"; in line 2 strike "Title IV" and after  
 18 "programs" insert "described in Title IV of the federal Higher  
 19 Education Act of 1965, 20 U.S.C. 1001 et seq., as such act existed  
 20 on January 1, 2011"; in line 4 strike "(8)" and insert "(9)"; and  
 21 in line 20 strike "term" and insert "year".

22 6. On page 7, line 7, strike "the Postsecondary  
 23 Institution Act" and insert "this section".

24 7. Renumber the remaining sections and correct the  
 25 repealer accordingly.

Senator Larson filed the following amendment to LB360:  
 AM741

(Amendments to Standing Committee amendments, AM369)

- 1 1. On page 6, strike beginning with "The" in line 20
- 2 through line 27 and show the old matter as stricken.

Senator Council filed the following amendment to LR40CA:  
 AM1095

(Amendments to AM886)

- 1 1. On page 1, line 7, after the period insert "The
- 2 citizens of Nebraska also have a fundamental right to eat cows and
- 3 pigs.".

## GENERAL FILE

**LEGISLATIVE BILL 279.** Title read. Considered.

Committee AM694, found on page 806, was adopted with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

### SENATOR CARLSON PRESIDING

**LEGISLATIVE BILL 600.** Title read. Considered.

Committee AM844, found on page 907, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 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.

### SENATOR GLOOR PRESIDING

**LEGISLATIVE BILL 648.** Title read. Considered.

Committee AM802, found on page 897, was considered.

Senator Christensen offered the following amendment to the committee amendment:

AM1091

(Amendments to Standing Committee amendments, AM802)

- 1 1. Strike amendment 1 and insert the following amendment:
- 2 1. On page 3, lines 8 through 13, strike the new matter
- 3 and insert "or hearing. After a foster child has been placed in the
- 4 foster parents' home for at least six months, foster parents shall
- 5 have standing as interested parties in the context of a hearing
- 6 regarding removal of a foster child from the foster parents' home
- 7 for placement in another foster home. Such standing entitles the
- 8 foster parents to call and cross-examine witnesses at the hearing
- 9 and appeal an adverse decision".

Pending.

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 575.** Placed on General File with amendment. AM955 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 141.** Reported to the Legislature for further consideration.

(Signed) Bill Avery, Chairperson

## AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB283: AM933

(Amendments to E & R amendments, ER62)

- 1 1. On page 7, lines 9 and 10, strike "but is not
- 2 limited to."; in line 11 strike "put an end to."; in line 12 after
- 3 the first comma insert "or" and strike ", or eliminate"; and in
- 4 line 14 strike "or eliminate".

## GENERAL FILE

**LEGISLATIVE BILL 648.** Senator Christensen withdrew his amendment AM1091, found in this day's Journal.

Senator Christensen withdrew his amendment, AM888, found on page 1028.

Committee AM802, found on page 897 and considered in this day's Journal, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator McGill offered the following amendment:  
AM868

- 1 1. Insert the following section:
- 2 Section 1. Section 43-285, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 43-285 (1) When the court awards a juvenile to the care
- 5 of the Department of Health and Human Services, an association,
- 6 or an individual in accordance with the Nebraska Juvenile Code,
- 7 the juvenile shall, unless otherwise ordered, become a ward and
- 8 be subject to the guardianship of the department, association,
- 9 or individual to whose care he or she is committed. Any such
- 10 association and the department shall have authority, by and
- 11 with the assent of the court, to determine the care, placement,
- 12 medical services, psychiatric services, training, and expenditures
- 13 on behalf of each juvenile committed to it. Such guardianship shall
- 14 not include the guardianship of any estate of the juvenile.
- 15 (2) Following an adjudication hearing at which a juvenile
- 16 is adjudged to be under subdivision (3) of section 43-247, the
- 17 court may order the department to prepare and file with the
- 18 court a proposed plan for the care, placement, services, and
- 19 permanency which are to be provided to such juvenile and his
- 20 or her family. The health and safety of the juvenile shall be
- 21 the paramount concern in the proposed plan. The department shall
- 22 include in the plan for a juvenile who is sixteen years of
- 23 age or older and subject to the guardianship of the department
  - 1 a written proposal describing programs and services designed to
  - 2 assist the juvenile in acquiring independent living skills. ~~If any~~
  - 3 ~~other party, including, but not limited to, the guardian ad litem,~~
  - 4 ~~parents, county attorney, or custodian, proves by a preponderance~~
  - 5 ~~of the evidence that the department's plan is not in the juvenile's~~
  - 6 ~~best interests, the court shall disapprove the department's plan.~~
  - 7 The court may approve the plan, modify the plan, order that an
  - 8 alternative plan be developed, or implement another plan that is
  - 9 in the juvenile's best interests. In its order the court shall
  - 10 include a finding regarding the appropriateness of the programs and
  - 11 services described in the proposal designed to assist the juvenile
  - 12 in acquiring independent living skills. Rules of evidence shall not

13 apply at the dispositional hearing when the court considers the  
14 plan that has been presented.

15 (3) Within thirty days after an order awarding a juvenile  
16 to the care of the department, an association, or an individual  
17 and until the juvenile reaches the age of majority, the department,  
18 association, or individual shall file with the court a report  
19 stating the location of the juvenile's placement and the needs of  
20 the juvenile in order to effectuate the purposes of subdivision  
21 (1) of section 43-246. The department, association, or individual  
22 shall file a report with the court once every six months or at  
23 shorter intervals if ordered by the court or deemed appropriate  
24 by the department, association, or individual. The department,  
25 association, or individual shall file a report and notice of  
26 placement change with the court and shall send copies of the  
27 notice to all interested parties at least seven days before the  
1 placement of the juvenile is changed from what the court originally  
2 considered to be a suitable family home or institution to some  
3 other custodial situation in order to effectuate the purposes of  
4 subdivision (1) of section 43-246. The court, on its own motion  
5 or upon the filing of an objection to the change by an interested  
6 party, may order a hearing to review such a change in placement  
7 and may order that the change be stayed until the completion of  
8 the hearing. Nothing in this section shall prevent the court on  
9 an ex parte basis from approving an immediate change in placement  
10 upon good cause shown. The department may make an immediate change  
11 in placement without court approval only if the juvenile is in a  
12 harmful or dangerous situation or when the foster parents request  
13 that the juvenile be removed from their home. Approval of the court  
14 shall be sought within twenty-four hours after making the change in  
15 placement or as soon thereafter as possible. The department shall  
16 provide the juvenile's guardian ad litem with a copy of any report  
17 filed with the court by the department pursuant to this subsection.

18 (4) The court shall also hold a permanency hearing if  
19 required under section 43-1312.

20 (5) When the court awards a juvenile to the care of the  
21 department, an association, or an individual, then the department,  
22 association, or individual shall have standing as a party to file  
23 any pleading or motion, to be heard by the court with regard to  
24 such filings, and to be granted any review or relief requested in  
25 such filings consistent with the Nebraska Juvenile Code.

26 (6) Whenever a juvenile is in a foster care placement as  
27 defined in section 43-1301, the State Foster Care Review Board may  
1 participate in proceedings concerning the juvenile as provided in  
2 section 43-1313 and notice shall be given as provided in section  
3 43-1314.

4 (7) Any written findings or recommendations of the State  
5 Foster Care Review Board or any designated local foster care  
6 review board with regard to a juvenile in a foster care placement  
7 submitted to a court having jurisdiction over such juvenile shall

8 be admissible in any proceeding concerning such juvenile if such  
 9 findings or recommendations have been provided to all other parties  
 10 of record.

11 (8) Any member of the State Foster Care Review Board,  
 12 any of its agents or employees, or any member of any local foster  
 13 care review board participating in an investigation or making any  
 14 report pursuant to the Foster Care Review Act or participating in a  
 15 judicial proceeding pursuant to this section shall be immune from  
 16 any civil liability that would otherwise be incurred except for  
 17 false statements negligently made.

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

The McGill amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

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

**LEGISLATIVE BILL 682.** Title read. Considered.

### **SENATOR COASH PRESIDING**

Committee AM626, found on page 860, was considered.

Senator Mello renewed his amendment, AM1012, found on page 1028, to the committee amendment.

Pending.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB600. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Keith Rexroth, Alex Balandran, and Heather Hoffman from Sidney and Jasmine Hanggi from Zurich, Switzerland and Monsicha Yoopensuk from Bangkok, Thailand; and 30 fourth-grade students and teachers from Gretna.

### **ADJOURNMENT**

At 3:59 p.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature

**FIFTY-EIGHTH DAY - APRIL 6, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 6, 2011

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

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

The roll was called and all members were present except Senators Karpisek, Lautenbaugh, and Wightman who were excused; and Senators Avery, Christensen, Cornett, B. Harr, Langemeier, Lathrop, and Nordquist who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 169, line 23, after "10" insert "; Wallman, 30".  
The Journal for the sixth day was approved as corrected.

The Journal for the fifty-seventh day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 149.** Introduced by Harms, 48.

WHEREAS, the Scottsbluff High School speech team tied for third place in the 2011 Class A Nebraska State Speech Championship; and

WHEREAS, Sara Frederick placed third in Serious Prose at the championships; and

WHEREAS, Sara also competed in the National Forensic League national qualifiers tournament in Cheyenne, Wyoming; 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, FIRST SESSION:

1. That the Legislature congratulates Sara Frederick for placing third in Serious Prose at the 2011 Class A Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Sara Frederick and Scottsbluff High School.

Laid over.

**LEGISLATIVE RESOLUTION 150.** Introduced by Harms, 48.

WHEREAS, the Gering Bulldogs claimed the 2011 Class B Oral Interpretation of Drama State Championship at the Nebraska State Speech Championships; and

WHEREAS, members of the championship team include Amy Christensen, Miranda Doremus-Reznor, Samuel Eastman, Darrin Gonzales, and Elizabeth Joekel; and

WHEREAS, the team claimed their first championship with a perfect score; 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, FIRST SESSION:

1. That the Legislature congratulates Gering on claiming the 2011 Class B Oral Interpretation of Drama State Championship.

2. That a copy of this resolution be sent to the team and Gering High School.

Laid over.

**LEGISLATIVE RESOLUTION 151.** Introduced by Harms, 48.

WHEREAS, the Scottsbluff High School speech team tied for third place in the 2011 Class A Nebraska State Speech Championship; and

WHEREAS, Nick Roussel placed first in Duet Acting at the championships; and

WHEREAS, Nick also placed first in Serious Prose; 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, FIRST SESSION:

1. That the Legislature congratulates Nick Roussel for placing first in both Duet Acting and Serious Prose at the 2011 Class A Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Nick Roussel and Scottsbluff High School.

Laid over.



**LEGISLATIVE RESOLUTION 152.** Introduced by Harms, 48.

WHEREAS, the Scottsbluff High School speech team tied for third place in the 2011 Class A Nebraska State Speech Championship; and

WHEREAS, Tyler Webber placed first in Duet Acting at the championships; and

WHEREAS, Tyler also competed in the National Forensic League national qualifiers tournament in Cheyenne, Wyoming; 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, FIRST SESSION:

1. That the Legislature congratulates Tyler Webber for placing first in Duet Acting at the 2011 Class A Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Tyler Webber and Scottsbluff High School.

Laid over.

**LEGISLATIVE RESOLUTION 153.** Introduced by Harms, 48.

WHEREAS, the Scottsbluff High School speech team tied for third place in the 2011 Class A Nebraska State Speech Championship; and

WHEREAS, Derrick Goss placed sixth in Entertainment at the championships; and

WHEREAS, Derrick also competed in the National Forensic League national qualifiers tournament in Cheyenne, Wyoming; 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, FIRST SESSION:

1. That the Legislature congratulates Derrick Goss for placing sixth in Entertainment at the 2011 Class A Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Derrick Goss and Scottsbluff High School.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 682.** Senator Mello renewed his amendment, AM1012, found on page 1028 and considered on page 1062, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

Senator Heidemann moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Mello amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Committee AM626, found on page 860 and considered on page 1062, as amended, was renewed.

### SENATOR CARLSON PRESIDING

Senator Heidemann moved the previous question. The question is, "Shall the debate now close?"

Senator Heidemann moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate failed with 23 ayes, 15 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT

Business and Labor

**LEGISLATIVE BILL 386.** Placed on General File with amendment.  
AM314

1 1. On page 2, line 4, after "county" insert "with a  
2 population of fewer than one hundred thousand inhabitants according  
3 to the most recent federal decennial census"; and strike lines 13  
4 through 22 and insert:  
5 "(4) Intern means any person who is working in a  
6 professional environment for a limited period of time to gain  
7 sufficient practical work experience in a professional or technical  
8 position to allow for career decisionmaking and to provide  
9 the employer valuable skills to accelerate short-term business  
10 objectives who (a) is enrolled full time in a four-year college  
11 or university in Nebraska and has achieved junior or senior status  
12 by such institution's criteria, (b) is enrolled full time in a  
13 two-year college in Nebraska and has successfully completed a  
14 minimum of one-half of the total credit hours required for an  
15 associate degree, or (c) having residency in Nebraska, is enrolled  
16 full time in a four-year college or university in a state other  
17 than Nebraska and has achieved junior or senior status by such  
18 institution's criteria; and".

(Signed) Steve Lathrop, Chairperson

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 684A.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, One Hundred Second Legislature, First Session, 2011.

### AMENDMENT - Print in Journal

Senator Larson filed the following amendment to LB306:  
AM282

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. (1) For purposes of this section, an entity
- 3 shall be classified into one of the following classes:
- 4 (a) Class 1: A humane society, an animal shelter, an
- 5 animal rescue, or an animal education and protection organization
- 6 whose annual gross revenue is equal to or in excess of twenty
- 7 million dollars and has an office or a shelter or rescue facility
- 8 in this state;
- 9 (b) Class 2: A humane society, an animal shelter, an
- 10 animal rescue, or an animal education and protection organization
- 11 whose annual gross revenue is less than twenty million dollars and
- 12 has an office or a shelter or rescue facility in this state; or
- 13 (c) Class 3: An organization whose sole mission is to
- 14 rescue or advocate for animals belonging to a specific breed. An
- 15 entity that meets the requirements of a Class 3 entity cannot be
- 16 classified as a Class 1 entity or a Class 2 entity.
- 17 (2) An entity in Class 1 shall accept custody and
- 18 provide care and shelter for any equine that is presented by a
- 19 law enforcement officer or agency. For purposes of this section,
- 20 care includes adequate housing facilities and nourishment for each
- 21 equine.
- 22 (3) The Department of Agriculture shall adopt and
- 23 promulgate rules and regulations providing for a hearing process
- 1 and a civil penalty not to exceed five hundred dollars for each
- 2 occurrence of a Class 1 entity failing to accept custody and
- 3 provide care and shelter for an equine as provided in subsection
- 4 (2) of this section.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 154.** Introduced by Fulton, 29; Brasch, 16.

WHEREAS, Harold and Dolores Wimmer moved to West Point, Nebraska, in 1957 because a fire crippled the meat processing business owned by the Wimmer family in a nearby community; and

WHEREAS, Harold and Dolores Wimmer established the West Point Community Foundation in 1991 to give back to the community that had helped make them successful; and

WHEREAS, the West Point Community Foundation awards thousands of dollars in scholarships every year to students of northeast Nebraska who have demonstrated academic excellence; and

WHEREAS, the Wimmer Rehabilitation Center opened in 2006, expanding Franciscan Care Services in West Point, Nebraska, by over eight thousand square feet and providing valuable access to rehabilitation and wellness activities; and

WHEREAS, Wimmer's Meats now delivers processed meat products to millions of customers over ten states and has earned a place in the Nebraska Business Hall of Fame; and

WHEREAS, the Legislature recognizes the outstanding achievements of Nebraska residents.

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

1. That the Legislature recognizes the exceptional spirit of philanthropy that Harold and Dolores Wimmer have shown towards the community of West Point.

2. That a copy of this resolution be sent to Dolores Wimmer and the mayor of West Point, Marlene Johnson.

Laid over.

**VISITORS**

Visitors to the Chamber were Donna and Michaela Pluta from Greenwood; 22 fourth-grade students and teachers from Weeping Water; and 30 sixth-grade students from Edison Elementary, Omaha.

**RECESS**

At 12:00 p.m., on a motion by Senator Nelson, 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 Janssen, Karpisek, Lautenbaugh, and Wightman who were excused; and Senators Cornett and Schilz who were excused until they arrive.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 279.** Placed on Select File.

**LEGISLATIVE BILL 600.** Placed on Select File with amendment. ER79 is available in the Bill Room.

**LEGISLATIVE BILL 648.** Placed on Select File with amendment. ER80

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 43-285, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 43-285 (1) When the court awards a juvenile to the care
- 6 of the Department of Health and Human Services, an association,
- 7 or an individual in accordance with the Nebraska Juvenile Code,
- 8 the juvenile shall, unless otherwise ordered, become a ward and
- 9 be subject to the guardianship of the department, association,
- 10 or individual to whose care he or she is committed. Any such
- 11 association and the department shall have authority, by and
- 12 with the assent of the court, to determine the care, placement,
- 13 medical services, psychiatric services, training, and expenditures
- 14 on behalf of each juvenile committed to it. Such guardianship shall
- 15 not include the guardianship of any estate of the juvenile.
- 16 (2) Following an adjudication hearing at which a juvenile
- 17 is adjudged to be under subdivision (3) of section 43-247, the
- 18 court may order the department to prepare and file with the
- 19 court a proposed plan for the care, placement, services, and
- 20 permanency which are to be provided to such juvenile and his
- 21 or her family. The health and safety of the juvenile shall be
- 22 the paramount concern in the proposed plan. The department shall
- 23 include in the plan for a juvenile who is sixteen years of
- 1 age or older and subject to the guardianship of the department
- 2 a written proposal describing programs and services designed to
- 3 assist the juvenile in acquiring independent living skills. ~~If any~~
- 4 ~~other party, including, but not limited to, the guardian ad litem,~~
- 5 ~~parents, county attorney, or custodian, proves by a preponderance~~
- 6 ~~of the evidence that the department's plan is not in the juvenile's~~
- 7 ~~best interests, the court shall disapprove the department's plan.~~
- 8 The court may approve the plan, modify the plan, order that an
- 9 alternative plan be developed, or implement another plan that is
- 10 in the juvenile's best interests. In its order the court shall

11 include a finding regarding the appropriateness of the programs and  
12 services described in the proposal designed to assist the juvenile  
13 in acquiring independent living skills. Rules of evidence shall not  
14 apply at the dispositional hearing when the court considers the  
15 plan that has been presented.

16 (3) Within thirty days after an order awarding a juvenile  
17 to the care of the department, an association, or an individual  
18 and until the juvenile reaches the age of majority, the department,  
19 association, or individual shall file with the court a report  
20 stating the location of the juvenile's placement and the needs of  
21 the juvenile in order to effectuate the purposes of subdivision  
22 (1) of section 43-246. The department, association, or individual  
23 shall file a report with the court once every six months or at  
24 shorter intervals if ordered by the court or deemed appropriate  
25 by the department, association, or individual. The department,  
26 association, or individual shall file a report and notice of  
27 placement change with the court and shall send copies of the  
1 notice to all interested parties at least seven days before the  
2 placement of the juvenile is changed from what the court originally  
3 considered to be a suitable family home or institution to some  
4 other custodial situation in order to effectuate the purposes of  
5 subdivision (1) of section 43-246. The court, on its own motion  
6 or upon the filing of an objection to the change by an interested  
7 party, may order a hearing to review such a change in placement  
8 and may order that the change be stayed until the completion of  
9 the hearing. Nothing in this section shall prevent the court on  
10 an ex parte basis from approving an immediate change in placement  
11 upon good cause shown. The department may make an immediate change  
12 in placement without court approval only if the juvenile is in a  
13 harmful or dangerous situation or when the foster parents request  
14 that the juvenile be removed from their home. Approval of the court  
15 shall be sought within twenty-four hours after making the change in  
16 placement or as soon thereafter as possible. The department shall  
17 provide the juvenile's guardian ad litem with a copy of any report  
18 filed with the court by the department pursuant to this subsection.

19 (4) The court shall also hold a permanency hearing if  
20 required under section 43-1312.

21 (5) When the court awards a juvenile to the care of the  
22 department, an association, or an individual, then the department,  
23 association, or individual shall have standing as a party to file  
24 any pleading or motion, to be heard by the court with regard to  
25 such filings, and to be granted any review or relief requested in  
26 such filings consistent with the Nebraska Juvenile Code.

27 (6) Whenever a juvenile is in a foster care placement as  
1 defined in section 43-1301, the State Foster Care Review Board may  
2 participate in proceedings concerning the juvenile as provided in  
3 section 43-1313 and notice shall be given as provided in section  
4 43-1314.

5 (7) Any written findings or recommendations of the State  
6 Foster Care Review Board or any designated local foster care  
7 review board with regard to a juvenile in a foster care placement  
8 submitted to a court having jurisdiction over such juvenile shall  
9 be admissible in any proceeding concerning such juvenile if such  
10 findings or recommendations have been provided to all other parties  
11 of record.

12 (8) Any member of the State Foster Care Review Board,  
13 any of its agents or employees, or any member of any local foster  
14 care review board participating in an investigation or making any  
15 report pursuant to the Foster Care Review Act or participating in a  
16 judicial proceeding pursuant to this section shall be immune from  
17 any civil liability that would otherwise be incurred except for  
18 false statements negligently made.

19 Sec. 2. Section 43-1314, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-1314 (1) Except as otherwise provided in the Nebraska  
22 Indian Child Welfare Act, notice of the court review or hearing  
23 and the right of participation in all court reviews and hearings  
24 pertaining to a child in a foster care placement shall be provided  
25 by the court having jurisdiction over such child for the purposes  
26 of foster care placement. The Department of Health and Human  
1 Services or contract agency shall have the contact information for  
2 all child placements available for all courts to comply with the  
3 notification requirements found in this section. The department  
4 or contract agency shall each have one telephone number by which  
5 any court seeking to provide notice may obtain up-to-date contact  
6 information of all persons listed in subdivisions (2)(a) through  
7 (h) of this section. All contact information shall be up-to-date  
8 within seventy-two hours of any placement change, either in court,  
9 by mail, or in such other manner as the court may direct. Such  
10 notice

11 (2) Notice shall be provided to all of the following  
12 parties that are applicable to the case: (1)-(a) The person  
13 charged with the care of such child; (2)-(b) the child's parents  
14 or guardian unless the parental rights of the parents have been  
15 terminated by court action as provided in section 43-292 or 43-297;  
16 (3)-(c) the foster child if age fourteen or over; (4)-(d) the  
17 foster parent or parents of the foster child; (5)-(e) the guardian  
18 ad litem of the foster child; (6)-(f) the state board; (7)-(g) the  
19 preadoptive parent; and (8)-(h) the relative providing care for the  
20 child. Notice of all court reviews and hearings shall be mailed  
21 or personally delivered to the counsel or party, if the party is  
22 not represented by counsel, five full days prior to the review  
23 or hearing. The use of ordinary mail shall constitute sufficient  
24 compliance. Notice to the foster parent, preadoptive parent, or  
25 relative providing care shall not be construed to require that such  
26 foster parent, preadoptive parent, or relative is a necessary party  
to the review or hearing.

27 (3) The court ~~may~~ shall inquire into the well-being of  
 1 the foster child by asking questions, if present at the hearing,  
 2 of ~~the any willing~~ foster parent, preadoptive parent, or relative  
 3 providing care for the child.

4 Sec. 3. Original section 43-1314, Reissue Revised  
 5 Statutes of Nebraska, and section 43-285, Revised Statutes  
 6 Cumulative Supplement, 2010, are repealed.

7 2. On page 1, strike beginning with "foster" in line 1  
 8 through line 4 and insert "juveniles; to amend section 43-1314,  
 9 Reissue Revised Statutes of Nebraska, and section 43-285, Revised  
 10 Statutes Cumulative Supplement, 2010; to change provisions relating  
 11 to juvenile care and placement plans and foster care placement; and  
 12 to repeal the original sections.".

(Signed) Tyson Larson, Chairperson

### AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB297:  
 AM1081

1 1. Insert the following new sections:

2 Sec. 6. Section 13-2705, Revised Statutes Cumulative  
 3 Supplement, 2010, is amended to read:

4 13-2705 The department may conditionally approve grants  
 5 of assistance from the fund to eligible and competitive applicants  
 6 within the following limits:

7 (1) A grant request shall be at least twenty thousand  
 8 dollars but no more than:

9 (a) For a city of the metropolitan class, one million  
 10 five hundred thousand dollars;

11 ~~(a)-(b)~~ For a city of the primary class, one million five  
 12 hundred thousand dollars;

13 ~~(b)-(c)~~ For a municipality with a population of forty  
 14 thousand but less than one hundred thousand, seven hundred fifty  
 15 thousand dollars;

16 ~~(c)-(d)~~ For a municipality with a population of twenty  
 17 thousand but less than forty thousand, five hundred thousand  
 18 dollars;

19 ~~(d)-(e)~~ For a municipality with a population of ten  
 20 thousand but less than twenty thousand, four hundred thousand  
 21 dollars; and

22 ~~(e)-(f)~~ For a municipality with a population of less than  
 23 ten thousand, two hundred fifty thousand dollars;

1 (2) Assistance from the fund shall not amount to more  
 2 than fifty percent of the cost of construction, renovation, or  
 3 expansion; and

4 (3) A municipality shall not be awarded more than one  
 5 grant in any five-year period.

6 Sec. 7. Section 13-2706, Revised Statutes Cumulative



- 7 Supplement, 2010, is amended to read:  
 8 13-2706 Any municipality, except a city that has received  
 9 funding under the Convention Center Facility Financing Assistance  
 10 Act or the Sports Arena Facility Financing Assistance Act for the  
 11 same project for which the grant is sought, may apply for a grant  
 12 of assistance from the fund. Application shall be made on forms  
 13 developed by the department.  
 14 2. On page 5, line 9; and page 11, line 2 after "Act"  
 15 insert "for the same project for which the state assistance is  
 16 sought".  
 17 3. Renumber the remaining sections and correct the  
 18 repealer accordingly.

Senator B. Harr filed the following amendment to LB297:  
 AM1082

(Amendments to AM843)

- 1 1. Insert the following new section:  
 2 Sec. 7. Section 13-2706, Revised Statutes Cumulative  
 3 Supplement, 2010, is amended to read:  
 4 13-2706 Any municipality, except a city that has received  
 5 funding under the Convention Center Facility Financing Assistance  
 6 Act or the Sports Arena Facility Financing Assistance Act for the  
 7 same project for which the grant is sought, may apply for a grant  
 8 of assistance from the fund. Application shall be made on forms  
 9 developed by the department.  
 10 2. On page 1, after line 9, insert the following new  
 11 subdivision:  
 12 "(a) For a city of the metropolitan class, one million  
 13 five hundred thousand dollars;"; and renumber the remaining  
 14 subdivisions accordingly.  
 15 3. On page 2, after line 2, insert the following new  
 16 subdivision:  
 17 "(a) For a city of the metropolitan class, two million  
 18 two hundred fifty thousand dollars;"; and renumber the remaining  
 19 subdivisions accordingly.  
 20 4. Insert the following new amendment:  
 21 2. On page 5, line 9; and page 11, line 2, after "Act"  
 22 insert "for the same project for which the state assistance is  
 1 sought".  
 2 5. Renumber the remaining sections and amendment and  
 3 correct the repealer accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 235.** Title read. Considered.

**SPEAKER FLOOD PRESIDING**

Committee AM952, found on page 974, was considered.

**SENATOR LANGEMEIER PRESIDING****SPEAKER FLOOD PRESIDING**

The committee amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

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

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 142, 143, and 144 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 142, 143, and 144.

**AMENDMENT - Print in Journal**

Senator Howard filed the following amendment to LB177:  
AM1110

(Amendments to Standing Committee amendments, AM713)

- 1 1. On page 7, line 14, after "care" insert "except that
- 2 for purposes of potential sibling placement, the child's family
- 3 unit shall also include the child's siblings even if the child has
- 4 not resided with such siblings prior to placement in foster care".

**NOTICE OF COMMITTEE HEARING**

Business and Labor

Room 2102

Wednesday, April 13, 2011 12:00 p.m.

AM1116 to LB397

(Signed) Steve Lathrop, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Larson asked unanimous consent to add his name as cointroducer to LB152. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Ken Beebe from North Bend and Jim Olson from Beaver Dam, Wisconsin; 29 fourth-grade students, teachers, and sponsors from Anderson Grove Elementary, Bellevue; and 35 fourth-grade students from Grant Elementary, Norfolk.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

**ADJOURNMENT**

At 3:57 p.m., on a motion by Senator Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 7, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 7, 2011

**PRAYER**

The prayer was offered by Pastor Don Nunnally, St. Paul United Methodist (retired), Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Christensen, Coash, Conrad, Heidemann, Lautenbaugh, and Loudon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 682.** Committee AM626, found on page 860 and considered on pages 1062 and 1066, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Mello moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Mello requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Council	Krist	Nelson	Price
Avery	Dubas	Langemeier	Nordquist	Schumacher
Conrad	Haar, K.	Lathrop	Pahls	Smith
Cook	Harr, B.	McGill	Pankonin	Sullivan
Cornett	Howard	Mello	Pirsch	Wallman

Voting in the negative, 17:

Adams	Fischer	Hadley	Janssen	Utter
Brasch	Flood	Hansen	Larson	
Campbell	Fulton	Harms	McCoy	
Carlson	Gloor	Heidemann	Schilz	

Present and not voting, 3:

Bloomfield	Christensen	Karpisek
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Excused and not voting, 4:

Coash	Lautenbaugh	Louden	Wightman
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Advanced to Enrollment and Review Initial with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 177.** Title read. Considered.

Committee AM713, found on page 886, was considered.

Senator Howard withdrew her amendment, AM848, found on page 915.

Senator Howard renewed her amendment, AM1110, found on page 1074, to the committee amendment.

### **SENATOR GLOOR PRESIDING**

The Howard amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 54.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 637.** Title read. Considered.

Committee AM838, found on page 898, was considered.

Senator Adams renewed his amendment, AM1057, found on page 1055, to the committee amendment.

The Adams amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Avery offered the following amendment:

AM883

- 1 1. Insert the following new sections:
- 2 Sec. 26. Section 9-812, Revised Statutes Cumulative
- 3 Supplement, 2010, as amended by section 1, Legislative Bill 333,
- 4 One Hundred Second Legislature, First Session, 2011, is amended to
- 5 read:
- 6 9-812 (1) All money received from the operation of
- 7 lottery games conducted pursuant to the State Lottery Act in
- 8 Nebraska shall be credited to the State Lottery Operation Trust
- 9 Fund, which fund is hereby created. All payments of the costs
- 10 of establishing and maintaining the lottery games shall be made
- 11 from the State Lottery Operation Cash Fund. In accordance with
- 12 legislative appropriations, money for payments for expenses of the
- 13 division shall be transferred from the State Lottery Operation
- 14 Trust Fund to the State Lottery Operation Cash Fund, which fund
- 15 is hereby created. All money necessary for the payment of lottery
- 16 prizes shall be transferred from the State Lottery Operation Trust
- 17 Fund to the State Lottery Prize Trust Fund, which fund is hereby
- 18 created. The amount used for the payment of lottery prizes shall
- 19 not be less than forty percent of the dollar amount of the lottery
- 20 tickets which have been sold.
- 21 (2) Beginning October 1, 2003, a portion of the dollar
- 22 amount of the lottery tickets which have been sold on an annualized
- 23 basis shall be transferred from the State Lottery Operation Trust
- 1 Fund to the Education Innovation Fund, the Nebraska Opportunity
- 2 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
- 3 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
- 4 dollar amount transferred pursuant to this subsection shall equal
- 5 the greater of (a) the dollar amount transferred to the funds
- 6 in fiscal year 2002-03 or (b) any amount which constitutes at

7 least twenty-two percent and no more than twenty-five percent of  
8 the dollar amount of the lottery tickets which have been sold on  
9 an annualized basis. To the extent that funds are available, the  
10 Tax Commissioner and director may authorize a transfer exceeding  
11 twenty-five percent of the dollar amount of the lottery tickets  
12 sold on an annualized basis.

13 (3) Of the money available to be transferred to the  
14 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
15 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,  
16 and the Compulsive Gamblers Assistance Fund:

17 (a) The first five hundred thousand dollars shall be  
18 transferred to the Compulsive Gamblers Assistance Fund to be used  
19 as provided in section 71-817;

20 (b) Nineteen and three-fourths percent of the money  
21 remaining after the payment of prizes and operating expenses and  
22 the initial transfer to the Compulsive Gamblers Assistance Fund  
23 shall be transferred to the Education Innovation Fund;

24 (c) Twenty-four and three-fourths percent of the money  
25 remaining after the payment of prizes and operating expenses and  
26 the initial transfer to the Compulsive Gamblers Assistance Fund  
27 shall be transferred to the Nebraska Opportunity Grant Fund;

1 (d) Forty-four and one-half percent of the money  
2 remaining after the payment of prizes and operating expenses and  
3 the initial transfer to the Compulsive Gamblers Assistance Fund  
4 shall be transferred to the Nebraska Environmental Trust Fund to be  
5 used as provided in the Nebraska Environmental Trust Act;

6 (e) Ten percent of the money remaining after the payment  
7 of prizes and operating expenses and the initial transfer to  
8 the Compulsive Gamblers Assistance Fund shall be transferred to  
9 the Nebraska State Fair Board if the most populous city within  
10 the county in which the fair is located provides matching funds  
11 equivalent to ten percent of the funds available for transfer. Such  
12 matching funds may be obtained from the city and any other private  
13 or public entity, except that no portion of such matching funds  
14 shall be provided by the state. If the Nebraska State Fair ceases  
15 operations, ten percent of the money remaining after the payment  
16 of prizes and operating expenses and the initial transfer to the  
17 Compulsive Gamblers Assistance Fund shall be transferred to the  
18 General Fund; and

19 (f) One percent of the money remaining after the payment  
20 of prizes and operating expenses and the initial transfer to the  
21 Compulsive Gamblers Assistance Fund shall be transferred to the  
22 Compulsive Gamblers Assistance Fund to be used as provided in  
23 section 71-817.

24 (4)(a) The Education Innovation Fund is created. At least  
25 seventy-five percent of the lottery proceeds allocated to the  
26 Education Innovation Fund shall be available for disbursement.

27 (b) For fiscal year 2010-11, the Education Innovation  
1 Fund shall be allocated as follows: The first one million



2 dollars shall be transferred to the Excellence in Teaching Cash  
3 Fund to fund the Excellence in Teaching Act, and the amount  
4 remaining in the Education Innovation Fund shall be allocated,  
5 after administrative expenses, for distance education equipment and  
6 incentives pursuant to sections 79-1336 and 79-1337.

7 (c) For fiscal year 2011-12, the Education Innovation  
8 Fund shall be allocated as follows: (i) The first two hundred  
9 twenty-five thousand dollars shall be transferred to the Excellence  
10 in Teaching Cash Fund to fund the Attracting Excellence to Teaching  
11 Program; (ii) the next three million three hundred sixty-five  
12 thousand nine hundred sixty-two dollars shall be distributed  
13 to school districts as grants pursuant to the Early Childhood  
14 Education Grant Program; (iii) the next two million one hundred  
15 seventy-five thousand six hundred seventy-three dollars shall be  
16 distributed to local systems as grants for approved accelerated  
17 or differentiated curriculum programs for students identified as  
18 learners with high ability pursuant to section 79-1108.02; (iv)  
19 the next four hundred ninety-one thousand five hundred forty-one  
20 dollars shall be used by the State Department of Education for  
21 the development of an integrated early childhood, elementary,  
22 secondary, and postsecondary student information system; (v) the  
23 next four hundred fifty thousand dollars shall fund the Center  
24 for Student Leadership and Extended Learning Act; (vi) the next  
25 one hundred fourteen thousand six hundred twenty-nine dollars shall  
26 fund the multicultural education program created under section  
27 79-720; (vii) the next one hundred twenty-three thousand four  
1 hundred sixty-eight dollars shall be used by the department to  
2 employ persons to investigate and prosecute alleged violations as  
3 provided in section 79-868; ~~and~~ (viii) up to the next one hundred  
4 sixty thousand dollars shall be used by the department to implement  
5 section 29 of this act; and (ix) the amount remaining shall be  
6 allocated, after administrative expenses, for distance education  
7 equipment and incentives pursuant to sections 79-1336 and 79-1337.

8 (d) For fiscal year 2012-13, the Education Innovation  
9 Fund shall be allocated as follows: (i) The first forty-five  
10 thousand dollars shall be transferred to the Excellence in Teaching  
11 Cash Fund to fund the Attracting Excellence to Teaching Program;  
12 (ii) the next three million three hundred sixty-five thousand  
13 nine hundred sixty-two dollars shall be distributed to school  
14 districts as grants pursuant to the Early Childhood Education  
15 Grant Program; (iii) the next two million one hundred seventy-five  
16 thousand six hundred seventy-three dollars shall be distributed to  
17 local systems as grants for approved accelerated or differentiated  
18 curriculum programs for students identified as learners with  
19 high ability pursuant to section 79-1108.02; (iv) the next one  
20 hundred eight thousand one hundred thirty-six dollars shall be  
21 used by the department for the development of an integrated  
22 early childhood, elementary, secondary, and postsecondary student  
23 information system; (v) the next four hundred fifty thousand

24 dollars shall fund the Center for Student Leadership and Extended  
 25 Learning Act; (vi) the next one hundred fourteen thousand six  
 26 hundred twenty-nine dollars shall be used by the department to fund  
 27 the multicultural education program created under section 79-720;  
 1 (vii) the next one hundred twenty-three thousand four hundred  
 2 sixty-eight dollars shall be used by the department to employ  
 3 persons to investigate and prosecute alleged violations as provided  
 4 in section 79-868; ~~and~~ (viii) up to the next one hundred sixty  
 5 thousand dollars shall be used by the department to implement  
 6 section 29 of this act; and (ix) the amount remaining shall be  
 7 allocated, after administrative expenses, for distance education  
 8 equipment and incentives pursuant to sections 79-1336 and 79-1337.

9 (e) For fiscal ~~years year 2013-14, through 2015-16,~~  
 10 the Education Innovation Fund shall be allocated as follows:  
 11 (i) The first one million dollars shall be transferred to the  
 12 Excellence in Teaching Cash Fund to fund the Excellence in  
 13 Teaching Act; (ii) the next allocation shall be distributed to  
 14 local systems as grants for approved accelerated or differentiated  
 15 curriculum programs for students identified as learners with high  
 16 ability pursuant to section 79-1108.02 in an aggregated amount  
 17 up to the amount distributed in the prior fiscal year for such  
 18 purposes increased by the basic allowable growth rate pursuant to  
 19 section 79-1025; (iii) the next allocation shall be used by the  
 20 State Department of Education for the integrated early childhood,  
 21 elementary, secondary, and postsecondary student information system  
 22 in an aggregated amount up to the amount used in the prior fiscal  
 23 year for such purposes increased by the basic allowable growth  
 24 rate pursuant to section 79-1025; (iv) the next allocation shall  
 25 fund the Center for Student Leadership and Extended Learning Act  
 26 in an aggregated amount up to the amount used in the prior fiscal  
 27 year for such purposes increased by the basic allowable growth  
 1 rate pursuant to section 79-1025; (v) the next allocation shall be  
 2 used by the department to fund the multicultural education program  
 3 created under section 79-720 in an aggregated amount up to the  
 4 amount used in the prior fiscal year for such purposes increased  
 5 by the basic allowable growth rate pursuant to section 79-1025;  
 6 (vi) the next allocation shall be used by the department to employ  
 7 persons to investigate and prosecute alleged violations as provided  
 8 in section 79-868 in an aggregated amount up to the amount used  
 9 in the prior fiscal year for such purposes increased by the basic  
 10 allowable growth rate pursuant to section 79-1025; ~~and~~ (vii) up  
 11 to the next one hundred sixty thousand dollars shall be used by  
 12 the department to implement section 29 of this act; and (viii)  
 13 the amount remaining shall be allocated, after administrative  
 14 expenses, for distance education equipment and incentives pursuant  
 15 to sections 79-1336 and 79-1337.

16 (f) For fiscal years 2014-15 through 2015-16, the  
 17 Education Innovation Fund shall be allocated as follows: (i) The  
 18 first one million dollars shall be transferred to the Excellence in

19 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii)  
20 the next allocation shall be distributed to local systems as grants  
21 for approved accelerated or differentiated curriculum programs  
22 for students identified as learners with high ability pursuant  
23 to section 79-1108.02 in an aggregated amount up to the amount  
24 distributed in the prior fiscal year for such purposes increased  
25 by the basic allowable growth rate pursuant to section 79-1025;  
26 (iii) the next allocation shall be used by the State Department  
27 of Education for the integrated early childhood, elementary,  
1 secondary, and postsecondary student information system in an  
2 aggregated amount up to the amount used in the prior fiscal year  
3 for such purposes increased by the basic allowable growth rate  
4 pursuant to section 79-1025; (iv) the next allocation shall fund  
5 the Center for Student Leadership and Extended Learning Act in  
6 an aggregated amount up to the amount used in the prior fiscal  
7 year for such purposes increased by the basic allowable growth  
8 rate pursuant to section 79-1025; (v) the next allocation shall  
9 be used by the department to fund the multicultural education  
10 program created under section 79-720 in an aggregated amount up  
11 to the amount used in the prior fiscal year for such purposes  
12 increased by the basic allowable growth rate pursuant to section  
13 79-1025; (vi) the next allocation shall be used by the department  
14 to employ persons to investigate and prosecute alleged violations  
15 as provided in section 79-868 in an aggregated amount up to the  
16 amount used in the prior fiscal year for such purposes increased by  
17 the basic allowable growth rate pursuant to section 79-1025; and  
18 (vii) the amount remaining shall be allocated, after administrative  
19 expenses, for distance education equipment and incentives pursuant  
20 to sections 79-1336 and 79-1337.

21 ~~(f)~~(g) For fiscal year 2016-17 and each fiscal year  
22 thereafter, the Education Innovation Fund shall be allocated, after  
23 administrative expenses, for education purposes as provided by the  
24 Legislature.

25 (5) Any money in the State Lottery Operation Trust  
26 Fund, the State Lottery Operation Cash Fund, the State Lottery  
27 Prize Trust Fund, or the Education Innovation Fund available  
1 for investment shall be invested by the state investment officer  
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
3 State Funds Investment Act.

4 (6) Unclaimed prize money on a winning lottery ticket  
5 shall be retained for a period of time prescribed by rules and  
6 regulations. If no claim is made within such period, the prize  
7 money shall be used at the discretion of the Tax Commissioner for  
8 any of the purposes prescribed in this section.

9 Sec. 28. Section 79-757, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 79-757 Sections 79-757 to 79-762 and section 29 of this  
12 act shall be known and may be cited as the Quality Education  
13 Accountability Act.

14 Sec. 29. Beginning with the 2011-12 school year, the  
 15 State Department of Education may implement a three-year pilot  
 16 project for the districtwide administration of a standard college  
 17 admission test, selected by the State Board of Education, to  
 18 students in the eleventh grade attending a public school in a  
 19 participating school district to determine if such test (1) would  
 20 improve the college-going rate and career readiness of Nebraska  
 21 students and (2) could be utilized as the assessment for the  
 22 one grade in high school as required under section 79-760.03.  
 23 Participation by school districts in the pilot project shall be  
 24 voluntary and shall be subject to the approval of the board. On  
 25 or before September 1, 2012, and on or before September 1 each  
 26 year thereafter through 2014, the department shall report to the  
 27 Governor, the Clerk of the Legislature, and the chairperson of the  
 1 Education Committee of the Legislature on the pilot project. The  
 2 project shall be paid for with funds from the Education Innovation  
 3 Fund as provided in section 9-812.  
 4 2. Renumber the remaining sections and correct the  
 5 repealer accordingly.

## SENATOR LANGEMEIER PRESIDING

## SENATOR GLOOR PRESIDING

The Avery amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 155.** Introduced by Pirsch, 4.

WHEREAS, each year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an acute and chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus. African Americans, Hispanics, Latinos, Asians, and Native Americans are two to three times more likely to develop lupus - a disparity that remains unexplained; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist

in understanding the causes and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, there have been no new drugs approved by the United States Food and Drug Administration specifically for lupus in fifty-two years, and current treatments for the disease can have damaging side effects; and

WHEREAS, there are many Nebraskans who are affected by lupus.

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

1. That the Legislature designates the month of May 2011 as Lupus Awareness Month in the State of Nebraska.

2. That the Legislature urges Nebraskans to observe this month by educating themselves on the symptoms and impact of lupus and to join with the Lupus Foundation of America in supporting programs of research, education, and community service.

Laid over.

**LEGISLATIVE RESOLUTION 156.** Introduced by Ashford, 20; Cook, 13; Council, 11; B. Harr, 8; Howard, 9; Lathrop, 12; Lautenbaugh, 18; Mello, 5; Nordquist, 7; Pirsch, 4.

WHEREAS, on June 6, 2011, Jewish Family Service of Omaha will celebrate 100 years of meeting the emotional, physical, and economic needs of individuals and families in the Omaha community; and

WHEREAS, Jewish Family Service believes that every member of its community deserves to live in dignity and hope and that it is the moral responsibility and represents the highest ideas of an evolved society to make opportunities available for the fulfillment of dreams; and

WHEREAS, Jewish Family Service provides for emergency monetary assistance as well as budgetary counseling, grief counseling, marriage counseling, parental counseling, adoption home studies, and therapy to assist people in finding a place of well-being, balance, and harmony in their lives without regard to ability to pay; and

WHEREAS, Jewish Family Service believes that the measure of a community's strength and integrity is how it utilizes compassion to treat its members who are in pain and distress due to financial hardships, loss of employment, unexpected medical bills, loss of loved ones, or family crisis or who suffer from the ills of poverty; and

WHEREAS, Jewish Family Service's 100-year history exemplifies the goals of making individuals and families stronger, bolstering supportive marriages, teaching life and coping skills so people can be more self-reliant, and creating positive self-images; and

WHEREAS, all of Jewish Family Service's programs are done in a private and personal setting without the public's scrutiny or recognition of the provider; and

WHEREAS, Gloria Kaslow's vision and efforts ensured that this supportive social service delivery system was in place and could react swiftly when called upon; and

WHEREAS, Gloria was instrumental in the resettlement of dozens of Russian Jewish immigrants settling in the Omaha area who were seeking a new and better life, and by her dedication and personal actions she not only enriched the lives of these new Americans but also enriched the lives of all who would come in their contact; and

WHEREAS, Gloria's powerful leadership and allegiance to the mission of Jewish Family Service allowed for the creation of the Women's Symposium, the Men's Forum, and the Friends of Jewish Family Service Campaign; and

WHEREAS, Gloria's work in Holocaust education will help young and old remember what can happen if mankind forgets its responsibility to one another; and

WHEREAS, Gloria's lifelong but quiet involvement, her gentle nature, and her genuine commitment and compassion to those served by Jewish Family Service has allowed Gloria to become the face and representative of the hundreds of volunteers who support the work of Jewish Family Service, making Gloria deserving of the title of "Jewish Family Service Woman of the Century."

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

1. That the Legislature designates June 6, 2011, as Jewish Family Service Day in recognition of Jewish Family Service's 100 years of service to families and individuals and congratulates Gloria Kaslow on earning the title of "Jewish Family Service Woman of the Century."

2. That the Legislature expresses its deep and sincere appreciation for the work of Jewish Family Service and Gloria Kaslow in making families and individuals stronger and improving the lives of those they serve, thereby enhancing the lives of all Nebraska citizens.

3. That on June 6, 2011, individuals, organizations, and communities are encouraged to engage in discussions and activities that raise awareness about the plight of people in our own communities who are in need of physical, emotional, and financial healing.

4. That a copy of this resolution be sent to Jewish Family Service and Gloria Kaslow.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 463.** Title read. Considered.

Committee AM754, found on page 857, was considered.

Pending.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator B. Harr has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 157.** Introduced by Cook, 13; Ashford, 20; Nelson, 6; Sullivan, 41.

WHEREAS, Ann Kennedy Goldstein, a native Omahan who graduated from Central High School, was known for her long history of service to the community. After receiving an education degree from the University of Nebraska-Lincoln in 1968, Goldstein taught for five years at Edison Elementary School in Omaha; and

WHEREAS, Ann Goldstein went to work for the Greater Omaha Chamber of Commerce in the early 1990s. At the chamber, she directed leadership development initiatives, including Leadership Omaha, Youth Leadership Omaha, the Omaha Executive Institute, and Neighborhood Builders. The chamber established the Ann Goldstein Outstanding Young Leader Award as a tribute to her. In April of 1997, Goldstein was honored by the YWCA for career achievement, community service, and work against discrimination; and

WHEREAS, Ann Goldstein served as a regional president of the Anti-Defamation League and had a seat on the Community Relations Committee of the Jewish Federation of Omaha. Goldstein was also a past president of the Junior League of Omaha and one of the founders of the Omaha Children's Museum; and

WHEREAS, Ann Goldstein was the first recipient of the Jewish Federation of Omaha's Justin Greenberg Young Leadership Award, and she received the Omaha Children's Museum Founder's Award and the Omaha Education Association's Human Relations Award; and

WHEREAS, Ann Goldstein will always be remembered for her legendary radiant smile; and

WHEREAS, Ann was married for forty years to her husband, Donald. They had two daughters; and

WHEREAS, Ann Goldstein passed away on March 12, 2011, at the age of 64.

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

1. That the Legislature extends its condolences to the family of Ann Goldstein.

2. That a copy of the resolution be sent to the family of Ann Goldstein.

Laid over.

**LEGISLATIVE RESOLUTION 158.** Introduced by Pahls, 31.

WHEREAS, April is Community Banking Month; and

WHEREAS, Nebraska has two hundred sixteen community banks; and

WHEREAS, community banks are locally operated banking institutions; and

WHEREAS, community banks help grow our towns and cities by funding small businesses and using local dollars to help families purchase a home, finance college, and build financial security.

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

1. That the Legislature designates April 2011 as Community Banking Month in the State of Nebraska.

2. That a copy of this resolution be sent to the Nebraska Independent Community Bankers.

Laid over.

**VISITORS**

Visitors to the Chamber were Mark Krepel from Crofton; 60 fourth-grade students from West Dodge Station Elementary, Elkhorn; Shelby Andersen, Chelsey Rodriguez, Brittany Walker, Nikki Dunovsky, and Lori Walla from Alliance; 8 high school students, teacher, and sponsor from Hyannis; 39 fourth-grade students and teachers from Fort Calhoun; Jerry Weatherholt from Stanton and John Ross from Bancroft; and 60 fourth-grade students from Hawthorne Elementary, Hastings.

**RECESS**

At 11:58 a.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators B. Harr, McGill, and Wightman who were excused; and Senators Coash, Lathrop, and Lautenbaugh who were excused until they arrive.



**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.

Thomas Incontro - Foster Care Review Board

Aye: 5 Senators Bloomfield, Campbell, Gloor, Krist, Wallman. Nay: 2 Senators Cook, Howard. 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.

Mark Zimmerer - Foster Care Review Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Martha Parker - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Shawn Kralik - Nebraska Rural Health Advisory Commission

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Debra Parsow - State Board of Health  
Wayne Stuberg - State Board of Health  
Daryl Wills - State Board of Health

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

(Signed) Kathy Campbell, Chairperson

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB229:  
FA13  
Strike the enacting clause.

**GENERAL FILE**

**LEGISLATIVE BILL 617.** Title read. Considered.

Committee AM906, found on page 938, was adopted with 33 ayes, 0 nays, 11 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 251.** Title read. Considered.

Committee AM945, found on page 981, was considered.

Pending.

**COMMITTEE REPORTS**

Appropriations

**LEGISLATIVE BILL 496.** Indefinitely postponed.

(Signed) Lavon Heidemann, Chairperson

Revenue

**LEGISLATIVE BILL 590.** Placed on General File with amendment.  
AM1072 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

**AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB204:  
AM1071

(Amendments to E & R amendments, ER64)

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 79-1601, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 79-1601 (1) Except as provided in subsections (2) through
- 5 (6) of this section, all private, denominational, and parochial

6 schools in the State of Nebraska and all teachers employed or  
7 giving instruction in such schools shall be subject to and governed  
8 by the provisions of the general school laws of the state so far  
9 as the same apply to grades, qualifications, and certification of  
10 teachers and promotion of students. All private, denominational,  
11 and parochial schools shall have adequate equipment and supplies,  
12 shall be graded the same, and shall have courses of study for each  
13 grade conducted in such schools substantially the same as those  
14 given in the public schools which the students would attend in the  
15 absence of such private, denominational, or parochial schools.

16 (2) All private, denominational, or parochial schools  
17 shall either comply with the accreditation or approval requirements  
18 prescribed in section 79-318 or, for those schools which elect not  
19 to meet accreditation or approval requirements, the requirements  
20 prescribed in section 79-318 and subsections (2) through (6)  
21 of this section. Standards and procedures for approval and  
22 accreditation shall be based upon the program of studies, guidance  
1 services, the number and preparation of teachers in relation to the  
2 curriculum and enrollment, instructional materials and equipment,  
3 science facilities and equipment, library facilities and materials,  
4 and health and safety factors in buildings and grounds. Rules  
5 and regulations which govern standards and procedures for private,  
6 denominational, and parochial schools which elect, pursuant to  
7 the procedures prescribed in subsections (2) through (6) of this  
8 section, not to meet state accreditation or approval requirements  
9 shall be based upon evidence that such schools offer a program  
10 of instruction leading to the acquisition of basic skills in  
11 the language arts, mathematics, science, social studies, and  
12 health. Such rules and regulations may include a provision for  
13 the visitation of such schools and regular achievement testing  
14 of students attending such schools in order to insure that such  
15 schools are offering instruction in the basic skills listed in  
16 this subsection. Any arrangements for visitation or testing shall  
17 be made through a parent representative of each such school. The  
18 results of such testing may be used as evidence that such schools  
19 are offering instruction in such basic skills but shall not be used  
20 to measure, compare, or evaluate the competency of students at such  
21 schools.

22 (3) The provisions of subsections (3) through (6) of this  
23 section shall apply to any private, denominational, or parochial  
24 school in the State of Nebraska which elects not to meet state  
25 accreditation or approval requirements. Elections pursuant to such  
26 subsections shall be effective when a statement is received by  
27 the Commissioner of Education signed by the parents or legal  
1 guardians of all students attending such private, denominational,  
2 or parochial school, stating that (a) either specifically (i) the  
3 requirements for approval and accreditation required by law and  
4 the rules and regulations adopted and promulgated by the State  
5 Board of Education violate sincerely held religious beliefs of the

6 parents or legal guardians or (ii) the requirements for approval  
7 and accreditation required by law and the rules and regulations  
8 adopted and promulgated by the State Board of Education interfere  
9 with the decisions of the parents or legal guardians in directing  
10 the student's education, (b) an authorized representative of such  
11 parents or legal guardians will at least annually submit to the  
12 Commissioner of Education the information necessary to prove that  
13 the requirements of subdivisions (4)(a) through (c) of this section  
14 are satisfied, (c) the school offers the courses of instruction  
15 required by subsections (2), (3), and (4) of this section, and  
16 (d) the parents or legal guardians have satisfied themselves that  
17 individuals monitoring instruction at such school are qualified to  
18 monitor instruction in the basic skills as required by subsections  
19 (2), (3), and (4) of this section and that such individuals have  
20 demonstrated an alternative competency to monitor instruction or  
21 supervise students pursuant to subsections (3) through (6) of this  
22 section.

23 (4) Each such private, denominational, or parochial  
24 school shall (a) meet minimum requirements relating to health,  
25 fire, and safety standards prescribed by state law and the rules  
26 and regulations of the State Fire Marshal, (b) report attendance  
27 pursuant to section 79-201, (c) maintain a sequential program  
1 of instruction designed to lead to basic skills in the language  
2 arts, mathematics, science, social studies, and health, and (d)  
3 comply with the immunization and blood lead testing requirements  
4 in section 79-217 if the statement signed by the parents or legal  
5 guardians indicate a nonreligious reason pursuant to subdivision  
6 (3)(a)(ii) of this section for the student attending a private,  
7 denominational, or parochial school which elects not to meet  
8 state accreditation or approval requirements. The State Board of  
9 Education shall establish procedures for receiving information and  
10 reports required by subsections (3) through (6) of this section  
11 from authorized parent representatives who may act as agents for  
12 parents or legal guardians of students attending such school and  
13 for individuals monitoring instruction in the basic skills required  
14 by subsections (2), (3), and (4) of this section.

15 (5) Individuals employed or utilized by schools which  
16 elect not to meet state accreditation or approval requirements  
17 shall not be required to meet the certification requirements  
18 prescribed in sections 79-801 to 79-815 but shall either (a) take  
19 appropriate subject matter components of a nationally recognized  
20 teacher competency examination designated by the State Board of  
21 Education as (i) including the appropriate subject matter areas for  
22 purposes of satisfying the requirements of subsections (3) and (4)  
23 of this section and (ii) a nationally recognized examination or (b)  
24 offer evidence of competence to provide instruction in the basic  
25 skills required by subsections (3) and (4) of this section pursuant  
26 to informal methods of evaluation which shall be developed by the  
27 State Board of Education. Such evidence may include educational

1 transcripts, diplomas, and other information regarding the formal  
 2 educational background of such individuals. Information concerning  
 3 test results, transcripts, diplomas, and other evidence of formal  
 4 education may be transmitted to the State Department of Education  
 5 by authorized representatives of parents or legal guardians. The  
 6 results of such testing or alternative evaluation of individuals  
 7 who monitor the instruction of students attending such schools may  
 8 be used as evidence of whether or not such schools are offering  
 9 adequate instruction in the basic skills prescribed in subsections  
 10 (2), (3), and (4) of this section but shall not be used to prohibit  
 11 any such school from employing such individuals. Failure of a  
 12 monitor, who is tested for the purpose of satisfying in whole or  
 13 in part the requirements of subsections (3) through (6) of this  
 14 section, to attain a score equal to or exceeding both the state  
 15 or national average score or rating on appropriate subject matter  
 16 components of recognized teacher competency examinations designated  
 17 by the State Board of Education may be by itself sufficient proof  
 18 that such school does not offer adequate instruction in the basic  
 19 skills prescribed in subsections (3) and (4) of this section.

20 (6) The demonstration of competency to monitor  
 21 instruction in a private, denominational, or parochial school  
 22 which has elected not to meet state accreditation or approval  
 23 requirements shall in no way constitute or be construed to grant a  
 24 license, permit, or certificate to teach in the State of Nebraska.  
 25 Any school which elects not to meet state accreditation or approval  
 26 requirements and does not meet the requirements of subsections  
 27 (2) through (6) of this section shall not be deemed a school for  
 1 purposes of section 79-201, and the parents or legal guardians of  
 2 any students attending such school shall be subject to prosecution  
 3 pursuant to such section or any statutes relating to habitual  
 4 truancy.

5 2. On page 4, line 6, after "district" insert "and the  
 6 governing authority of each private, denominational, or parochial  
 7 school".

8 3. On page 4, lines 11 and 15; and page 7, line 13,  
 9 strike "district".

10 4. Amend the repealer and renumber the remaining sections  
 11 accordingly.

## COMMITTEE REPORT

### Natural Resources

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

Paul Dunn - Nebraska Environmental Trust Board  
 Gloria Erickson - Nebraska Environmental Trust Board  
 James Stuart Jr. - Nebraska Environmental Trust Board

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 251.** Committee AM945, found on page 981 and considered in this day's Journal, was renewed.

### SENATOR COASH PRESIDING

Senator Ashford moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The committee amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Council moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Ashford	Conrad	Haar, K.	Louden	Smith
Avery	Cook	Krist	Mello	Wallman
Campbell	Council	Lathrop	Nordquist	
Coash	Dubas	Lautenbaugh	Price	

Voting in the negative, 24:

Adams	Fischer	Harms	McCoy	Schilz
Bloomfield	Flood	Heidemann	Nelson	Schumacher
Brasch	Fulton	Howard	Pahls	Sullivan
Carlson	Hadley	Karpisek	Pankonin	Utter
Cornett	Hansen	Langemeier	Pirsch	

Excused and not voting, 7:

Christensen	Harr, B.	Larson	Wightman
Gloor	Janssen	McGill	

Failed to advance to Enrollment and Review Initial with 18 ayes, 24 nays, and 7 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORTS**

Business and Labor

**LEGISLATIVE BILL 397.** Placed on General File with amendment. AM1116 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 382.** Placed on General File with amendment. AM1101 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

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

Senator Lathrop filed the following amendment to LB397:  
AM1125

(Amendments to Standing Committee amendments, AM1116)

- 1 1. On page 16, line 12, after "retroactive" insert
- 2 "except as provided otherwise in the Industrial Relations Act"; and
- 3 in line 13 strike "Industrial Relations Act" and insert "act".

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 159.** Introduced by Campbell, 25.

WHEREAS, the Lincoln Christian Crusaders won the 2011 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Crusaders defeated Archbishop Bergan High School by a score of 46-43 in the championship game; and

WHEREAS, the Crusaders displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; 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, FIRST SESSION:

1. That the Legislature congratulates the Lincoln Christian Crusaders on winning the 2011 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Lincoln Christian Crusaders and their coach, Monte Jones.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 384.** Title read. Considered.

Committee AM944, found on page 975, was considered.

Senator Cornett offered the following amendment to the committee amendment:

AM1127

(Amendments to Standing Committee amendments, AM944)

- 1 1. On page 7, line 13, after the period insert "If the
- 2 real property owner does not notify the county assessor or the
- 3 county assessor's designated representative by February 1 of the
- 4 real property owner's intent to meet in person, the real property
- 5 owner waives the opportunity to meet in person with the county
- 6 assessor or the county assessor's designated representative.".

The Cornett amendment was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 3 present and not voting, and 9 excused and not voting.

**COMMITTEE REPORT**

## Appropriations

**LEGISLATIVE BILL 464.** Placed on General File with amendment.

AM1130

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. Section 43-536, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-536 In determining the rate of reimbursement for child
- 6 care, the Department of Health and Human Services shall conduct a
- 7 market rate survey of the child care providers in the state. The
- 8 department shall adjust the reimbursement rate for child care every
- 9 odd-numbered year at a rate not less than the sixtieth percentile
- 10 and not to exceed the seventy-fifth percentile of the current
- 11 market rate survey, except that (1) nationally accredited child
- 12 care providers may be reimbursed at higher rates and (2) for the
- 13 two fiscal years beginning July 1, ~~2003, 2011~~, such rate may not
- 14 be less than the ~~sixtieth-fiftieth~~ percentile but shall not be less
- 15 ~~than or~~ the rate for the immediately preceding fiscal year.

(Signed) Lavon Heidemann, Chairperson



**VISITORS**

Visitors to the Chamber were 41 fourth-grade students and teachers from Stoddard Elementary, Beatrice; Wendi McNeil from Craig; 58 fourth-grade students and teachers from Wasmer Elementary, Grand Island; and 24 fifth-grade students, teacher, and sponsors from Heartland Elementary, Henderson.

**ADJOURNMENT**

At 4.55 p.m., on a motion by Senator Nordquist, the Legislature adjourned until 9:00 a.m., Friday, April 8, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTIETH DAY - APRIL 8, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 8, 2011

**PRAYER**

The prayer was offered by Pastor Dan Wills, Chandler Acres Baptist Church, Bellevue.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Carlson, Cornett, McGill, Pahls, and Wightman who were excused; and Senators Karpisek and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Attestation Report of the Nebraska Motor Vehicle Industry Licensing Board, July 1, 2009 through June 30, 2010

**Health and Human Services, Department of**

Division of Developmental Disabilities, Beatrice State Developmental Center Baseline Quarterly Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 7, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
Health Center Association of Nebraska  
Iowa/Nebraska Primary Care Association (Withdrawn 03/31/2011)  
Biles, Lacey  
National Rifle Association Institute for Legislative Action

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 27.**

A BILL FOR AN ACT relating to water; to amend sections 46-236 and 46-1224, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations for water power and water well registration fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cook	Hansen	Lathrop	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 31.**

A BILL FOR AN ACT relating to water; to amend section 46-240.01, Reissue Revised Statutes of Nebraska; to change provisions relating to supplemental agricultural appropriations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cook	Hansen	Lathrop	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 32.**

A BILL FOR AN ACT relating to water; to amend section 46-1654, Reissue Revised Statutes of Nebraska; to change provisions relating to dam and appropriation application approval; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cook	Hansen	Lathrop	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 237.**

A BILL FOR AN ACT relating to prescription drugs; to state intent; and to provide for creation of a prescription drug monitoring program.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cook	Harms	Lathrop	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Gloor	Karpisek	Nordquist	Wallman
Christensen	Haar, K.	Krist	Pankonin	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Fulton

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 34.**

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to exempt religious residential facilities from licensure and regulation as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cook	Hansen	Larson	Price
Ashford	Council	Harms	Lathrop	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Janssen	Nelson	Utter
Christensen	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Krist	Pankonin	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 105.**

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1241.06, Reissue Revised Statutes of Nebraska, and section 37-1241.08, Revised Statutes Cumulative Supplement, 2010; to change restrictions on operation of motorboats and personal watercraft; to eliminate an obsolete provision; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Council	Harms	Louden	Schumacher
Ashford	Dubas	Harr, B.	McCoy	Smith
Avery	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Christensen	Gloor	Karpisek	Pankonin	
Coash	Haar, K.	Krist	Pirsch	
Conrad	Hadley	Langemeier	Price	
Cook	Hansen	Lathrop	Schilz	

Voting in the negative, 2:

Bloomfield    Larson

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 207.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Cook	Hansen	Larson	Price
Ashford	Council	Harms	Lathrop	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Janssen	Nelson	Utter
Christensen	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Krist	Pankonin	
Conrad	Hadley	Langemeier	Pirsch	



Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 218.**

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Adams	Council	Hansen	Larson	Schilz
Ashford	Dubas	Harms	Lathrop	Schumacher
Avery	Fischer	Harr, B.	Louden	Smith
Bloomfield	Flood	Heidemann	McCoy	Sullivan
Brasch	Fulton	Janssen	Nelson	Utter
Campbell	Gloor	Karpisek	Pankonin	Wallman
Coash	Haar, K.	Krist	Pirsch	
Cook	Hadley	Langemeier	Price	

Voting in the negative, 5:

Christensen	Conrad	Howard	Mello	Nordquist
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Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 255.** With Emergency Clause.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 74-1313, 75-401, and 75-426, Reissue Revised Statutes of Nebraska; to eliminate certain duties of the Public Service Commission relating to railroads; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Adams	Christensen	Gloor	Krist	Pirsch
Ashford	Coash	Hadley	Langemeier	Price
Avery	Council	Harms	Larson	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	Nelson	Smith
Campbell	Fulton	Karpisek	Pankonin	Utter

Voting in the negative, 12:

Conrad	Haar, K.	Howard	Mello
Cook	Hansen	Lathrop	Nordquist
Dubas	Harr, B.	Louden	Wallman

Present and not voting, 1:

Sullivan

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Adams	Christensen	Gloor	Krist	Pirsch
Ashford	Coash	Hadley	Langemeier	Price
Avery	Council	Harms	Larson	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	Nelson	Smith
Campbell	Fulton	Karpisek	Pankonin	Utter

Voting in the negative, 12:

Conrad	Haar, K.	Howard	Mello
Cook	Hansen	Lathrop	Nordquist
Dubas	Harr, B.	Louden	Wallman

Present and not voting, 1:

Sullivan

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

### **LEGISLATIVE BILL 259.**

A BILL FOR AN ACT relating to railroads; to amend sections 37-914 and 74-1427, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Railway Council, the Light-Density Rail Line Assistance Act, and funds; to provide duties for the Department of Roads; to change provisions relating to the use of local tax funds for light-density rail lines as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1401, 74-1402, 74-1402.01, 74-1403, 74-1404, 74-1405, 74-1405.01, 74-1405.02, 74-1405.03, 74-1406, 74-1407.01, 74-1408, 74-1410, 74-1410.01, 74-1411, 74-1411.01, 74-1412, 74-1412.01, 74-1413, 74-1414, 74-1415, 74-1415.01, 74-1415.03, 74-1415.04, 74-1415.05, 74-1415.06, 74-1419.02, 74-1420, 74-1420.01, 74-1420.02, 74-1420.03, 74-1428.01, 74-1428.02, 74-1428.03, and 74-1429, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Adams	Conrad	Hansen	Larson	Price
Ashford	Cook	Harms	Lathrop	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	Mello	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Nordquist	Utter
Christensen	Gloor	Krist	Pankonin	Wallman
Coash	Hadley	Langemeier	Pirsch	

Voting in the negative, 2:

Haar, K. Louden

Present and not voting, 2:

Council Harr, B.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 260.**

A BILL FOR AN ACT relating to sports-related injuries; to adopt the Concussion Awareness Act; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Cook	Hansen	Larson	Price
Ashford	Council	Harms	Lathrop	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Janssen	Nelson	Utter
Christensen	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Krist	Pankonin	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 342.**

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the hours of and notice requirements for annual elections as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cook	Hansen	Larson	Price
Ashford	Council	Harms	Lathrop	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Janssen	Nelson	Utter
Christensen	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Krist	Pankonin	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 543.** With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to provide for a state outreach plan relating to the Supplemental Nutrition Assistance Program; to provide for elimination of asset limits relating to the program as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Adams	Cook	Hansen	Lathrop	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 563.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 621.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 100.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2203, Reissue Revised Statutes of Nebraska; to provide for the criminal responsibility of intoxicated persons as prescribed; to change provisions relating to the defense of not responsible by reason of insanity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Dubas	Harr, B.	Lautenbaugh	Schilz
Ashford	Fischer	Heidemann	Louden	Schumacher
Avery	Flood	Howard	McCoy	Smith
Bloomfield	Fulton	Janssen	Mello	Sullivan
Brasch	Gloor	Karpisek	Nelson	Utter
Campbell	Haar, K.	Krist	Nordquist	Wallman
Christensen	Hadley	Langemeier	Pankonin	
Coash	Hansen	Larson	Pirsch	
Cook	Harms	Lathrop	Price	

Voting in the negative, 2:

Conrad            Council

Excused and not voting, 5:

Carlson            Cornett            McGill            Pahls            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 230.**

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to public records; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	
Cook	Hansen	Larson	Pirsch	

Voting in the negative, 0.



Present and not voting, 1:

Ashford

Excused and not voting, 5:

Carlson            Cornett            McGill            Pahls            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB90 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 90.**

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-105, 9-304, 9-307, 9-309, 9-316, 9-326, 9-406, 9-408, 9-502, 9-503, 9-507, 9-515, 9-518, and 9-607, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and sections 2A-103, 9-102, 9-311, 9-317, 9-506, and 9-516, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to update uniform laws and change provisions relating to financing statements; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 9-521, Uniform Commercial Code, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 90A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 329.**

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, and 81-1620, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to change provisions relating to the Nebraska Energy Code; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 20.**

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-401.01 and 60-4,111.01, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-456.01, Revised Statutes Cumulative Supplement, 2010; to regulate the sale of methamphetamine precursors as prescribed; to define terms; to provide and change penalties; to provide for storage and use of information encoded on a motor vehicle operator's license or state identification card; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB41 with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 41.**

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-238, 37-405, 37-420, 37-421, 37-421.01, 37-427, 37-461, 37-464, 37-483, 37-484, 37-485, 37-487, 37-488, 37-489, 37-490, 37-492, 37-497, 37-498, 37-4,103, 37-503, 37-512, 37-615, and 37-618, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-407, 37-411, 37-426, 37-431, and 37-450, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to fees, falconry, beaver and muskrat damage, controlled shooting areas, and possession of game; to change and eliminate provisions relating to licenses, permits, and stamps issued under the Game Law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-460, 37-499, 37-4,100, 37-4,101, 37-4,102, and 37-562, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson          Cornett          McGill          Pahls          Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB45 with 36 ayes, 2 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 45.**

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 2-3256, 81-3403, 81-3429, 81-3441, 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3448, 81-3449, 81-3451, 81-3452, and 81-3453, Reissue Revised Statutes of Nebraska, and section 81-3401, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to members of the Board of Engineers and Architects, enforcement procedures, disciplinary actions, exempted activities, licenses, and engineering examinations; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson          Cornett          McGill          Pahls          Wightman

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 465.** With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to eliminate provisions relating to eligibility for non-United-States citizens; to provide an operative date; to outright repeal section 68-1070, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Adams	Dubas	Harms	Lautenbaugh	Schumacher
Avery	Fischer	Heidemann	McCoy	Smith
Bloomfield	Flood	Janssen	Nelson	Sullivan
Brasch	Fulton	Karpisek	Pankonin	Utter
Campbell	Gloor	Krist	Pirsch	Wallman
Christensen	Hadley	Langemeier	Price	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 8:

Ashford	Cook	Haar, K.	Mello
Conrad	Council	Howard	Nordquist

Present and not voting, 3:

Harr, B.	Lathrop	Louden
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Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 468.**

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-909, Reissue Revised Statutes of Nebraska; to change provisions relating to copayments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Adams	Dubas	Harms	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	Louden	Schumacher
Bloomfield	Flood	Janssen	McCoy	Smith
Brasch	Fulton	Karpisek	Nelson	Sullivan
Campbell	Gloor	Krist	Pankonin	Utter
Christensen	Hadley	Langemeier	Pirsch	Wallman
Coash	Hansen	Larson	Price	

Voting in the negative, 10:

Ashford	Cook	Haar, K.	Howard	Mello
Conrad	Council	Harr, B.	Lathrop	Nordquist

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB509 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 509.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2302, 23-2308, 23-2319.01, 24-710, 42-1102, 72-1243, 79-408, 79-901, 79-903, 79-904, 79-904.01, 79-916, 79-926, 79-933.03, 79-933.05, 79-933.06, 79-941, 79-942, 79-944, 79-947, 79-955, 79-978.01, 79-987, 81-2014.01, 81-2026, 81-2041, 84-1301, 84-1322, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 4-108, 23-2306, 23-2308.01, 23-2320, 24-701.01, 68-621, 79-902, 79-920, 79-9,113, 79-1003, 79-1028.01, 84-1307, 84-1309.02, 84-1313.02, and 84-1321.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to public benefits, fees, termination of employment, retirement annuities, presentation and filing deadlines, compensation determinations, participation requirements, beneficiaries, deferred compensation, and the Public Employees Retirement Board; to create a fund; to rename a retirement system; to provide requirements relating to cost-of-living adjustments, actuarial services, compliance audits, and preretirement planning programs; to eliminate reporting requirements,

obsolete language, cost-of-living adjustment provisions, and the Law Enforcement Officers Retirement Survey Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 24-710.09, 24-710.10, 24-710.11, 50-417.02, 50-417.03, 50-417.04, 50-417.05, 50-417.06, 79-940, 79-947.03, 79-947.04, 79-947.05, 81-2027.05, 81-2027.06, and 81-2027.07, Reissue Revised Statutes of Nebraska, and sections 24-710.07, 79-947.01, and 81-2027.03, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Utter
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 546.**

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the state building code and local building or construction codes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:



Adams	Fulton	Heidemann	Nelson	Sullivan
Brasch	Gloor	Janssen	Pankonin	Utter
Campbell	Haar, K.	Karpisek	Pirsch	Wallman
Coash	Hadley	Langemeier	Price	
Dubas	Hansen	Larson	Schilz	
Fischer	Harms	Lautenbaugh	Schumacher	
Flood	Harr, B.	McCoy	Smith	

Voting in the negative, 9:

Ashford	Conrad	Council	Lathrop	Mello
Christensen	Cook	Krist	Louden	

Present and not voting, 4:

Avery	Bloomfield	Howard	Nordquist
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Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB366 to Select File**

Senator Langemeier moved to return LB366 to Select File for his specific amendment, AM1052, found on page 1016.

The Langemeier motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 366.** The Langemeier specific amendment, AM1052, found on page 1016, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **MOTION - Reconsider Action on LB255**

Senator Fischer offered the following motion to LB255:  
MO26

Reconsider the vote on final passage with the emergency clause stricken.

The Fischer motion to reconsider prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**MOTION - Return LB255 to Select File**

Senator Fischer moved to return LB255 to Select File for the following specific amendment:

AM1139

(Amendments to Final Reading copy)

- 1 1. Strike sections 4 and 6.
- 2 2. On page 1, strike beginning with the first "to" in
- 3 line 5 through line 7 and insert "and to repeal the original
- 4 sections."
- 5 3. Renumber the remaining section accordingly.

The Fischer motion to return prevailed with 44 ayes, 0 nays, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 255.** The Fischer specific amendment, AM1139, found in this day's Journal, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 102.** Read. Considered.

**SENATOR SULLIVAN PRESIDING**

**SPEAKER FLOOD PRESIDING**

LR102 was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 27, 31, 32, 237, 34, 105, 207, 218, 259, 260, 342, 543, 563, 621, 100, 230, 90, 90A, 329, 20, 41, 45, 465, 468, 509, 546, and LR102.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 160.** Introduced by Cook, 13.

WHEREAS, Harry Crook, a native of Mineola, New York, served his country in three wars and served as a demolitions specialist for the Marines in World War II. After graduating from Niagara University in 1947, Crook enlisted in the Air Force. He specialized in operational and experimental

flying in the Korean War and intelligence and tactical communications in the Vietnam War. He also spent part of his military career as an assistant professor of air science at the Massachusetts Institute of Technology; and

WHEREAS, Harry Crook was stationed at Offutt Air Force Base in the 1960s. He retired from the military in 1967 and chose to stay in Nebraska with his family. He worked as a right-of-way negotiator and ran his own business in commercial interior design and construction; and

WHEREAS, Harry Crook was Douglas County's chief deputy election commissioner and ran unsuccessfully for both the Omaha City Council and the Legislature. His campaign motto for his legislative campaign was "Send an honest Crook to the Legislature"; and

WHEREAS, Harry Crook was adventurous enough in his old age to tear across a lake at breakneck speed in an iceboat yet gentle and patient enough to let children tug at his beard when he played Santa Claus; and

WHEREAS, Harry Crook was married for forty-six years to his wife, Theresa, until her death in 2002. They had seven children; and

WHEREAS, Harry Crook passed away on March 6, 2011, at the age of eighty-nine.

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

1. That the Legislature extends its condolences to the family of Harry Crook.

2. That a copy of this resolution be sent to the family of Harry Crook.

Laid over.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 235.** Placed on Select File with amendment.  
ER81

- 1 1. In the Standing Committee amendments, AM952:
  - 2 a. On page 16, line 22, after the second "to" insert "the
  - 3 retirement system established pursuant to"; and in line 23 strike
  - 4 "System", show as stricken, and insert "Act";
  - 5 b. On page 18, line 8, after "to" insert "the retirement
  - 6 system established pursuant to"; and in line 9 strike "System" and
  - 7 insert "Act";
  - 8 c. On page 39, line 16, strike "student" and insert
  - 9 "students";
  - 10 d. On page 44, lines 19 and 26, strike "to", show as
  - 11 stricken, and insert "and";
  - 12 e. On page 44, line 23; and page 45, line 3, strike
  - 13 "section" and show as stricken;
  - 14 f. On page 46, line 24, after "paid" insert an
  - 15 underscored comma;
  - 16 g. On page 47, line 19, strike "or 79-1005.02.", show as
  - 17 stricken, and insert an underscored period;

18 h. On page 51, line 11, after "recently" insert  
19 "available";

20 i. On page 59, line 14, after "2009" insert an  
21 underscored comma; and

22 j. On page 63, line 19, after the first "of" insert  
23 "the".

1 2. On page 1, strike beginning with "the" in line 1  
2 through line 16 and insert "education; to amend sections 79-413,  
3 79-536, 79-1008.02, 79-1009, 79-1015.01, 79-1025, and 79-1029,  
4 Reissue Revised Statutes of Nebraska, sections 77-3446, 79-1003.01,  
5 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.16, 79-1007.18,  
6 79-1017.01, 79-1018.01, 79-1028.01, 79-1030, and 79-1103, Revised  
7 Statutes Cumulative Supplement, 2010, and sections 79-1001,  
8 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative  
9 Supplement, 2010, as amended by sections 1, 2, 5, and 8,  
10 respectively, Legislative Bill 18, One Hundred Second Legislature,  
11 First Session, 2011; to change and eliminate provisions relating  
12 to summer school and summer sessions and state aid to schools;  
13 to harmonize provisions; to repeal the original sections; to  
14 outright repeal sections 79-1005.02, 79-1007.01, 79-1007.02,  
15 79-1010, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes  
16 of Nebraska, sections 79-1007.19 and 79-1007.24, Revised Statutes  
17 Cumulative Supplement, 2010, and section 79-1026.01, Revised  
18 Statutes Cumulative Supplement, 2010, as amended by section 9,  
19 Legislative Bill 18, One Hundred Second Legislature, First Session,  
20 2011; and to declare an emergency.".

**LEGISLATIVE BILL 682.** Placed on Select File with amendment.  
ER82

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Sections 1 to 11 of this act shall be known  
4 and may be cited as the Sewer Infrastructure Assistance Act.  
5 Sec. 2. (1) The Legislature finds that municipalities  
6 of the state face an urgent need to construct, upgrade,  
7 redevelop, and replace sewer infrastructure facilities to reduce  
8 combined sewer overflow. By providing sewer infrastructure  
9 facilities, municipalities provide the building blocks for economic  
10 development. Not only does the investment in infrastructure  
11 generate an immediate stream of economic activity, it also lays  
12 the groundwork for private investment that will use the facilities  
13 so provided. Municipalities currently are in critical need of  
14 assistance in providing these facilities. Municipalities are  
15 limited in their ability to finance major infrastructure projects  
16 and are generally required by federal regulation to follow a  
17 cost-of-service user fee system to fund wastewater operations  
18 and maintenance costs including replacement. Additionally, many  
19 alternate financing options contain statutory budget and tax levy  
20 restrictions. In order to minimize the burden on property taxpayers

21 in Nebraska, the Legislature finds that it is fair and equitable  
22 to encourage the use of fees for services to finance major  
23 infrastructure projects.

1 (2) The Legislature determines that it is in the public  
2 interest to assist municipalities by establishing a fund to provide  
3 funds to municipalities to be used to replace and redevelop sewer  
4 infrastructure facilities to reduce combined sewer overflow.

5 (3) In order that the state may receive long-term  
6 economic and fiscal benefits from such facilities, a need exists  
7 to provide state assistance to municipalities endeavoring to  
8 construct, acquire, substantially reconstruct, expand, operate,  
9 improve, or equip such facilities.

10 (4) Therefor, it is deemed to be in the best interest  
11 of the state and its municipalities that the state assist  
12 municipalities in financing the construction, acquisition,  
13 substantial reconstruction, expansion, operation, improvement, or  
14 equipping of sewer infrastructure facilities.

15 (5) The amount of state assistance under the Sewer  
16 Infrastructure Assistance Act shall be limited to the state sales  
17 tax revenue collected by municipalities on the increase in monthly  
18 sewer use fees attributable to combined sewer overflow projects on  
19 and after July 1, 2011, for cities of the first class, cities of  
20 the second class, and villages and on and after July 1, 2013, for  
21 cities of the metropolitan class and cities of the primary class.

22 Sec. 3. For purposes of the Sewer Infrastructure  
23 Assistance Act:

24 (1) Board means a board consisting of the Director  
25 of Environmental Quality, the chief executive officer of the  
26 Department of Health and Human Services, and the State Fire  
27 Marshal;

1 (2) Bond means a general obligation bond, redevelopment  
2 bond, lease-purchase bond, revenue bond, or combination of any  
3 such bonds and a loan from the Wastewater Treatment Facilities  
4 Construction Loan Fund;

5 (3) Combined sewer overflow project means a municipal  
6 project to reduce overflows from a combined sewer system pursuant  
7 to a long-term control plan approved by the Department of  
8 Environmental Quality;

9 (4) Eligible facility means any facility that is  
10 constructed or installed pursuant to an approved long-term control  
11 plan;

12 (5) General obligation bond means any bond or refunding  
13 bond issued by a municipality which is payable from the proceeds of  
14 an ad valorem tax; and

15 (6) Revenue bond means any bond or refunding bond issued  
16 by a municipality which is not payable from the proceeds of an ad  
17 valorem tax.

18 Sec. 4. Any municipality that has acquired, constructed,  
19 improved, or equipped or has approved a general obligation bond

20 issue or revenue bond issue to acquire, construct, improve, or  
21 equip eligible facilities may apply to the board for state  
22 assistance. The state assistance shall only be used (1) to  
23 repay the debt borrowed through one or more issues of bonds  
24 to be expended by the municipality to acquire, construct, improve,  
25 and equip eligible facilities until repayment in full of the  
26 amounts expended or borrowed by the municipality, including the  
27 principal of and interest on bonds, for eligible facilities and  
1 (2) to pay amounts to be expended by the municipality without  
2 the issuance of bonds to acquire, construct, improve, and equip  
3 eligible facilities.

4 Sec. 5. (1) All applications for state assistance under  
5 the Sewer Infrastructure Assistance Act shall be in writing and  
6 shall include a certified copy of the approving action of the  
7 governing body of the applicant describing the proposed eligible  
8 facility.

9 (2) The application shall contain:

10 (a) A description of the proposed financing of the  
11 eligible facility, including the estimated principal and interest  
12 requirements for bonds proposed to be issued in connection with the  
13 eligible facility or, if no bonds are to be issued, a description  
14 of the costs of the eligible facility; and

15 (b) Any other project information deemed appropriate by  
16 the board.

17 (3) Upon receiving an application for state assistance,  
18 the board shall review the application and notify the applicant of  
19 any additional information needed for a proper evaluation of the  
20 application.

21 Sec. 6. (1) After consideration of the application and  
22 determination that the application conforms to all requirements  
23 for eligibility for state assistance under the Sewer Infrastructure  
24 Assistance Act, the board shall issue a finding that the combined  
25 sewer overflow project described in the application is eligible for  
26 state assistance.

27 (2) If the board finds that the project described in  
1 the application is an eligible facility, the application shall be  
2 approved.

3 (3) A majority of the board members constitutes a quorum  
4 for the purpose of conducting business. All actions of the board  
5 shall be by a majority vote of all the board members.

6 Sec. 7. If an application is approved, the Tax  
7 Commissioner shall:

8 (1) Audit or review audits of the sewer use fees  
9 collected by the municipality to determine the state sales tax  
10 revenue and local option sales tax revenue collected by the  
11 municipality on the increase in monthly sewer use fees attributable  
12 to the combined sewer overflow project on and after July 1,  
13 2011, for cities of the first class, cities of the second class,

14 and villages and on and after July 1, 2013, for cities of the  
15 metropolitan class and cities of the primary class; and

16 (2) Certify annually the amount of such state sales tax  
17 revenue collected by the municipality on such increased fees to the  
18 State Treasurer.

19 Sec. 8. (1) The Sewer Infrastructure Fund is created.

20 Upon the annual certification under section 7 of this act, the  
21 State Treasurer shall transfer the amount certified from the  
22 General Fund to the Sewer Infrastructure Fund. Any money in the  
23 fund available for investment shall be invested by the state  
24 investment officer pursuant to the Nebraska Capital Expansion Act  
25 and the Nebraska State Funds Investment Act.

26 (2) The board shall distribute from the fund to any  
27 municipality for which an application for state assistance under  
1 the Sewer Infrastructure Assistance Act has been approved an  
2 amount not to exceed the lesser of the total cost of acquiring,  
3 constructing, improving, or equipping the eligible facility or the  
4 total state sales tax revenue collected by the municipality on the  
5 increase in monthly sewer use fees attributable to the combined  
6 sewer overflow project on and after July 1, 2011, for cities of the  
7 first class, cities of the second class, and villages and on and  
8 after July 1, 2013, for cities of the metropolitan class and cities  
9 of the primary class. The distribution shall be conditioned upon  
10 the municipality using the local option sales tax revenue collected  
11 on the increase in monthly sewer use fees attributable to the  
12 combined sewer overflow project for the same purposes as permitted  
13 for the funds distributed under this section notwithstanding any  
14 terms or conditions set forth in the resolution proposing the local  
15 option sales tax. Funds distributed under this section shall be  
16 used only to assist with the costs of acquiring, constructing,  
17 improving, or equipping the eligible facilities, including any  
18 financing costs, shall be kept in a separate fund, and shall not be  
19 used to fund the general operations of the municipality.

20 (3) State assistance to the applicant shall no longer  
21 be available upon the retirement of the bonds issued to acquire,  
22 construct, improve, or equip the eligible facility or any  
23 subsequent bonds that refunded the original issue, or if bonds  
24 are not issued, upon payment of the cost to acquire, construct,  
25 improve, or equip the eligible facility or when state assistance  
26 reaches the amount determined under subsection (2) of this section,  
27 whichever comes first.

1 Sec. 9. The applicant may issue from time to time its  
2 bonds and refunding bonds to finance and refinance the acquisition,  
3 construction, improvement, and equipping of eligible facilities and  
4 appurtenant public facilities that are a part of the same project.  
5 The bonds may be sold by the applicant in such manner and for such  
6 price as the applicant deems appropriate.

7 Sec. 10. The Department of Revenue shall submit an annual  
8 report to the Legislature on or before August 1 of each year which

9 includes, but is not limited to, a description of the demand for  
 10 state assistance under the Sewer Infrastructure Assistance Act, a  
 11 list of the recipients and amounts of state assistance awarded  
 12 pursuant to the act in the previous fiscal year, the status of each  
 13 project awarded state assistance, and an estimate of the number of  
 14 jobs created or sustained by each such project. The department may  
 15 require recipients of financial assistance to provide reports to  
 16 enable the department to fulfill the requirements of this section.

17 Sec. 11. The Department of Revenue may adopt and  
 18 promulgate rules and regulations to carry out the Sewer  
 19 Infrastructure Assistance Act.

20 2. On page 1, strike beginning with "Major" in line 1  
 21 through "Replacement" in line 3 and insert "Sewer Infrastructure".

**LEGISLATIVE BILL 177.** Placed on Select File with amendment.  
 ER83 is available in the Bill Room.

**LEGISLATIVE BILL 54.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **COMMITTEE REPORT**

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.

Carol Lomicky - Commission for the Deaf and Hard of Hearing

Aye: 6 Senators Bloomfield, Campbell, Gloor, Howard, Krist, Wallman.  
 Nay: 0. Absent: 1 Senator Cook. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

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

Senator Ashford filed the following amendment to LB463:  
 AM1131 is available in the Bill Room.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB384. No objections. So ordered.



**VISITORS**

Visitors to the Chamber were 32 fourth-grade students and teachers from Elmwood-Murdock Elementary, Elmwood; 30 fourth-grade students from Johnson County Central School, Tecumseh; 15 third- through sixth-grade students from St. John Neumann School, Clarkson; and a group of FFA members from Bassett.

**ADJOURNMENT**

At 11:41 a.m., on a motion by Senator Christensen, the Legislature adjourned until 10:00 a.m., Monday, April 11, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FIRST DAY - APRIL 11, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 11, 2011

**PRAYER**

The prayer was offered by Pastor Lance Berndt, Good Shepherd Lutheran Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson and Wightman who were excused; and Senators Louden and McCoy who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 637.** Placed on Select File with amendment. ER85 is available in the Bill Room.

**LEGISLATIVE BILL 617.** Placed on Select File with amendment. ER84

- 1 1. On page 1, strike lines 2 through 10 and insert
- 2 "sections 84-907, 84-907.09, and 84-920, Reissue Revised Statutes
- 3 of Nebraska; to provide and change requirements and duties relating
- 4 to adoption and promulgation of rules and regulations; to harmonize
- 5 provisions; to repeal the original sections; and to declare an
- 6 emergency."

(Signed) Tyson Larson, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 8, 2011, at 11:43 a.m. were the following: LBs 27, 31, 32, 237, 34, 105, 207e, 218, 259, 260, 342, 543e, 563e, 621e, 100, 230, 90, 90A, 329, 20, 41, 45, 465e, 468, 509e, and 546.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

April 8, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Bryan Tuma, 5421 NW Fairway Drive, Lincoln, NE 68521

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**GENERAL FILE**

**LEGISLATIVE BILL 463.** Senator Ashford renewed his amendment, AM1131, found on page 1128, to the committee amendment.

The Ashford amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Committee AM754, found on page 857 and considered on page 1086, as amended, was renewed.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Ashford withdrew his amendment, AM1046, found on page 1028.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 463A.** Title read. Considered.

Senator Ashford renewed his amendment, AM1050, found on page 1029.

The Ashford amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 500.** Title read. Considered.

### **SENATOR SULLIVAN PRESIDING**

Committee AM717, found on page 802, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Campbell filed the following amendment to LB177:  
AM1124

(Amendments to E & R amendments, ER83)

- 1 1. On page 10, line 11, strike the new matter; and in
- 2 line 22 strike "Native American" and insert "Indian as defined in
- 3 section 43-1503".
- 4 2. On page 11, line 10, strike "kinship"; and in line
- 5 27 strike "department" and insert "Department of Health and Human
- 6 Services".

Senator Coash filed the following amendment to LB112:  
AM1141

(Amendments to AM361)

- 1 1. On page 3, after line 10, insert the following new
- 2 subdivision:
- 3 "(12) Licensed care transportation services means
- 4 transportation provided by an entity licensed by the Department of
- 5 Health and Human Services as a child-caring agency as defined in
- 6 section 71-1902 or child-placing agency as defined in such section
- 7 or a child care facility licensed under the Child Care Licensing
- 8 Act to a client of the entity or facility when the person providing
- 9 transportation services also assists and supervises the passenger
- 10 or, if the client is a minor, to a family member of a minor

11 when it is necessary for agency or facility staff to accompany  
 12 or facilitate the transportation in order to provide necessary  
 13 services and support to the minor. Licensed care transportation  
 14 services must be incidental to and in furtherance of the social  
 15 services provided by the entity or facility to the transported  
 16 client."; in line 11 strike "(12)", show as stricken, and insert  
 17 "(13)"; in line 16 strike "(13)", show as stricken, and insert  
 18 "(14)"; in line 21 strike "(14)", show as stricken, and insert  
 19 "(15)"; in line 23 strike "(15)", show as stricken, and insert  
 20 "(16)"; and in line 27 strike "(16)", show as stricken, and insert  
 21 "(17)".

22 2. On page 4, line 9, strike "(17)", show as stricken,  
 1 and insert "(18)"; in line 14 strike "(18)" and insert "(19)"; in  
 2 line 19 strike "(19)" and insert "(20)"; and in line 25 strike  
 3 "(20)" and insert "(21)".

4 3. On page 7, line 15, strike "and"; in line 20 strike  
 5 the period and insert "; and"; and after line 20 insert the  
 6 following new subdivision:

7 "(14) A motor carrier engaged in licensed care  
 8 transportation services if the motor carrier files a certificate  
 9 with the commission that such provider meets the minimum  
 10 driver standards, insurance requirements, and equipment standards  
 11 prescribed by the commission. Insurance requirements established by  
 12 the commission shall be consistent with the insurance requirements  
 13 established by the Department of Health and Human Services for  
 14 attended services, residential care transportation services, and  
 15 supported transportation services.".

Senator Karpisek filed the following amendment to LB279:  
 AM1123

1 1. In the Standing Committee amendments, AM694, on page  
 2 1, line 9, strike beginning with "otherwise" through "section"  
 3 and insert "in a beer wholesaler"; and in lines 11 and 12 before  
 4 "wholesaler" insert "beer".

5 2. On page 2, lines 14 and 24, after "53-123.02" insert  
 6 "or 53-123.03".

Senator Flood filed the following amendment to LB388:  
 AM1136

(Amendments to E & R amendments, ER59)

1 1. Insert the following new sections:

2 Sec. 9. (1) The Industrial Recovery Fund is created.  
 3 The fund shall be administered by the Department of Economic  
 4 Development. Any money in the fund available for investment  
 5 shall be invested by the state investment officer pursuant to  
 6 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 7 Investment Act.

8 (2) The department may provide assistance from the fund  
 9 to a political subdivision impacted by a sudden and significant

10 private-sector entity closure or downsizing that will have a  
11 significant impact on the community. The assistance shall be used  
12 to mitigate the economic impact of the closure or downsizing by  
13 making necessary improvements to the buildings and infrastructure,  
14 or both, related to the assets of the private-sector entity.

15 (3) The fund shall consist of funds remitted for deposit  
16 in the fund pursuant to section 58-708. If the fund balance  
17 exceeds one million dollars, deposits to the fund pursuant to such  
18 section shall cease until the fund balance is less than one million  
19 dollars.

20 Sec. 13. Section 58-708, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 58-708 (1) During each calendar year in which funds are  
1 available from the Affordable Housing Trust Fund for use by the  
2 Department of Economic Development, the department shall allocate  
3 a specific amount of funds, not less than twenty-five percent,  
4 to each congressional district. Entitlement area funds allocated  
5 under this section that are not awarded to an eligible project  
6 from within the entitlement area within one year shall be made  
7 available for distribution to eligible projects elsewhere in the  
8 state. The department shall announce a grant and loan application  
9 period of at least ninety days duration for all nonentitlement  
10 areas. In selecting projects to receive trust fund assistance,  
11 the department shall develop a qualified allocation plan and give  
12 first priority to financially viable projects that serve the lowest  
13 income occupants for the longest period of time. The qualified  
14 allocation plan shall:

15 (a) Set forth selection criteria to be used to determine  
16 housing priorities of the housing trust fund which are appropriate  
17 to local conditions, including the community's immediate need  
18 for affordable housing, proposed increases in home ownership,  
19 private dollars leveraged, level of local government support and  
20 participation, and repayment, in part or in whole, of financial  
21 assistance awarded by the fund; and

22 (b) Give first priority in allocating trust fund  
23 assistance among selected projects to those projects which serve  
24 the lowest income occupant and are obligated to serve qualified  
25 occupants for the longest period of time.

26 (2) The department shall fund in order of priority as  
27 many applications as will utilize available funds less actual  
1 administrative costs of the department in administering the  
2 program. In administering the program the department may contract  
3 for services or directly provide funds to other governmental  
4 entities or instrumentalities.

5 (3) The department may recapture any funds which were  
6 allocated to a qualified recipient for an eligible project through  
7 an award agreement if such funds were not utilized for eligible  
8 costs within the time of performance under the agreement and  
9 are therefor no longer obligated to the project. The recaptured

- 10 funds shall be credited to the Industrial Recovery Fund except as  
11 provided in section 9 of this act.  
12 2. Renumber the remaining sections and correct the  
13 repealer accordingly.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Tuma, Bryan - Nebraska Liquor Control Commission - General Affairs

(Signed) John Nelson, Vice Chairperson  
Executive Board

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 600A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

### UNANIMOUS CONSENT - Add Cointroducers

Senators Avery, B. Harr, and Dubas asked unanimous consent to add their names as cointroducers to LB600. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 16 twelfth-grade students and teachers from Dorchester; 23 twelfth-grade students and teacher from Diller Odell High School, Odell; 10 fourth-grade students and teacher from Lyons-Decatur School, Lyons; and 96 fourth-grade students and teachers from St. Wenceslaus School, Omaha.

### RECESS

At 12:03 p.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.



**ROLL CALL**

The roll was called and all members were present except Senators Carlson, Pankonin, and Wightman who were excused; and Senators Christensen, Karpisek, Lautenbaugh, and Schilz who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 255.** Placed on Final Reading Second.

**LEGISLATIVE BILL 366.** Placed on Final Reading Second.

ST15

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "and" in line 4 through "funding" in line 5 has been struck.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 384.** Placed on Select File with amendment.

ER86

1 1. On page 1, strike lines 2 through 10 and insert  
 2 "77-123, 77-202.12, 77-702, 77-1301, 77-1303, 77-1311, 77-1311.03,  
 3 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1504, 77-1504.01,  
 4 77-1514, 77-3519, 77-5001, 77-5003, 77-5005, 77-5008, 77-5015,  
 5 77-5017, 77-5022, 77-5024.01, and 77-5027, Reissue Revised Statutes  
 6 of Nebraska, and sections 77-202.04, 77-1502, 77-1507, 77-5004,  
 7 77-5007, 77-5016, 77-5018, and 77-5019, Revised Statutes Cumulative  
 8 Supplement, 2010; to change provisions relating to preliminary  
 9 real property valuations and notices, filings, hearings, protests,  
 10 and appeals regarding property taxes as prescribed; to change  
 11 provisions relating to homestead exemptions and county boards of  
 12 equalization; to change provisions relating to membership and  
 13 powers and duties of the Tax Equalization and Review Commission; to  
 14 eliminate obsolete provisions; to harmonize provisions; to provide  
 15 operative dates; to provide severability; to repeal the original  
 16 sections; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 357.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Senator Heidemann offered the following amendment:

AM1147

- 1 1. On page 2, line 13, after "77-27,142.02." insert "No  
 2 election shall be held to impose a sales and use tax of two  
 3 percent unless the municipality has a general fund tax levy of  
 4 at least forty cents per one hundred dollars of taxable valuation  
 5 of property subject to the levy at the time the governing body  
 6 adopts the ordinance to impose the two-percent sales and use tax  
 7 and has had a general fund tax levy of at least forty cents per  
 8 one hundred dollars of taxable valuation of property subject to the  
 9 levy for at least one municipal fiscal year prior to adoption of  
 10 the ordinance.".

**SENATOR MCGILL PRESIDING****SENATOR COASH PRESIDING****SENATOR LANGEMEIER PRESIDING****SENATOR COASH PRESIDING**

Pending.

**AMENDMENTS - Print in Journal**

Senator Council filed the following amendment to LB200:

AM1150

- 1 1. In the Standing Committee amendments, AM645, on page  
 2 1, strike beginning with "and" in line 1 through line 12 and insert  
 3 a period; and strike lines 16 and 17.  
 4 2. Strike sections 8 and 9 and insert the following  
 5 sections:  
 6 Sec. 6. Any funds administered by a community development  
 7 entity under the Nebraska Healthy Food Financing Initiative Act  
 8 that are recovered as loan repayments or in any other manner may be  
 9 utilized by the community development entity to provide financial  
 10 assistance to other eligible projects subject to the approval of  
 11 the Department of Economic Development.  
 12 Sec. 7. It is the intent of the Legislature that  
 13 three hundred thousand dollars of the unobligated balance of  
 14 the appropriation for fiscal years 2010-11 and 2011-12 for Program  
 15 134 be reappropriated to the Department of Economic Development to

16 carry out the purposes of this legislative bill.

17 3. On page 2, line 1, strike "6" and insert "7".

18 4. On page 3, line 11, strike "Rural Development  
 19 Commission" and insert "Department of Economic Development"; in  
 20 lines 12 and 18 strike "financing program" and insert "program  
 21 of financial assistance"; in line 14 after the period insert  
 22 "Financial assistance includes: (a) Grants; (b) loans made  
 23 in participation with a financial institution pursuant to a  
 1 contract, the terms and conditions of which shall be determined  
 2 by the Department of Economic Development in conjunction with  
 3 the financial institution; and (c) interest rate assistance on  
 4 loans made through a financial institution."; in line 15 strike  
 5 "commission" and insert "department"; in lines 20 and 21 strike  
 6 "underwrite loans."; and in line 22 strike "financing programs" and  
 7 insert "programs of financial assistance".

8 5. On page 5, line 5, strike "The" and insert "If  
 9 applicable, the"; and strike beginning with "For" in line 7 through  
 10 line 11 and any amendments thereto.

11 6. On page 6, line 2, strike "commission" and insert  
 12 "department".

Senator Janssen filed the following amendment to LB648:  
 AM1142

(Amendments to E & R amendments, ER80)

1 1. Insert the following new section:

2 Sec. 3. Section 71-1902, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 71-1902 Except as otherwise provided in this section,  
 5 no person shall furnish or offer to furnish foster care for  
 6 two or more children from different families without having  
 7 in full force and effect a written license issued by the  
 8 department upon such terms and conditions as may be prescribed  
 9 by general rules and regulations adopted and promulgated by the  
 10 department. The department may issue a time-limited, nonrenewable  
 11 provisional license to an applicant who is unable to comply  
 12 with all licensure requirements and standards, is making a good  
 13 faith effort to comply, and is capable of compliance within the  
 14 time period stated in the license. The department may issue a  
 15 time-limited, nonrenewable probationary license to a licensee who  
 16 agrees to establish compliance with rules and regulations that,  
 17 when violated, do not present an unreasonable risk to the health,  
 18 safety, or well-being of the foster children in the care of the  
 19 applicant. No license shall be issued pursuant to this section  
 20 unless the applicant has completed the required hours of training  
 21 in foster care as prescribed by the department.

22 All nonprovisional and nonprobationary licenses issued  
 1 under sections 71-1901 to 71-1906.01 shall expire two years from  
 2 the date of issuance and shall be subject to renewal under the  
 3 same terms and conditions as the original license, except that if

4 a licensee submits a completed renewal application thirty days or  
 5 more before the license's expiration date, the license shall remain  
 6 in effect until the department either renews the license or denies  
 7 the renewal application. No license issued pursuant to this section  
 8 shall be renewed unless the licensee has completed the required  
 9 hours of training in foster care in the preceding twelve months as  
 10 prescribed by the department. For the issuance or renewal of each  
 11 nonprovisional and nonprobationary license, the department shall  
 12 charge a fee of fifty dollars for a group home, fifty dollars for a  
 13 child-caring agency, and fifty dollars for a child-placing agency.  
 14 For the issuance of each provisional license and each probationary  
 15 license, the department shall charge a fee of twenty-five dollars  
 16 for a group home, twenty-five dollars for a child-caring agency,  
 17 and twenty-five dollars for a child-placing agency. A license may  
 18 be revoked for cause, after notice and hearing, in accordance with  
 19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home means any home which provides  
 22 twenty-four-hour care to children who are not related to the foster  
 23 parent by blood or adoption;

24 (2) Group home means a home which is operated under the  
 25 auspices of an organization which is responsible for providing  
 26 social services, administration, direction, and control for the  
 27 home and which is designed to provide twenty-four-hour care for  
 1 children and youth in a residential setting;

2 (3) Child-caring agency means an organization which is  
 3 ~~incorporated~~ organized as a corporation or a limited liability  
 4 company for the purpose of providing care for children in buildings  
 5 maintained by the organization for that purpose; and

6 (4) Child-placing agency means an organization which is  
 7 authorized by its articles of incorporation and by its license to  
 8 place children in foster family homes.

9 2. Renumber the remaining section and correct internal  
 10 references and the repealer section accordingly.

Senator Loudon filed the following amendment to LB384:  
 AM1132

(Amendments to Standing Committee amendments, AM944)

1 1. Strike sections 20 and 21 and insert the following new  
 2 sections:

3 Sec. 20. Section 77-5003, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 77-5003 (1) The Tax Equalization and Review Commission  
 6 is created. The Tax Commissioner has no supervision, authority,  
 7 or control over the actions or decisions of the commission  
 8 relating to its duties prescribed by law. The commission shall  
 9 have three commissioners, one from each congressional district, and  
 10 beginning on and after January 1, 2002, the commission shall have  
 11 four commissioners. One at-large commissioner shall be appointed

12 in addition to the commissioners representing the congressional  
13 districts. All commissioners shall be appointed by the Governor  
14 with the approval of a majority of the members of the Legislature.  
15 The salaries of the commissioners shall be fixed by the Governor.

16 (2) The term of the commissioner from district 1 expires  
17 January 1, 2010, the term of the commissioner from district 2  
18 expires January 1, 2012, and the term of the commissioner from  
19 district 3 expires January 1, 2008. The term of the at-large  
20 commissioner expires on January 1, 2008. After the terms of  
21 the commissioners are completed as provided in this ~~section,~~  
22 subsection, each subsequent term shall be for six years beginning  
1 and ending on January 1 of the applicable year. Vacancies occurring  
2 during a term shall be filled by appointment for the unexpired  
3 term. Upon the expiration of his or her term of office, a  
4 commissioner shall continue to serve until his or her successor has  
5 been appointed.

6 ~~(3) The Governor shall designate one commissioner, who~~  
7 ~~is an attorney admitted to practice before the Nebraska Supreme~~  
8 ~~Court, to serve as the chairperson of the commission from January~~  
9 ~~1, 2002, through December 31, 2003. Beginning on January 1, 2004,~~  
10 ~~the~~ The commission shall designate pursuant to rule and regulation  
11 its chairperson and vice-chairperson on a two-year, rotating basis  
12 among the commissioners who are attorneys admitted to practice  
13 before the Nebraska Supreme Court.

14 (4) A commissioner may be removed by the Governor for  
15 misfeasance, malfeasance, or willful neglect of duty or other cause  
16 after notice and a public hearing unless notice and hearing are  
17 expressly waived in writing by the commissioner.

18 Sec. 21. Section 77-5004, Revised Statutes Cumulative  
19 Supplement, 2010, is amended to read:

20 77-5004 (1) Each commissioner shall be a qualified voter  
21 and resident of the state and, for each commissioner representing  
22 a congressional district, a domiciliary of the district he or she  
23 represents.

24 (2) Each commissioner shall devote his or her full time  
25 and efforts to the discharge of his or her duties and shall not  
26 hold any other office under the laws of this state, any city or  
27 county in this state, or the United States Government while serving  
1 on the commission. Each commissioner shall possess:

2 (a) Appropriate knowledge of terms commonly used in or  
3 related to real property appraisal and of the writing of appraisal  
4 reports;

5 (b) Adequate knowledge of depreciation theories, cost  
6 estimating, methods of capitalization, and real property appraisal  
7 mathematics;

8 (c) An understanding of the principles of land economics,  
9 appraisal processes, and problems encountered in the gathering,  
10 interpreting, and evaluating of data involved in the valuation of

11 real property, including complex industrial properties and mass  
12 appraisal techniques;

13 (d) Knowledge of the law relating to taxation, civil and  
14 administrative procedure, due process, and evidence in Nebraska;

15 (e) At least thirty hours of successfully completed  
16 class hours in courses of study, approved by the Real Property  
17 Appraiser Board, which relate to appraisal and which include the  
18 fifteen-hour National Uniform Standards of Professional Appraisal  
19 Practice Course. If a commissioner has not received such training  
20 prior to his or her appointment, such training shall be completed  
21 within one year after appointment; and

22 (f) Such other qualifications and skills as reasonably  
23 may be requisite for the effective and reliable performance of the  
24 commission's duties.

25 (3) ~~One~~ At least one commissioner shall possess ~~any~~ the  
26 certification or training required to become a licensed residential  
27 real property appraiser as set forth in section 76-2230.

1 (4) ~~Prior to January 1, 2002, the chairperson, and on and~~  
2 ~~after January 1, 2002, at~~ At least two commissioners; shall have  
3 been engaged in the practice of law in the State of Nebraska for at  
4 least five years, which may include prior service as a judge, and  
5 shall be currently admitted to practice before the Nebraska Supreme  
6 Court.

7 (5) No commissioner or employee of the commission shall  
8 hold any position of profit or engage in any occupation or business  
9 interfering with or inconsistent with his or her duties as a  
10 commissioner or employee. A person is not eligible for appointment  
11 and may not hold the office of commissioner or be appointed by the  
12 commission to or hold any office or position under the commission  
13 if he or she holds any official office or position.

14 ~~(6)(a)(6)~~ Each commissioner ~~who meets the requirements~~  
15 ~~of subsection (4) of this section on or after January 1, 2002,~~  
16 shall annually attend a seminar or class of at least two days'  
17 duration that is:

18 ~~(i)(a)~~ Sponsored by a recognized assessment or appraisal  
19 organization, in each of these areas: Utility and railroad  
20 appraisal; appraisal of complex industrial properties; appraisal  
21 of other hard to assess properties; and mass appraisal, residential  
22 or agricultural appraisal, or assessment administration; or

23 ~~(ii)(b)~~ Pertaining to management, law, civil or  
24 administrative procedure, or other knowledge or skill necessary for  
25 performing the duties of the office.

26 ~~(b)(7)~~ Each commissioner ~~who does not meet the~~  
27 ~~requirements of subsection (4) of this section on or after January~~  
1 ~~1, 2002,~~ shall within two years after his or her appointment attend  
2 at least thirty hours of instruction that constitutes training for  
3 judges or administrative law judges.

4     ~~(7)~~(8) The commissioners shall be considered employees  
5 of the state for purposes of sections 81-1320 to 81-1328 and  
6 84-1601 to 84-1615.  
7     ~~(8)~~(9) The commissioners shall be reimbursed as  
8 prescribed in sections 81-1174 to 81-1177 for their actual and  
9 necessary expenses in the performance of their official duties  
10 pursuant to the Tax Equalization and Review Commission Act.

### **VISITORS**

Visitors to the Chamber were 36 fourth-grade students and teachers from La Vista West, La Vista; members of Leadership Westside from Omaha; 31 eighth-grade students, teacher, and sponsors from Dundy County Stratton, Benkelman; and 12 eighth-grade students and teacher from Mullen.

### **ADJOURNMENT**

At 4:00 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTY-SECOND DAY - APRIL 12, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 12, 2011

**PRAYER**

The prayer was offered by Senator Council.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Coash, Louden, Pirsch, Price, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-first day was approved.

**MOTIONS - Approve Appointments**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1089:

Foster Care Review Board  
Thomas Incontro

Voting in the affirmative, 31:

Adams	Cook	Harms	McGill	Smith
Ashford	Cornett	Heidemann	Mello	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Utter
Brasch	Flood	Langemeier	Nordquist	
Campbell	Fulton	Larson	Pahls	
Carlson	Haar, K.	Lathrop	Pankonin	
Christensen	Hansen	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Present and not voting, 13:

Avery	Fischer	Harr, B.	Krist	Wallman
Conrad	Gloor	Howard	Louden	
Council	Hadley	Janssen	McCoy	

Excused and not voting, 5:

Coash	Pirsch	Price	Schilz	Wightman
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The appointment was confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1089:

Foster Care Review Board  
Mark Zimmerer

Voting in the affirmative, 35:

Adams	Christensen	Hansen	Langemeier	Pahls
Ashford	Cook	Harms	Larson	Pankonin
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman

Voting in the negative, 0.

Present and not voting, 9:

Conrad	Gloor	Hadley	Lathrop	McCoy
Cornett	Haar, K.	Janssen	Louden	

Excused and not voting, 5:

Coash	Pirsch	Price	Schilz	Wightman
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 145, 146, 147, and 148 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 145, 146, 147, and 148.

**MOTIONS - Approve Appointments**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1089:

Nebraska Child Abuse Prevention Fund Board  
Martha Parker

Voting in the affirmative, 34:

Adams	Cook	Hansen	Lautenbaugh	Pirsch
Avery	Cornett	Harms	McGill	Schumacher
Bloomfield	Council	Heidemann	Mello	Smith
Brasch	Dubas	Howard	Nelson	Sullivan
Campbell	Fischer	Karpisek	Nordquist	Utter
Carlson	Flood	Krist	Pahls	Wallman
Christensen	Haar, K.	Larson	Pankonin	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Gloor	Janssen	Louden
Conrad	Hadley	Langemeier	McCoy
Fulton	Harr, B.	Lathrop	

Excused and not voting, 4:

Coash	Price	Schilz	Wightman
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1089:

Nebraska Rural Health Advisory Commission  
Shawn Kralik

Voting in the affirmative, 31:

Adams	Cook	Heidemann	Mello	Sullivan
Avery	Council	Howard	Nelson	Utter
Bloomfield	Fischer	Karpisek	Nordquist	Wallman
Brasch	Flood	Krist	Pahls	
Campbell	Haar, K.	Langemeier	Pirsch	
Carlson	Hansen	Larson	Schumacher	
Christensen	Harms	Lautenbaugh	Smith	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Dubas	Hadley	Lathrop	McGill
Conrad	Fulton	Harr, B.	Louden	Pankonin
Cornett	Gloor	Janssen	McCoy	

Excused and not voting, 4:

Coash	Price	Schilz	Wightman
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The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1089:

State Board of Health  
Debra Parsow  
Wayne Stuberg  
Daryl Wills

Voting in the affirmative, 34:

Adams	Christensen	Hansen	Larson	Pirsch
Ashford	Cook	Harms	Lautenbaugh	Schumacher
Avery	Cornett	Heidemann	McGill	Smith
Bloomfield	Dubas	Howard	Mello	Sullivan
Brasch	Fischer	Karpisek	Nelson	Utter
Campbell	Flood	Krist	Nordquist	Wallman
Carlson	Haar, K.	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 11:

Conrad	Gloor	Janssen	McCoy
Council	Hadley	Lathrop	Pankonin
Fulton	Harr, B.	Louden	

Excused and not voting, 4:

Coash	Price	Schilz	Wightman
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The appointments were confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1093:

Nebraska Environmental Trust Board  
 Paul Dunn  
 Gloria Erickson  
 James Stuart Jr.

Voting in the affirmative, 35:

Adams	Christensen	Hansen	Larson	Pankonin
Ashford	Cook	Harms	Lautenbaugh	Pirsch
Avery	Council	Heidemann	McGill	Schumacher
Bloomfield	Dubas	Howard	Mello	Smith
Brasch	Fischer	Karpisek	Nelson	Sullivan
Campbell	Flood	Krist	Nordquist	Utter
Carlson	Haar, K.	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 10:

Conrad	Fulton	Hadley	Janssen	Louden
Cornett	Gloor	Harr, B.	Lathrop	McCoy

Excused and not voting, 4:

Coash	Price	Schilz	Wightman
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**SENATOR LANGEMEIER PRESIDING**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1128:

Commission for the Deaf and Hard of Hearing  
Carol Lomicky

Voting in the affirmative, 33:

Adams	Cook	Harms	Lautenbaugh	Schumacher
Avery	Cornett	Heidemann	McGill	Smith
Bloomfield	Council	Howard	Mello	Sullivan
Brasch	Dubas	Karpisek	Nelson	Utter
Campbell	Fischer	Krist	Nordquist	Wallman
Carlson	Haar, K.	Langemeier	Pahls	
Christensen	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Fulton	Harr, B.	Louden
Conrad	Gloor	Janssen	McCoy
Flood	Hadley	Lathrop	Pankonin

Excused and not voting, 4:

Coash	Price	Schilz	Wightman
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The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 600A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 357.** Senator Heidemann renewed his amendment, AM1147, found on page 1138.

**SENATOR LATHROP PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

Senator K. Haar moved the previous question. The question is, "Shall the debate now close?" The motion failed with 16 ayes, 14 nays, and 19 not voting.

**SENATOR CARLSON PRESIDING**

Pending.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 463.** Placed on Select File with amendment.  
ER88

- 1 1. In the Ashford amendment, AM1131:
- 2 a. On page 28, line 5, strike "not" and insert "no"; in
- 3 line 14 after "percent" insert an underscored comma; and in line 15
- 4 after "dollars" insert an underscored comma; and
- 5 b. On page 35, line 3, strike the comma and insert "and".
- 6 2. On page 1, strike beginning with "juveniles" in line
- 7 1 through line 8 and insert "government; to amend sections 43-286
- 8 and 43-3701, Reissue Revised Statutes of Nebraska, and sections
- 9 28-416, 29-2258, 29-2262.08, 29-3921, 43-2,108.05, 43-2,129,
- 10 79-209, 79-2104, and 79-2104.02, Revised Statutes Cumulative
- 11 Supplement, 2010; to change and transfer provisions relating
- 12 to certain violations of the Uniform Controlled Substances Act
- 13 by minors, powers and duties of probation officers relating to
- 14 juveniles, revocation of probation of a juvenile, sealed juvenile
- 15 records, and policies regarding excessive absenteeism; to provide
- 16 for and eliminate transfers from the Commission on Public Advocacy
- 17 Operations Cash Fund; to eliminate provisions relating to a study
- 18 and assessment; to state intent and provide for grants for court
- 19 appointed special advocate programs; to create a fund; to require
- 20 reports; to provide for funding for and a plan regarding excessive
- 21 absenteeism; to harmonize provisions; to repeal the original
- 22 sections; and to declare an emergency.".

**LEGISLATIVE BILL 463A.** Placed on Select File with amendment.  
ER87

- 1 1. On page 1, strike beginning with "to" in line 3
- 2 through the second semicolon in line 4.

**LEGISLATIVE BILL 500.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**AMENDMENT - Print in Journal**

Senator Carlson filed the following amendment to LB698:  
AM1002

(Amendments to E & R amendments, ER58)

- 1 1. Strike section 1 and all amendments thereto and insert
- 2 the following new sections:
- 3 Section 1. Section 66-1214, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 66-1214 Commencing January 1, ~~1986~~, 2012, motor fuel  
 6 dispensers shall be labeled on both faces with the product identity  
 7 using the most descriptive terms commercially practicable. In  
 8 addition, ~~all alcohol-blended motor fuel dispensers that dispense~~  
 9 motor fuel containing less than one percent of alcohol shall have a  
 10 label stating: ~~With or containing ethanol, methanol, or ethanol and~~  
 11 ~~methanol or with similar wording if the motor fuel being dispensed~~  
 12 ~~contains one percent or more by volume of alcohol. This fuel does~~  
 13 ~~not contain ethanol, methanol, or ethanol and methanol.~~ Any person  
 14 who owns or controls such a motor fuel dispenser and does not  
 15 attach the notice required by this section shall be guilty of an  
 16 infraction.  
 17 Sec. 3. This act becomes operative on January 1, 2012.  
 18 2. Renumber the remaining section accordingly.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 637A.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 637, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

### RESOLUTION

**LEGISLATIVE RESOLUTION 161.** Introduced by Mello, 5; Ashford, 20; Conrad, 46; Cook, 13; Council, 11; Dubas, 34; Fischer, 43; K. Haar, 21; Harms, 48; Krist, 10; Langemeier, 23; Nordquist, 7; Pirsch, 4; Utter, 33.

WHEREAS, Earth Day is April 22, 2011; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world, with more than one billion people participating in Earth Day activities; and

WHEREAS, the Earth Day Network works with over twenty-two thousand partners in one hundred ninety-two countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment.

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

1. That the Legislature designates April 22, 2011, as Earth Day in the State of Nebraska.



2. That on this day Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

### **SPEAKER'S MAJOR PROPOSAL**

April 12, 2011

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Flood's request that LB84 and LB397 be designated as 2011 Speaker Major Proposals.

Sincerely,  
(Signed) John Nelson, Vice Chairperson  
Executive Board

C: Speaker Mike Flood

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Hansen has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **GENERAL FILE**

**LEGISLATIVE BILL 357.** The Heidemann amendment, AM1147, found on page 1138 and considered in this day's Journal, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Heidemann amendment lost with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment:

AM1176

- 1 1. On page 4, line 21, after the period insert "If the
- 2 change includes an increase in the sales and use tax rate to
- 3 two percent, the ordinance imposing the increase shall create a
- 4 property tax relief fund to be used to reduce property taxes and
- 5 five percent of the revenue generated by a sales and use tax rate
- 6 of one-half percent shall be credited to the fund. The creation of
- 7 a property tax relief fund shall be included in the question in the
- 8 description of the proposed use of the revenue to be collected from
- 9 the increase.".

Pending.

### SELECT FILE

**LEGISLATIVE BILL 95.** Senator Campbell offered the following motion:

MO27

Bracket until January 4, 2012.

Pending.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 600A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB190:

AM680

(Amendments to Standing Committee amendments, AM376)

- 1 1. On page 1, line 6, strike beginning with "and" through
- 2 the period and insert "and strike beginning with 'At' in line 15
- 3 through line 21 and insert 'At the general election in November
- 4 2012, the members representing election districts 1 and 5 shall be
- 5 elected for initial terms of two years and until their successors
- 6 are elected and qualified. At the general election in November
- 7 2014, the members representing election districts 2, 4, and 6
- 8 shall be elected for initial terms of four years and until their
- 9 successors are elected and qualified. At the general election in
- 10 November 2016, the members representing election districts 3 and 7
- 11 shall be elected for initial terms of six years and until their
- 12 successors are elected and qualified. Thereafter, all members shall
- 13 be elected for terms of six years and until their successors are
- 14 elected and qualified. Any member of the board elected before the

15 effective date of this act shall remain on the board until the  
16 expiration of the term to which he or she was elected unless  
17 removed for cause other than failure to reside in his or her  
18 assigned election district.'."

### **UNANIMOUS CONSENT - Room Change**

Senator Lathrop asked unanimous consent that the Business and Labor Committee conduct its hearing on Wednesday, April 13, 2011, in Room 1524 instead of Room 2102. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 25 fourth-grade students, teacher, and sponsors from Plainview; 53 fourth-grade students from Westridge Elementary, Elkhorn; participants in the Nebraska Federation of Women's Clubs Sophomore Pilgrimage from across the state; and 4 fourth- through eighth-grade students and teachers from Papillion Home School Association, Papillion.

### **RECESS**

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

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators B. Harr and Wightman who were excused; and Senators Gloor, Lautenbaugh, and Schilz who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 357.** The Mello amendment, AM1176, found in this day's Journal, was renewed.

Senator Mello withdrew his amendment.

Senator Ashford moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Ashford requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

Adams	Cook	Haar, K.	McGill	Smith
Ashford	Cornett	Hadley	Nelson	Sullivan
Avery	Council	Howard	Nordquist	Wallman
Campbell	Dubas	Krist	Pankonin	
Carlson	Fischer	Lathrop	Schilz	
Conrad	Gloor	Louden	Schumacher	

Voting in the negative, 14:

Bloomfield	Fulton	Janssen	Larson	Price
Brasch	Hansen	Karpisek	McCoy	Utter
Flood	Heidemann	Langemeier	Pahls	

Present and not voting, 6:

Christensen	Harms	Mello
Coash	Lautenbaugh	Pirsch

Excused and not voting, 2:

Harr, B.	Wightman
----------	----------

Advanced to Enrollment and Review Initial with 27 ayes, 14 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 162.** Introduced by Janssen, 15.

WHEREAS, the Fremont Cadet Squadron of the Civil Air Patrol provides search and rescue services, offers disaster response training, and supplies highly trained personnel to aid and comfort the citizens of Nebraska in times of need; and

WHEREAS, the Fremont Cadet Squadron of the Civil Air Patrol provides aerospace education and technology-based training to Fremont area youth in the Civil Air Patrol Cadet Program; and

WHEREAS, the Fremont Cadet Squadron of the Civil Air Patrol develops cadets into responsible young adults through character development and leadership training; and

WHEREAS, the Fremont Cadet Squadron of the Civil Air Patrol has been recognized two of the last three years as the best cadet squadron out of over one thousand four hundred squadrons in a seven-state area.

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

1. That the Legislature commends the Fremont Cadet Squadron of the Civil Air Patrol for their service to the State of Nebraska.

2. That a copy of this resolution to sent to the members of the Fremont Cadet Squadron of the Civil Air Patrol.

Laid over.

## COMMITTEE REPORTS

### Transportation and Telecommunications

**LEGISLATIVE BILL 353.** Placed on General File.

**LEGISLATIVE BILL 216.** Placed on General File with amendment.  
AM878

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

3 Section 1. Section 60-301, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 60-301 Sections 60-301 to 60-3,222 and section 4 of  
6 this act shall be known and may be cited as the Motor Vehicle  
7 Registration Act.

8 Sec. 2. Section 60-3,100, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 60-3,100 (1) The department shall issue to every person  
11 whose motor vehicle or trailer is registered fully reflectorized  
12 license plates upon which shall be displayed (a) the registration  
13 number consisting of letters and numerals assigned to such motor  
14 vehicle or trailer in figures not less than two and one-half inches  
15 nor more than three inches in height and (b) also the word Nebraska  
16 suitably lettered so as to be attractive. Two license plates shall  
17 be issued for every motor vehicle, except that one plate shall  
18 be issued for dealers, motorcycles, minitrucks, truck-tractors,  
19 trailers, buses, ~~and~~ apportionable vehicles, and special interest  
20 motor vehicles that use the special interest motor vehicle license  
21 plate authorized by and issued under section 4 of this act. The  
22 license plates shall be of a color designated by the director. The  
23 color of the plates shall be changed each time the license plates  
1 are changed. Each time the license plates are changed, the director  
2 shall secure competitive bids for materials pursuant to sections  
3 81-145 to 81-162. Motorcycle, minitruck, and trailer license plate  
4 letters and numerals may be one-half the size of those required in  
5 this section.

6 (2) When two license plates are issued, one shall be  
7 prominently displayed at all times on the front and one on the  
8 rear of the registered motor vehicle or trailer. When only one  
9 plate is issued, it shall be prominently displayed on the rear of  
10 the registered motor vehicle or trailer. When only one plate is  
11 issued for motor vehicles registered pursuant to section 60-3,198  
12 and truck-tractors, it shall be prominently displayed on the front

13 of the apportionable vehicle.

14 Sec. 3. Section 60-3,104, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 60-3,104 The department shall issue the following types  
17 of license plates:

18 (1) Amateur radio station license plates issued pursuant  
19 to section 60-3,126;

20 (2) Apportionable vehicle license plates issued pursuant  
21 to section 60-3,203;

22 (3) Boat dealer license plates issued pursuant to section  
23 60-379;

24 (4) Bus license plates issued pursuant to section  
25 60-3,144;

26 (5) Commercial motor vehicle license plates issued  
27 pursuant to section 60-3,147;

1 (6) Dealer or manufacturer license plates issued pursuant  
2 to sections 60-3,114 and 60-3,115;

3 (7) Disabled veteran license plates issued pursuant to  
4 section 60-3,124;

5 (8) Farm trailer license plates issued pursuant to  
6 section 60-3,151;

7 (9) Farm truck license plates issued pursuant to section  
8 60-3,146;

9 (10) Farm trucks with a gross weight of over sixteen tons  
10 license plates issued pursuant to section 60-3,146;

11 (11) Fertilizer trailer license plates issued pursuant to  
12 section 60-3,151;

13 (12) Film vehicle license plates issued pursuant to  
14 section 60-383;

15 (13) Gold Star Family license plates issued pursuant to  
16 sections 60-3,122.01 and 60-3,122.02;

17 (14) Handicapped or disabled person license plates issued  
18 pursuant to section 60-3,113;

19 (15) Historical vehicle license plates issued pursuant to  
20 sections 60-3,130 to 60-3,134;

21 (16) Local truck license plates issued pursuant to  
22 section 60-3,145;

23 (17) Minitruck license plates issued pursuant to section  
24 60-3,100;

25 (18) Motor vehicle license plates for motor vehicles  
26 owned or operated by the state, counties, municipalities, or school  
27 districts issued pursuant to section 60-3,105;

1 (19) Motor vehicles exempt pursuant to section 60-3,107;

2 (20) Motorcycle license plates issued pursuant to section  
3 60-3,100;

4 (21) Nebraska Cornhusker Spirit Plates issued pursuant to  
5 sections 60-3,127 to 60-3,129;

6 (22) Nonresident owner thirty-day license plates issued  
7 pursuant to section 60-382;

- 8 (23) Passenger car having a seating capacity of ten  
9 persons or less and not used for hire issued pursuant to section  
10 60-3,143;
- 11 (24) Passenger car having a seating capacity of ten  
12 persons or less and used for hire issued pursuant to section  
13 60-3,143;
- 14 (25) Pearl Harbor license plates issued pursuant to  
15 section 60-3,122;
- 16 (26) Personal-use dealer license plates issued pursuant  
17 to section 60-3,116;
- 18 (27) Personalized message license plates for motor  
19 vehicles and cabin trailers, except commercial motor vehicles  
20 registered for over ten tons gross weight, issued pursuant to  
21 sections 60-3,118 to 60-3,121;
- 22 (28) Prisoner-of-war license plates issued pursuant to  
23 section 60-3,123;
- 24 (29) Purple Heart license plates issued pursuant to  
25 section 60-3,125;
- 26 (30) Recreational vehicle license plates issued pursuant  
27 to section 60-3,151;
- 1 (31) Repossession license plates issued pursuant to  
2 section 60-375;
- 3 (32) Special interest motor vehicle license plates issued  
4 pursuant to section 4 of this act;
- 5 ~~(32)~~(33) Specialty license plates issued pursuant to  
6 sections 60-3,104.01 and 60-3,104.02;
- 7 ~~(33)~~(34) Trailer license plates issued for trailers  
8 owned or operated by the state, counties, municipalities, or school  
9 districts issued pursuant to section 60-3,106;
- 10 ~~(34)~~(35) Trailer license plates issued pursuant to  
11 section 60-3,100;
- 12 ~~(35)~~(36) Trailers exempt pursuant to section 60-3,108;
- 13 ~~(36)~~(37) Transporter license plates issued pursuant to  
14 section 60-378;
- 15 ~~(37)~~(38) Trucks or combinations of trucks,  
16 truck-tractors, or trailers which are not for hire and  
17 engaged in soil and water conservation work and used for the  
18 purpose of transporting pipe and equipment exclusively used by such  
19 contractors for soil and water conservation construction license  
20 plates issued pursuant to section 60-3,149;
- 21 ~~(38)~~(39) Utility trailer license plates issued pursuant  
22 to section 60-3,151; and
- 23 ~~(39)~~(40) Well-boring apparatus and well-servicing  
24 equipment license plates issued pursuant to section 60-3,109.
- 25 Sec. 4. (1) The department shall either modify an  
26 existing plate design or design license plates to identify special  
27 interest motor vehicles, to be known as special interest motor  
1 vehicle license plates. The department, in designing such special  
2 interest motor vehicle license plates, shall include the words

3 special interest and limit the manufacturing cost of each plate  
4 to an amount less than or equal to the amount charged for license  
5 plates pursuant to section 60-3,102. The Department of Motor  
6 Vehicles shall choose the design of the plate. The department shall  
7 make applications available for this type of plate when it is  
8 designed.

9 (2) One type of special interest motor vehicle license  
10 plate shall be alphanumeric plates. The department shall:

11 (a) Assign a designation up to seven characters; and

12 (b) Not use a county designation.

13 (3) One type of special interest motor vehicle license  
14 plate shall be personalized message plates. Such plates shall be  
15 issued subject to the same conditions specified for personalized  
16 message license plates in section 60-3,118.

17 (4) A person may apply to the department for a special  
18 interest motor vehicle license plate in lieu of regular license  
19 plates on an application prescribed and provided by the department  
20 for any special interest motor vehicle, except for a motor vehicle  
21 registered under section 60-3,198, motorcycle, or trailer. The  
22 department shall make forms available for such applications through  
23 the county treasurers or designated county officials.

24 (5) The form shall contain a description of the special  
25 interest motor vehicle owned and sought to be registered, including  
26 the make, body type, model, serial number, and year of manufacture.

27 (6)(a) In addition to all other fees required to register  
1 a motor vehicle, each application for initial issuance or renewal  
2 of a special interest motor vehicle license plate shall be  
3 accompanied by a special interest motor vehicle license plate fee  
4 of fifty dollars. Twenty-five dollars of the special interest motor  
5 vehicle fee shall be remitted to the State Treasurer for credit to  
6 the Department of Motor Vehicles Cash Fund and twenty-five dollars  
7 of the special interest motor vehicle fee shall be remitted to the  
8 State Treasurer for credit to the Highway Trust Fund.

9 (b) If a special interest motor vehicle license plate is  
10 lost, stolen, or mutilated the owner shall be issued a replacement  
11 license plate pursuant to section 60-3,157.

12 (7) When the department receives an application for a  
13 special interest motor vehicle license plate, the department shall  
14 deliver the plate to the county treasurer or designated county  
15 official of the county in which the special interest motor vehicle  
16 is registered. The county treasurer or designated county official  
17 shall issue the special interest motor vehicle license plate in  
18 lieu of regular license plates when the applicant complies with  
19 the other provisions of the Motor Vehicle Registration Act for  
20 registration of the special interest motor vehicle.

21 (8) If the cost of manufacturing special interest motor  
22 vehicle license plates at any time exceeds the amount charged  
23 for license plates pursuant to section 60-3,102, any money to  
24 be credited to the Department of Motor Vehicles Cash Fund under



25 this section shall instead be credited first to the Highway  
 26 Trust Fund in an amount equal to the difference between the  
 27 manufacturing costs of special interest motor vehicle license  
 1 plates and the amount charged pursuant to section 60-3,102 with  
 2 respect to such license plates and the remainder shall be credited  
 3 to the Department of Motor Vehicles Cash Fund.

4 (9) The special interest motor vehicle license plate  
 5 shall be affixed to the rear of the special interest motor vehicle.

6 (10) A special interest motor vehicle shall not be used  
 7 for the same purposes and under the same conditions as other motor  
 8 vehicles of the same type and shall not be used for business or  
 9 occupation or regularly for transportation to and from work. A  
 10 special interest motor vehicle may be driven on the public streets  
 11 and roads only for occasional transportation, public displays,  
 12 parades, and related pleasure or hobby activities.

13 (11) It shall be unlawful to own or operate a motor  
 14 vehicle with special interest motor vehicle license plates in  
 15 violation of this section. Upon conviction of a violation of any  
 16 provision of this section, a person shall be guilty of a Class V  
 17 misdemeanor.

18 (12) For purposes of this section, special interest motor  
 19 vehicle means a motor vehicle of any age which is being collected,  
 20 preserved, restored, or maintained by the owner as a leisure  
 21 pursuit and not used for general transportation of persons or  
 22 cargo.

23 Sec. 5. This act becomes operative on January 1, 2012.

24 Sec. 6. Original sections 60-301, 60-3,100, and 60-3,104,  
 25 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Deb Fischer, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 70.** ER70, found on page 1039, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 286.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 477.** ER71, found on page 1039, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 499.** ER74, found on page 1039, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 407.** ER61, found on page 962, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 112.** ER72, found on page 1039, was adopted.

Senator Lautenbaugh withdrew his amendment, AM908, found on page 932 and considered on page 1001.

Senator Coash renewed his amendment, AM1141, found on page 1133.

The Coash amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 305.** ER75, found on page 1039, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 385.** Senator Mello renewed his amendment, AM865, found on page 902.

### **SENATOR ADAMS PRESIDING**

Senator Mello withdrew his amendment.

Senator Mello offered the following amendment:

AM1184

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1012, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1012 Sections 66-1012 to 66-1019 and section 5 of this
- 6 act shall be known and may be cited as the Low-Income Home Energy
- 7 Conservation Act.
- 8 Sec. 2. Section 66-1014, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 66-1014 For purposes of the Low-Income Home Energy
- 11 Conservation Act:
- 12 (1) Department means the Department of Revenue;
- 13 (2) Eligible energy conservation grant means a grant
- 14 paid to an eligible person for an eligible energy conservation
- 15 improvement;
- 16 (3) Eligible energy conservation improvement means a
- 17 device, a method, equipment, or material that reduces consumption
- 18 of or increases efficiency in the use of electricity or natural gas
- 19 for a residence owned by an eligible person, including, but not

20 limited to, insulation and ventilation, storm or thermal doors or  
 21 windows, awnings, caulking and weatherstripping, furnace efficiency  
 22 modifications, thermostat or lighting controls, replacement or  
 23 modification of lighting fixtures or bulbs to increase the energy  
 1 efficiency of the home's lighting system, and systems to turn off  
 2 or vary the delivery of energy;

3 (4) Eligible entity means an entity providing ~~matching~~  
 4 funds pursuant to section 66-1015 and which is a public power  
 5 district organized under Chapter 70, article 6, a rural public  
 6 power district organized under Chapter 70, article 8, an electric  
 7 cooperative corporation organized under the Electric Cooperative  
 8 Corporation Act, a nonprofit corporation organized for the purpose  
 9 of furnishing electric service, a joint entity organized under the  
 10 Interlocal Cooperation Act, or a municipality; ~~and~~

11 (5) Eligible person means any resident of Nebraska who  
 12 owns his or her residence and whose household income is at or  
 13 below one hundred fifty percent of the federal poverty level,  
 14 as determined in accordance with the Low-Income Home Energy  
 15 Conservation Act; ~~and-~~

16 (6) Fiscal year means the state fiscal year which is the  
 17 period July 1 to the following June 30.

18 Sec. 3. Section 66-1015, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 66-1015 (1) The Energy Conservation Improvement Fund is  
 21 created. There shall be a separate subaccount within the fund for  
 22 each eligible entity remitting ~~matching~~ funds and administering  
 23 a program of eligible energy conservation improvements. The fund  
 24 shall be administered by the department. Funds shall be remitted  
 25 by the department to the State Treasurer for deposit in the  
 26 proper subaccount of the fund from ~~state sales taxes and matching~~  
 27 funds remitted by the eligible entity and state matching funds as  
 1 provided in subsection (2) of this section.

2 (2)(a) No later than September 1, 2012, and no later than  
 3 September 1 of each even-numbered year thereafter, any eligible  
 4 entity planning on administering a program of eligible energy  
 5 conservation improvements shall notify the department of the amount  
 6 the entity plans to remit pursuant to subdivision (2)(b) of this  
 7 section for each of the next two fiscal years.

8 (b) Commencing July 1, 2009, 2014, any eligible entity  
 9 may designate state sales taxes collected from customers remit  
 10 up to fifty thousand dollars per fiscal year for deposit in  
 11 the subaccount of the fund for that eligible entity. Any such  
 12 designation shall be accompanied by an equal amount of matching  
 13 funds from the eligible entity. The total amount designated in  
 14 any calendar year shall not exceed five percent of the total  
 15 state sales tax collected in the prior calendar year. The amount  
 16 deposited shall be matched from the amount transferred by the state  
 17 to the fund as provided in subsection (3) of this section and  
 18 deposited in the subaccount of the eligible entity. Amounts for

19 deposit shall be accepted on a first-come, first-served basis, and  
 20 when a total of two hundred fifty thousand dollars of deposits from  
 21 eligible entities has been received in a fiscal year, no further  
 22 deposits shall be accepted. Any deposits received from eligible  
 23 entities after the dollar limit has been reached shall be returned  
 24 to the eligible entity. Any nonencumbered amount remaining in the  
 25 fund at the end of the fiscal year shall be transferred to the  
 26 General Fund.

27 (3) ~~The department shall adopt a form to (a) designate~~  
 1 ~~part of the state sales tax to be remitted for administering a~~  
 2 ~~program of eligible energy conservation improvements and (b) remit~~  
 3 ~~the matching funds.~~

4 (3) Commencing July 1, 2014, and each fiscal year  
 5 thereafter, it is the intent of the Legislature to transfer two  
 6 hundred fifty thousand dollars from the General Fund to the Energy  
 7 Conservation Improvement Fund for the purposes of this section.

8 (4) Any money in the fund available for investment  
 9 shall be invested by the state investment officer pursuant to  
 10 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 11 Investment Act.

12 Sec. 4. Section 66-1016, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 66-1016 (1) An eligible entity that has remitted ~~matching~~  
 15 funds to the department as provided in section 66-1015 may  
 16 establish and administer a program of eligible energy conservation  
 17 grants.

18 (2) The program shall provide for an eligible energy  
 19 conservation grant from the Energy Conservation Improvement Fund to  
 20 an eligible person for installing an eligible energy conservation  
 21 improvement upon certification by the eligible entity that it  
 22 has approved an eligible energy conservation improvement for the  
 23 residence of the eligible person. The eligible entity shall verify  
 24 the purchase and installation of the eligible energy conservation  
 25 improvement at the eligible person's residence.

26 (3) The eligible entity may require the eligible person  
 27 to pay for a share of the cost of the eligible energy conservation  
 1 improvement, not to exceed twenty percent of the total cost. The  
 2 share of the cost to be paid by the eligible person may be  
 3 recovered by the eligible entity in monthly installments after  
 4 completion of the eligible energy conservation improvement by  
 5 adding an amount to the eligible person's electrical bill.

6 (4) The eligible entity shall certify to the department  
 7 the amount of money to be distributed from the applicable  
 8 subaccount of the Energy Conservation Improvement Fund for payments  
 9 of the energy conservation grants approved in subsection (2) of  
 10 this section. Requests for distribution may be filed no more  
 11 frequently than monthly. The department shall distribute money only  
 12 to the eligible entity.

13 Sec. 5. The Low-Income Home Energy Conservation Act

14 terminates on July 1, 2019.

15 Sec. 6. Original sections 66-1012, 66-1014, 66-1015, and  
16 66-1016, Reissue Revised Statutes of Nebraska, are repealed.

17 Sec. 7. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.

The Mello amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 35.** Senator Lautenbaugh offered the following amendment:

AM1154

1 1. Insert the following new section:

2 Section 1. Section 60-6,297, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 ~~60-6,297 The provisions of subdivision (1)(b) of section~~  
5 ~~60-6,290 and subsections (2) and (3) of section 60-6,294 shall~~  
6 ~~not apply when a disabled combination of vehicles is towed if the~~  
7 ~~combination of vehicles, together with the wrecker or tow truck,~~  
8 ~~does not exceed one hundred fifty feet, inclusive of front and~~  
9 ~~rear bumpers including load. Such exception shall apply only if~~  
10 ~~the disabled combination of vehicles is being towed directly to~~  
11 ~~the nearest place of secure safekeeping. The towing vehicle shall~~  
12 ~~be connected with the air brakes and brake lights of the towed~~  
13 ~~vehicle. For purposes of this section, place of secure safekeeping~~  
14 ~~means a place off the traveled portion of the highway that can~~  
15 ~~accommodate the parking of such vehicles in order for the vehicles~~  
16 ~~to be (1) repaired or (2) dismantled and operated in compliance~~  
17 ~~with subdivision (1)(b) of section 60-6,290 and subsections (2) and~~  
18 ~~(3) of section 60-6,294.~~

19 (1) Subdivision (1)(b) of section 60-6,290 and  
20 subsections (2) and (3) of section 60-6,294 shall not apply to a  
21 vehicle or combination of vehicles disabled or wrecked on a highway  
22 or right-of-way when the vehicle or combination of vehicles is  
23 towed to a place of secure safekeeping by any wrecker or tow truck  
1 performing a wrecker or towing service.

2 (2) Subdivision (1)(b) of section 60-6,290 and  
3 subsections (2) and (3) of section 60-6,294 shall not apply to a  
4 single vehicle that is disabled or wrecked when the single vehicle  
5 is towed by any wrecker or tow truck to a place for repair or to a  
6 point of storage.

7 (3)(a) Section 60-6,288, subsection (1) of section  
8 60-6,289, subdivision (1)(b) of section 60-6,290, and subsections  
9 (2) and (3) of section 60-6,294 shall not apply to a vehicle or  
10 combination of vehicles permitted by the Department of Roads for  
11 overwidth, overheight, overlength, or overweight operation that is  
12 disabled or wrecked on a highway or right-of-way when the vehicle

13 or combination of vehicles is towed if the vehicle or combination  
14 of vehicles is towed by any wrecker or tow truck performing a  
15 wrecker or towing service to the first or nearest place of secure  
16 safekeeping off the traveled portion of the highway that can  
17 accommodate the parking of such disabled vehicle or combination of  
18 vehicles.

19 (b) After the vehicle or combination of vehicles has  
20 been towed to a place of secure safekeeping, such vehicle or  
21 combination of vehicles shall then be operated in compliance with  
22 section 60-6,288, subsection (1) of section 60-6,289, subdivision  
23 (1)(b) of section 60-6,290, and subsections (2) and (3) of section  
24 60-6,294, or the vehicle or combination of vehicles shall acquire  
25 a special single trip permit from the department for the movement  
26 of the overwidth, overheight, overlength, or overweight vehicle or  
27 combination of vehicles beyond the first or nearest place of secure  
1 safekeeping to its intended destination.

2 (4) The owners, lessees, and operators of any wrecker  
3 or tow truck exceeding the width, height, length, or weight  
4 restrictions while towing a disabled or wrecked vehicle or  
5 combination of vehicles shall be jointly and severally liable  
6 for any injury or damages that result from the operation of the  
7 wrecker or tow truck while exceeding such restrictions.

8 (5) If a disabled or wrecked vehicle or combination of  
9 vehicles is towed, the wrecker or tow truck shall be connected with  
10 the air brakes and brake lights of the towed vehicle or combination  
11 of vehicles.

12 (6) For purposes of this section:

13 (a) Place of secure safekeeping means a location off the  
14 traveled portion of the highway that can accommodate the parking of  
15 the disabled or wrecked vehicle or combination of vehicles in order  
16 for the vehicle or combination of vehicles to be repaired or moved  
17 to a point of storage; and

18 (b) Wrecker or tow truck means an emergency commercial  
19 vehicle equipped, designed, and used to assist or render aid and  
20 transport or tow a disabled vehicle or combination of vehicles from  
21 a highway or right-of-way to a place of secure safekeeping.

22 2. Renumber the remaining section and correct the  
23 repealer section accordingly.

The Lautenbaugh amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 204.** ER64, found on page 999, was adopted.

Senator Karpisek renewed his amendment, AM1071, found on page 1090.

Senator Karpisek withdrew his amendment.

Senator Council offered the following amendment:  
AM1177

(Amendments to E & R amendments, ER64)

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 79-217, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:  
5 79-217 (1) Except as provided in sections 79-221  
6 and 79-222, the school board or board of education of each  
7 school district and the governing authority of each private,  
8 denominational, or parochial school in this state shall require  
9 each student to be protected against measles, mumps, rubella,  
10 poliomyelitis, diphtheria, pertussis, and tetanus by immunization  
11 prior to enrollment. ~~Any student who does not comply with this~~  
12 ~~section shall not be permitted to continue in school until he or~~  
13 ~~she so complies, except as provided by section 79-222.~~ Each school  
14 district shall make diligent efforts to inform families prior to  
15 the date of school registration of the immunization requirements  
16 of this ~~section.~~ subsection.

17 (2) Except as provided in sections 79-221 and 79-222, on  
18 and after July 1, 2012, the school board or board of education of  
19 each school district and the governing authority of each private,  
20 denominational, or parochial school in this state shall require  
21 each student entering kindergarten to have undergone blood-lead  
22 testing before the age of six years. Parents and guardians are  
1 strongly encouraged to have their children tested for elevated  
2 blood-lead levels after the age of twelve months and before the age  
3 of four years. Each school district shall make diligent efforts to  
4 inform families prior to the date of school registration of the  
5 blood-lead testing requirements of this subsection, including the  
6 desirable age for blood-lead testing.

7 (3) Except as provided in sections 79-221 and 79-222,  
8 on and after July 1, 2010, every student entering the seventh  
9 grade shall have a booster immunization containing diphtheria and  
10 tetanus toxoids and an acellular pertussis vaccine which meets the  
11 standards approved by the United States Public Health Service for  
12 such biological products, as such standards existed on January 1,  
13 2009.

14 (4) Except as otherwise provided in section 79-222,  
15 any student who does not comply with this section shall not be  
16 permitted to continue in school until he or she so complies.

17 (3)-(5)(a) Except as provided in the Childhood Vaccine  
18 Act, the cost of such immunizations under subsection (1) or (3)

19 of this section shall be borne by the parent or guardian of each  
 20 student who is immunized or by the Department of Health and Human  
 21 Services for those students whose parent or guardian is financially  
 22 unable to meet such cost.

23 (b) The cost of such blood-lead testing shall be borne  
 24 by the parent or guardian of each student who is tested or, for  
 25 those students who are participating in medicaid or CHIP as such  
 26 terms are defined in section 68-969, by the Department of Health  
 27 and Human Services using funds appropriated by the Legislature from  
 1 the Nebraska Health Care Cash Fund.

2 (6) For purposes of this section and sections 79-219 to  
 3 79-222:

4 (a) Blood-lead testing means taking a capillary sample of  
 5 blood or venous sample of blood and sending it to a laboratory to  
 6 determine the level of lead in the blood;

7 (b) Capillary sample of blood means a blood sample taken  
 8 from the finger or heel;

9 (c) Laboratory means a clinical laboratory certified  
 10 pursuant to the federal Clinical Laboratories Improvement Act of  
 11 1967, as such act existed on January 1, 2011; and

12 (d) Venous sample of blood means a blood sample taken  
 13 from a vein in the arm.

14 Sec. 2. Section 79-219, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 79-219 The Department of Health and Human Services shall  
 17 adopt and promulgate rules and regulations relating to the required  
 18 levels of protection, blood-lead testing, provisional enrollment  
 19 under the provisions of section 79-222, the evidence necessary  
 20 to prove that the required examination, blood-lead testing, or  
 21 immunization has been received, and the reporting of each student's  
 22 immunization and blood-lead testing status. The department may  
 23 modify, add to, or delete from the list of required immunizations  
 24 set out in section 79-217. The department shall furnish local  
 25 school authorities with copies of such rules and regulations and  
 26 any other material which will assist in the carrying out of  
 27 sections 79-214 and 79-217 to 79-223.

1 Sec. 3. Section 79-220, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 79-220 At the time the parent or guardian of any child  
 4 is notified that such child must have a physical examination and  
 5 a visual evaluation pursuant to section 79-214 or immunizations  
 6 and blood-lead testing pursuant to section 79-217, the parent or  
 7 guardian shall also be notified in writing of (1) his or her right  
 8 to submit a written statement refusing a physical examination, a  
 9 visual evaluation, blood-lead testing, or immunization for his or  
 10 her child and (2) a telephone number or other contact information  
 11 to assist the parent or guardian in receiving information regarding  
 12 free or reduced-cost visual evaluations for low-income families who  
 13 qualify.



14 Sec. 4. Section 79-221, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 ~~79-221 Immunization~~ (1) The immunizations required by  
17 section 79-217 shall not be required for a student's enrollment in  
18 any school in this state if he or she submits to the admitting  
19 official either of the following:

20 ~~(1)(a)~~ (a) A statement signed by a physician, a physician  
21 assistant, or an advanced practice registered nurse practicing  
22 under and in accordance with his or her respective certification  
23 act, stating that, in the health care provider's opinion, the  
24 immunizations required would be injurious to the health and  
25 well-being of the student or any member of the student's family or  
26 household; or

27 ~~(2)(b)~~ (b) An affidavit signed by the student or, if he  
1 or she is a minor, by a legally authorized representative of the  
2 student, stating that the immunization conflicts with the tenets  
3 and practice of a recognized religious denomination of which the  
4 student is an adherent or member or that immunization conflicts  
5 with the personal and sincerely followed religious beliefs of the  
6 student.

7 (2) The blood-lead testing required by section 79-217  
8 shall not be required for a student's enrollment in any school in  
9 this state if he or she submits to the admitting official any of  
10 the following:

11 (a) A statement signed by a physician, a physician  
12 assistant, or an advanced practice registered nurse practicing  
13 under and in accordance with his or her respective certification  
14 act, stating that, in the health care provider's opinion, the  
15 blood-lead testing required would be injurious to the health and  
16 well-being of the student or any member of the student's family or  
17 household;

18 (b) An affidavit signed by the student or, if he or she  
19 is a minor, by a legally authorized representative of the student,  
20 stating that the blood-lead testing conflicts with the tenets  
21 and practice of a recognized religious denomination of which the  
22 student is an adherent or member or that blood-lead testing  
23 conflicts with the personal and sincerely followed religious  
24 beliefs of the student; or

25 (c) A statement signed by a physician, a physician  
26 assistant, or an advanced practice registered nurse practicing  
27 under and in accordance with his or her respective certification  
1 act, stating that, in such physician's, physician assistant's, or  
2 advanced practice registered nurse's opinion, the child has been  
3 assessed as being at very low risk for elevated blood-lead levels,  
4 based upon information provided by the parent or guardian. For  
5 purposes of this subdivision, very low risk means that the child  
6 (i) has not lived in or spent significant time in any building  
7 built before 1960, (ii) has not eaten nonfood items, (iii) has  
8 not lived with or frequently come in contact with an adult who

9 works with lead on the job or as part of a hobby, (iv) has  
 10 not lived near a battery manufacturing plant, battery recycling  
 11 plant, lead smelter, or other source of significant lead emissions,  
 12 (v) was not born in or has not spent more than three months  
 13 in Mexico, Central America, Eastern Europe, or Southeast Asia,  
 14 (vi) has not ingested food, candy, or remedies containing lead,  
 15 (vii) has not played with toys, jewelry, or other items recalled  
 16 by the United States Consumer Product Safety Commission due to  
 17 lead contamination, and (viii) has not had significant exposure to  
 18 any other product or substance determined to contain lead by the  
 19 United States Environmental Protection Agency, the United States  
 20 Department of Housing and Urban Development, or the Centers for  
 21 Disease Control and Prevention or the Food and Drug Administration  
 22 of the United States Department of Health and Human Services.

23 Sec. 5. Section 79-222, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 79-222 (1) A student may be provisionally enrolled in  
 26 a school in Nebraska if he or she meets either of the following  
 27 qualifications:

1 (a)(i) The student, if having not received the  
 2 immunizations required by section 79-217, has begun the  
 3 immunizations required under such section 79-217 and is receiving  
 4 the necessary immunizations as rapidly as is medically feasible;  
 5 and ~~or~~

6 (ii) The student, if having not undergone the blood-lead  
 7 testing required by section 79-217 for enrollment in any school in  
 8 the state, is scheduled to undergo blood-lead testing; or

9 (b) The student is the child or legal ward of an officer  
 10 or enlisted person on active duty in any branch of the military  
 11 services of the United States or of his or her spouse, enrolling  
 12 in a Nebraska school following residence in another state or in a  
 13 foreign country.

14 (2) As a condition for the provisional enrollment of a  
 15 student qualified for such enrollment under subdivision (1)(b) of  
 16 this section, a parent or adult legal guardian of the student  
 17 shall provide the school with a signed written statement certifying  
 18 (a) that the student has completed the course of immunizations  
 19 required by section 79-217 and (b) that the student will undergo  
 20 blood-lead testing within fifteen days or the date and results of  
 21 the student's blood-lead testing.

22 (3) The provisional enrollment of a student qualified for  
 23 such enrollment under subdivision (1)(b) of this section shall not  
 24 continue beyond sixty days from the date of such enrollment. At  
 25 such time the school shall be provided, with regard to the student,  
 26 written evidence of compliance with section 79-217. The student  
 27 shall not be permitted to continue in school until such evidence of  
 1 compliance is provided.

2 Sec. 6. If a child's blood-lead level is ten micrograms  
 3 or more of lead per deciliter of blood, the Department of Health

4 and Human Services shall notify such child's parent or guardian  
 5 of (1) the availability of special education services pursuant to  
 6 the Special Education Act for children with lead poisoning who  
 7 are classified as other health impaired as defined in section  
 8 79-1118.01 and the criteria necessary for a child to be classified  
 9 as other health impaired and (2) the contact information for and  
 10 resources available through a program operated by the State of  
 11 Nebraska that provides information to parents on child development  
 12 and special education for children from birth or date of diagnosis  
 13 to age twenty-one and helps parents access information on rights  
 14 and resources to help them advocate for an appropriate education  
 15 for their child.

16 Sec. 7. Original sections 79-219, 79-220, 79-221, and  
 17 79-222, Reissue Revised Statutes of Nebraska, and section 79-217,  
 18 Revised Statutes Cumulative Supplement, 2010, are repealed.

Senator Council offered the following amendment to her amendment:

FA16

Amend AM1177

Strike the phrase "before the age of six years" in line 22 on page 1.

Senator Council moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Council amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Council amendment, AM1177, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 204A.** ER63, found on page 1000, was adopted.

Senator Council offered the following amendment:

AM1053

- 1 1. On page 2, in lines 2, 3, and 4, strike "Health and
- 2 Human Services" and insert "Nebraska Health Care".

The Council amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 431.** Senator Hadley offered the following amendment:

AM1169

- 1 1. Insert the following new section:
- 2 Sec. 18. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Hadley amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 558.** ER65, found on page 1005, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 156.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 512.** ER68, found on page 1007, was adopted.

Senator Lautenbaugh offered the following amendment:

AM1179

(Amendments to E & R amendments, ER68)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 69-2441, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 69-2441 (1)(a) A permitholder may carry a concealed
- 5 handgun anywhere in Nebraska, except any: Police, sheriff, or
- 6 Nebraska State Patrol station or office; detention facility,
- 7 prison, or jail; courtroom or building which contains a courtroom;
- 8 polling place during a bona fide election; meeting of the governing
- 9 body of a county, public school district, municipality, or
- 10 other political subdivision; meeting of the Legislature or a
- 11 committee of the Legislature; financial institution; professional
- 12 or semiprofessional athletic event; building, grounds, vehicle,
- 13 or sponsored activity or athletic event of any public, private,
- 14 denominational, or parochial elementary, vocational, or secondary
- 15 school, a private postsecondary career school as defined in
- 16 section 85-1603, a community college, or a public or private
- 17 college, junior college, or university; place of worship; hospital,
- 18 emergency room, or trauma center; political rally or fundraiser;
- 19 establishment having a license issued under the Nebraska Liquor
- 20 Control Act that derives over one-half of its total income from the
- 21 sale of alcoholic liquor; place where the possession or carrying
- 22 of a firearm is prohibited by state or federal law; a place
- 1 of premises where the person, persons, entity, or entities in
- 2 control of the property or employer in control of the property has

3 prohibited permitholders from carrying concealed handguns into or  
4 onto the place or premises; or into or onto any other place or  
5 premises where handguns are prohibited by state law.

6 (b) A financial institution may authorize its security  
7 personnel to carry concealed handguns in the financial institution  
8 while on duty so long as each member of the security personnel, as  
9 authorized, is in compliance with the Concealed Handgun Permit Act  
10 and possesses a permit to carry a concealed handgun issued pursuant  
11 to the act.

12 (c) A place of worship may authorize its security  
13 personnel to carry concealed handguns on its property so long  
14 as each member of the security personnel, as authorized, is in  
15 compliance with the Concealed Handgun Permit Act and possesses a  
16 permit to carry a concealed handgun issued pursuant to the act and  
17 written notice is given to the congregation and, if the property is  
18 leased, the carrying of concealed handguns on the property does not  
19 violate the terms of any real property lease agreement between the  
20 place of worship and the lessor.

21 (2) If a person, persons, entity, or entities in control  
22 of the property or an employer in control of the property prohibits  
23 a permitholder from carrying a concealed handgun into or onto the  
24 place or premises and such place or premises are open to the  
25 public, a permitholder does not violate this section unless (a) the  
26 person, persons, entity, or entities in control of the property  
27 or employer in control of the property has posted conspicuous  
1 notice that carrying a concealed handgun is prohibited in or on  
2 the place or premises ~~or~~ and has made a request, directly or  
3 through an authorized representative or management personnel, that  
4 the permitholder remove the concealed handgun from the place or  
5 premises and (b) the permitholder has refused to comply with the  
6 request to remove the concealed handgun from the place or premises.

7 (3) A permitholder carrying a concealed handgun in a  
8 vehicle or on his or her person while riding in or on a vehicle  
9 into or onto any parking area, which is open to the public, used by  
10 any location listed in subdivision (1)(a) of this section, does not  
11 violate this section if, prior to exiting the vehicle, the handgun  
12 is locked inside the glove box, trunk, or other compartment of the  
13 vehicle, a storage box securely attached to the vehicle, or, if the  
14 vehicle is a motorcycle, a hardened compartment securely attached  
15 to the motorcycle. This subsection does not apply to any parking  
16 area used by such location when the carrying of a concealed handgun  
17 into or onto such parking area is prohibited by federal law.

18 (4) An employer may prohibit employees or other persons  
19 who are permitholders from carrying concealed handguns in vehicles  
20 owned by the employer.

21 (5) A permitholder shall not carry a concealed handgun  
22 while he or she is consuming alcohol or while the permitholder  
23 has remaining in his or her blood, urine, or breath any previously  
24 consumed alcohol or any controlled substance as defined in section

25 28-401. A permitholder does not violate this subsection if the  
 26 controlled substance in his or her blood, urine, or breath was  
 27 lawfully obtained and was taken in therapeutically prescribed  
 1 amounts.

2 Sec. 5. 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, subsection (1), (3), (4), or (5) of  
 6 ~~or~~ section 69-2441, or section 69-2442 is guilty of a Class III  
 7 misdemeanor for the first violation and a Class I misdemeanor for  
 8 any second or subsequent violation.

9 (2) A permitholder who violates subsection (3) of section  
 10 69-2440 is guilty of a Class I misdemeanor.

11 (3) A permitholder who violates subsection (2) of section  
 12 69-2441 is guilty of a Class IV misdemeanor.

13 ~~(3)-(4)~~ A permitholder convicted of a violation described  
 14 in subsection (1) or (2) of this section may also have his or her  
 15 permit revoked.

16 2. Renumber the remaining sections and correct internal  
 17 references and the repealer section accordingly.

Senator Lautenbaugh withdrew his amendment.

Senator Christensen offered the following amendment:  
 AM1186

(Amendments to E & R amendments, ER68)

1 1. Insert the following new section:  
 2 Section 1. Section 28-1204.04, Revised Statutes  
 3 Cumulative Supplement, 2010, is amended to read:  
 4 28-1204.04 (1) Any person who possesses a firearm in  
 5 a school, on school grounds, in a school-owned vehicle, or at  
 6 a school-sponsored activity or athletic event is guilty of the  
 7 offense of unlawful possession of a firearm at a school. Unlawful  
 8 possession of a firearm at a school is a Class IV felony. This  
 9 subsection shall not apply to (a) the issuance of firearms to  
 10 or possession by members of the armed forces of the United  
 11 States, active or reserve, National Guard of this state, or  
 12 Reserve Officers Training Corps or peace officers or other duly  
 13 authorized law enforcement officers when on duty or training,  
 14 (b) the possession of firearms by peace officers or other duly  
 15 authorized law enforcement officers when contracted by a school  
 16 to provide school security or school event control services, (c)  
 17 firearms which may lawfully be possessed by the person receiving  
 18 instruction, for instruction under the immediate supervision of an  
 19 adult instructor, ~~(e)-(d)~~ firearms which may lawfully be possessed  
 20 by a member of a college or university rifle team, within the scope  
 21 of such person's duties as a member of the team, ~~(d)-(e)~~ firearms  
 22 which may lawfully be possessed by a person employed by a college  
 1 or university in this state as part of an agriculture or a natural

2 resources program of such college or university, within the scope  
3 of such person's employment, ~~(e)~~(f) firearms contained within a  
4 private vehicle operated by a nonstudent adult which are not loaded  
5 and (i) are encased or (ii) are in a locked firearm rack that is  
6 on a motor vehicle, or ~~(f)~~(g) a handgun carried as a concealed  
7 handgun by a valid holder of a permit issued under the Concealed  
8 Handgun Permit Act in a vehicle or on his or her person while  
9 riding in or on a vehicle into or onto any parking area, which  
10 is open to the public and used by a school if, prior to exiting  
11 the vehicle, the handgun is locked inside the glove box, trunk, or  
12 other compartment of the vehicle, a storage box securely attached  
13 to the vehicle, or, if the vehicle is a motorcycle, a hardened  
14 compartment securely attached to the motorcycle while the vehicle  
15 is in or on such parking area, except as prohibited by federal  
16 law. For purposes of this subsection, encased means enclosed in a  
17 case that is expressly made for the purpose of containing a firearm  
18 and that is completely zipped, snapped, buckled, tied, or otherwise  
19 fastened with no part of the firearm exposed.

20 (2) Any firearm possessed in violation of subsection  
21 (1) of this section shall be confiscated without warrant by a  
22 peace officer or may be confiscated without warrant by school  
23 administrative or teaching personnel. Any firearm confiscated by  
24 school administrative or teaching personnel shall be delivered to a  
25 peace officer as soon as practicable.

26 (3) Any firearm confiscated by or given to a peace  
27 officer pursuant to subsection (2) of this section shall be  
1 declared a common nuisance and shall be held by the peace officer  
2 prior to his or her delivery of the firearm to the property  
3 division of the law enforcement agency which employs the peace  
4 officer. The property division of such law enforcement agency shall  
5 hold such firearm for as long as the firearm is needed as evidence.  
6 After the firearm is no longer needed as evidence, it shall be  
7 destroyed in such manner as the court may direct.

8 (4) Whenever a firearm is confiscated and held pursuant  
9 to this section or section 28-1204.02, the peace officer who  
10 received such firearm shall cause to be filed within ten days after  
11 the confiscation a petition for destruction of such firearm. The  
12 petition shall be filed in the district court of the county in  
13 which the confiscation is made. The petition shall describe the  
14 firearm held, state the name of the owner, if known, allege the  
15 essential elements of the violation which caused the confiscation,  
16 and conclude with a prayer for disposition and destruction in such  
17 manner as the court may direct. At any time after the confiscation  
18 of the firearm and prior to court disposition, the owner of the  
19 firearm seized may petition the district court of the county in  
20 which the confiscation was made for possession of the firearm. The  
21 court shall release the firearm to such owner only if the claim  
22 of ownership can reasonably be shown to be true and either (a)  
23 the owner of the firearm can show that the firearm was taken from

24 his or her property or place of business unlawfully or without  
 25 the knowledge and consent of the owner and that such property or  
 26 place of business is different from that of the person from whom  
 27 the firearm was confiscated or (b) the owner of the firearm is  
 1 acquitted of the charge of unlawful possession of a handgun in  
 2 violation of section 28-1204, unlawful transfer of a firearm to  
 3 a juvenile, or unlawful possession of a firearm at a school. No  
 4 firearm having significant antique value or historical significance  
 5 as determined by the Nebraska State Historical Society shall be  
 6 destroyed. If a firearm has significant antique value or historical  
 7 significance, it shall be sold at auction and the proceeds shall be  
 8 remitted to the State Treasurer for distribution in accordance with  
 9 Article VII, section 5, of the Constitution of Nebraska.  
 10 2. Renumber the remaining sections and correct internal  
 11 references and the repealer section accordingly.

### SENATOR SULLIVAN PRESIDING

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 337.** ER66, found on page 1011, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 628.** ER67, found on page 1011, was adopted.

Senator Bloomfield renewed his amendment, AM1049, found on page 1026.

Senator Bloomfield moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Coash	Harms	Lautenbaugh	Pirsch
Bloomfield	Fischer	Janssen	Louden	Price
Brasch	Flood	Karpisek	McCoy	Schilz
Carlson	Fulton	Krist	Nelson	Schumacher
Christensen	Hansen	Larson	Pankonin	Utter

Voting in the negative, 9:

Avery	Conrad	Council	Howard	Wallman
Campbell	Cook	Haar, K.	Sullivan	



Present and not voting, 6:

Ashford	Hadley	Mello
Cornett	McGill	Pahls

Excused and not voting, 9:

Dubas	Harr, B.	Langemeier	Nordquist	Wightman
Gloor	Heidemann	Lathrop	Smith	

The Bloomfield amendment was adopted with 25 ayes, 9 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Bloomfield renewed his amendment, AM1048, found on page 1026.

Senator Bloomfield moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Bloomfield	Coash	Krist	Nelson
Brasch	Hansen	Larson	Pirsch
Christensen	Heidemann	Louden	Schumacher

Voting in the negative, 26:

Adams	Cook	Haar, K.	Langemeier	Sullivan
Ashford	Cornett	Hadley	McCoy	Wallman
Avery	Council	Harms	McGill	
Campbell	Fischer	Howard	Pahls	
Carlson	Flood	Janssen	Pankonin	
Conrad	Fulton	Karpisek	Schilz	

Present and not voting, 2:

Mello	Utter
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Excused and not voting, 9:

Dubas	Harr, B.	Lautenbaugh	Price	Wightman
Gloor	Lathrop	Nordquist	Smith	

The Bloomfield amendment lost with 12 ayes, 26 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB628:  
AM1073

(Amendments to E & R amendments, ER67)

- 1 1. On page 4, line 23, before the comma insert "and has a
- 2 value of no more than one thousand five hundred dollars".

Senator Karpisek filed the following amendment to LB279:  
AM1173

- 1 1. In the Standing Committee amendments, AM694, on page
- 2 1, line 9, strike beginning with "otherwise" through "section"
- 3 and insert "in a beer wholesaler"; and in lines 11 and 12 before
- 4 "wholesaler" insert "beer".
- 5 2. On page 2, line 12, strike "alcoholic liquor" and
- 6 show as stricken; in line 14 after "53-123.02" insert "or a beer
- 7 wholesale license under section 53-123.03"; in line 23 strike "an
- 8 alcoholic liquor", show as stricken, and insert "a"; and in line 24
- 9 after "53-123.02" insert "or a beer wholesale license under section
- 10 53-123.03".

Senator Flood filed the following amendment to LB463:  
AM1174 is available in the Bill Room.

Senator Krist filed the following amendment to LB606:  
AM1032

- 1 1. On page 3, strike beginning with "when" in line 4
- 2 through "member" in line 6.

Senator Christensen filed the following amendment to LB648:  
AM1164

(Amendments to E & R amendments, ER80)

- 1 1. On page 5, line 21, strike "five" and insert "seven";
- 2 in line 26 after the period insert "After a foster child has been
- 3 placed in the foster parents' home for at least six months, the
- 4 foster parents shall have standing as interested parties in the
- 5 context of a hearing regarding placement change of a foster child
- 6 from the home of the foster parent for placement in another foster
- 7 care facility. Such standing entitles the foster parents to call
- 8 and cross-examine witnesses at the hearing and appeal an adverse
- 9 decision."; and in line 27 strike "inquire", show as stricken, and
- 10 insert "make inquiry".
- 11 2. On page 6, line 2, strike "willing".

Senator Christensen filed the following amendment to LB648:  
AM1165

(Amendments to E & R amendments, ER80)

1 1. On page 5, line 26, after the period strike any  
2 amendment thereto and insert "After a foster child has been placed  
3 in the foster parents' home for at least six months, the foster  
4 parents shall have standing as interested parties in the context  
5 of a hearing regarding placement change of a foster child from  
6 the home of the foster parent for placement in another foster  
7 care facility. Such standing entitles the foster parents to call  
8 and cross-examine witnesses at the hearing and appeal an adverse  
9 decision. Such standing shall be retained enabling foster parents  
10 to file an objection to the court pursuant to subsection (3) of  
11 section 43-285 within seven full days after the placement change  
12 if such change of placement from the foster parents' home occurred  
13 without the due process provided pursuant to this section and  
14 subsection (3) of section 43-285."

Senator Christensen filed the following amendment to LB648:  
AM1166

(Amendments to E & R amendments, ER80)

1 1. On page 3, line 18, after the period insert "Any  
2 person or agency who or which shall knowingly violate any of  
3 the provisions of this subsection shall be guilty of a Class III  
4 misdemeanor, and this penalty shall apply to officers and employees  
5 of agencies.".  
6 2. On page 6, after line 3 insert  
7 "(4) Any person or agency who or which shall knowingly  
8 violate any of the provisions of this section shall be guilty of a  
9 Class III misdemeanor, and this penalty shall apply to officers and  
10 employees of agencies.".

Senator Schilz filed the following amendment to LB684:  
AM1190

(Amendments to Standing Committee amendments, AM375)

1 1. Insert the following new sections:  
2 Section 1. Section 13-2705, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:  
4 13-2705 (1) The department may conditionally approve  
5 grants of assistance from the fund to eligible and competitive  
6 applicants ~~within the following limits: if the award has been~~  
7 approved by the Travel and Tourism Division Advisory Committee as  
8 provided in subsection (2) of this section and if the following  
9 conditions are met:  
10 ~~(+)(a)~~ (a) A grant request shall be at least twenty thousand  
11 dollars but no more than:  
12 ~~(+)(i)~~ (i) For a city of the primary class, one million five  
13 hundred thousand dollars;

14 ~~(b)~~(ii) For a municipality with a population of forty  
 15 thousand but less than one hundred thousand, seven hundred fifty  
 16 thousand dollars;

17 ~~(e)~~(iii) For a municipality with a population of twenty  
 18 thousand but less than forty thousand, five hundred thousand  
 19 dollars;

20 ~~(d)~~(iv) For a municipality with a population of ten  
 21 thousand but less than twenty thousand, four hundred thousand  
 22 dollars; and

1 ~~(e)~~(v) For a municipality with a population of less than  
 2 ten thousand, two hundred fifty thousand dollars;

3 ~~(2)~~(b) Assistance from the fund shall not amount to  
 4 more than fifty percent of the cost of construction, renovation, or  
 5 expansion; and

6 ~~(3)~~(c) A municipality shall not be awarded more than one  
 7 grant in any five-year period.

8 (2) The Travel and Tourism Division Advisory Committee  
 9 created under section 81-1201.13 shall approve or reject an  
 10 application by majority vote of the advisory committee. If an  
 11 application is rejected by the advisory committee, the department  
 12 may submit additional applications for consideration by the  
 13 advisory committee.

14 Sec. 2. Section 13-2708, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 13-2708 If a grant of assistance is approved by the  
 17 Travel and Tourism Division Advisory Committee and the department,  
 18 the applicant shall receive conditional approval of the level  
 19 of assistance. Projects shall receive funding from the fund in  
 20 the order conditional approval is received and whenever there is  
 21 sufficient money in the fund to provide the assistance. It is  
 22 the intent of the Legislature to appropriate funds to support  
 23 projects which have received conditional approval from the advisory  
 24 committee and the department. A grant of assistance shall be  
 25 finally approved when funds for the project are appropriated by the  
 26 Legislature.

27 2. On page 2, after line 22 insert the following new  
 1 subdivision:

2 "(d) The Travel and Tourism Division Advisory Committee  
 3 shall approve or reject applications for grants of assistance under  
 4 the Local Civic, Cultural, and Convention Center Financing Act as  
 5 provided in section 13-2705.".

6 3. Renumber the remaining sections and correct the  
 7 repealer accordingly.

Senator Langemeier filed the following amendment to LB229:  
 AM1188 is available in the Bill Room.

**VISITORS**

Visitors to the Chamber were 9 seventh- and eighth-grade students, teachers, and sponsors from Golden Plains Christian School, Madrid.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 5:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-THIRD DAY - APRIL 13, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 13, 2011

**PRAYER**

The prayer was offered by Senator Fischer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Christensen, Heidemann, Lautenbaugh, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 637A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 235.** ER81, found on page 1123, was adopted.

Senator Adams offered the following amendment:  
AM1182

(Amendments to Standing Committee amendments, AM952)

- 1 1. On page 17, line 27; and page 18, line 6, strike
- 2 "2013-14" and insert "2016-17".
- 3 2. On page 27, line 19, after the last "education" insert
- 4 "fall".
- 5 3. On page 28, strike line 6 and insert "the qualified
- 6 early childhood education fall membership or the qualified early

7 childhood education average daily membership shall not be included  
8 in the".

9 4. On page 35, line 8, strike "or (3)".

10 5. On page 53, line 27, strike "maximum" and show as  
11 stricken.

12 6. On page 54, line 1, strike "minus" through the last  
13 "expenditures" and show as stricken.

14 7. On page 55, strike beginning with "no" in line 4  
15 through "2010-11" in line 11 and insert "each school district shall  
16 have budget authority for the general fund budget of expenditures  
17 equal to the greater of (a) the general fund budget of expenditures  
18 for school fiscal year 2010-11 minus exclusions for school fiscal  
19 year 2010-11 that fit within subsection (1) of section 79-1028.01";  
20 strike beginning with "minus" in line 14 through "2010-11" in line  
21 17 and insert "for school fiscal year 2010-11 minus exclusions  
22 for school fiscal year 2010-11 that fit within subsection (1) of  
1 section 79-1028.01"; and in line 27 strike "no" and insert "each".

2 8. On page 56, strike beginning with line 1 through  
3 "preceding" in line 11 and insert "authority for the general  
4 fund budget of expenditures equal to the greater of (a) the  
5 general fund budget of expenditures for the immediately preceding  
6 school fiscal year minus exclusions pursuant to subsection (1) of  
7 section 79-1028.01 for such school fiscal year with the difference  
8 increased by the basic allowable growth rate for the school fiscal  
9 year for which budget authority is being calculated, (b) the  
10 general fund budget of expenditures for the immediately preceding  
11 school fiscal year minus exclusions pursuant to subsection (1) of  
12 section 79-1028.01 for such"; in lines 13 and 14, 15, and 20 and 21  
13 strike "the calculation is being made" and insert "budget authority  
14 is being calculated"; and in lines 23 and 24 after "authority"  
15 insert "for the general fund budget of expenditures".

16 9. On page 57, line 16, after "authority" insert "for the  
17 general fund budget of expenditures"; and in line 18 after "for"  
18 insert "the following exclusions".

19 10. On page 58, line 26; and page 59, line 6, strike  
20 "2013-14", show as stricken, and insert "2016-17".

21 11. On page 59, line 15, strike "and" and show as  
22 stricken; in line 25 strike the period, show as stricken, and  
23 insert ";

24 (j) The special education budget of expenditures; and

25 (k) Expenditures of special grant funds."; and in line  
26 27 after "authority" insert "for the general fund budget of  
27 expenditures".

1 12. On page 60, line 3, after "authority" insert "for the  
2 general fund budget of expenditures"; and in line 4 strike "amount  
3 for" and insert "for the following exclusions"; and strike lines 26  
4 and 27, show as stricken, and insert "the amount allowed for any  
5 exclusions to the budget authority for the general fund budget of  
6 expenditures pursuant to this section.".



- 7 13. On page 61, strike line 1 and show as stricken.  
 8 14. On page 62, lines 12 and 13 and 22 through 24, strike  
 9 "maximum general fund budget of expenditures minus the special  
 10 education budget of expenditures", show as stricken, and insert  
 11 "budget authority for the general fund budget of expenditures".  
 12 15. On page 63, strike beginning with "maximum" in line  
 13 3 through "expenditures" in line 5, show as stricken, and insert  
 14 "budget authority for the general fund budget of expenditures  
 15 prescribed in section 79-1023"; in line 11 after "authority" insert  
 16 "for the general fund budget of expenditures"; and in line 17 after  
 17 "authority" insert "for the general fund budget of expenditures".

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

Senator Krist offered the following amendment:

AM1192

(Amendments to Standing Committee amendments, AM952)

- 1 1. On page 45, lines 14 and 20, strike "learning" through
- 2 "other" and show as stricken.

## **SENATOR LANGEMEIER PRESIDING**

### **SPEAKER FLOOD PRESIDING**

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 229.** ER76, found on page 1039, was adopted.

Senator Langemeier withdrew his amendment, FA13, found on page 1090.

Senator Langemeier renewed his amendment, AM1188, found on page 1180.

## **SENATOR KRIST PRESIDING**

The Langemeier amendment was adopted with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 34:

Adams	Cornett	Hansen	Lathrop	Price
Avery	Dubas	Harms	Lautenbaugh	Schilz
Bloomfield	Fischer	Harr, B.	McCoy	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Utter
Carlson	Haar, K.	Krist	Pahls	Wallman
Christensen	Hadley	Langemeier	Pankonin	

Voting in the negative, 4:

Conrad	Cook	Council	Louden
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Present and not voting, 8:

Ashford	Fulton	McGill	Pirsch
Coash	Howard	Nordquist	Schumacher

Excused and not voting, 3:

Heidemann	Larson	Wightman
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Advanced to Enrollment and Review for Engrossment with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 229A.** ER77, found on page 1044, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 628.** Senator Bloomfield offered the following amendment:

AM1200

(Amendments to E & R amendments, ER67)

- 1 1. On page 4, line 24, after "501(c)(3)" insert "or
- 2 501(c)(19)".

### **SENATOR LANGEMEIER PRESIDING**

The Bloomfield amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Krist renewed his amendment, AM1073, found on page 1178.

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 524.** ER53, found on page 868, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 163.** Introduced by Cook, 13.

WHEREAS, the Notre Dame Sisters in Omaha are celebrating one hundred years of dedicated service, prayer, and community involvement in the United States; and

WHEREAS, the Notre Dame Sisters were originally founded in the 1500s as a non-monastic community of Sisters with the calling to educate girls; and

WHEREAS, the Notre Dame Sisters community continued growing through the years, and their mission work continues in several states including Missouri, South Dakota, Pennsylvania, Colorado, Iowa, and Nebraska, as well as Honduras. Since the beginning in the United States, Notre Dame Sisters have been in schools helping to develop the youth of their communities. They continue in this tradition today but have expanded their work to also include health care, social and spiritual counseling, working in homeless shelters, and focusing on nonviolence efforts; and

WHEREAS, the Notre Dame Sisters have accomplished much in their first one hundred years. They are committed to working tirelessly to make progress in these areas and building a world Christian community of love and support while continuing to respond to their call of Christ.

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

1. That the Legislature commends the Notre Dame Sisters in Omaha on their one hundred years of service.

2. That a copy of this resolution be sent to the Notre Dame Sisters in Omaha.

Laid over.

### **AMENDMENTS - Print in Journal**

Senator Coash filed the following amendment to LB309:  
AM1180

(Amendments to Standing Committee amendments, AM222)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendments:
- 3 1. Insert the following new section:
- 4 Sec. 2. Since an emergency exists, this act takes effect
- 5 when passed and approved according to law.
- 6 2. On page 2, line 12, after the period insert "No

- 7 reapportionment of a special assessment shall be done on a tract of  
 8 land if a tax sale certificate has been issued for such tract or if  
 9 the special assessment being reapportioned is delinquent."  
 10 3. On page 3, after line 14 insert:  
 11 "(6) The governing body shall file notice of any  
 12 reapportionment of a special assessment with the county treasurer  
 13 of the county where the lot or parcel is located."

Senator Lathrop filed the following amendment to LB525:  
 AM1185

- 1 1. On page 3, line 12, after "to" insert "the Health and  
 2 Human Services Cash Fund for".

### VISITORS

Visitors to the Chamber were 22 fourth-grade students and teacher from Christ Lutheran School, Norfolk; Cathy McFarland from Atlanta, Georgia; Terry McMullen from Omaha, and Jennifer Zhang from Shanghai, China; Rod Bates from Lincoln and Mac Wall from Lexington, Kentucky; and 38 fourth-grade students, teachers, and sponsors from Loveland Elementary, Omaha.

### RECESS

At 11:50 a.m., on a motion by Senator McGill, the Legislature recessed until 2:00 p.m.

### AFTER RECESS

The Legislature reconvened at 2:00 p.m., Senator Langemeier presiding.

### ROLL CALL

The roll was called and all members were present except Senators Council, Larson, McGill, and Wightman who were excused; and Senators Ashford, Cook, Lathrop, Nelson, Pahls, Smith, and Wallman who were excused until they arrive.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 35.** Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 through 4 have been struck and "sections 60-6,297 and 60-6,298, Reissue Revised Statutes of Nebraska; to provide and change exceptions to vehicle limits for towing disabled or wrecked vehicles; to provide liability and operation requirements; to define terms; to change

provisions relating to oversize vehicle permits; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 70.** Placed on Final Reading.

**LEGISLATIVE BILL 112.** Placed on Final Reading.

**LEGISLATIVE BILL 204.** Placed on Final Reading.

ST18

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER64:

a. On page 10, line 25, "71-7611," has been struck; and in line 27 "to provide for transfers of funds" has been struck; and

b. On page 11, the matter beginning with "from" in line 1 through the first semicolon in line 2 has been struck; and in line 3 "public" has been struck.

**LEGISLATIVE BILL 204A.** Placed on Final Reading.

**LEGISLATIVE BILL 286.** Placed on Final Reading.

**LEGISLATIVE BILL 305.** Placed on Final Reading.

**LEGISLATIVE BILL 385.** Placed on Final Reading.

ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "66-1015" in line 2 through line 6 has been struck and "66-1012, 66-1014, 66-1015, and 66-1016, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the Energy Conservation Improvement Fund, matching funds, and eligible energy conservation grants; to state intent regarding funding; to provide a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 407.** Placed on Final Reading.

**LEGISLATIVE BILL 477.** Placed on Final Reading.

**LEGISLATIVE BILL 499.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 357.** Placed on Select File with amendment.

ER89

1 1. Insert the following new section:

2 Sec. 3. Section 77-27,142.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 77-27,142.02 ~~Except as otherwise provided by section~~

5 ~~77-27,142, after February 14, 1978, the~~ The power granted by

6 section 77-27,142 shall not be exercised unless and until the

7 question has been submitted at a primary, general, or special  
 8 election held within the incorporated municipality and in which  
 9 all qualified electors shall be entitled to vote on such question.  
 10 The officials of the incorporated municipality shall order the  
 11 submission of the question by submitting a certified copy of the  
 12 resolution proposing the tax to the election commissioner or county  
 13 clerk by March 1 for a primary election, by September 1 for a  
 14 general election, or at least fifty days before a special election.  
 15 The question may include any terms and conditions set forth in  
 16 the resolution proposing the tax, such as a termination date or  
 17 the specific project or program for which the revenue received  
 18 from such tax will be allocated, and shall include the following  
 19 language: Shall the governing body of the incorporated municipality  
 20 impose a sales and use tax upon the same transactions within such  
 21 municipality on which the State of Nebraska is authorized to impose  
 22 a tax? If a majority of the votes cast upon such question shall be  
 23 in favor of such tax, then the governing body of such incorporated  
 1 municipality shall be empowered as provided by section 77-27,142  
 2 and shall forthwith proceed to impose a tax pursuant to the Local  
 3 Option Revenue Act. If a majority of those voting on the question  
 4 shall be opposed to such tax, then the governing body of the  
 5 incorporated municipality shall not impose such a tax.  
 6 2. On page 1, line 2; and page 5, line 2, strike "and  
 7 77-27,142.01" and insert ", 77-27,142.01, and 77-27,142.02".  
 8 3. On page 1, line 5, after the semicolon insert "to  
 9 eliminate obsolete language; to harmonize provisions;".  
 10 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 637A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 297.** ER54, found on page 871, was adopted.

Senator Coash withdrew his amendment, AM747, found on page 849.

Senator Dubas renewed her amendment, AM843, found on page 910.

The Dubas amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Flood renewed his amendment, AM882, found on page 917.

Senator Flood withdrew his amendment.

Senator B. Harr renewed his amendment, AM1081, found on page 1072.

Senator B. Harr withdrew his amendment.

Senator B. Harr withdrew his amendment, AM1082, found on page 1073.

Senator Avery offered the following amendment:  
AM1197 is available in the Bill Room.

Senator Avery withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 698.** ER58, found on page 956, was adopted.

Senator Langemeier withdrew his amendment, AM907, found on page 914.

Senator Carlson renewed his amendment, AM1002, found on page 1151.

Pending.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 156.** Placed on Final Reading.

**LEGISLATIVE BILL 337.** Placed on Final Reading.

**LEGISLATIVE BILL 431.** Placed on Final Reading.

**LEGISLATIVE BILL 512.** Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER68:

a. On page 2, line 19; and page 3, line 1, "7" has been struck and "8" inserted;

b. On page 6, line 13, "6 and 7" has been struck and "7 and 8" inserted; and in line 20 "6" has been struck and "7" inserted;

c. On page 8, line 25; and page 9, line 3, "section" has been struck and "sections 28-1204.04 and" inserted; and

d. On page 9, line 4, "to change provisions relating to unlawful possession of firearms at a school;" has been inserted after the semicolon.

2. On page 1, line 1, "handguns" has been struck and "firearms" inserted.

**LEGISLATIVE BILL 558.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 543e, 100, 329, and 20.

Had I been present, I would have voted "nay" on final passage of LBs 465e and 468.

(Signed) Amanda McGill

## AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB535:  
AM1066

(Amendments to Standing Committee amendments, AM454)

- 1 1. Insert the following new section:
- 2 Sec. 10. Section 44-102.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-102.01 For purposes of Chapter 44, insurance ~~shall~~
- 5 does not include a service contract. For purposes of this section,
- 6 service contract ~~shall mean means~~ (1) a motor vehicle service
- 7 contract as defined in section 44-3521 or (2) a contract or
- 8 agreement, whether designated as a service contract, maintenance
- 9 agreement, warranty, extended warranty, or similar term, whereby
- 10 a person undertakes to furnish, arrange for, or, in limited
- 11 circumstances, reimburse for service, repair, or replacement of
- 12 any or all of the components, parts, or systems of any covered
- 13 residential dwelling or consumer product when such service, repair,
- 14 or replacement is necessitated by wear and tear, ~~by failure,~~
- 15 malfunaction, inoperability, inherent defect, or by the failure of
- 16 an inspection to detect the likelihood of failure.
- 17 2. Renumber the remaining section accordingly.

Senator Mello filed the following amendment to LB54:  
AM1187

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. Section 18-2147, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 18-2147 (1) Any redevelopment plan as originally approved
- 6 or as later modified pursuant to section 18-2117; may contain a
- 7 provision that any ad valorem tax levied upon real property, or any
- 8 portion thereof, in a redevelopment project for the benefit of any
- 9 public body shall be divided, for a period not to exceed fifteen
- 10 years after the effective date ~~of such a provision by the governing~~
- 11 body, as follows: as identified in the project redevelopment
- 12 contract or in the resolution of the authority authorizing the
- 13 issuance of bonds pursuant to section 18-2124, as follows:



14 (a) That portion of the ad valorem tax which is produced  
15 by the levy at the rate fixed each year by or for each such  
16 public body upon the redevelopment project valuation shall be paid  
17 into the funds of each such public body in the same proportion as  
18 are all other taxes collected by or for the body. When there is  
19 not a redevelopment project valuation on a parcel or parcels, the  
20 county assessor shall determine the redevelopment project valuation  
21 based upon the fair market valuation of the parcel or parcels as  
22 of January 1 of the year prior to the year that the ad valorem  
23 taxes are to be divided. The county assessor shall provide written  
1 notice of the redevelopment project valuation to the authority as  
2 defined in section 18-2103 and the owner. The authority or owner  
3 may protest the valuation to the county board of equalization  
4 within thirty days after the date of the valuation notice. All  
5 provisions of section 77-1502 except dates for filing of a protest,  
6 the period for hearing protests, and the date for mailing notice  
7 of the county board of equalization's decision are applicable  
8 to any protest filed pursuant to this section. The county board  
9 of equalization shall decide any protest filed pursuant to this  
10 section within thirty days after the filing of the protest. The  
11 county clerk shall mail a copy of the decision made by the county  
12 board of equalization on protests pursuant to this section to the  
13 authority or owner within seven days after the board's decision.  
14 Any decision of the county board of equalization may be appealed  
15 to the Tax Equalization and Review Commission, in accordance with  
16 section 77-5013, within thirty days after the date of the decision;

17 (b) That portion of the ad valorem tax on real property,  
18 as provided in the redevelopment contract or bond resolution, in  
19 the redevelopment project in excess of such amount, if any, shall  
20 be allocated to and, when collected, paid into a special fund  
21 of the authority to be used solely to pay the principal of, the  
22 interest on, and any premiums due in connection with the bonds of,  
23 loans, notes, or advances of money to, or indebtedness incurred by,  
24 whether funded, refunded, assumed, or otherwise, such authority for  
25 financing or refinancing, in whole or in part, the redevelopment  
26 project. When such bonds, loans, notes, advances of money, or  
27 indebtedness, including interest and premiums due, have been paid,  
1 the authority shall so notify the county assessor and county  
2 treasurer and all ad valorem taxes upon taxable real property in  
3 such a redevelopment project shall be paid into the funds of the  
4 respective public bodies; and

5 (c) Any interest and penalties due for delinquent taxes  
6 shall be paid into the funds of each public body in the same  
7 proportion as are all other taxes collected by or for the public  
8 body.

9 (2) ~~The governing body shall not implement any plan~~  
10 ~~containing effective date of a provision dividing ad valorem taxes~~  
11 ~~as provided in subsection (1) of this section shall not occur until~~

12 such time as the real property in the redevelopment project is  
13 within the corporate boundaries of the city.

14 (3) Beginning August 1, 2006, all notices of the  
15 provision for dividing ad valorem taxes shall be sent by the  
16 authority to the county assessor on forms prescribed by the  
17 Property Tax Administrator. The notice shall be sent to the county  
18 assessor on or before August 1 of the year of the effective date  
19 of the provision. Failure to satisfy the notice requirement of  
20 this section shall result in the taxes, for all taxable years  
21 affected by the failure to give notice of the effective date of  
22 the provision, remaining undivided and being paid into the funds  
23 for each public body receiving property taxes generated by the  
24 property in the redevelopment project. However, the redevelopment  
25 project valuation for the remaining division of ad valorem taxes  
26 in accordance with subdivisions (1)(a) and (b) of this section  
27 shall be the last certified valuation for the taxable year prior  
1 to the effective date of the provision to divide the taxes for the  
2 remaining portion of the fifteen-year period pursuant to subsection  
3 (1) of this section.

4 Sec. 2. Original section 18-2147, Reissue Revised  
5 Statutes of Nebraska, is repealed.

### SELECT FILE

**LEGISLATIVE BILL 698.** The Carlson amendment, AM1002, found on page 1151 and considered in this day's Journal, was renewed.

### SENATOR COASH PRESIDING

Senator Lautenbaugh offered the following motion:

MO28

Bracket until June 8, 2011.

Senator Lautenbaugh withdrew his motion to bracket.

Senator Carlson withdrew his amendment, AM1002.

Senator Christensen offered the following motion:

MO29

Indefinitely postpone.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Harms filed the following amendment to LB388A:  
AM1196

(Amendments to AM885)

- 1 1. Insert the following new section:  
2 Sec. 3. There is hereby appropriated (1) \$275,000 from  
3 the Industrial Recovery Fund for FY2011-12 and (2) \$275,000 from  
4 the Industrial Recovery Fund for FY2012-13 to the Department of  
5 Economic Development, for Program 603, to aid in carrying out the  
6 provisions of Legislative Bill 388, One Hundred Second Legislature,  
7 First Session, 2011.  
8 There is included in the appropriation to this program  
9 for FY2011-12 \$275,000 Cash Funds for state aid, which shall only  
10 be used for such purpose. There is included in the appropriation to  
11 this program for FY2012-13 \$275,000 Cash Funds for state aid, which  
12 shall only be used for such purpose.

Senator Christensen filed the following amendment to LB648:  
AM1201

(Amendments to E & R amendments, ER80)

- 1 1. On page 5, line 21, strike "five" and insert "seven";  
2 in line 26 after the period insert "After a foster child has  
3 been placed in the home of a foster parent, preadoptive parent,  
4 or relative providing care for at least six months, the foster  
5 parent, preadoptive parent, or relative providing care shall  
6 have standing as interested parties in the context of a hearing  
7 regarding placement change of a foster child from the home of the  
8 foster parent, preadoptive parent, or relative providing care for  
9 placement in another foster care facility. Such standing entitles  
10 the foster parent, preadoptive parent, or relative providing care  
11 to call and cross-examine witnesses at the hearing and appeal  
12 an adverse decision."; and in line 27 strike "inquire", show as  
13 stricken, and insert "make inquiry".  
14 2. On page 6, line 2, strike "willing".

Senator Christensen filed the following amendment to LB648:  
AM1202

(Amendments to E & R amendments, ER80)

- 1 1. On page 5, line 26, after the period strike any  
2 amendment thereto and insert "After a foster child has been  
3 placed in the home of a foster parent, preadoptive parent, or  
4 relative providing care for at least six months, the foster  
5 parent, preadoptive parent, or relative providing care shall  
6 have standing as interested parties in the context of a hearing  
7 regarding placement change of a foster child from the home of the  
8 foster parent, preadoptive parent, or relative providing care for  
9 placement in another foster care facility. Such standing entitles  
10 the foster parent, preadoptive parent, or relative providing care

11 to call and cross-examine witnesses at the hearing and appeal an  
 12 adverse decision. Such standing shall be retained enabling a foster  
 13 parent, preadoptive parent, or relative providing care to file an  
 14 objection to the court pursuant to subsection (3) of section 43-285  
 15 within seven full days after the placement change if such change  
 16 of placement occurred without the due process provided pursuant to  
 17 this section and subsection (3) of section 43-285."

Senator Campbell filed the following amendment to LB600:  
 AM1208

(Amendments to E & R amendments, ER79)

- 1 1. On page 7, line 25, after "and" insert ", except
- 2 for the purpose of reimbursement for retroactive compensation
- 3 as provided in subsection (2) of section 27 of this act or
- 4 reimbursement for rate enhancements in anticipation of receipt of
- 5 quality assurance assessments or related matching federal financial
- 6 participation pursuant to the Nursing Facility Quality Assurance
- 7 Assessment Act,".
- 8 2. On page 8, strike beginning with the period in line 7
- 9 through "Fund" in line 10.

Senator Nelson filed the following amendment to LB606:  
 AM1063

- 1 1. Insert the following new section:
- 2 Sec. 6. The commission shall adopt and promulgate rules
- 3 and regulations regarding section 3 of this act and sections
- 4 49-1467 and 49-1469. The commission shall construe section 3
- 5 of this act and sections 49-1467 and 49-1469 in accordance
- 6 with regulations promulgated by the Federal Election Commission
- 7 regarding electioneering communications, except when the terms
- 8 of section 3 of this act and sections 49-1467 and 49-1469
- 9 explicitly and directly conflict with the regulations promulgated
- 10 by the Federal Election Commission regarding electioneering
- 11 communications.
- 12 2. On page 2, line 3, strike "section 3" and insert
- 13 "sections 3 and 6".
- 14 3. Renumber the remaining section accordingly.

Senator Adams filed the following amendment to LB637:  
 AM1191

(Amendments to E & R amendments, ER85)

- 1 1. On page 2, strike beginning with "entirely" in line
- 2 23 through "courses" in line 24 and insert "online or through the
- 3 United States mail or similar delivery service which do not require
- 4 the physical meeting of a student with instructional staff".
- 5 2. On page 9, line 8, after "operate" insert ", but not
- 6 to an authorization to operate on a continuing basis,"; and in
- 7 line 15 after "authorization" insert "shall replace the existing
- 8 authorization to operate and".

9 3. On page 34, line 14, strike "any institutions" and  
10 insert "any such institutions that were"; and in line 15 strike  
11 "before" and insert "prior to".

### **VISITORS**

Visitors to the Chamber were 21 fourth-grade students and teachers from Arapahoe; Kelly Koepcke from Omaha; 13 fourth-grade students, teacher, and sponsors from Red Cloud; and 24 fourth- and fifth-grade students, teacher, and sponsors from South Platte Elementary, Big Springs.

### **ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Thursday, April 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FOURTH DAY - APRIL 14, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 14, 2011

**PRAYER**

The prayer was offered by Pastor Ernie Waltke, Our Savior Lutheran Church, Wymore.

**ROLL CALL**

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

The roll was called and all members were present except Senators Council, Larson, McGill, Nordquist, Pankonin, and Wightman who were excused; and Senators Lautenbaugh, Price, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-third day was approved.

**MESSAGE FROM THE GOVERNOR**

April 14, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 20, 27, 31, 32, 34, 41, 45, 90, 90A, 100, 105, 207e, 218, 230, 237, 259, 260, 329, 342, 465e, 468, 509e, 546, 563e, and 621e were received in my office on April 8, 2011.

These bills were signed and delivered to the Secretary of State on April 14, 2011.

Sincerely,

(Signed) Dave Heineman  
Governor

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 13, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Mueller Robak LLC  
Sierra Club, Nebraska

### SELECT FILE

**LEGISLATIVE BILL 388.** ER59, found on page 957, was adopted.

Senator Flood renewed his amendment, AM1136, found on page 1134.

The Flood amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 388A.** Senator Harms renewed his amendment, AM1196, found on page 1195.

The Harms amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 606.** Senator Krist renewed his amendment, AM1032, found on page 1178.

### SENATOR CARLSON PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion failed with 18 ayes, 10 nays, and 21 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote on his amendment.



Voting in the affirmative, 24:

Adams	Cornett	Hadley	Lautenbaugh	Price
Ashford	Fischer	Hansen	Louden	Schilz
Bloomfield	Flood	Janssen	McCoy	Smith
Brasch	Fulton	Krist	Nelson	Utter
Carlson	Gloor	Langemeier	Pirsch	

Voting in the negative, 14:

Avery	Cook	Harms	Karpisek	Sullivan
Coash	Dubas	Harr, B.	Lathrop	Wallman
Conrad	Haar, K.	Howard	Schumacher	

Present and not voting, 3:

Campbell	Mello	Pahls
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Absent and not voting, 1:

Christensen

Excused and not voting, 7:

Council	Larson	Nordquist	Wightman
Heidemann	McGill	Pankonin	

The Krist amendment lost with 24 ayes, 14 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Nelson renewed his amendment, AM1063, found on page 1196.

Senator Nelson moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Nelson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 15:

Bloomfield	Fulton	Krist	McCoy	Price
Carlson	Gloor	Lautenbaugh	Nelson	Schilz
Flood	Janssen	Louden	Pirsch	Smith

Voting in the negative, 16:

Adams	Coash	Hansen	Lathrop
Ashford	Conrad	Harr, B.	Schumacher
Avery	Cook	Howard	Sullivan
Campbell	Hadley	Karpisek	Wallman

Present and not voting, 9:

Brasch	Dubas	Haar, K.	Langemeier	Utter
Christensen	Fischer	Harms	Mello	

Excused and not voting, 9:

Cornett	Heidemann	McGill	Pahls	Wightman
Council	Larson	Nordquist	Pankonin	

The Nelson amendment lost with 15 ayes, 16 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Christensen offered the following motion:

MO30

Reconsider the vote taken on AM1032.

Senator Christensen asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Lautenbaugh requested a machine vote on the advancement of the bill.

Senator Avery moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Avery requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Adams	Carlson	Dubas	Harms	Lathrop
Ashford	Coash	Haar, K.	Harr, B.	Schumacher
Avery	Conrad	Hadley	Howard	Sullivan
Campbell	Cook	Hansen	Karpisek	Wallman

Voting in the negative, 7:

Bloomfield	Krist	Louden	Schilz
Janssen	Lautenbaugh	Nelson	

Present and not voting, 15:

Brasch	Fischer	Gloor	McCoy	Price
Christensen	Flood	Heidemann	Mello	Smith
Cornett	Fulton	Langemeier	Pirsch	Utter

Excused and not voting, 7:

Council	McGill	Pahls	Wightman
Larson	Nordquist	Pankonin	

Failed to advance to Enrollment and Review for Engrossment with 20 ayes, 7 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 283.** ER62, found on page 962, was adopted.

Senator Fulton renewed his amendment, AM933, found on page 1059.

The Fulton amendment was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 479.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 176.** ER73, found on page 1045, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 279.** Senator Karpisek withdrew his amendment AM1123, found on page 1134.

Senator Karpisek renewed his amendment, AM1173, found on page 1178.

The Karpisek amendment was adopted with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 600.** ER79, found on page 1069, was adopted.

Senator Campbell renewed her amendment, AM1208, found on page 1196.

The Campbell amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 600A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 648.** ER80, found on page 1069, was adopted.

Senator Janssen renewed his amendment, AM1142, found on page 1139.

### **SPEAKER FLOOD PRESIDING**

The Janssen amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 149, 150, 151, 152, 153, and 154 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 149, 150, 151, 152, 153, and 154.

### **AMENDMENTS - Print in Journal**

Senator Fischer filed the following amendment to LB84:  
AM1216

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Build Nebraska Act.
- 5 Sec. 2. For purposes of the Build Nebraska Act:
- 6 (1) Department means the Department of Roads;
- 7 (2) Fund means the State Highway Capital Improvement
- 8 Fund; and
- 9 (3) Surface transportation project means (a) expansion or
- 10 reconstruction of a road or highway which is part of the state
- 11 highway system, (b) expansion or reconstruction of a bridge which
- 12 is part of the state highway system, or (c) construction of a new
- 13 road, highway, or bridge which, if built, would be a part of the
- 14 state highway system.
- 15 Sec. 3. (1) The State Highway Capital Improvement Fund
- 16 is created. The fund shall consist of money credited to the fund
- 17 pursuant to section 77-27,132 and any other money as determined by
- 18 the Legislature.

19 (2) The department may create or direct the creation  
20 of accounts within the fund as the department determines to be  
21 appropriate and useful in administering the fund.

22 (3) Any money in the fund available for investment  
23 shall be invested by the state investment officer pursuant to  
1 the Nebraska Capital Expansion Act and the Nebraska State Funds  
2 Investment Act. Investment earnings from investment of money in the  
3 fund shall be credited to the fund.

4 Sec. 4. The fund shall be used as follows:

5 (1) At least twenty-five percent of the money credited  
6 to the fund pursuant to section 77-27,132 each fiscal year shall  
7 be used, as determined by the department, for construction of the  
8 expressway system and federally designated high priority corridors;  
9 and

10 (2) The remaining money credited to the fund pursuant to  
11 section 77-27,132 each fiscal year shall be used to pay for surface  
12 transportation projects of the highest priority as determined by  
13 the department.

14 Sec. 5. The department may adopt and promulgate rules and  
15 regulations to carry out the Build Nebraska Act.

16 Sec. 6. Section 77-27,132, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 77-27,132 (1) There is hereby created a fund to be  
19 designated the Revenue Distribution Fund which shall be set apart  
20 and maintained by the Tax Commissioner. Revenue not required to be  
21 credited to the General Fund or any other specified fund may be  
22 credited to the Revenue Distribution Fund. Credits and refunds of  
23 such revenue shall be paid from the Revenue Distribution Fund. The  
24 balance of the amount credited, after credits and refunds, shall be  
25 allocated as provided by the statutes creating such revenue.

26 (2) The Tax Commissioner shall pay to a depository bank  
27 designated by the State Treasurer all amounts collected under the  
1 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
2 to the State Treasurer bank receipts showing amounts so deposited  
3 in the bank, and of the amounts so deposited the State Treasurer  
4 shall

5 (a) Credit ~~credit~~ to the Highway Trust Fund all of the  
6 proceeds of the sales and use taxes derived from the sale or  
7 lease for periods of more than thirty-one days of motor vehicles,  
8 trailers, and semitrailers, except that the proceeds equal to any  
9 sales tax rate provided for in section 77-2701.02 that is in excess  
10 of five percent derived from the sale or lease for periods of more  
11 than thirty-one days of motor vehicles, trailers, and semitrailers  
12 shall be credited to the Highway Allocation Fund; ~~and~~.

13 (b) For transactions occurring on or after July 1, 2013,  
14 and before July 1, 2033, of the proceeds of the sales and use taxes  
15 derived from transactions other than those listed in subdivision  
16 (2)(a) of this section from a sales tax rate of one-quarter  
17 of one percent, credit monthly eighty-five percent to the State

18 Highway Capital Improvement Fund and fifteen percent to the Highway  
 19 Allocation Fund.

20 The balance of all amounts collected under the Nebraska  
 21 Revenue Act of 1967 shall be credited to the General Fund.

22 Sec. 7. Original section 77-27,132, Reissue Revised  
 23 Statutes of Nebraska, is repealed.

Senator Campbell filed the following amendment to LB177:  
 AM1215

(Amendments to E & R amendments, ER83)

- 1 1. On page 10, line 11, strike the new matter; in line
- 2 22 strike "Native American" and insert "an Indian child as defined
- 3 in section 43-1503"; and in line 23 strike "section 43-1503" and
- 4 insert "such section".
- 5 2. On page 11, line 10, strike "kinship"; and in line
- 6 27 strike "department" and insert "Department of Health and Human
- 7 Services".

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 525A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, One Hundred Second Legislature, First Session, 2011.

### VISITORS

Visitors to the Chamber were Jerda Garey from McCook; 80 fourth-grade students and teachers from Dodge Elementary, Grand Island; 73 fourth-grade students from Portal Elementary, La Vista; 50 fourth-grade students from Fillmore Central Elementary, Geneva; and social work students and faculty from across the state.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

### ADJOURNMENT

At 11:58 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Monday, April 18, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature

**SIXTY-FIFTH DAY - APRIL 18, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 18, 2011

**PRAYER**

The prayer was offered by Reverend Dr. Selwyn Bachus, Salem Baptist Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wightman who was excused; and Senators Carlson, Coash, Cornett, Council, Lautenbaugh, and McGill who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**MESSAGE FROM THE GOVERNOR**

April 14, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 543e was received in my office on April 8, 2011.

I signed this bill and delivered it to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMUNICATION**

Received a copy of House Joint Memorial no. 1 from the state of Idaho relating to support for a proposed Parental Rights Amendment to the United States Constitution.

**GENERAL FILE**

**LEGISLATIVE BILL 382.** Title read. Considered.

Committee AM1101, found on page 1095, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 464.** Title read. Considered.

Committee AM1130, found on page 1096, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 289.** Title read. Considered.

Committee AM416, found on page 627, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 176.** Placed on Final Reading.

**LEGISLATIVE BILL 229.** Placed on Final Reading.  
ST22

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Langemeier amendment, AM1188, on page 9, line 14, "and" has been struck.



**LEGISLATIVE BILL 229A.** Placed on Final Reading.

**LEGISLATIVE BILL 235.** Placed on Final Reading.

ST21

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM952:

a. On page 13, the matter beginning with "(22)" in line 9 through line 11 has been struck and the old matter shown as stricken;

b. On page 15, line 16, "(22) General fund operating expenditures means: (a) For state aid calculated for school fiscal years 2010-11 and 2011-12," has been inserted after the stricken comma; and

c. On page 16, line 26, paragraphing has been inserted before "(b)" and "for" has been struck and "For" inserted.

**LEGISLATIVE BILL 279.** Placed on Final Reading.

**LEGISLATIVE BILL 283.** Placed on Final Reading.

**LEGISLATIVE BILL 297.** Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "13-2705," has been inserted after the third comma; and in line 7 "; to change limits on grant requests" has been inserted after "centers".

**LEGISLATIVE BILL 388.** Placed on Final Reading.

ST23

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "58-708," has been inserted after the third comma; in line 4 "a fund" has been struck and "funds; to provide for assistance to political subdivisions" inserted; in line 5 "and" has been struck and "; to provide for recapture of unused allocated funds; to" inserted.

**LEGISLATIVE BILL 388A.** Placed on Final Reading.

**LEGISLATIVE BILL 479.** Placed on Final Reading.

ST25

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "minors" has been struck and "public health and safety" inserted; and in line 2 "minor" has been struck and "person eighteen years of age" inserted.

**LEGISLATIVE BILL 524.** Placed on Final Reading.

**LEGISLATIVE BILL 600.** Placed on Final Reading.

ST24

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER79, on page 10, line 5, "if" has been struck; in line 6 "The" has been struck and "If the" inserted; and in line 11 "In" has been struck and "If, in" inserted.

**LEGISLATIVE BILL 600A.** Placed on Final Reading.

**LEGISLATIVE BILL 628.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### **MOTION - Print in Journal**

Senator Christensen filed the following motion to LB606:

MO31

Reconsider the vote taken on AM1032.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 164.** Introduced by Coash, 27.

WHEREAS, Ms. Jan Pitsch was an active volunteer who worked hard to maintain and improve landscape planting areas in the Country Club neighborhood of Lincoln, Nebraska; and

WHEREAS, after her death in 2008, Ms. Jan Pitsch left a gift to the Lincoln Community Foundation to fund initial landscaping improvements for the landscape planting areas and for the roundabout median at the intersection of 33rd Street and Sheridan Boulevard, to fund an endowment of seventy thousand dollars to provide for the perpetual landscaping care of those areas, and to fund no-kill dog shelters and programs; and

WHEREAS, the Lincoln Parks and Recreation Department, representatives of the Lincoln Community Foundation and the Country Club Neighborhood Association, and members of the Jan Pitsch Family dedicated a small piece of green space along Sheridan Boulevard as Jan Pitsch Green on April 14, 2011.

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

1. That the Legislature thanks the late Ms. Jan Pitsch and her family for their generosity to the Lincoln community.

2. That the Legislature commends the Lincoln Parks and Recreation Department's dedication of the Jan Pitsch Green on April 14, 2011, in Lincoln, Nebraska.

3. That a copy of this resolution be sent to the family of Ms. Jan Pitsch.

Laid over.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator B. Harr has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**GENERAL FILE**

**LEGISLATIVE BILL 665.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 535.** Title read. Considered.

Committee AM454, found on page 767, was considered.

Senator Christensen renewed his amendment, AM1066, found on page 1192, to the committee amendment.

The Christensen amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 549.** Placed on General File with amendment.  
AM1121

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) Every Nebraska youth should be encouraged to reach
- 5 his or her full potential, but that many youth require guidance and
- 6 support to reach their goals and make positive changes in their
- 7 lives;
- 8 (b) Conserving and developing natural resources and
- 9 enhancing and maintaining environmentally important land and water
- 10 through the employment of Nebraska's at-risk youth is beneficial
- 11 not only to the youth by providing them with education and
- 12 employment opportunities but also to the state's economy and
- 13 environment; and

14 (c) The Nebraska Youth Conservation Program will offer  
15 Nebraska a unique opportunity to meet the goals of increasing  
16 understanding and appreciation of the environment and helping  
17 at-risk youth become productive adults.

18 (2) It is the intent of the Legislature:

19 (a) That Nebraska Youth Conservation Program participants  
20 complete their participation in the program having learned good  
21 work habits, positive attitudes, and broadened professional  
22 horizons;

23 (b) That the program combine academic, environmental, and  
1 job skills training with personal growth opportunities in order to  
2 develop productive youth who can make substantial contributions as  
3 Nebraska workers and citizens; and

4 (c) To ensure that the Game and Parks Commission  
5 coordinate and collaborate with partners from other state and  
6 federal government agencies, political subdivisions, postsecondary  
7 educational institutions, and community organizations and enter  
8 into agreements with such partners for the benefit of the program,  
9 as appropriate.

10 Sec. 2. For purposes of sections 1 to 7 of this act:

11 (1) At-risk youth means a youth who has a barrier  
12 to successful employment, demonstrates low income by living in  
13 a household with income that falls below the federal poverty  
14 guidelines or by receiving public assistance, has been impacted  
15 directly by substance abuse or physical abuse, has had negative  
16 contact with law enforcement, or is not experiencing success in  
17 school and is in jeopardy of dropping out; and

18 (2) Commission means the Game and Parks Commission.

19 Sec. 3. (1) The Nebraska Youth Conservation Program is  
20 created. The purpose of the program is to employ Nebraska's at-risk  
21 youth on projects which contribute to conserving or developing  
22 natural resources and enhancing and maintaining environmentally  
23 important land and water under the jurisdiction of the commission.  
24 The program shall combine academic, environmental, and job skills  
25 training with personal growth opportunities for the participants.  
26 The commission may administer and maintain the program, directly  
27 or by means of contractual arrangement with an experienced service  
1 provider or the Department of Labor.

2 (2) Participants shall be at-risk youth who are at least  
3 sixteen years of age and not older than twenty-one years of age,  
4 unemployed, and residents of Nebraska. Special effort shall be  
5 made to select applicants residing in rural and urban high-poverty  
6 areas, as determined by the most recent federal census data.

7 (3) Participants shall be paid not less than the minimum  
8 wage described in section 48-1203. Participation in the program  
9 shall be for a period of six weeks for each participant.  
10 Participants and program supervisory personnel may be provided  
11 meals during the six-week work period. Protective clothing items

12 shall be provided to participants and supervisory personnel as work  
13 conditions warrant.

14 (4) Participants in the Nebraska Youth Conservation  
15 Program may be considered temporary employees. This subsection does  
16 not apply to crew chiefs and other administrative and supervisory  
17 personnel of the program, all of whom may be employees of the  
18 commission or employees of an entity hired by or under contract  
19 with the commission or the Department of Labor to administer the  
20 program. The program shall not result in displacement of current  
21 employees or cause a reduction in current employees' hours or wages  
22 and shall be in compliance with applicable federal and state labor  
23 and education laws.

24 (5) The commission may coordinate with federal, state,  
25 and local programs that provide job training and placement services  
26 and education opportunities for participants after completing the  
27 program.

1 Sec. 4. The commission may adopt and promulgate rules and  
2 regulations to carry out the Nebraska Youth Conservation Program,  
3 which rules and regulations may include, but need not be limited  
4 to, the application process, the selection process, projects to  
5 which participants in the program shall be assigned, and any other  
6 matters the commission deems necessary.

7 Sec. 5. On or before December 1, 2012, the commission  
8 shall report to the Legislature on the Nebraska Youth Conservation  
9 Program. The report shall include, at a minimum, the number and  
10 ages of the participants, the areas in which they reside, the rate  
11 of compensation of participants, the number and type of projects in  
12 which participants engaged, the significance of those projects to  
13 the environment and the economy of the state, and any other matters  
14 the commission deems significant for inclusion in the report.

15 Sec. 6. The Nebraska Youth Conservation Program  
16 Fund is created. The fund shall consist of appropriations by  
17 the Legislature and any gifts, grants, bequests, and other  
18 contributions to the fund for purposes of the Nebraska Youth  
19 Conservation Program. The fund shall be used by the commission  
20 to carry out the program. Any money in the fund available for  
21 investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24 Sec. 7. Within five days after the effective date of this  
25 act, the State Treasurer shall transfer \$994,400 from the State  
26 Settlement Cash Fund to the Nebraska Youth Conservation Program  
27 Fund.

1 Sec. 8. Section 59-1608.04, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 59-1608.04 The State Settlement Cash Fund is created.  
4 The fund shall be maintained by the Department of Justice and  
5 administered by the Attorney General. Except as otherwise provided  
6 by law, the fund shall consist of all recoveries received pursuant

7 to the Consumer Protection Act, including any money, funds,  
 8 securities, or other things of value in the nature of civil  
 9 damages or other payment, except criminal penalties, whether such  
 10 recovery is by way of verdict, judgment, compromise, or settlement  
 11 in or out of court, or other final disposition of any case or  
 12 controversy, or any other payments received on behalf of the state  
 13 by the Department of Justice and administered by the Attorney  
 14 General for the benefit of the state or the general welfare of its  
 15 citizens, but excluding all funds held in a trust capacity where  
 16 specific benefits accrue to specific individuals, organizations, or  
 17 governments. ~~All money in the fund shall be subject to legislative  
 18 review and shall be appropriated and expended for any allowable  
 19 legal purposes as determined by the Legislature. The fund shall  
 20 only be appropriated to a separate and distinct budget program  
 21 and such appropriations shall only be expended from a separate  
 22 and distinct budget subprogram and shall not be commingled with  
 23 any other revenue or expenditure. Transfers may be made from  
 24 the fund to the General Fund and the State DNA Sample and Data  
 25 Base Fund at the direction of the Legislature. The fund may be  
 26 expended for any allowable legal purposes as determined by the  
 27 Attorney General.~~ To provide necessary financial accountability and  
 1 management oversight, revenue from individual settlement agreements  
 2 or other separate sources credited to the State Settlement Cash  
 3 Fund may be tracked and accounted for within the state accounting  
 4 system through the use of separate and distinct funds, subfunds, or  
 5 any other available accounting mechanism specifically approved by  
 6 the Accounting Administrator for use by the Department of Justice.  
 7 Any money in the fund available for investment shall be invested  
 8 by the state investment officer pursuant to the Nebraska Capital  
 9 Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 9. The Revisor of Statutes shall assign sections 1  
 11 to 6 of this act within Chapter 37, article 9.

12 Sec. 10. Original section 59-1608.04, Reissue Revised  
 13 Statutes of Nebraska, is repealed.

14 Sec. 11. Since an emergency exists, this act takes effect  
 15 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 382A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

**VISITORS**

Visitors to the Chamber were 34 fourth-grade students from Wildewood Elementary, Ralston; 38 fourth-grade students and teachers from Seymour Elementary, Ralston; 3 tenth- through twelfth-grade students and teacher from Western Nebraska Community College - Upward Bound, Scottsbluff-Gering; 17 twelfth-grade students and teachers from Cedar Rapids; and 17 fourth-grade students and teachers from Walthill.

**RECESS**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Christensen, Conrad, McGill, and Nordquist who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Louden filed the following amendment to LB84:  
AM1228

(Amendments to AM1216)

1 1. Strike sections 6 and 7 and insert the following new  
2 sections:  
3 Sec. 6. Section 66-489, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-489 (1) At the time of filing the return required by  
6 section 66-488, such producer, supplier, distributor, wholesaler,  
7 or importer shall, in addition to the tax imposed pursuant  
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in  
9 addition to the other taxes provided for by law, pay a tax of  
10 ~~seven and one-half~~ twelve and one-half cents per gallon upon all  
11 motor fuels as shown by such return, except that there shall be  
12 no tax on the motor fuels reported if (a) the required taxes on  
13 the motor fuels have been paid, (b) the motor fuels have been sold  
14 to a licensed exporter exclusively for resale or use in another  
15 state, (c) the motor fuels have been sold from a Nebraska barge  
16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel  
17 facility, including motor fuels stored offsite in bulk, by a  
18 licensed producer or supplier to a licensed distributor, (d) the  
19 motor fuels have been sold by a licensed distributor or licensed  
20 importer to a licensed distributor or to a licensed wholesaler

21 and the seller acquired ownership of the motor fuels directly from  
22 a licensed producer or supplier at or from a refinery, barge,  
1 barge line, pipeline terminal, or ethanol or biodiesel facility,  
2 including motor fuels stored offsite in bulk, in this state or  
3 was the first importer of such fuel into this state, or (e)  
4 as otherwise provided in this section. Such producer, supplier,  
5 distributor, wholesaler, or importer shall remit such tax to the  
6 department.

7 (2) As part of filing the return required by section  
8 66-488, each producer of ethanol shall, in addition to other  
9 taxes imposed by the motor fuel laws, pay an excise tax of one  
10 and one-quarter cents per gallon through December 31, 2004, and  
11 commencing January 1, 2010, and two and one-half cents per gallon  
12 commencing January 1, 2005, through December 31, 2009, on natural  
13 gasoline purchased for use as a denaturant by the producer at  
14 an ethanol facility. All taxes, interest, and penalties collected  
15 under this subsection shall be remitted to the State Treasurer  
16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that  
17 commencing January 1, 2005, through December 31, 2009, one and  
18 one-quarter cents per gallon of such excise tax shall be credited  
19 to the Ethanol Production Incentive Cash Fund. For fiscal years  
20 2007-08 through 2011-12, if the total receipts from the excise  
21 tax authorized in this subsection and designated for deposit in  
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty  
23 thousand dollars, the State Treasurer shall deposit amounts in  
24 excess of five hundred fifty thousand dollars in the Ethanol  
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents  
27 or fuel expanders shall be exempt from the taxes imposed by this  
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and  
2 66-4,146, when the fuels are used for buses equipped to carry  
3 more than seven persons for hire and engaged entirely in the  
4 transportation of passengers for hire within municipalities or  
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry  
7 more than seven persons for hire and engaged entirely in the  
8 transportation of passengers for hire within municipalities, or  
9 within a radius of six miles thereof, in lieu of the excise tax  
10 provided for in this section, shall pay an equalization fee of a  
11 sum equal to twice the amount of the registration fee applicable to  
12 such vehicle under the laws of this state. Such equalization fee  
13 shall be paid in the same manner as the registration fee and be  
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as  
16 permitting motor fuels to be sold tax exempt. The department  
17 shall refund tax paid on motor fuels used in buses deemed exempt by  
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant  
20 by a producer at an ethanol facility as defined in section 66-1333



21 shall be exempt from the motor fuels tax imposed by subsection (1)  
22 of this section as well as the tax imposed pursuant to sections  
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered  
25 into between the State of Nebraska and the governing body of any  
26 federally recognized Indian tribe within the State of Nebraska,  
27 motor fuels purchased on a Nebraska Indian reservation where the  
1 purchaser is a Native American who resides on the reservation shall  
2 be exempt from the motor fuels tax imposed by this section as  
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,  
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States  
6 Government or its agencies shall be exempt from the motor fuels  
7 tax imposed by this section as well as the tax imposed pursuant to  
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on  
10 the motor fuels reported if (a) the diesel fuel has been indelibly  
11 dyed and chemically marked in accordance with regulations issued by  
12 the Secretary of the Treasury of the United States under 26 U.S.C.  
13 4082 or (b) the diesel fuel contains a concentration of sulphur  
14 in excess of five-hundredths percent by weight or fails to meet  
15 a cetane index minimum of forty and has been indelibly dyed in  
16 accordance with regulations promulgated by the Administrator of the  
17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~  
19 ~~846, this legislative bill~~ apply for tax periods beginning on and  
20 after ~~July 1, 2009.~~ January 1, 2012.

21 (9) The tax revenue from the increase in the tax rate  
22 provided by this legislative bill shall be remitted to the State  
23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise  
27 tax of ~~seven and one-half~~ twelve and one-half cents per gallon,  
1 increased by the amounts imposed or determined under sections  
2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all  
3 motor fuels used in this state and due the State of Nebraska under  
4 section 66-489. Users of motor fuels subject to taxation under  
5 this section shall be allowed the same exemptions, deductions,  
6 and rights of reimbursement as are authorized and permitted by  
7 Chapter 66, article 4, other than any commissions provided under  
8 such article. For purposes of this section and section 66-4,106,  
9 use shall mean the purchase or consumption of motor fuels in this  
10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~  
11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~  
12 ~~1, 2009.~~ January 1, 2012. The tax revenue from the increase in the  
13 tax rate provided by this legislative bill shall be remitted to the  
14 State Treasurer for credit to the State Highway Capital Improvement  
15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to  
19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of  
20 ~~seven and one-half~~ twelve and one-half cents per gallon or gallon  
21 equivalent is levied and imposed on all compressed fuel sold  
22 for use in registered motor vehicles. The changes made to this  
23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for  
24 tax periods beginning on and after ~~July 1, 2009.~~ January 1, 2012.  
25 The tax revenue from the increase in the tax rate provided by  
26 this legislative bill shall be remitted to the State Treasurer for  
27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on January 1, 2012.

2 Sec. 10. Original sections 66-489, 66-4,105, and

3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

### GENERAL FILE

**LEGISLATIVE BILL 449.** Title read. Considered.

Committee AM867, found on page 907, was considered.

Senator Nelson offered the following amendment to the committee amendment:

AM1213

(Amendments to Standing Committee amendments, AM867)

1 1. Insert the following new section:

2 Sec. 6. Section 32-617, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 32-617 (1) Petitions for nomination for partisan and  
5 nonpartisan offices shall conform to the requirements of section  
6 32-628. Petitions shall state the office to be filled and the name  
7 and address of the candidate. Petitions for partisan office shall  
8 also indicate the party affiliation of the candidate. A person  
9 registered with a political party as of March 1 in the year of the  
10 general election shall not be eligible for nomination by petition  
11 for a partisan office. Petitions shall be signed by registered  
12 voters residing in the district or political subdivision in which  
13 the officer is to be elected and shall be filed with the filing  
14 officer in the same manner as provided for candidate filing forms  
15 in section 32-607. Petition signers and petition circulators shall  
16 conform to the requirements of sections 32-629 and 32-630. No  
17 petition for nomination shall be filed unless there is attached  
18 thereto a receipt showing the payment of the filing fee required  
19 pursuant to section 32-608. Such petitions shall be filed by  
20 September 1 in the year of the general election.

21 (2) The filing officer shall verify the signatures  
22 according to section 32-631. Within three days after the signatures  
1 on a petition for nomination have been verified pursuant to such

2 section and the filing officer has determined that pursuant to  
 3 section 32-618 a sufficient number of registered voters signed  
 4 the petitions, the filing officer shall notify the candidate so  
 5 nominated by registered or certified mail, and the candidate shall,  
 6 within five days after the date of receiving such notification,  
 7 file with such officer his or her acceptance of the nomination or  
 8 his or her name will not be printed on the ballot.

9 (3) A candidate placed on the ballot by petition shall  
 10 be termed a candidate by petition. The words BY PETITION shall  
 11 be printed upon the ballot after the name of each candidate by  
 12 petition.

13 2. On page 1, line 13, strike beginning with "and"  
 14 through the second "to", show as stricken, and insert "or".

15 3. Renumber the remaining sections and correct the  
 16 repealer accordingly.

Senator Nelson withdrew his amendment.

The committee amendment was adopted with 27 ayes, 0 nays, 12 present  
 and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present  
 and not voting, and 9 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB84:  
 AM1229

(Amendments to AM1216)

1 1. Strike section 6 and insert the following new section:

2 Sec. 6. Section 77-4602, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 77-4602 (1) Within fifteen days after the end of each  
 5 month, the Tax Commissioner shall provide a public statement of  
 6 actual General Fund net receipts and a comparison of such actual  
 7 net receipts to the monthly estimate certified pursuant to section  
 8 77-4601.

9 (2) Within fifteen days after the end of each fiscal  
 10 year, the public statement shall also include a summary of actual  
 11 General Fund net receipts and estimated General Fund net receipts  
 12 for the fiscal year.

13 (3) If the actual General Fund net receipts for the  
 14 fiscal year as reported in subsection (2) of this section exceed  
 15 estimated receipts for the fiscal year, the Tax Commissioner shall  
 16 immediately certify to the director such excess amount. The State  
 17 Treasurer shall immediately transfer an amount equal to one-half of  
 18 such excess amount from the General Fund to the Cash Reserve Fund  
 19 and one-half of such excess amount from the General Fund to the  
 20 State Highway Capital Improvement Fund upon certification by the

21 director of such excess amount.

22 2. On page 1, line 17; and page 2, lines 6 and 11, strike  
1 "77-27,132" and insert "77-4602".

2 3. On page 3, line 22, strike "77-27,132" and insert  
3 "77-4602".

Senator Mello filed the following amendment to LB84:  
AM1230

(Amendments to AM1216)

1 1. Insert the following new sections:

2 Sec. 7. Sections 7 to 11 of this act shall be known and  
3 may be cited as the Property Tax Relief Act.

4 Sec. 8. The purpose of the Property Tax Relief Act is  
5 to provide property tax relief for property taxes levied against  
6 homesteads.

7 Sec. 9. For purposes of the Property Tax Relief Act,  
8 homestead has the same meaning as in section 77-3502.

9 Sec. 10. The Property Tax Relief Cash Fund is created.  
10 Any money in the fund available for investment shall be invested  
11 by the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 11. For tax year 2013 and each tax year thereafter,  
14 all homesteads in this state shall be assessed for taxation  
15 the same as other property, except that there shall be exempt  
16 from taxation of homesteads an amount equal to thirteen thousand  
17 dollars. For tax year 2013, an owner shall file an application  
18 for the homestead exemption provided in this section pursuant to  
19 section 77-3512. For tax year 2014 and subsequent tax years, if an  
20 owner has been granted the homestead exemption, no reapplication  
21 need be filed for succeeding years, in which case the county  
22 assessor shall determine whether the claimant qualifies for the  
1 homestead exemption in such succeeding years as though a claim  
2 were made. The provisions of sections 77-3501 to 77-3529 apply to  
3 the homestead exemption. Reimbursement to counties under section  
4 77-3523 for the homestead exemption shall be made from the Property  
5 Tax Relief Cash Fund.

6 2. On page 1, strike beginning with "The" in line 16  
7 through line 18.

8 3. On page 2, lines 6 and 10 and 11, strike "pursuant to  
9 section 77-27,132".

10 4. On page 3, line 14, before the first "of" insert  
11 "credit to the Property Tax Relief Cash Fund all"; and strike  
12 beginning with the comma in line 17 through "Fund" in line 19.

13 5. Renumber the remaining section accordingly.

Senator Mello filed the following amendment to LB84:  
AM1231

(Amendments to AM1216)

- 1 1. On page 1, strike beginning with "The" in line 16
- 2 through line 18.
- 3 2. On page 2, lines 6 and 10 and 11, strike "pursuant to
- 4 section 77-27,132".
- 5 3. On page 3, strike beginning with "one-quarter" in line
- 6 16 through "Fund" in line 19 and insert "four percent, credit such
- 7 amounts to the Tax Equity and Educational Opportunities Fund".

### GENERAL FILE

**LEGISLATIVE RESOLUTION 40CA.** Senator Council renewed the McGill amendment, AM1069, found on page 1034 and considered on page 1050, to the Pirsch amendment.

### SENATOR COASH PRESIDING

Senator McGill withdrew her amendment.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 382.** Placed on Select File with amendment.  
ER90

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through "for" in line 4 and insert "section 79-988.01,
- 3 Reissue Revised Statutes of Nebraska, and sections 79-958, 79-966,
- 4 79-9,113, and 81-2017, Revised Statutes Cumulative Supplement,
- 5 2010; to change contribution and deposit requirements for employees
- 6 and employers for school retirement systems and".

**LEGISLATIVE BILL 464.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 165.** Introduced by Schumacher, 22.

WHEREAS, Jerett Sueper, the son of Randy and Deb Sueper and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to

demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jerett has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Jerett's community service project consisted of installing two benches at the Holy Family Cemetery; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jerett, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jerett Sueper on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jerett Sueper.

Laid over.

**LEGISLATIVE RESOLUTION 166.** Introduced by Schumacher, 22.

WHEREAS, Zach McPhillips, the son of Gene and Maureen McPhillips and a member of Troop 155, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Zach has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Zach's community service project consisted of refurbishing the flag pole at the Humphrey Park and installing lights so that the flag could be flown at all times; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zach, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Zach McPhillips on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Zach McPhillips.

Laid over.

**LEGISLATIVE RESOLUTION 167.** Introduced by Schumacher, 22.

WHEREAS, Brandon Werner, the son of Gene and Sue Werner and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brandon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Brandon's community service project consisted of rebuilding the floor of the Lindsay Park gazebo; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brandon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brandon Werner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brandon Werner.

Laid over.

**LEGISLATIVE RESOLUTION 168.** Introduced by Schumacher, 22.

WHEREAS, Shawn Korth, the son of Gary and Jeanette Korth and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to

demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Shawn has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Shawn's community service project consisted of refinishing the monument in the St. Bernard Cemetery; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Shawn, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Shawn Korth on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Shawn Korth.

Laid over.

**LEGISLATIVE RESOLUTION 169.** Introduced by Heidemann, 1.

WHEREAS, Jack Munford, Jr., the son of Jack Sr. and Diana Munford of Falls City, Nebraska, and a member of Troop 396, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Jack is a member of the Tribe of Mic-O-Say, which is the honor camping society of Camp Geiger; and

WHEREAS, Jack's community service project consisted of a landscaping project at the First United Methodist Church in Falls City; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.



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

1. That the Legislature congratulates Jack Munford Jr. on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jack Munford Jr.

Laid over.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 305A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundred Second Legislature, First Session, 2011.

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

Senator Conrad filed the following amendment to LB84:  
AM1236

(Amendments to AM1216)

1 1. Strike sections 6 and 7.

2 2. On page 1, strike beginning with "The" in line 16  
3 through line 18 and insert "It is the intent of the Legislature  
4 to appropriate up to sixty-five million dollars to the fund each  
5 fiscal year beginning with fiscal year 2013-14 and ending with  
6 fiscal year 2032-33.".

7 3. On page 2, lines 6 and 10 and 11, strike "pursuant to  
8 section 77-27,132".

### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 40CA.** Senator Council renewed her amendment, AM1095, found on page 1058, to the Pirsch amendment.

Senator Council withdrew her amendment.

Senator Council offered the following amendment to the Pirsch amendment:  
FA18

Amend AM886

On page 1, line 7, after the period insert "The citizens of Nebraska also have a fundamental right to eat cows, pigs, chickens and sheep."

Senator Council moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Council amendment lost with 5 ayes, 27 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Pirsch renewed his amendment, AM886, found on page 995 and considered on page 1034.

### **SPEAKER FLOOD PRESIDING**

The Pirsch amendment was adopted with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 6 nays, 6 present and not voting, and 5 excused and not voting.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 155, 156, 157, 158, 159, and 160 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 155, 156, 157, 158, 159, and 160.

### **VISITORS**

Visitors to the Chamber were members of Youth and Adults in Action from Nebraska City; Nancy McCabe from Omaha; 42 fourth-grade students, teachers, and sponsors from Bel Air Elementary, Norfolk; Lonnie and Eden Moore from Mead; 22 seventh- and eighth-grade students and teachers from Deshler Lutheran School, Deshler; and Bruce and Kveta Hanson from Stanton.

### **ADJOURNMENT**

At 4:38 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 19, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-SIXTH DAY - APRIL 19, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 19, 2011

**PRAYER**

The prayer was offered by Pastor Marcellus Howard, Sharon Seventh Day Adventist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fifth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 84.** Pursuant to Rule 1, Sec. 17, Speaker Flood announced that AM1216 and AM1236 to AM1216 would be considered first.

Senator Conrad offered the following motion:

MO32

Bracket until January 5, 2012.

The Chair ruled the bracket motion would not be ordered for consideration until after the amendments have been considered.

Senator Conrad raised a point of order on whether the Speaker, pursuant to Rule 1, Sec. 17, can order an amendment to be considered ahead of a priority motion filed pursuant to Rule 7, Sec. 3.

The Chair ruled that, under Rule 1, Sec. 17(c), and according to legislative custom and precedent, an amendment can be ordered for consideration ahead of a priority motion on bills designated as a Speaker's Major Proposal.

Senator Conrad challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 6 ayes, 32 nays, 10 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Senator Fischer withdrew her amendment, AM827, found on page 888.

Senator Flood withdrew his amendment, FA8, found on page 910.

Senator Fischer withdrew her amendment, AM916, found on page 925.

Senator Fischer withdrew her amendment, AM940, found on page 934.

Senator Conrad withdrew her amendment, AM962, found on page 944.

Senator Utter withdrew his amendment, AM958, found on page 944.

Senator Mello withdrew his amendment, AM974, found on page 947.

Senator Louden withdrew his amendment, AM975, found on page 947.

Senator Fischer withdrew her amendment, FA11, found on page 950.

Senator Mello withdrew his amendment, AM980, found on page 963.

Senator Council withdrew her amendment, AM968, found on page 964.

Senator Louden withdrew his amendment, AM999, found on page 975.

Senator Fischer withdrew her amendment, AM1025, found on page 993.

Senator Louden withdrew his amendment, AM1093, found on page 1052.

Senator Fischer renewed her amendment, AM1216, found on page 1204.

Senator Conrad renewed her amendment, AM1236, found on page 1225, to the Fischer amendment.

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

Senator Conrad requested a record vote on her amendment.

Voting in the affirmative, 13:

Conrad	Dubas	Karpisek	Mello	Wallman
Cook	Haar, K.	Lathrop	Nordquist	
Council	Howard	McGill	Sullivan	

Voting in the negative, 18:

Adams	Flood	Hansen	Nelson	Schumacher
Campbell	Fulton	Krist	Pirsch	Utter
Carlson	Gloor	Larson	Price	
Fischer	Hadley	McCoy	Schilz	

Present and not voting, 15:

Ashford	Brasch	Cornett	Janssen	Pahls
Avery	Christensen	Harr, B.	Langemeier	Pankonin
Bloomfield	Coash	Heidemann	Louden	Smith

Excused and not voting, 3:

Harms	Lautenbaugh	Wightman
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The Conrad amendment lost with 13 ayes, 18 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

## VISITORS

Visitors to the Chamber were Senator Langemeier's uncle and aunt, Don and Marry Kuhn, from Lincoln; members of the Attorney General's Youth Advisory Council from across the state; 42 fourth-grade students from St. Gerald Elementary, Ralston; 35 fourth-grade students and teachers from Ravenna; 18 fourth-grade students and teacher from Maxwell; and Dan Mershon from Wichita, Kansas.

## RECESS

At 12:00 p.m., on a motion by Senator Krist, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

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

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Heidemann, Karpisek, Lautenbaugh, Price, and Wallman who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 289.** Placed on Select File with amendment.

ER91

- 1 1. In the Standing Committee amendments, AM416:
- 2 a. On page 12, line 23, after "laws" insert "as defined
- 3 in section 66-712";
- 4 b. On page 20, line 26, strike the last old comma and
- 5 show as stricken; and
- 6 c. On page 30, line 1, strike the first and second
- 7 underscored commas and reinstate the stricken "and".
- 8 2. On page 1, strike lines 3 through 5 and insert
- 9 "60-165, 60-301, 60-306, 60-336.01, 60-339, 60-386, 60-388, 60-393,
- 10 60-395, 60-398, 60-3,100, 60-3,113, 60-3,166, 60-3,187, 60-3,190,
- 11 60-3,200, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348,
- 12 and"; and in line 13 strike "registration" and insert "titling and
- 13 registration; to provide for additional registration fees".

**LEGISLATIVE BILL 289A.** Placed on Select File.

**LEGISLATIVE BILL 665.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 84.** Senator Louden renewed his amendment, AM1228, found on page 1215, to the Fischer amendment.

Senator Louden moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Conrad          Cook          Louden          Wallman

Voting in the negative, 38:

Adams	Cornett	Hadley	Lathrop	Price
Avery	Council	Hansen	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	Mello	Smith
Campbell	Flood	Janssen	Nordquist	Sullivan
Carlson	Fulton	Karpisek	Pahls	Utter
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	

Present and not voting, 4:

Harms	Harr, B.	McGill	Nelson
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Excused and not voting, 3:

Ashford	Krist	Wightman
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The Louden amendment lost with 4 ayes, 38 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 170.** Introduced by Fulton, 29; Carlson, 38; Coash, 27; Dubas, 34; Fischer, 43; Flood, 19; Hadley, 37; McGill, 26; Price, 3; Wallman, 30.

WHEREAS, one in three eighth grade students drinks alcohol and one in five teens engages in the life-threatening practice of binge drinking; and

WHEREAS, research shows that the majority of kids view their parents as their primary influence when making decisions about using alcohol; and

WHEREAS, Mothers Against Drunk Driving Nebraska has established April 21, 2011, as a national day for parents to start talking to their teens about the proper use of alcohol; and

WHEREAS, the Governor of Nebraska, Dave Heineman, has proclaimed April 21, 2011, as PowerTalk 21 Day in the State of Nebraska.

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

1. That the Legislature recognizes the importance of educating teens about the dangers of abusing alcohol and commends the exceptional work of Mothers Against Drunk Driving Nebraska in raising awareness about these dangers.

2. That the Legislature urges parents across the State of Nebraska to participate in PowerTalk 21 Day on April 21, 2011.

3. That a copy of this resolution be sent to Mothers Against Drunk Driving Nebraska.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 84.** Senator Mello renewed his amendment, AM1229, found on page 1219, to the Fischer amendment.

### SENATOR COASH PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Conrad	Council	Howard	McGill	Nordquist
Cook	Haar, K.	Lathrop	Mello	Wallman

Voting in the negative, 33:

Adams	Coash	Hadley	Lautenbaugh	Schilz
Avery	Cornett	Hansen	McCoy	Schumacher
Bloomfield	Dubas	Harms	Nelson	Smith
Brasch	Fischer	Heidemann	Pahls	Sullivan
Campbell	Flood	Janssen	Pankonin	Utter
Carlson	Fulton	Karpisek	Pirsch	
Christensen	Gloor	Larson	Price	

Present and not voting, 1:

Louden

Excused and not voting, 5:

Ashford	Harr, B.	Krist	Langemeier	Wightman
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The Mello amendment lost with 10 ayes, 33 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.



**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 535.** Placed on Select File with amendment.  
ER92

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Portable Electronics Insurance Act.
- 5 Sec. 2. For purposes of the Portable Electronics
- 6 Insurance Act:
- 7 (1) Customer means a person who purchases portable
- 8 electronics;
- 9 (2) Covered customer means a customer who elects coverage
- 10 pursuant to a portable electronics insurance policy issued to a
- 11 vendor of portable electronics;
- 12 (3) Director means the Director of Insurance;
- 13 (4) Location means any physical location in this state or
- 14 any web site, call center, or other site or similar location to
- 15 which Nebraska customers may be directed;
- 16 (5) Portable electronics means a device that is
- 17 personal, self-contained, easily carried by an individual,
- 18 and battery-operated and includes devices used for electronic
- 19 communication, viewing, listening, recording, computing, or
- 20 global positioning. Portable electronics does not include
- 21 telecommunications switching equipment, transmission wires,
- 22 cellular site transceiver equipment, or other equipment or system
- 23 used by a telecommunications company to provide telecommunications
- 1 service to consumers;
- 2 (6)(a) Portable electronics insurance means insurance
- 3 that provides coverage for the repair or replacement of portable
- 4 electronics and may provide coverage for portable electronics that
- 5 are lost, stolen, damaged, or inoperable due to mechanical failure
- 6 or malfunction or suffer other similar causes of loss; and
- 7 (b) Portable electronics insurance does not include:
- 8 (i) A service contract under the Motor Vehicle Service
- 9 Contract Reimbursement Insurance Act;
- 10 (ii) A service contract or extended warranty providing
- 11 coverage as described in subdivision (2) of section 44-102.01;
- 12 (iii) A policy of insurance providing coverage for a
- 13 seller's or manufacturer's obligations under a warranty; or
- 14 (iv) A homeowner's, renter's, private passenger
- 15 automobile, commercial multiperil, or other similar policy;
- 16 (7) Portable electronics transaction means the sale or
- 17 lease of portable electronics by a vendor to a customer or the sale
- 18 of a service related to the use of portable electronics by a vendor
- 19 to a customer;
- 20 (8) Supervising entity means a business entity that is a
- 21 licensed insurance producer or insurer; and

22 (9) Vendor means a person in the business of engaging in  
23 portable electronics transactions directly or indirectly.

24 Sec. 3. (1) A vendor shall hold a limited lines insurance  
25 license issued under the Portable Electronics Insurance Act to sell  
26 or offer coverage under a policy of portable electronics insurance.

27 (2) The director may issue a limited lines insurance  
1 license under the act. Such license shall authorize an employee or  
2 authorized representative of a vendor to sell or offer coverage  
3 under a policy of portable electronics insurance to a customer at  
4 each location at which the vendor engages in a portable electronics  
5 transaction.

6 (3) The vendor shall submit an application for a limited  
7 lines insurance license pursuant to section 4 of this act to the  
8 director, and a list of all locations in this state at which the  
9 vendor intends to offer such insurance coverage shall accompany  
10 the application. A vendor shall maintain such list and make it  
11 available for the director upon request.

12 (4) Notwithstanding any other provision of law, a limited  
13 lines insurance license issued under the act shall authorize the  
14 vendor and its employees or authorized representatives to engage in  
15 the activities permitted by the act.

16 Sec. 4. (1) An application for a limited lines insurance  
17 license shall be made to and filed with the director on forms  
18 prescribed and furnished by the director.

19 (2) An application for an initial or a renewal license  
20 shall:

21 (a) Provide the name, residence address, and other  
22 information required by the director for an employee or authorized  
23 representative of the vendor that is designated by the vendor  
24 as the person responsible for the vendor's compliance with the  
25 Portable Electronics Insurance Act. If the vendor derives more than  
26 fifty percent of its revenue from the sale of portable electronics  
27 insurance, the information required by this subdivision shall be  
1 provided for all persons of record having beneficial ownership of  
2 ten percent or more of any class of securities of the vendor  
3 registered under federal securities law; and

4 (b) Provide the location of the vendor's home office.

5 (3) Any application for licensure under the act for  
6 an existing vendor shall be made within ninety days after the  
7 application is made available by the director.

8 (4) An initial license issued pursuant to the act shall  
9 be valid for one year and expires on April 30 of each year.

10 (5) Any vendor licensed under the act shall pay an  
11 initial license fee to the director in an amount prescribed by  
12 the director but not to exceed one hundred dollars and shall pay  
13 a renewal fee in an amount prescribed by the director but not to  
14 exceed one hundred dollars.

15 Sec. 5. (1) At each location at which portable

16 electronics insurance is offered to a customer, a brochure or other  
17 written material shall be available to the customer which:

18 (a) Discloses the fact that portable electronics  
19 insurance may provide a duplication of coverage already provided  
20 by a customer's homeowner's insurance policy, renter's insurance  
21 policy, or other similar insurance coverage;

22 (b) States that the enrollment by the customer in a  
23 portable electronics insurance coverage program is not required in  
24 order to purchase or lease portable electronics or services;

25 (c) Summarizes the material terms of the portable  
26 electronics insurance, including:

27 (i) The identity of the insurer;

1 (ii) The identity of the supervising entity;

2 (iii) The amount of any applicable deductible and how it  
3 is to be paid;

4 (iv) The benefits of the coverage; and

5 (v) The key terms and conditions of the coverage,  
6 including whether portable electronics may be repaired or replaced  
7 with a similar reconditioned make or model or with nonoriginal  
8 manufacturer parts or equipment;

9 (d) Summarizes the process for filing a claim, including  
10 a description of how to return the portable electronics and the  
11 maximum fee applicable if the customer fails to comply with any  
12 equipment return requirements; and

13 (e) States that the customer may cancel enrollment for  
14 portable electronics insurance coverage at any time and receive any  
15 applicable unearned premium refund on a pro rata basis.

16 (2) Portable electronics insurance may be offered on  
17 a month-to-month or other periodic basis as a group or master  
18 commercial inland marine policy issued to a vendor for its covered  
19 customers. A covered customer who elects to enroll for coverage  
20 shall receive a certificate of insurance and an explanation of  
21 coverage or instructions on how to obtain such materials upon  
22 request.

23 (3) Eligibility and underwriting standards for customers  
24 who elect to enroll in portable electronics insurance coverage  
25 shall be established by the insurer for each portable electronics  
26 insurance program.

27 Sec. 6. (1) An employee or authorized representative of  
1 a vendor may sell or offer for sale portable electronics insurance  
2 to customers and shall not be subject to licensure as an insurance  
3 producer if:

4 (a) The vendor obtains a limited lines insurance license  
5 pursuant to section 3 of this act that authorizes its employees  
6 or authorized representatives to sell or offer for sale portable  
7 electronics insurance under this section;

8 (b) The insurer issuing the portable electronics  
9 insurance directly supervises or appoints a supervising entity to  
10 supervise the administration of the insurance program, including

11 development of a training program for employees and authorized  
12 representatives of a vendor. The training required by this  
13 subdivision shall comply with the following:

14 (i) The training shall be delivered to employees and  
15 authorized representatives of a vendor who are directly involved in  
16 the activity of selling or offering for sale portable electronics  
17 insurance;

18 (ii) The training may be provided in electronic form. If  
19 the training is provided in electronic form, the supervising entity  
20 shall implement a supplemental education program that is conducted  
21 and overseen by licensed employees of the supervising entity; and

22 (iii) Each employee and authorized representative shall  
23 receive basic instruction on the portable electronics insurance  
24 offered to customers and the disclosures required by section 5 of  
25 this act; and

26 (c) The vendor does not advertise, represent, or  
27 otherwise hold itself or any of its employees or authorized  
1 representatives out as authorized insurers or licensed insurance  
2 producers.

3 (2) The charges for portable electronics insurance  
4 coverage may be billed and collected by the vendor. Any charge  
5 to the customer for coverage that is not included in the cost  
6 associated with the purchase or lease of portable electronics  
7 shall be separately itemized on the covered customer's bill. If  
8 the portable electronics insurance coverage is included in the  
9 purchase or lease of portable electronics or related services, the  
10 vendor shall clearly and conspicuously disclose to the customer  
11 that portable electronics insurance coverage is included with the  
12 portable electronics or related services. No vendor shall require  
13 the purchase of any kind of insurance specified in this section as  
14 a condition of the purchase or lease of portable electronics or  
15 services. If such insurance is purchased, the portable electronics  
16 insurance coverage offered by the limited lines insurance licensee  
17 to a customer is primary over any other insurance coverage  
18 applicable to the portable electronics. A vendor who bills and  
19 collects such charges shall not be required to maintain such funds  
20 in a segregated account if the vendor is authorized by the insurer  
21 to hold such funds in an alternative manner and remits such amounts  
22 to the supervising entity within sixty days after receipt. All  
23 funds received by a vendor from a covered customer for the sale  
24 of portable electronics insurance shall be considered funds held  
25 in trust by the vendor in a fiduciary capacity for the benefit  
26 of the insurer. A vendor may receive compensation for billing and  
27 collection services.

1 Sec. 7. If a vendor violates any provision of the  
2 Portable Electronics Insurance Act, the director may, after notice  
3 and a hearing:

4 (1) Revoke or suspend a limited lines insurance license  
5 issued under the act;

6 (2) Impose such other penalties, including suspension of  
7 the transaction of insurance at specific vendor locations where  
8 violations have occurred, as the director deems necessary or  
9 convenient to carry out the purposes of the act; and

10 (3) Impose an administrative fine of not more than one  
11 thousand dollars per violation or five thousand dollars in the  
12 aggregate.

13 Sec. 8. Notwithstanding any other provision of law:

14 (1) An insurer may terminate or otherwise change the  
15 terms and conditions of a policy of portable electronics insurance  
16 only upon providing the vendor and enrolled customers with at least  
17 sixty days' notice, except that:

18 (a) An insurer may terminate an enrolled customer's  
19 insurance policy upon fifteen days' notice for:

20 (i) Discovery of fraud or material misrepresentation in  
21 obtaining coverage or in the presentation of a claim under such  
22 policy; or

23 (ii) Nonpayment of premium; or

24 (b) An insurer may immediately terminate an enrolled  
25 customer's insurance policy:

26 (i) If the enrolled customer ceases to have active  
27 service with the vendor of portable electronics; or

1 (ii) If an enrolled customer exhausts the aggregate limit  
2 of liability, if any, under the portable electronics insurance  
3 policy and the insurer sends notice of termination to the customer  
4 within thirty days after exhaustion of the limit. If such notice  
5 is not sent within the thirty-day period, the customer shall  
6 continue to be enrolled in such insurance policy notwithstanding  
7 the aggregate limit of liability until the insurer sends notice of  
8 termination to the customer;

9 (2) If the insurer changes the terms and conditions,  
10 the insurer shall provide the vendor with a revised policy or  
11 endorsement and each enrolled customer with a revised certificate,  
12 endorsement, updated brochure, or other evidence indicating a  
13 change in the terms and conditions has occurred and a summary of  
14 the material changes;

15 (3) If a portable electronics insurance policy is  
16 terminated by a vendor, the vendor shall mail or deliver written  
17 notice to each enrolled customer at least thirty days prior to the  
18 termination advising the customer of such termination and of the  
19 effective date of termination; and

20 (4) If notice is required under this section, it shall  
21 be:

22 (a) In writing and may be mailed or delivered to a vendor  
23 at the vendor's mailing address and to an enrolled customer at such  
24 customer's last-known mailing address on file with the insurer. The  
25 insurer or vendor, as applicable, shall maintain proof of mailing  
26 in a form authorized or accepted by the United States Postal  
27 Service or a commercial mail delivery service; or

1 (b) In electronic form. If notice is delivered in  
 2 electronic form, the insurer or vendor, as applicable, shall  
 3 maintain proof that the notice was sent.

4 Sec. 9. Any records pertaining to transactions under the  
 5 Portable Electronics Insurance Act shall be kept available and open  
 6 to inspection by the director or his or her representatives with  
 7 notice and during business hours. Records shall be maintained for  
 8 three years following the completion of transactions under the act.

9 Sec. 10. Section 44-102.01, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 44-102.01 For purposes of Chapter 44, insurance ~~shall~~  
 12 ~~does not include a service contract. For purposes of this section,~~  
 13 ~~service contract shall mean means~~ (1) a motor vehicle service  
 14 contract as defined in section 44-3521 or (2) a contract or  
 15 agreement, whether designated as a service contract, maintenance  
 16 agreement, warranty, extended warranty, or similar term, whereby  
 17 a person undertakes to furnish, arrange for, or, in limited  
 18 circumstances, reimburse for service, repair, or replacement of  
 19 any or all of the components, parts, or systems of any covered  
 20 residential dwelling or consumer product when such service, repair,  
 21 or replacement is necessitated by wear and tear, ~~by failure,~~  
 22 ~~malfunction, inoperability,~~ inherent defect, or ~~by the failure of~~  
 23 an inspection to detect the likelihood of failure.

24 Sec. 11. This act becomes operative on January 1, 2012.

25 Sec. 12. Original section 44-102.01, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

27 2. On page 1, strike beginning with "require" in line 1  
 1 through line 5 and insert "amend section 44-102.01, Reissue Revised  
 2 Statutes of Nebraska; to adopt the Portable Electronics Insurance  
 3 Act; to redefine service contract; to provide an operative date;  
 4 and to repeal the original section.".

**LEGISLATIVE BILL 449.** Placed on Select File with amendment.  
 ER93

1 1. On page 1, strike lines 2 through 14 and insert  
 2 "32-305, 32-312, 32-615, 32-811, 32-903, 32-947, 32-948, 32-1203,  
 3 32-1303, and 32-1306, Reissue Revised Statutes of Nebraska, and  
 4 section 32-606, Revised Statutes Cumulative Supplement, 2010;  
 5 to change provisions relating to election commissioners, deputy  
 6 registrars, voter registration, filing for office, nominations  
 7 without opposition, creation of precincts, procedures for voting  
 8 early, payment of costs of elections, recall petitions, and recall  
 9 elections; and to repeal the original sections.".

**LEGISLATIVE RESOLUTION 40CA.** Placed on Select File with amendment.

ER94

- 1 1. On page 1, strike beginning with "preserve" in line
- 2 14 through line 16 and insert "establish the right to hunt, to
- 3 fish, and to harvest wildlife and to state that public hunting
- 4 and fishing shall be a preferred means of managing and controlling
- 5 wildlife."

(Signed) Tyson Larson, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 384A.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, One Hundred Second Legislature, First Session, 2011; to reduce an appropriation; and to declare an emergency.

### **SELECT FILE**

**LEGISLATIVE BILL 84.** Senator Council offered the following amendment to the Fischer amendment:

AM1248

(Amendments to AM1216)

- 1 1. Strike sections 6 and 7 and insert the following new
- 2 section:
- 3 Sec. 6. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. On page 1, strike beginning with "The" in line 16
- 6 through line 18 and insert "The State Treasurer shall transfer all
- 7 funds appropriated or transferred to the Property Tax Credit Cash
- 8 Fund to the State Highway Capital Improvement Fund each fiscal year
- 9 beginning with fiscal year 2011-12.".
- 10 3. On page 2, lines 6 and 10 and 11 strike "pursuant to
- 11 section 77-27,132".

### **SPEAKER FLOOD PRESIDING**

Senator Council moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 5:

Ashford	Cook	Council	Louden	Wallman
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Voting in the negative, 32:

Adams	Coash	Hansen	Mello	Schilz
Avery	Conrad	Harms	Nelson	Schumacher
Bloomfield	Fischer	Heidemann	Nordquist	Sullivan
Brasch	Flood	Howard	Pahls	Utter
Campbell	Fulton	Karpisek	Pankonin	
Carlson	Gloor	Larson	Pirsch	
Christensen	Hadley	Lathrop	Price	

Present and not voting, 3:

Cornett	Dubas	McGill
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Excused and not voting, 9:

Haar, K.	Janssen	Langemeier	McCoy	Wightman
Harr, B.	Krist	Lautenbaugh	Smith	

The Council amendment lost with 5 ayes, 32 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Mello withdrew his amendment, AM1231, found on page 1221.

Senator Mello renewed his amendment, AM1230, found on page 1220, to the Fischer amendment.

Senator Fischer requested a ruling of the Chair on whether the Mello amendment is germane to the Fischer amendment.

The Chair ruled the Mello amendment is not germane to the Fischer amendment.

Senator Mello challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 5 ayes, 20 nays, 12 present and not voting, and 12 excused and not voting.

The Chair was sustained.

Senator Conrad renewed her motion, MO32, found in this day's Journal, to bracket until January 5, 2012.

Pending.



**AMENDMENT - Print in Journal**

Senator Conrad filed the following amendment to LB22:  
AM698

- 1 1. Insert the following new sections:
- 2 Sec. 5. Nothing in the Mandate Opt-Out and Insurance
- 3 Coverage Clarification Act shall prohibit or prevent a qualified
- 4 health insurance plan offered through a health insurance exchange
- 5 created pursuant to the federal Patient Protection and Affordable
- 6 Care Act, Public Law 111-148, from offering or providing coverage
- 7 to any individual for medical complications related to pregnancy,
- 8 ectopic pregnancy, or miscarriage.
- 9 Sec. 6. Nothing in the Mandate Opt-Out and Insurance
- 10 Coverage Clarification Act shall prohibit or prevent any health
- 11 insurance plan, contract, or policy delivered or issued for
- 12 delivery in the State of Nebraska from offering or providing
- 13 coverage to any individual for medical complications related to
- 14 pregnancy, ectopic pregnancy, or miscarriage.
- 15 2. On page 2, line 1, strike "4" and insert "6".
- 16 3. Renumber the remaining sections accordingly.

**VISITORS**

Visitors to the Chamber were Senator Nelson's wife, Judy Nelson, from Omaha and Dr. Ron Blue from Arlington, Texas; Kelly, Julie, Doug, and Alex Blair from Papillion; and 28 fourth-grade students and teacher from Fullerton.

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

**ADJOURNMENT**

At 5:00 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Wednesday, April 20, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SEVENTH DAY - APRIL 20, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 20, 2011

**PRAYER**

The prayer was offered by Senator Krist.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 84.** Senator Conrad renewed her motion, MO32, found on page 1227 and considered on page 1240, to bracket until January 5, 2012.

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Conrad motion to bracket failed with 11 ayes, 28 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

**MOTION - Print in Journal**

Senator Larson filed the following motion to LR121:  
MO33  
Withdraw resolution.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 575A.** Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, One Hundred Second Legislature, First Session, 2011.

**SELECT FILE**

**LEGISLATIVE BILL 84.** Senator Nordquist offered the following amendment:

AM1268

(Amendments to AM1216)

- 1 1. On page 3, line 19, after the period insert "The total
- 2 amount credited to the two funds pursuant to this subdivision in
- 3 any fiscal year shall not exceed ten million dollars.".

**SPEAKER FLOOD PRESIDING**

Senator Fischer offered the following motion:

MO34

Invoke cloture pursuant to Rule 7, Section 10.

Senator Fischer moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Fischer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

Adams	Coash	Hansen	Larson	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Pahls	Utter
Carlson	Gloor	Krist	Pankonin	Wallman
Christensen	Hadley	Langemeier	Pirsch	

Voting in the negative, 9:

Conrad	Council	Howard	McGill	Nordquist
Cook	Haar, K.	Lathrop	Mello	

Excused and not voting, 1:

Wightman

The Fischer motion to invoke cloture prevailed with 39 ayes, 9 nays, and 1 excused and not voting.

Senator Nordquist requested a roll call vote on his amendment, AM1268, to the Fischer amendment.

Voting in the affirmative, 10:

Conrad	Council	Howard	McGill	Nordquist
Cook	Haar, K.	Lathrop	Mello	Wallman

Voting in the negative, 38:

Adams	Coash	Hansen	Larson	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Pahls	Utter
Carlson	Gloor	Krist	Pankonin	
Christensen	Hadley	Langemeier	Pirsch	

Excused and not voting, 1:

Wightman

The Nordquist amendment lost with 10 ayes, 38 nays, and 1 excused and not voting.

Senator Fischer requested a roll call vote on her amendment, AM1216.

Voting in the affirmative, 39:

Adams	Coash	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Nelson	Sullivan
Carlson	Gloor	Krist	Pahls	Utter
Christensen	Hadley	Langemeier	Pankonin	

Voting in the negative, 9:

Conrad	Council	Howard	Mello	Wallman
Cook	Haar, K.	Louden	Nordquist	

Excused and not voting, 1:

Wightman

The Fischer amendment was adopted with 39 ayes, 9 nays, and 1 excused and not voting.

Senator Fischer requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Cornett	Harr, B.	McCoy	Smith
Avery	Fischer	Heidemann	Nelson	Sullivan
Bloomfield	Flood	Janssen	Pahls	Utter
Brasch	Fulton	Karpisek	Pankonin	
Campbell	Gloor	Krist	Pirsch	
Carlson	Hadley	Langemeier	Price	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 12:

Conrad	Dubas	Lathrop	Mello
Cook	Haar, K.	Louden	Nordquist
Council	Howard	McGill	Wallman

Excused and not voting, 1:

Wightman

Advanced to Enrollment and Review for Engrossment with 36 ayes, 12 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 177.** ER83, found on page 1128, was adopted.

Senator Campbell withdrew her amendment, AM1124, found on page 1133.

Senator Campbell renewed her amendment, AM1215, found on page 1206.

The Campbell amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 54.** Senator Mello renewed his amendment, AM1187, found on page 1192.

The Mello amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 637.** ER85, found on page 1131, was adopted.

Senator Adams renewed his amendment, AM1191, found on page 1196.

The Adams amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 637A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 648.** Senator Christensen withdrew his amendments, AM1164 and AM1165, found on pages 1178 and 1179.

Senator Christensen renewed his amendment, AM1201, found on page 1195.

## **SENATOR GLOOR PRESIDING**

Pending.

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

Senator Nordquist filed the following amendment to LB84:  
AM1273

(Amendments to AM1216)

- 1 1. On page 3, line 19, after the period insert "The total
- 2 amount credited to the two funds pursuant to this subdivision in
- 3 any fiscal year shall not exceed fifteen million dollars.".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Mello asked unanimous consent to add his name as cointroducer to LB575. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were a group of constituents from Seward; 44 fourth-grade students and teachers from Hayward Elementary, Nebraska City; Senator Utter's daughter-in-law, granddaughters, and daughter, Ann Utter, from West Point, Rachel Utter from Omaha, and Chloe and Denise Ott from Leavenworth, Kansas; 48 fourth-grade students, teachers, and sponsors from Central City; Senator Carlson's wife, Margo Carlson, and Janet Greenquist, Pam Sandy, and Connie Dahlin from Holdrege and Cheryl Porter from Omaha; 60 fourth-grade students from Wayne; Senator Hadley's wife, Marilyn Hadley, from Kearney and Kay Horner and Jo Erickson from Lincoln; Senator Sullivan's daughter and granddaughter, Mollie and Clara Morrow, from Omaha; and Senator Smith's wife, Ruth Smith, from Papillion and Cindy Rupp and Sue Magee from Omaha.

**RECESS**

At 11:45 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

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

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 35.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,297 and 60-6,298, Reissue Revised Statutes of Nebraska; to provide and change exceptions to vehicle limits for towing disabled or wrecked vehicles; to provide liability and operation requirements; to define terms; to change provisions relating to oversize vehicle permits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:



Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB70 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 70.** With Emergency Clause.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5502, 44-5503, 44-5504, 44-5505, 44-5506, 44-5508, 44-5510, 44-5511, and 44-5515, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide an exemption for commercial purchasers; to change provisions relating to licensure, records, annual statements, tax payments, solvency requirements, and nonadmitted insurers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB112 with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 112.** With Emergency Clause.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-302, 75-303, and 75-311, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide exemptions from regulation for certain transportation service providers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change annual emission fee provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 204.**

A BILL FOR AN ACT relating to children; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and section 79-217, Revised Statutes Cumulative Supplement, 2010; to define terms; to require blood-lead testing prior to school enrollment; to provide for exceptions; to provide duties for the Department of Health and Human Services regarding blood-lead testing and notification of parents; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Adams	Christensen	Dubas	Krist	Nordquist
Ashford	Coash	Gloor	Lathrop	Pahls
Avery	Conrad	Haar, K.	Louden	Price
Brasch	Cook	Harms	McCoy	Schumacher
Campbell	Cornett	Harr, B.	McGill	Smith
Carlson	Council	Howard	Mello	Sullivan

Voting in the negative, 12:

Fischer	Hansen	Karpisek	Pankonin
Flood	Heidemann	Langemeier	Utter
Fulton	Janssen	Nelson	Wallman

Present and not voting, 4:

Hadley	Larson	Pirsch	Schilz
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Excused and not voting, 3:

Bloomfield	Lautenbaugh	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 204A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Adams	Conrad	Gloor	Langemeier	Pirsch
Ashford	Cook	Haar, K.	Larson	Price
Avery	Cornett	Hadley	Lathrop	Schilz
Brasch	Council	Harr, B.	McCoy	Schumacher
Campbell	Dubas	Heidemann	McGill	Smith
Carlson	Fischer	Howard	Mello	Sullivan
Christensen	Flood	Karpisek	Nordquist	Wallman
Coash	Fulton	Krist	Pahls	

Voting in the negative, 2:

Nelson            Pankonin

Present and not voting, 5:

Hansen            Harms            Janssen            Louden            Utter

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB235 with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 235.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-413, 79-536, 79-1008.02, 79-1009, 79-1015.01, 79-1025, and 79-1029, Reissue Revised Statutes of Nebraska, sections 77-3446, 79-1003.01, 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.16, 79-1007.18, 79-1017.01, 79-1018.01, 79-1028.01, 79-1030, and 79-1103, Revised Statutes Cumulative Supplement, 2010, and sections 79-1001, 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative Supplement, 2010, as amended by sections 1, 2, 5, and 8, respectively, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011; to change and eliminate provisions relating to summer school and summer sessions and state aid to schools; to

harmonize provisions; to repeal the original sections; to outright repeal sections 79-1005.02, 79-1007.01, 79-1007.02, 79-1010, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes of Nebraska, sections 79-1007.19 and 79-1007.24, Revised Statutes Cumulative Supplement, 2010, and section 79-1026.01, Revised Statutes Cumulative Supplement, 2010, as amended by section 9, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Adams	Cornett	Harms	Lathrop	Schumacher
Ashford	Council	Harr, B.	Louden	Smith
Avery	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	Nelson	Utter
Campbell	Flood	Janssen	Pahls	Wallman
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Krist	Pirsch	
Coash	Haar, K.	Langemeier	Price	
Cook	Hansen	Larson	Schilz	

Voting in the negative, 2:

Conrad            Hadley

Present and not voting, 3:

McGill            Mello            Nordquist

Excused and not voting, 3:

Bloomfield      Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 255.**

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 74-1313, 75-401, and 75-426, Reissue Revised Statutes of Nebraska; to eliminate certain duties of the Public Service Commission relating to railroads; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 23:

Adams	Carlson	Flood	Langemeier	Schumacher
Ashford	Christensen	Fulton	Larson	Smith
Avery	Coash	Hadley	McCoy	Utter
Brasch	Cornett	Heidemann	Price	
Campbell	Fischer	Janssen	Schilz	

Voting in the negative, 19:

Conrad	Haar, K.	Karpisek	Mello	Pirsch
Cook	Hansen	Lathrop	Nordquist	Sullivan
Dubas	Harms	Louden	Pahls	Wallman
Gloor	Howard	McGill	Pankonin	

Present and not voting, 4:

Council	Harr, B.	Krist	Nelson
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Excused and not voting, 3:

Bloomfield	Lautenbaugh	Wightman
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **LEGISLATIVE BILL 279.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-169.01, Reissue Revised Statutes of Nebraska; to change provisions regarding an interest in licensed wholesalers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB283 to Select File**

Senator Cornett moved to return LB283 to Select File for the following specific amendment:

AM1272

(Amendments to Final Reading copy)

- 1     1. Insert the following new section:
- 2     Section 1. Section 77-3442, Revised Statutes Cumulative
- 3     Supplement, 2010, is amended to read:
- 4     77-3442 (1) Property tax levies for the support of local
- 5     governments for fiscal years beginning on or after July 1, 1998,
- 6     shall be limited to the amounts set forth in this section except as
- 7     provided in section 77-3444.
- 8     (2)(a) Except as provided in subdivision (2)(e) of this
- 9     section, school districts and multiple-district school systems,
- 10    except learning communities and school districts that are members
- 11    of learning communities, may levy a maximum levy of one dollar and
- 12    five cents per one hundred dollars of taxable valuation of property
- 13    subject to the levy.
- 14    (b) For each fiscal year, learning communities may levy
- 15    a maximum levy for the general fund budgets of member school
- 16    districts of ninety-five cents per one hundred dollars of taxable
- 17    valuation of property subject to the levy. The proceeds from the
- 18    levy pursuant to this subdivision shall be distributed pursuant to
- 19    section 79-1073.
- 20    (c) Except as provided in subdivision (2)(e) of this
- 21    section, for each fiscal year, school districts that are members
- 22    of learning communities may levy for purposes of such districts'
- 1     general fund budget and special building funds a maximum combined



2 levy of the difference of one dollar and five cents on each one  
3 hundred dollars of taxable property subject to the levy minus  
4 the learning community levies pursuant to subdivisions (2)(b) and  
5 (2)(g) of this section for such learning community.

6 (d) Excluded from the limitations in subdivisions (2)(a)  
7 and (2)(c) of this section are amounts levied to pay for  
8 sums agreed to be paid by a school district to certificated  
9 employees in exchange for a voluntary termination of employment  
10 and amounts levied to pay for special building funds and sinking  
11 funds established for projects commenced prior to April 1, 1996,  
12 for construction, expansion, or alteration of school district  
13 buildings. For purposes of this subsection, commenced means any  
14 action taken by the school board on the record which commits  
15 the board to expend district funds in planning, constructing, or  
16 carrying out the project.

17 (e) Federal aid school districts may exceed the maximum  
18 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
19 only to the extent necessary to qualify to receive federal aid  
20 pursuant to Title VIII of Public Law 103-382, as such title existed  
21 on September 1, 2001. For purposes of this subdivision, federal  
22 aid school district means any school district which receives ten  
23 percent or more of the revenue for its general fund budget from  
24 federal government sources pursuant to Title VIII of Public Law  
25 103-382, as such title existed on September 1, 2001.

26 (f) For school fiscal year 2002-03 through school fiscal  
27 year 2007-08, school districts and multiple-district school systems  
1 may, upon a three-fourths majority vote of the school board of  
2 the school district, the board of the unified system, or the  
3 school board of the high school district of the multiple-district  
4 school system that is not a unified system, exceed the maximum  
5 levy prescribed by subdivision (2)(a) of this section in an amount  
6 equal to the net difference between the amount of state aid that  
7 would have been provided under the Tax Equity and Educational  
8 Opportunities Support Act without the temporary aid adjustment  
9 factor as defined in section 79-1003 for the ensuing school fiscal  
10 year for the school district or multiple-district school system  
11 and the amount provided with the temporary aid adjustment factor.  
12 The State Department of Education shall certify to the school  
13 districts and multiple-district school systems the amount by which  
14 the maximum levy may be exceeded for the next school fiscal year  
15 pursuant to this subdivision (f) of this subsection on or before  
16 February 15 for school fiscal years 2004-05 through 2007-08.

17 (g) For each fiscal year, learning communities may levy a  
18 maximum levy of two cents on each one hundred dollars of taxable  
19 property subject to the levy for special building funds for member  
20 school districts. The proceeds from the levy pursuant to this  
21 subdivision shall be distributed pursuant to section 79-1073.01.

22 (h) For each fiscal year, learning communities may levy  
23 a maximum levy of two cents on each one hundred dollars of

24 taxable property subject to the levy for elementary learning center  
25 facility leases, for remodeling of leased elementary learning  
26 center facilities, and for up to fifty percent of the estimated  
27 cost for focus school or program capital projects approved by  
1 the learning community coordinating council pursuant to section  
2 79-2111.

3 (i) For each fiscal year, learning communities may levy  
4 a maximum levy of one cent on each one hundred dollars of  
5 taxable property subject to the levy for elementary learning center  
6 employees, for contracts with other entities or individuals who  
7 are not employees of the learning community for elementary learning  
8 center programs and services, and for pilot projects, except that  
9 no more than ten percent of such levy may be used for elementary  
10 learning center employees.

11 (3)(a) For fiscal years prior to fiscal year 2010-11,  
12 community colleges may levy a maximum levy calculated pursuant to  
13 the Community College Foundation and Equalization Aid Act on each  
14 one hundred dollars of taxable property subject to the levy.

15 (b) For fiscal year 2010-11 and each fiscal year  
16 thereafter, in lieu of the calculation of a maximum levy  
17 for operating expenditures pursuant to the Community College  
18 Foundation and Equalization Aid Act, community colleges may levy a  
19 maximum of ten and one-quarter cents per one hundred dollars of  
20 taxable valuation of property subject to the levy for operating  
21 expenditures and may also levy the additional levies provided in  
22 subsection (2) of section 85-1517.

23 (4)(a) Natural resources districts may levy a maximum  
24 levy of four and one-half cents per one hundred dollars of taxable  
25 valuation of property subject to the levy.

26 (b) Natural resources districts shall also have the power  
27 and authority to levy a tax equal to the dollar amount by which  
1 their restricted funds budgeted to administer and implement ground  
2 water management activities and integrated management activities  
3 under the Nebraska Ground Water Management and Protection Act  
4 exceed their restricted funds budgeted to administer and implement  
5 ground water management activities and integrated management  
6 activities for FY2003-04, not to exceed one cent on each one  
7 hundred dollars of taxable valuation annually on all of the taxable  
8 property within the district.

9 (c) In addition, natural resources districts located in  
10 a river basin, subbasin, or reach that has been determined to  
11 be fully appropriated pursuant to section 46-714 or designated  
12 as overappropriated pursuant to section 46-713 by the Department  
13 of Natural Resources shall also have the power and authority to  
14 levy a tax equal to the dollar amount by which their restricted  
15 funds budgeted to administer and implement ground water management  
16 activities and integrated management activities under the Nebraska  
17 Ground Water Management and Protection Act exceed their restricted  
18 funds budgeted to administer and implement ground water management

19 activities and integrated management activities for FY2005-06, not  
20 to exceed three cents on each one hundred dollars of taxable  
21 valuation on all of the taxable property within the district for  
22 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
23 year 2011-12.

24 (5) Any educational service unit authorized to levy a  
25 property tax pursuant to section 79-1225 may levy a maximum levy of  
26 one and one-half cents per one hundred dollars of taxable valuation  
27 of property subject to the levy.

1 (6)(a) Incorporated cities and villages which are not  
2 within the boundaries of a municipal county may levy a maximum levy  
3 of forty-five cents per one hundred dollars of taxable valuation  
4 of property subject to the levy plus an additional five cents per  
5 one hundred dollars of taxable valuation to provide financing for  
6 the municipality's share of revenue required under an agreement  
7 or agreements executed pursuant to the Interlocal Cooperation Act  
8 or the Joint Public Agency Act. The maximum levy shall include  
9 amounts levied to pay for sums to support a library pursuant  
10 to section 51-201, museum pursuant to section 51-501, visiting  
11 community nurse, home health nurse, or home health agency pursuant  
12 to section 71-1637, or statue, memorial, or monument pursuant to  
13 section 80-202.

14 (b) Incorporated cities and villages which are within the  
15 boundaries of a municipal county may levy a maximum levy of ninety  
16 cents per one hundred dollars of taxable valuation of property  
17 subject to the levy. The maximum levy shall include amounts paid  
18 to a municipal county for county services, amounts levied to pay  
19 for sums to support a library pursuant to section 51-201, a museum  
20 pursuant to section 51-501, a visiting community nurse, home health  
21 nurse, or home health agency pursuant to section 71-1637, or a  
22 statue, memorial, or monument pursuant to section 80-202.

23 (7) Sanitary and improvement districts which have been in  
24 existence for more than five years may levy a maximum levy of forty  
25 cents per one hundred dollars of taxable valuation of property  
26 subject to the levy, and sanitary and improvement districts which  
27 have been in existence for five years or less shall not have  
1 a maximum levy. Unconsolidated sanitary and improvement districts  
2 which have been in existence for more than five years and are  
3 located in a municipal county may levy a maximum of eighty-five  
4 cents per hundred dollars of taxable valuation of property subject  
5 to the levy.

6 (8) Counties may levy or authorize a maximum levy of  
7 fifty cents per one hundred dollars of taxable valuation of  
8 property subject to the levy, except that five cents per one  
9 hundred dollars of taxable valuation of property subject to the  
10 levy may only be levied to provide financing for the county's  
11 share of revenue required under an agreement or agreements executed  
12 pursuant to the Interlocal Cooperation Act or the Joint Public  
13 Agency Act. The maximum levy shall include amounts levied to pay

14 for sums to support a library pursuant to section 51-201 or museum  
15 pursuant to section 51-501. The county may allocate up to fifteen  
16 cents of its authority to other political subdivisions subject  
17 to allocation of property tax authority under subsection (1) of  
18 section 77-3443 and not specifically covered in this section to  
19 levy taxes as authorized by law which do not collectively exceed  
20 fifteen cents per one hundred dollars of taxable valuation on any  
21 parcel or item of taxable property. The county may allocate to  
22 one or more other political subdivisions subject to allocation  
23 of property tax authority by the county under subsection (1) of  
24 section 77-3443 some or all of the county's five cents per one  
25 hundred dollars of valuation authorized for support of an agreement  
26 or agreements to be levied by the political subdivision for the  
purpose of supporting that political subdivision's share of revenue  
required under an agreement or agreements executed pursuant to the  
Interlocal Cooperation Act or the Joint Public Agency Act. If an  
allocation by a county would cause another county to exceed its  
levy authority under this section, the second county may exceed  
the levy authority in order to levy the amount allocated. Property  
tax levies for costs of reassumption of the assessment function  
pursuant to section 77-1340 or 77-1340.04 are not included in the  
levy limits established in this subsection for fiscal years 2010-11  
through 2013-14.

10 (9) Municipal counties may levy or authorize a maximum  
11 levy of one dollar per one hundred dollars of taxable valuation  
12 of property subject to the levy. The municipal county may allocate  
13 levy authority to any political subdivision or entity subject to  
14 allocation under section 77-3443.

15 (10) Property tax levies (a) for judgments, except  
16 judgments or orders from the Commission of Industrial Relations,  
17 obtained against a political subdivision which require or obligate  
18 a political subdivision to pay such judgment, to the extent such  
19 judgment is not paid by liability insurance coverage of a political  
20 subdivision, (b) for preexisting lease-purchase contracts approved  
21 prior to July 1, 1998, (c) for ~~bonded indebtedness bonds as~~  
22 defined in section 10-134 approved according to law and secured  
23 by a levy on property except as provided in section 44-4317 for  
24 bonded indebtedness issued by educational service units and school  
25 districts, and (d) for payments by a public airport to retire  
26 interest-free loans from the Department of Aeronautics in lieu of  
bonded indebtedness at a lower cost to the public airport are not  
included in the levy limits established by this section.

2 (11) The limitations on tax levies provided in this  
3 section are to include all other general or special levies  
4 provided by law. Notwithstanding other provisions of law, the  
5 only exceptions to the limits in this section are those provided by  
6 or authorized by sections 77-3442 to 77-3444.

- 7 (12) Tax levies in excess of the limitations in this  
 8 section shall be considered unauthorized levies under section  
 9 77-1606 unless approved under section 77-3444.
- 10 (13) For purposes of sections 77-3442 to 77-3444,  
 11 political subdivision means a political subdivision of this state  
 12 and a county agricultural society.
- 13 (14) For school districts that file a binding resolution  
 14 on or before May 9, 2008, with the county assessors, county clerks,  
 15 and county treasurers for all counties in which the school district  
 16 has territory pursuant to subsection (7) of section 79-458, if the  
 17 combined levies, except levies for bonded indebtedness approved by  
 18 the voters of the school district and levies for the refinancing  
 19 of such bonded indebtedness, are in excess of the greater of (a)  
 20 one dollar and twenty cents per one hundred dollars of taxable  
 21 valuation of property subject to the levy or (b) the maximum  
 22 levy authorized by a vote pursuant to section 77-3444, all school  
 23 district levies, except levies for bonded indebtedness approved by  
 24 the voters of the school district and levies for the refinancing of  
 25 such bonded indebtedness, shall be considered unauthorized levies  
 26 under section 77-1606.
- 27 2. On page 1, strike beginning with "schools" in line 1  
 1 through line 5 and insert "revenue and taxation; to amend sections  
 2 77-3442 and 79-10,110, Revised Statutes Cumulative Supplement,  
 3 2010; to change provisions relating to property tax levy limits;  
 4 to provide school boards with tax levy and bond authority relating  
 5 to energy efficiency projects as prescribed; and to repeal the  
 6 original sections."
- 7 3. Renumber the remaining sections and correct the  
 8 repealer accordingly.

The Cornett motion to return prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 283.** The Cornett specific amendment, AM1272, found in this day's Journal, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### BILL ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB297 with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 297.**

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2707, and 13-2710, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-2704, 13-2705, 13-3108, and 77-5601, Revised Statutes Cumulative Supplement, 2010; to rename the act and a fund; to define and redefine terms; to provide funding for community centers; to change limits on grant requests; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 35, 70, 112, 156, 204, 204A, 235, 279, and 297.

**PRESIDENT SHEEHY PRESIDING**

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 337.** With Emergency Clause.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-362, 39-2204, 60-1409, 66-738, 72-1255, and 77-2608, Reissue Revised Statutes of Nebraska; to change timeframes for certain audits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 366.**

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Board; to amend sections 81-15,175 and 84-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to subcommittee recommendations; to provide for applicability of the Open Meetings Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 385.** With Emergency Clause.

A BILL FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1012, 66-1014, 66-1015, and 66-1016, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the Energy Conservation Improvement Fund, matching funds, and eligible energy conservation grants; to state intent regarding funding; to provide a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.



Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB388 with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 388.**

A BILL FOR AN ACT relating to economic development; to amend sections 58-702, 58-703, 58-706, 58-708, and 76-903, Reissue Revised Statutes of Nebraska; to adopt the Site and Building Development Act; to create funds; to provide for assistance to political subdivisions; to provide funding; to authorize uses of the Affordable Housing Trust Fund; to provide for recapture of unused allocated funds; to provide for transfers; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 388A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB407 with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 407.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-110, 53-123.12, 53-124.12, 53-131, 53-133, and 53-177, Reissue Revised Statutes of Nebraska; to authorize employment by staff of the Nebraska Liquor Control Commission as prescribed; to provide

for mailing and electronic delivery of certain notices as prescribed; to provide for a waiver of restrictions on sales of alcoholic liquor near a campus of a college or university; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB431 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 431. With Emergency Clause.**

A BILL FOR AN ACT relating to health care; to amend sections 28-435.01, 38-1,126, 38-1,127, 71-6736, and 71-7460.02, Reissue Revised Statutes of Nebraska; to adopt the Health Care Quality Improvement Act; to eliminate provisions relating to peer review committees; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-2046, 71-2047, 71-2048, 71-7901, 71-7902, and 71-7903, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB477 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 477.**

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1401, 60-1420, 60-1424, 60-1425, 60-1427, 60-1429, 60-1436, 60-1437, 60-1438, and 60-1438.01, Reissue Revised Statutes of Nebraska; to change provisions relating to manufacturers, distributors, and motor vehicle dealers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield    Lautenbaugh    Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 479.**

A BILL FOR AN ACT relating to public health and safety; to amend section 29-4306, Reissue Revised Statutes of Nebraska; to authorize a person eighteen years of age to give consent to evidence collection and examination and treatment in cases of sexual assault and domestic violence; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 499.**

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-602, 32-617, 32-632, 32-941, and 32-942, Reissue Revised Statutes of Nebraska, and section 32-939, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to filing for office, petitions for nomination, registration to vote, and voting; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Cook	Hansen	Larson	Pankonin
Ashford	Cornett	Harms	Lathrop	Pirsch
Avery	Council	Harr, B.	Louden	Price
Brasch	Dubas	Heidemann	McCoy	Schilz
Campbell	Fischer	Howard	McGill	Schumacher
Carlson	Fulton	Janssen	Mello	Smith
Christensen	Gloor	Karpisek	Nelson	Sullivan
Coash	Haar, K.	Krist	Nordquist	Utter
Conrad	Hadley	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB512 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 512.**

A BILL FOR AN ACT relating to firearms; to amend sections 69-2402, 69-2409.01, 71-901, and 71-903, Reissue Revised Statutes of Nebraska, and sections 28-1204.04 and 69-2433, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to unlawful possession of firearms at a school; to change provisions relating to mental health determinations for purposes of possessing and purchasing of handguns and concealed handgun permit applications; to change concealed handgun permit requirements relating to residency; to provide procedures for the removal of adverse mental health determinations; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cornett	Harr, B.	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Avery	Fischer	Howard	McGill	Schumacher
Brasch	Fulton	Janssen	Mello	Smith
Campbell	Gloor	Karpisek	Nelson	Sullivan
Carlson	Haar, K.	Krist	Nordquist	Utter
Christensen	Hadley	Langemeier	Pahls	Wallman
Coash	Hansen	Larson	Pankonin	
Conrad	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Cook	Council	Flood
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Excused and not voting, 3:

Bloomfield	Lautenbaugh	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 524.**

A BILL FOR AN ACT relating to gift enterprises; to amend section 9-701, Reissue Revised Statutes of Nebraska; to define and authorize a savings

promotion raffle; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Cook	Hansen	Larson	Pankonin
Ashford	Cornett	Harms	Lathrop	Pirsch
Avery	Council	Harr, B.	Louden	Price
Brasch	Dubas	Heidemann	McCoy	Schilz
Campbell	Fischer	Howard	McGill	Schumacher
Carlson	Fulton	Janssen	Mello	Smith
Christensen	Gloor	Karpisek	Nelson	Sullivan
Coash	Haar, K.	Krist	Nordquist	Utter
Conrad	Hadley	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB544 to Select File**

Senator Coash moved to return LB544 to Select File for his specific amendment, FA12, found on page 1000.

Senator Coash withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 544.**

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to civics education; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "



Voting in the affirmative, 42:

Adams	Cornett	Hansen	Louden	Price
Ashford	Council	Harms	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	
Conrad	Haar, K.	Larson	Pankonin	
Cook	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Coash	Schilz
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Excused and not voting, 5:

Bloomfield	Harr, B.	Krist	Lautenbaugh	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 558.**

A BILL FOR AN ACT relating to schools; to amend section 79-769, Reissue Revised Statutes of Nebraska; to change provisions relating to focus schools, focus programs, and magnet schools; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Cook	Harms	McCoy	Schilz
Ashford	Cornett	Harr, B.	McGill	Schumacher
Avery	Council	Howard	Mello	Smith
Brasch	Dubas	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Nordquist	Utter
Carlson	Gloor	Langemeier	Pahls	Wallman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Louden	Price	

Voting in the negative, 0.

Present and not voting, 3:

Fischer          Flood          Heidemann

Excused and not voting, 4:

Bloomfield      Krist          Lautenbaugh      Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB600 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 600.** With Emergency Clause.

A BILL FOR AN ACT relating to health care facilities; to adopt the Nursing Facility Quality Assurance Assessment Act; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Cook	Hadley	Lathrop	Pirsch
Ashford	Cornett	Hansen	Louden	Price
Avery	Council	Harms	McCoy	Schilz
Brasch	Dubas	Harr, B.	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Utter
Coash	Gloor	Langemeier	Pahls	Wallman
Conrad	Haar, K.	Larson	Pankonin	

Voting in the negative, 1:

Heidemann

Excused and not voting, 4:

Bloomfield      Krist          Lautenbaugh      Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 600A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Larson	Pankonin
Ashford	Cornett	Hansen	Lathrop	Pirsch
Avery	Council	Harms	Louden	Price
Brasch	Dubas	Harr, B.	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Schumacher
Carlson	Flood	Howard	Mello	Smith
Christensen	Fulton	Janssen	Nelson	Sullivan
Coash	Gloor	Karpisek	Nordquist	Utter
Conrad	Haar, K.	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield    Krist                    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 337, 366, 385, 388, 388A, 407, 431, 477, 479, 499, 512, 524, 544, 558, 600, and 600A.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 161 and 162 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 161 and 162.

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Monday, May 9, 2011 1:00 p.m.

Bryan Tuma - Nebraska Liquor Control Commission

(Signed) Russ Karpisek, Chairperson

**AMENDMENTS - Print in Journal**

Senator Heidemann filed the following amendment to LB386:  
AM1258

(Amendments to Standing Committee amendments, AM314)

- 1 1. Insert the following new amendments:
- 2 2. On page 3, line 20, strike "and" and insert an
- 3 underscored comma; and strike line 21 and insert "than five job
- 4 training grants at any one location in any twelve-month period, and
- 5 shall not be awarded more than ten job training grants total in any
- 6 twelve-month period".
- 7 3. On page 5, line 20, strike "July" and insert "June".
- 8 2. On page 1, line 3, after the semicolon insert "strike
- 9 lines 10 through 12 and insert:
- 10 "(3) Eligible company has the same meaning as qualified
- 11 business in subsection (1) of section 77-5715;";".

Senator Council filed the following amendment to LB200:  
AM1270

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Sections 1 to 6 of this act shall be known and
- 4 may be cited as the Nebraska Healthy Food Financing Initiative Act.
- 5 Sec. 2. (1) The Legislature finds that:
- 6 (a) Access to healthy foods is a basic human necessity.
- 7 When fresh fruits and vegetables and other healthy foods are not
- 8 easily available or affordable, people, particularly low-income
- 9 families, children, the elderly, and other at-risk populations,
- 10 face serious barriers to eating a healthy diet. Research indicates

11 that residents of low-income, minority, and rural communities are  
12 most often affected by poor access to supermarkets and other  
13 retailers offering healthy food choices. Lack of access to healthy,  
14 affordable food items contributes to the increased prevalence of  
15 obesity and other diet-related diseases which ultimately impose  
16 substantial societal costs, including increased public costs in  
17 providing health services; and

18 (b) It is in the interest of the welfare of the state  
19 and its citizens to pursue opportunities for increasing access  
20 in underserved communities to retail grocers, urban and rural  
21 farm stands, farmers markets, food consumer cooperatives, community  
22 gardens, and direct farmer-to-consumer and institution marketing  
23 systems.

1 (2) It is the intent of the Legislature to stimulate  
2 financing for grocery retail and other sources of healthy food for  
3 underserved communities in Nebraska, in both urban and rural areas;  
4 to increase access to healthy, affordable food so as to improve  
5 diets and health; to support expanded economic opportunities in  
6 low-income and rural communities; and to provide expanded markets  
7 for Nebraska-grown farm products.

8 Sec. 3. For purposes of the Nebraska Healthy Food  
9 Financing Initiative Act, underserved community means a geographic  
10 area that has limited access to healthy food retailers and is  
11 located in a lower-income or high-poverty area or an area that  
12 is otherwise determined to have serious healthy food access  
13 limitations.

14 Sec. 4. (1) To the extent that funds are available and in  
15 consultation with the Department of Agriculture and the Department  
16 of Health and Human Services, the Rural Development Commission  
17 shall establish a financing program involving both the public and  
18 private sectors to increase access to fresh fruits and vegetables  
19 and other nutritional foodstuffs in underserved communities.

20 (2) The commission shall contract with one or more  
21 entities certified as a community development entity for  
22 purposes of 26 U.S.C. 45D of the Internal Revenue Code to  
23 develop and administer the financing program described in  
24 this section, raise matching funds, acquire private investment  
25 capital, market the program statewide, evaluate applicants, make  
26 award decisions, underwrite loans made in participation with a  
27 financial institution, and monitor compliance and impact. Any  
1 funds administered by a community development entity under the  
2 Nebraska Healthy Food Financing Initiative Act that are recovered  
3 as loan repayments or in any other manner may be utilized by the  
4 community development entity to provide financial assistance to  
5 other eligible projects subject to the approval of the commission.

6 (3)(a) Such financing programs shall provide funding on  
7 a competitive, one-time basis as appropriate for the following  
8 eligible projects:

9 (i) New construction of retail grocery structures;

- 10 (ii) Grocery store renovations, expansion, and  
11 infrastructure upgrades;  
12 (iii) Establishment of farmers markets, food  
13 cooperatives, community gardening projects, mobile markets  
14 and delivery projects, and distribution projects that enable food  
15 retailers in underserved communities to regularly obtain fresh  
16 produce; and  
17 (iv) Other projects that create or improve healthy food  
18 outlets that meet the intent of the Nebraska Healthy Food Financing  
19 Initiative Act.  
20 (b) Funding made available for projects included in  
21 subdivision (a) of this subsection may be used for:  
22 (i) Site acquisition and preparation;  
23 (ii) Construction costs;  
24 (iii) Equipment and furnishings;  
25 (iv) Workforce training;  
26 (v) Security;  
27 (vi) Certain predevelopment costs such as market studies  
1 and appraisals;  
2 (vii) Working capital for first-time inventory and  
3 start-up costs; and  
4 (viii) Other costs for eligible projects.  
5 (c) In order to be considered for funding, an applicant  
6 shall meet the following criteria:  
7 (i) The project for which the applicant seeks funding  
8 shall benefit an underserved community;  
9 (ii) The applicant shall demonstrate a meaningful  
10 commitment to provide regular offerings of fresh fruits and  
11 vegetables; and  
12 (iii) If applicable, the applicant shall accept  
13 Supplemental Nutrition Assistance Program and Special Supplemental  
14 Nutrition Program for Women, Infants, and Children benefits. For  
15 households in underserved communities that are not eligible to  
16 accept such benefits, the applicant shall demonstrate a meaningful  
17 commitment to make healthy food affordable to such low-income  
18 households in underserved communities.  
19 (d) Applicants shall be evaluated on the following  
20 criteria to determine the funding awarded:  
21 (i) Demonstrated capacity to successfully implement the  
22 project, including the applicant's relevant experience and the  
23 likelihood that the project will be economically self-sustaining;  
24 (ii) The ability of the applicant to repay debt;  
25 (iii) The degree to which the project requires an  
26 investment of public funding to move forward, create impact,  
27 or be competitive and the level of need in the area to be served;  
1 (iv) The degree to which the project will provide  
2 new markets for Nebraska-grown fruits and vegetables and other  
3 Nebraska-grown food items;

4 (v) The degree to which the project will have a positive  
5 economic impact on the underserved community, including creating or  
6 retaining jobs for local residents; and

7 (vi) Other criteria the commission determines to be  
8 consistent with the purposes of the act.

9 Sec. 5. The Nebraska Healthy Food Financing Initiative  
10 Cash Fund is created. The State Treasurer shall credit to the  
11 fund any money appropriated to the fund by the Legislature and any  
12 money received as gifts or grants or other public or private funds  
13 obtained for the purposes of the Nebraska Healthy Food Financing  
14 Initiative Act. The fund may be used to carry out the purposes  
15 of the act and, to the extent practicable, to leverage other  
16 funding, including, but not limited to, new markets tax credits,  
17 federal and foundation grant programs, incentives available to  
18 designated enterprise zones, operator equity, and funding from  
19 private sector financial institutions pursuant to the federal  
20 Community Reinvestment Act of 1977, 12 U.S.C. 2901 et seq., and  
21 12 C.F.R. parts 25, 228, 345, and 563e. Any money in the fund  
22 available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the  
24 Nebraska State Funds Investment Act.

25 Sec. 6. It is the intent of the Legislature that one  
26 hundred fifty thousand dollars shall be appropriated annually to  
27 provide funding for the Nebraska Healthy Food Financing Initiative  
1 Act.

2 Sec. 7. Section 13-208, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 13-208 The total amount of tax credit granted for  
5 programs approved and certified under the Community Development  
6 Assistance Act by the department for any fiscal year shall not  
7 exceed ~~three hundred fifty-two~~ two hundred thousand dollars.

8 Sec. 8. Section 81-3603, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 81-3603 The Rural Development Commission shall:

11 (1) Focus attention on and increase awareness of the  
12 opportunities and needs of rural Nebraskans;

13 (2) Advocate for rural Nebraska by proposing solutions to  
14 rural challenges;

15 (3) Strengthen community sustainability and growth in  
16 rural Nebraska through increased community-based wealth creation,  
17 expanded economic opportunity, and improved quality of life;

18 (4) Stimulate rural development innovation and foster  
19 information transfer to, from, and within rural Nebraska;

20 (5) Encourage and support continuity, coordination, and  
21 cooperation among national, state, multicommunity, and local rural  
22 development initiatives and service providers;

23 (6) Ensure that rural Nebraskans are afforded the  
24 opportunity to determine rural Nebraska's development agenda;

- 25 (7) Serve as an advisory body to the Governor, state  
 26 agencies, and the Legislature on rural development issues;
- 27 (8) Establish an information clearinghouse on rural  
 1 challenges and needs, development services, model initiatives,  
 2 available resources, and service providers;
- 3 (9) Foster community-based development initiatives  
 4 through multicompany partnerships;
- 5 (10) Support strategic planning and research for and  
 6 evaluation of rural development initiatives and service providers  
 7 by administering the Nebraska Development Network Program;
- 8 (11) Serve as Nebraska's rural development council within  
 9 the meaning of the National Rural Development Partnership by  
 10 providing inventories, reports, assessments, and implementation  
 11 plans as appropriate; ~~and~~
- 12 (12) Participate in the Partnership for Rural Nebraska;  
 13 ~~and~~;
- 14 (13) Administer the Nebraska Healthy Food Financing  
 15 Initiative Act.
- 16 Sec. 9. Original sections 13-208 and 81-3603, Reissue  
 17 Revised Statutes of Nebraska, are repealed.

### SELECT FILE

**LEGISLATIVE BILL 648.** Senator Christensen renewed his amendment, AM1201, found on page 1195 and considered in this day's Journal.

Senator Christensen withdrew his amendment.

Senator Christensen withdrew his amendments, AM1166 and AM1202, found on pages 1179 and 1195.

Advanced to Enrollment and Review for Engrossment.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 20, 2011, at 3:45 p.m. were the following: LBs 35, 70e, 112e, 156, 204, 204A, 235e, 279, 297, 337e, 366, 385e, 388, 388A, 407, 431e, 477, 479, 499, 512, 524, 544, 558, 600e, and 600Ae.

(Signed) Jamie Kruse  
 Clerk of the Legislature's Office

### UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB177. No objections. So ordered.



**VISITORS**

Visitors to the Chamber were 25 fourth-grade students and teachers from Concordia Academy, Omaha; and 29 fourth- through sixth-grade students, teachers, and sponsors from Howells Community Catholic, Howells.

Upon adjournment the Speaker introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

**ADJOURNMENT**

At 3:53 p.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Thursday, April 21, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-EIGHTH DAY - APRIL 21, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 21, 2011

**PRAYER**

The prayer was offered by Senator Schumacher.

**ROLL CALL**

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

The roll was called and all members were present except Senators Campbell, Council, Lathrop, and Wightman who were excused; and Senators Adams, Ashford, and Avery who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-seventh day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 54.** Placed on Final Reading.

**LEGISLATIVE BILL 84.** Placed on Final Reading.  
ST26

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 7 has been struck and "section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to change distribution of sales and use tax revenue; and to repeal the original section." inserted.

**LEGISLATIVE BILL 177.** Placed on Final Reading.

**LEGISLATIVE BILL 637.** Placed on Final Reading.

**LEGISLATIVE BILL 637A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska (NIFA)**

Clean Water State Revolving Fund Revenue Bonds Series 2010B,  
 Quarterly Report  
 Drinking Water State Revolving Fund Revenue Bonds Series 2010A,  
 Quarterly Reports

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 20, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Boyer, Wendy W.  
 Omaha Chamber of Commerce, Greater  
 Levy, David C.  
 Edison Mission Energy

**GENERAL FILE**

**LEGISLATIVE BILL 305A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 382A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 384A.** Title read. Considered.

Senator Heidemann offered the following amendment:  
 AM1285

- 1 1. Strike original section 1 and renumber the remaining
- 2 sections accordingly.

The Heidemann amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 360.** Title read. Considered.

Committee AM369, found on page 744, was adopted with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 137.** Title read. Considered.

Committee AM735, found on page 856, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

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

**AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB382:  
AM1265 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Monday, May 2, 2011 12:45 p.m.

Douglas Anderson - Environmental Quality Council  
John Baker - Environmental Quality Council  
John Kinter - Environmental Quality Council  
John Turnbull - Environmental Quality Council  
Donald Williams - Environmental Quality Council

(Signed) Chris Langemeier, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 345A.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 386.** Title read. Considered.

Committee AM314, found on page 1066, was considered.

Senator Heidemann renewed his amendment, AM1258, found on page 1276, to the committee amendment.

The Heidemann amendment was adopted with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB357:  
AM1237

- 1 1. On page 2, after line 13 insert the following new
- 2 paragraph:
- 3 "Any incorporated municipality that proposes to impose a
- 4 municipal sales and use tax of two percent or to increase its sales
- 5 and use tax to two percent shall submit the question of such tax or
- 6 increase at a primary or general election. Any such tax or increase
- 7 shall terminate no more than ten years after its effective date.".
- 8 2. On page 4, line 21, strike "The", show as stricken,
- 9 and insert "Except as otherwise provided by section 77-27,142,
- 10 the".
- 11 3. In the E & R amendment, ER89, on page 1, line 4,
- 12 reinstate the stricken matter; and in line 5 reinstate the stricken
- 13 "77-27,142," and "the" and strike "The".

**GENERAL FILE**

**LEGISLATIVE BILL 575.** Title read. Considered.

Committee AM955, found on page 1059, was considered.

**SENATOR LANGEMEIER PRESIDING**

The committee amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 575A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**SENATOR GLOOR PRESIDING**

**LEGISLATIVE BILL 252.** Title read. Considered.

Senator Smith offered the following amendment:

AM1286

- 1 1. On page 2, line 13, after "except" insert ", until
- 2 July 1, 2013, the".

Pending.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 283.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 305A.** Placed on Select File.

**LEGISLATIVE BILL 382A.** Placed on Select File.

**LEGISLATIVE BILL 384A.** Placed on Select File with amendment.

ER95

- 1 1. On page 1, line 1, strike "appropriate funds" and
- 2 insert "reduce appropriations"; and strike beginning with "to" in
- 3 line 3 through the semicolon in line 4.

(Signed) Tyson Larson, Chairperson

**AMENDMENT - Print in Journal**

Senator Conrad filed the following amendment to LB345:

AM1018

(Amendments to Standing Committee amendments, AM273)

- 1 1. Strike sections 6 and 9 and insert the following new
- 2 sections:
- 3 Sec. 6. It is the intent of the Legislature to
- 4 appropriate two hundred thousand dollars from the General Fund for
- 5 FY2011-12 and two hundred thousand dollars from the General Fund
- 6 for FY2012-13 for the purpose of providing funding to carry out

7 the Small Business Innovation Act.  
 8 Sec. 9. Section 13-208, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 13-208 The total amount of tax credit granted for  
 11 programs approved and certified under the Community Development  
 12 Assistance Act by the department for any fiscal year shall not  
 13 exceed three hundred fifty thousand dollars, except that for  
 14 fiscal years 2011-12 and 2012-13, the total amount of tax credit  
 15 granted under this section shall be reduced by two hundred thousand  
 16 dollars.  
 17 2. On page 3, line 8, strike "January" and insert  
 18 "December"; and in line 14 strike "January 1" and insert "December  
 19 31".

### GENERAL FILE

**LEGISLATIVE BILL 252.** The Smith amendment, AM1286, found in this day's Journal, was renewed.

The Smith amendment lost with 7 ayes, 17 nays, 17 present and not voting, and 8 excused and not voting.

Pending.

### AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB252:  
 AM1097

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 12-101, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:  
 5 12-101 (1) The cemetery in Lincoln, Nebraska, known as  
 6 Wyuka Cemetery, is hereby declared to be a public charitable  
 7 corporation. The general control and management of the affairs of  
 8 such cemetery shall be vested in a board of three trustees until  
 9 July 1, 2009, and thereafter shall be vested in a board of five  
 10 trustees. The trustees shall serve without compensation and shall  
 11 be a body corporate to be known as Wyuka Cemetery, with power  
 12 to sue and be sued, to contract and to be contracted with, and  
 13 to acquire, hold, and convey both real and personal property for  
 14 all purposes consistent with the provisions of sections 12-101 to  
 15 12-105, and shall have the power of eminent domain to be exercised  
 16 in the manner provided in section 12-201.  
 17 (2) The trustees of Wyuka Cemetery shall have the power,  
 18 by resolution duly adopted by a majority vote, to authorize one  
 19 of their number to sign a petition for paving, repaving, curbing,  
 20 recurring, grading, changing grading, guttering, resurfacing,  
 21 relaying existing pavement, or otherwise improving any street,



22 streets, alley, alleys, or public ways or grounds abutting cemetery  
23 property. When such improvements have been ordered, the trustees  
1 shall pay, from funds of the cemetery, such special taxes or  
2 assessments as may be properly determined.

3 (3) The trustees of Wyuka Cemetery shall be appointed  
4 by the Governor of the State of Nebraska at the expiration of  
5 each trustee's term of office. The two trustees appointed for  
6 their initial terms of office beginning July 1, 2009, shall be  
7 appointed by the Governor to serve a five-year term and a six-year  
8 term, respectively. Thereafter, each of the five trustees shall  
9 be appointed by the Governor for a term of six years. In the  
10 event of a vacancy occurring among the members of the board, the  
11 vacancy shall be filled by appointment by the Governor, and such  
12 appointment shall continue for the unexpired term.

13 (4) The board of trustees of Wyuka Cemetery shall file  
14 with the ~~Secretary of State, Auditor of Public Accounts,~~ on or  
15 before the second Tuesday in ~~March~~ June of each year, an itemized  
16 report of all the receipts and expenditures in connection with its  
17 management and control of the cemetery.

18 (5) The trustees of Wyuka Cemetery shall have the power  
19 to provide, in their discretion, retirement benefits for present  
20 and future employees of the cemetery, and to establish, participate  
21 in, and administer plans for the benefit of its employees or  
22 its employees and their dependents, which may provide disability,  
23 hospitalization, medical, surgical, accident, sickness and life  
24 insurance coverage, or any one or more coverages, and which shall  
25 be purchased from a corporation or corporations authorized and  
26 licensed by the Department of Insurance.

27 (6)(a) Beginning December 31, 1998, and each December  
1 31 thereafter, the trustees shall file with the Public Employees  
2 Retirement Board an annual report on each retirement plan  
3 established pursuant to this section and section 401(a) of the  
4 Internal Revenue Code and shall submit copies of such report to  
5 the members of the Nebraska Retirement Systems Committee of the  
6 Legislature. The annual report shall be in a form prescribed by the  
7 Public Employees Retirement Board and shall contain the following  
8 information for each such retirement plan:

- 9 (i) The number of persons participating in the retirement  
10 plan;
- 11 (ii) The contribution rates of participants in the plan;
- 12 (iii) Plan assets and liabilities;
- 13 (iv) The names and positions of persons administering the  
14 plan;
- 15 (v) The names and positions of persons investing plan  
16 assets;
- 17 (vi) The form and nature of investments;
- 18 (vii) For each defined contribution plan, a full  
19 description of investment policies and options available to plan  
20 participants; and

21 (viii) For each defined benefit plan, the levels of  
22 benefits of participants in the plan, the number of members who  
23 are eligible for a benefit, and the total present value of such  
24 members' benefits, as well as the funding sources which will pay  
25 for such benefits.

26 If a plan contains no current active participants, the  
27 trustees may file in place of such report a statement with the  
1 Public Employees Retirement Board indicating the number of retirees  
2 still drawing benefits, and the sources and amount of funding for  
3 such benefits.

4 (b) Beginning December 31, 1998, and every four years  
5 thereafter, if such retirement plan is a defined benefit plan,  
6 the trustees shall cause to be prepared a quadrennial report and  
7 shall file the same with the Public Employees Retirement Board  
8 and submit to the members of the Nebraska Retirement Systems  
9 Committee of the Legislature a copy of such report. The report  
10 shall consist of a full actuarial analysis of each such retirement  
11 plan established pursuant to this section. The analysis shall be  
12 prepared by an independent private organization or public entity  
13 employing actuaries who are members in good standing of the  
14 American Academy of Actuaries, and which organization or entity  
15 has demonstrated expertise to perform this type of analysis and is  
16 unrelated to any organization offering investment advice or which  
17 provides investment management services to the retirement plan.

18 Sec. 2. Section 77-2704.15, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 77-2704.15 (1) Sales and use taxes shall not be imposed  
21 on the gross receipts from the sale, lease, or rental of  
22 and the storage, use, or other consumption in this state of  
23 purchases by the state, including public educational institutions  
24 recognized or established under the provisions of Chapter 85,  
25 or by any county, township, city, village, rural or suburban  
26 fire protection district, city airport authority, county airport  
27 authority, joint airport authority, drainage district organized  
1 under sections 31-401 to 31-450, natural resources district,  
2 elected county fair board, housing agency as defined in section  
3 71-1575 except for purchases for any commercial operation that  
4 does not exclusively benefit the residents of an affordable housing  
5 project, cemetery created under section 12-101, or joint entity or  
6 agency formed to fulfill the purposes described in the Integrated  
7 Solid Waste Management Act by any combination of two or more  
8 counties, townships, cities, or villages pursuant to the Interlocal  
9 Cooperation Act, the Integrated Solid Waste Management Act, or  
10 the Joint Public Agency Act, except for purchases for use in the  
11 business of furnishing gas, water, electricity, or heat, or by any  
12 irrigation or reclamation district, the irrigation division of any  
13 public power and irrigation district, or public schools or learning  
14 communities established under Chapter 79.

15 (2) The appointment of purchasing agents shall be  
16 recognized for the purpose of altering the status of the  
17 construction contractor as the ultimate consumer of building  
18 materials which are physically annexed to the structure and which  
19 subsequently belong to the state or the governmental unit. The  
20 appointment of purchasing agents shall be in writing and occur  
21 prior to having any building materials annexed to real estate in  
22 the construction, improvement, or repair. The contractor who has  
23 been appointed as a purchasing agent may apply for a refund of or  
24 use as a credit against a future use tax liability the tax paid  
25 on inventory items annexed to real estate in the construction,  
26 improvement, or repair of a project for the state or a governmental  
27 unit.

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

10 Sec. 3. This act becomes operative on July 1, 2011.

11 Sec. 4. Original section 77-2704.15, Reissue Revised  
12 Statutes of Nebraska, and section 12-101, Revised Statutes  
13 Cumulative Supplement, 2010, are repealed.

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

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

Senator Krist asked unanimous consent to add his name as cointroducer to LB575. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB137 and LB575. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Brandy Pappas from Lincoln; a group of foreign exchange students from across the state; 17 fourth-grade students and teacher from Pleasanton; 34 fourth-grade students and teachers from North Bend Central Public School, North Bend; 20 fourth-grade students and teacher from Pender; and 65 fourth-grade students and teachers from Upchurch Elementary, Millard.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 10:00 a.m., Tuesday, April 26, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-NINTH DAY - APRIL 26, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 26, 2011

**PRAYER**

The prayer was offered by Pastor David Kramer, St. John Lutheran Church, Beatrice.

**ROLL CALL**

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

The roll was called and all members were present except Senators B. Harr, Wallman, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-eighth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 648.** Placed on Final Reading.  
ST27

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER80, on page 6, lines 4 and 8, "section 43-1314" has been struck and "sections 43-1314 and 71-1902" inserted; in line 8 "juveniles" has been struck and "child placement" inserted; and in line 11 "to change foster care licensure requirements for child-caring agencies;" has been inserted after the semicolon.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 360.** Placed on Select File with amendment.  
ER97

- 1 1. On page 1, line 4, strike "eliminate" and
- 2 insert "change"; and in line 5 strike "generating" and insert
- 3 "generation".

**LEGISLATIVE BILL 137.** Placed on Select File with amendment.  
ER96

- 1 1. In the Standing Committee amendments, AM735, on page
- 2 1, line 10, after "motion" insert an underscored comma; in line 11
- 3 strike the comma and show as stricken; in line 16 after the second
- 4 comma insert "and"; and in line 23 strike "him", show as stricken,
- 5 and insert "the prisoner".

**LEGISLATIVE BILL 386.** Placed on Select File with amendment.  
ER98

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. For purposes of sections 1 to 3 of this act:
- 4 (1) Department means the Department of Economic
- 5 Development;
- 6 (2) Distressed area means a municipality, county with a
- 7 population of fewer than one hundred thousand inhabitants according
- 8 to the most recent federal decennial census, unincorporated area
- 9 within a county, or census tract in Nebraska that (a) has an
- 10 unemployment rate which exceeds the statewide average unemployment
- 11 rate, (b) has a per capita income below the statewide average per
- 12 capita income, or (c) had a population decrease between the two
- 13 most recent federal decennial censuses;
- 14 (3) Eligible company has the same meaning as qualified
- 15 business in subsection (1) of section 77-5715;
- 16 (4) Intern means any person who is working in a
- 17 professional environment for a limited period of time to gain
- 18 sufficient practical work experience in a professional or technical
- 19 position to allow for career decisionmaking and to provide
- 20 the employer valuable skills to accelerate short-term business
- 21 objectives and who (a) is enrolled full time in a four-year
- 22 college or university in Nebraska and has achieved junior or senior
- 23 status by such institution's criteria, (b) is enrolled full time
- 1 in a two-year college in Nebraska and has successfully completed
- 2 a minimum of one-half of the total credit hours required for an
- 3 associate degree, or (c) having residency in Nebraska, is enrolled
- 4 full time in a four-year college or university in a state other
- 5 than Nebraska and has achieved junior or senior status by such
- 6 institution's criteria; and

7 (5) Internship means any internship that did not exist  
8 before the operative date of this act.

9 Sec. 2. (1) The intent of sections 1 to 3 of this act  
10 is to connect Nebraska students pursuing postsecondary degrees with  
11 targeted industries in order to retain such students and attract  
12 workers to Nebraska by assisting companies willing to provide paid  
13 internships.

14 (2) An eligible company may apply to the department for a  
15 job training grant to assist in the hiring of an intern if:

16 (a) The company certifies that the internship meets the  
17 definition of internship in section 1 of this act;

18 (b) The internship pays at least the federal minimum  
19 wage; and

20 (c) The intern will work a minimum of two hundred hours  
21 in a twelve-week period but no more than one thousand hours in a  
22 fifty-week period.

23 (3) The department may provide a job training grant of up  
24 to the lesser of forty percent of the cost of the internship or  
25 three thousand five hundred dollars, except that if the internship  
26 is in a distressed area, the job training grant may be up to the  
27 lesser of sixty percent of the cost of the internship or five  
1 thousand dollars.

2 (4) An eligible company may apply for no more than two  
3 job training grants for the same intern, shall not be awarded  
4 more than five job training grants at any one location in any  
5 twelve-month period, and shall not be awarded more than ten job  
6 training grants total in any twelve-month period.

7 (5) An eligible company may allow an intern to  
8 telecommute if the eligible company is located more than thirty  
9 miles from the college or university in which the intern is  
10 enrolled and if the college or university is in Nebraska.

11 (6) The department shall, to the extent possible, assure  
12 that the distribution of job training grants under sections 1 to  
13 3 of this act provides equitable access to the grants by all  
14 geographic areas of the state.

15 (7) The department shall not allocate more than one  
16 million five hundred thousand dollars in each of FY2011-12 and  
17 FY2012-13 from the Job Training Cash Fund for purposes of this  
18 section. The department may receive funds from public, private, or  
19 other sources for purposes of this section.

20 Sec. 3. The department may adopt and promulgate rules and  
21 regulations to govern the award and disbursement of job training  
22 grants under section 2 of this act.

23 Sec. 4. Section 81-1201.21, Revised Statutes Cumulative  
24 Supplement, 2010, is amended to read:

25 81-1201.21 (1) There is hereby created the Job Training  
26 Cash Fund. The fund shall be under the direction of the Department  
27 of Economic Development. Money may be transferred to the fund  
1 pursuant to subdivision (1)(b)(iv) of section 48-621 and from

2 the Cash Reserve Fund at the direction of the Legislature. The  
 3 department shall establish a subaccount for all money transferred  
 4 from the Cash Reserve Fund to the Job Training Cash Fund on or  
 5 after July 1, 2005.

6 (2) The department shall use the Job Training Cash Fund  
 7 or the subaccount established in subsection (1) of this section (a)  
 8 to provide reimbursements for job training activities, including  
 9 employee assessment, preemployment training, on-the-job training,  
 10 training equipment costs, and other reasonable costs related to  
 11 helping industry and business locate or expand in Nebraska, ~~or~~  
 12 (b) to provide upgrade skills training of the existing labor force  
 13 necessary to adapt to new technology or the introduction of new  
 14 product lines, or (c) to provide job training grants pursuant to  
 15 section 2 of this act.

16 (3) The department shall establish a subaccount within  
 17 the fund to provide training grants for training employees and  
 18 potential employees of businesses that (a) employ twenty-five or  
 19 fewer employees on the application date, (b) employ, or train for  
 20 potential employment, residents of rural areas of Nebraska, or  
 21 (c) are located in or employ, or train for potential employment,  
 22 residents of high-poverty areas as defined in section 81-1203.  
 23 The department shall calculate the amount of prior year investment  
 24 income earnings accruing to the fund and allocate such amount  
 25 to the subaccount for training grants under this subsection. The  
 26 subaccount shall also be used as provided in the Teleworker Job  
 27 Creation Act.

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

5 Sec. 5. This act becomes operative on June 1, 2011.

6 Sec. 6. Original section 81-1201.21, Revised Statutes  
 7 Cumulative Supplement, 2010, is repealed.

8 Sec. 7. Since an emergency exists, this act takes effect  
 9 when passed and approved according to law.

(Signed) Tyson Larson, Chairperson

## MESSAGE FROM THE GOVERNOR

April 21, 2011

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

Dear Mr. President, Speaker Flood and Members of the Legislature:



Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Helen Abbott Feller, 1121 18th Street, Wisner, NE 68791

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **MOTION - Withdraw LR121**

Senator Larson renewed his motion, MO33, found on page 1243, to withdraw LR121.

The Larson motion to withdraw the resolution prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 382.** ER90, found on page 1221, was adopted.

Senator Adams renewed his amendment, AM1265, found on page 1285.

The Adams amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 382A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 464.** Senator Campbell offered the following amendment:

AM1238

- 1 1. Insert the following new sections:
- 2 Sec. 2. This act becomes operative on July 1, 2011.
- 3 Sec. 4. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. Renumber the remaining section accordingly.

The Campbell amendment was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 200.** ER78, found on page 1044, was adopted.

Senator Council withdrew her amendment, AM1150, found on page 1138.

Senator Council withdrew her amendment, AM1270, found on page 1276.

Senator Council offered the following amendment:

AM1303

1 1. Strike the original sections and all amendments

2 thereto and insert the following sections:

3 Section 1. Sections 1 to 6 of this act shall be known and  
4 may be cited as the Nebraska Healthy Food Financing Initiative Act.

5 Sec. 2. (1) The Legislature finds that:

6 (a) Access to healthy foods is a basic human necessity.

7 When fresh fruits and vegetables and other healthy foods are not  
8 easily available or affordable, people, particularly low-income  
9 families, children, the elderly, and other at-risk populations,  
10 face serious barriers to eating a healthy diet. Research indicates  
11 that residents of low-income, minority, and rural communities are  
12 most often affected by poor access to supermarkets and other  
13 retailers offering healthy food choices. Lack of access to healthy,  
14 affordable food items contributes to the increased prevalence of  
15 obesity and other diet-related diseases which ultimately impose  
16 substantial societal costs, including increased public costs in  
17 providing health services; and

18 (b) It is in the interest of the welfare of the state  
19 and its citizens to pursue opportunities for increasing access  
20 in underserved communities to retail grocers, urban and rural  
21 farm stands, farmers markets, food consumer cooperatives, community  
22 gardens, and direct farmer-to-consumer and institution marketing  
23 systems.

1 (2) It is the intent of the Legislature to stimulate  
2 financing for grocery retail and other sources of healthy food for  
3 underserved communities in Nebraska, in both urban and rural areas;  
4 to increase access to healthy, affordable food so as to improve  
5 diets and health; to support expanded economic opportunities in  
6 low-income and rural communities; and to provide expanded markets  
7 for Nebraska-grown farm products.

8 Sec. 3. For purposes of the Nebraska Healthy Food  
9 Financing Initiative Act, underserved community means a geographic  
10 area that has limited access to healthy food retailers and is  
11 located in a lower-income or high-poverty area or an area that  
12 is otherwise determined to have serious healthy food access  
13 limitations.

14 Sec. 4. (1) To the extent that funds are available and in  
15 consultation with the Department of Agriculture and the Department  
16 of Health and Human Services, the Rural Development Commission  
17 shall establish a program of financial assistance involving both

18 the public and private sectors to increase access to fresh fruits  
19 and vegetables and other nutritional foodstuffs in underserved  
20 communities. Financial assistance includes: (a) Grants; (b) loans  
21 made in participation with a financial institution pursuant to a  
22 contract, the terms and conditions of which shall be determined by  
23 the Rural Development Commission in conjunction with the financial  
24 institution; and (c) interest rate assistance on loans made through  
25 a financial institution.

26 (2) The commission shall contract with one or more  
27 entities certified as a community development entity for purposes  
1 of 26 U.S.C. 45D of the Internal Revenue Code to develop  
2 and administer the program of financial assistance described in  
3 this section, raise matching funds, acquire private investment  
4 capital, market the program statewide, evaluate applicants, make  
5 award decisions, underwrite loans made in participation with a  
6 financial institution, and monitor compliance and impact. Any  
7 funds administered by a community development entity under the  
8 Nebraska Healthy Food Financing Initiative Act that are recovered  
9 as loan repayments or in any other manner may be utilized by the  
10 community development entity to provide financial assistance to  
11 other eligible projects subject to the approval of the commission.

12 (3)(a) Such programs of financial assistance shall  
13 provide funding on a competitive, one-time basis as appropriate for  
14 the following eligible projects:

15 (i) New construction of retail grocery structures;

16 (ii) Grocery store renovations, expansion, and  
17 infrastructure upgrades;

18 (iii) Establishment of farmers markets, food  
19 cooperatives, community gardening projects, mobile markets  
20 and delivery projects, and distribution projects that enable food  
21 retailers in underserved communities to regularly obtain fresh  
22 produce; and

23 (iv) Other projects that create or improve healthy food  
24 outlets that meet the intent of the Nebraska Healthy Food Financing  
25 Initiative Act.

26 (b) Funding made available for projects included in  
27 subdivision (a) of this subsection may be used for:

1 (i) Site acquisition and preparation;

2 (ii) Construction costs;

3 (iii) Equipment and furnishings;

4 (iv) Workforce training;

5 (v) Security;

6 (vi) Certain predevelopment costs such as market studies  
7 and appraisals;

8 (vii) Working capital for first-time inventory and  
9 start-up costs; and

10 (viii) Other costs for eligible projects.

11 (c) In order to be considered for funding, an applicant  
12 shall meet the following criteria:

13 (i) The project for which the applicant seeks funding  
14 shall benefit an underserved community;

15 (ii) The applicant shall demonstrate a meaningful  
16 commitment to provide regular offerings of fresh fruits and  
17 vegetables; and

18 (iii) If applicable, the applicant shall accept  
19 Supplemental Nutrition Assistance Program and Special Supplemental  
20 Nutrition Program for Women, Infants, and Children benefits. For  
21 households in underserved communities that are not eligible to  
22 accept such benefits, the applicant shall demonstrate a meaningful  
23 commitment to make healthy food affordable to such low-income  
24 households in underserved communities.

25 (d) Applicants shall be evaluated on the following  
26 criteria to determine the funding awarded:

27 (i) Demonstrated capacity to successfully implement the  
1 project, including the applicant's relevant experience and the  
2 likelihood that the project will be economically self-sustaining;

3 (ii) The ability of the applicant to repay debt;

4 (iii) The degree to which the project requires an  
5 investment of public funding to move forward, create impact,  
6 or be competitive and the level of need in the area to be served;

7 (iv) The degree to which the project will provide  
8 new markets for Nebraska-grown fruits and vegetables and other  
9 Nebraska-grown food items;

10 (v) The degree to which the project will have a positive  
11 economic impact on the underserved community, including creating or  
12 retaining jobs for local residents; and

13 (vi) Other criteria the commission determines to be  
14 consistent with the purposes of the act.

15 Sec. 5. The Nebraska Healthy Food Financing Initiative  
16 Cash Fund is created. The State Treasurer shall credit to the  
17 fund any money appropriated to the fund by the Legislature and any  
18 money received as gifts or grants or other public or private funds  
19 obtained for the purposes of the Nebraska Healthy Food Financing  
20 Initiative Act. The fund may be used to carry out the purposes  
21 of the act and, to the extent practicable, to leverage other  
22 funding, including, but not limited to, new markets tax credits,  
23 federal and foundation grant programs, incentives available to  
24 designated enterprise zones, operator equity, and funding from  
25 private sector financial institutions pursuant to the federal  
26 Community Reinvestment Act of 1977, 12 U.S.C. 2901 et seq., and  
27 12 C.F.R. parts 25, 228, 345, and 563e. Any money in the fund  
1 available for investment shall be invested by the state investment  
2 officer pursuant to the Nebraska Capital Expansion Act and the  
3 Nebraska State Funds Investment Act.

4 Sec. 6. It is the intent of the Legislature that one  
5 hundred fifty thousand dollars shall be appropriated annually to  
6 provide funding for the Nebraska Healthy Food Financing Initiative  
7 Act.

8 Sec. 7. Section 13-208, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 13-208 The total amount of tax credit granted for  
11 programs approved and certified under the Community Development  
12 Assistance Act by the department for any fiscal year shall not  
13 exceed ~~three hundred fifty-two~~ two hundred thousand dollars.

14 Sec. 8. Section 81-3603, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 81-3603 The Rural Development Commission shall:

17 (1) Focus attention on and increase awareness of the  
18 opportunities and needs of rural Nebraskans;

19 (2) Advocate for rural Nebraska by proposing solutions to  
20 rural challenges;

21 (3) Strengthen community sustainability and growth in  
22 rural Nebraska through increased community-based wealth creation,  
23 expanded economic opportunity, and improved quality of life;

24 (4) Stimulate rural development innovation and foster  
25 information transfer to, from, and within rural Nebraska;

26 (5) Encourage and support continuity, coordination, and  
27 cooperation among national, state, multicommunity, and local rural  
1 development initiatives and service providers;

2 (6) Ensure that rural Nebraskans are afforded the  
3 opportunity to determine rural Nebraska's development agenda;

4 (7) Serve as an advisory body to the Governor, state  
5 agencies, and the Legislature on rural development issues;

6 (8) Establish an information clearinghouse on rural  
7 challenges and needs, development services, model initiatives,  
8 available resources, and service providers;

9 (9) Foster community-based development initiatives  
10 through multicommunity partnerships;

11 (10) Support strategic planning and research for and  
12 evaluation of rural development initiatives and service providers  
13 by administering the Nebraska Development Network Program;

14 (11) Serve as Nebraska's rural development council within  
15 the meaning of the National Rural Development Partnership by  
16 providing inventories, reports, assessments, and implementation  
17 plans as appropriate; ~~and~~

18 (12) Participate in the Partnership for Rural Nebraska;  
19 and-

20 (13) Administer the Nebraska Healthy Food Financing  
21 Initiative Act.

22 Sec. 9. Original sections 13-208 and 81-3603, Reissue  
23 Revised Statutes of Nebraska, are repealed.

Senator Council moved for a call of the house. The motion prevailed with  
30 ayes, 0 nays, and 19 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 27:

Adams	Conrad	Harr, B.	Mello	Schumacher
Ashford	Cook	Howard	Nordquist	Smith
Avery	Council	Karpisek	Pahls	Wallman
Campbell	Dubas	Krist	Pankonin	
Carlson	Gloor	Lathrop	Pirsch	
Coash	Haar, K.	McGill	Price	

Voting in the negative, 8:

Brasch	Hansen	Janssen	McCoy
Fischer	Heidemann	Louden	Utter

Present and not voting, 13:

Bloomfield	Flood	Harms	Nelson	Wightman
Christensen	Fulton	Larson	Schilz	
Cornett	Hadley	Lautenbaugh	Sullivan	

Excused and not voting, 1:

Langemeier

The Council amendment was adopted with 27 ayes, 8 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Fischer requested a machine vote on the advancement of the bill.

Senator Council moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Adams	Conrad	Harr, B.	Mello	Smith
Ashford	Cook	Howard	Nordquist	Wallman
Avery	Council	Karpisek	Pahls	
Campbell	Dubas	Krist	Pankonin	
Carlson	Gloor	Lathrop	Pirsch	
Coash	Haar, K.	McGill	Price	

Voting in the negative, 13:

Brasch	Fulton	Heidemann	Louden	Utter
Fischer	Hansen	Janssen	McCoy	
Flood	Harms	Larson	Schumacher	

Present and not voting, 9:

Bloomfield	Cornett	Lautenbaugh	Schilz	Wightman
Christensen	Hadley	Nelson	Sullivan	

Excused and not voting, 1:

Langemeier

Advanced to Enrollment and Review for Engrossment with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 200A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 289.** ER91, found on page 1230, was adopted.

Senator Mello offered the following amendment:  
AM1239 is available in the Bill Room.

The Mello amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 289A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 665.** Senator Pirsch offered the following amendment:  
AM1284

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

The Pirsch amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 535.** ER92, found on page 1233, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 449.** ER93, found on page 1238, was adopted.

Senator Nelson offered the following amendment:  
AM1302

(Amendments to Standing Committee amendments, AM867)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 32-616, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-616 (1) Any registered voter who was not a candidate
- 5 in the primary election and who was not registered to vote with
- 6 a party affiliation on or before March 1 in the calendar year
- 7 of the general election may have his or her name placed on the
- 8 general election ballot for a partisan office by filing petitions
- 9 as prescribed in sections 32-617 to 32-621 or by nomination by
- 10 political party convention or committee.
- 11 (2) Any candidate who was defeated in the primary
- 12 election and any registered voter who was not a candidate in
- 13 the primary election may have his or her name placed on the general
- 14 election ballot if a vacancy exists on the ballot under subsection
- 15 (2) of section 32-625 and the candidate files for the office by
- 16 petition as prescribed in sections 32-617 and 32-618 or files as a
- 17 write-in candidate as prescribed in section 32-615.
- 18 2. On page 1, line 13, strike beginning with "and"
- 19 through the second "to", show as stricken, and insert "or".
- 20 3. On page 19, line 11, strike "pages" and insert
- 21 "papers".
- 22 4. Renumber the remaining sections and correct the
- 1 repealer accordingly.

The Nelson amendment was adopted with 25 ayes, 5 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Feller, Helen Abbott - State Racing Commission - General Affairs

(Signed) John Wightman, Chairperson  
Executive Board



**RESOLUTION**

**LEGISLATIVE RESOLUTION 171.** Introduced by Karpisek, 32.

WHEREAS, Don Rytych, a fifth grade teacher at Shickley Public School, is retiring after a 51-year teaching career; and

WHEREAS, Don Rytych has spent his entire 51-year teaching career at Shickley Public School, which is one of the longest tenures for a Nebraska teacher at any one school; and

WHEREAS, during his long and distinguished career, Don Rytych has taught the sixth grade, the eighth grade, and junior high math and science before moving into his current position of teaching the fifth grade; and

WHEREAS, Don Rytych has been a valued member of Shickley Public School throughout his 51-year teaching career, and his talents and love for teaching will be missed.

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

1. That the Legislature congratulates Don Rytych on his retirement and thanks him for his dedication to education in the State of Nebraska.

2. That a copy of this resolution be sent to Don Rytych.

Laid over.

**VISITORS**

Visitors to the Chamber were 46 fourth-grade students, teachers, and sponsors from St. Wenceslaus, Wahoo; 48 fourth-grade students and teachers from St. Mary's Elementary, David City; Senator Heidemann's daughter-in-law and granddaughter, Kassie and Aliva Heidemann, from Lincoln; and 42 fifth-grade students and teachers from Howard Elementary, Fremont.

**RECESS**

At 11:52 a.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Conrad, Fulton, Heidemann, Mello, and Nelson who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 252.** Senator Coash renewed his amendment, AM1097, found on page 1288.

**SPEAKER FLOOD PRESIDING**

Senator Coash offered the following motion:

MO36

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM1097.

The Coash motion to suspend the rules prevailed with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

Senator Coash renewed his amendment, AM1097, found on page 1288 and considered in this day's Journal.

The Coash amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**SENATOR GLOOR PRESIDING**

**LEGISLATIVE BILL 106.** Title read. Considered.

Committee AM731, found on page 859, was considered.

Senator Louden renewed his amendment, AM870, found on page 978, to the committee amendment.

The Louden amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, 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 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 549A.** Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundred

Second Legislature, First Session, 2011; and to declare an emergency.

### **COMMITTEE REPORT**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 142.** Placed on General File with amendment. AM934 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 549.** Title read. Considered.

Committee AM1121, found on page 1211, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 345.** Title read. Considered.

Committee AM273, found on page 891, was considered.

Senator Conrad renewed her amendment, AM1018, found on page 1287, to the committee amendment.

The Conrad amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 345A.** Title read. Considered.

### **SENATOR CARLSON PRESIDING**

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 382.** Placed on Final Reading.

ST28

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1101, on page 14, line 5, "and" has been struck; and in line 6 "section 79-1028.01, Revised Statutes Cumulative Supplement, 2010, as amended by section 21, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011, and section 79-1003, Revised Statutes Cumulative Supplement, 2010, as amended by section 2, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011, and section 5, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011," has been inserted after the last comma.

2. The E & R amendment, ER90, has been struck.

3. On page 1, the matter beginning with "sections" in line 1 through line 6 has been struck and "section 79-988.01, Reissue Revised Statutes of Nebraska, sections 79-958, 79-966, 79-9,113, and 81-2017, Revised Statutes Cumulative Supplement, 2010, section 79-1028.01, Revised Statutes Cumulative Supplement, 2010, as amended by section 21, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011, and section 79-1003, Revised Statutes Cumulative Supplement, 2010, as amended by section 2, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011, and section 5, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011; to change contribution and deposit requirements for employees and employers for school retirement systems and the Nebraska State Patrol Retirement System; to change provisions relating to calculation of state aid for schools; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 382A.** Placed on Final Reading.**LEGISLATIVE BILL 464.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**MESSAGES FROM THE GOVERNOR**

April 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 35, 70e, 112e, 156, 235e, 279, 297, 337e, 366, 385e, 388, 388A, 407, 431e, 477, 479, 499, 512, 524, 544, and 558 were received in my office on April 20, 2011.

These bills were signed and delivered to the Secretary of State on April 26, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 26, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 600e and LB 600Ae without my signature and with my objections.

I am concerned that the LB 600 tax increase will artificially inflate provider rates to a level that is neither fiscally responsible or sustainable.

This legislation proposes to increase taxes on nursing home patients annually by \$14 million and to use these state tax funds to receive federal tax funds. The National Commission on Fiscal Responsibility and Reform, commonly known as the deficit commission, referred to provider taxes as a gimmick and recommended elimination of the practice. Frankly, this provider tax is a shell game in the sense that our state would not be obtaining "free federal money" - the funds are our own citizens' federal tax dollars. It is only a matter of time before the federal government will put an end to this obvious manipulation of taxpayer dollars. When this happens, an additional \$18.6 million annually would be required to replace the increased rates financed in LB 600.

I also have concerns about the structure of the bill which requires the Department of Health and Human Services to pay providers the increased rate before the Department can collect the tax from providers. The retroactive rate payments in the bill are also of great concern given the great length of time that may pass before the federal government either approves or disapproves the provider tax as it is fashioned in LB 600.

I understand the difficult circumstances that nursing facilities are facing. However, raising taxes on nursing home patients by \$14 million each year to fund an accounting gimmick is not a policy that I can support.

For these reasons, I respectfully urge you to sustain my veto of LB 600e and LB 600Ae.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 26, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 204 and LB 204A without my signature and with my objections.

LB 204 requires all students to have undergone blood-lead testing prior to enrollment in kindergarten or upon enrollment for the first time in a Nebraska school unless a specific exemption applies.

While the detection of elevated blood lead levels in children is important, the tie to kindergarten entrance requirements is overly broad and will likely result in children not at risk of elevated blood lead levels being tested. In 2009, the U.S. Centers for Disease Control (CDC) revised its recommendations related to blood lead screening. The CDC now recommends against universal screening and in favor of targeted screening programs in order to decrease the unwarranted blood lead testing for children who are not at risk. Screening should be focused on populations identified at highest risk of lead exposure.

Additionally, LB 204 mandates that parents or guardians cover the additional costs to have such testing completed. Risk criteria established in LB 204 are likely to over identify children resulting in unnecessary testing and in increased health-care costs.

For these reasons, I urge you to sustain my veto of LB 204 and LB 204A.

Sincerely,  
(Signed) Dave Heineman  
Governor

#### **AMENDMENTS - Print in Journal**

Senator Flood filed the following amendment to LB463:  
AM1306 is available in the Bill Room.

Senator Ashford filed the following amendment to LB463:  
AM1297

(Amendments to AM1131)

- 1 1. On page 26, line 25, strike "tantamount" and
- 2 insert "paramount"; and in line 26 strike "citizens" and insert
- 3 "residents".
- 4 2. On page 27, line 9, strike "these programs" and insert
- 5 "court appointed special advocate programs"; and in line 25 strike
- 6 "Operates" and insert "Has the ability to operate".
- 7 3. On page 28, line 21, after "report" insert "regarding
- 8 the grant".
- 9 4. On page 35, line 20, strike "jurisdiction" and insert
- 10 "supervision"; in line 21 strike "under the jurisdiction" and
- 11 insert "committed to the care, custody, or supervision"; and strike
- 12 beginning with "ten" in line 24 through "that" in line 25 and
- 13 insert "five days per quarter or the hourly equivalent except when
- 14 excused by school authorities or when a documented illness".

## RESOLUTION

**LEGISLATIVE RESOLUTION 172.** Introduced by Carlson, 38.

WHEREAS, Dave Barnard, a teacher at Superior High School, is retiring after a 33-year teaching career; and

WHEREAS, one of Dave Barnard's many achievements during his long and distinguished teaching career is the improvement that he has brought to the Superior FFA Chapter through his leadership and work as an FFA advisor; and

WHEREAS, when Dave Barnard first came to Superior, the Superior FFA Chapter did not receive much recognition. Through Dave Barnard's hard work and dedication, the Superior FFA Chapter is now one of the most recognized chapters in the state after having earned numerous local, state, and even national awards throughout the years; and

WHEREAS, in recognition of his hard work and dedication, Dave Barnard was named the 2011 Nebraska FFA Advisor of the Year during the 83rd Annual Nebraska FFA Convention held in Lincoln, Nebraska.

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

1. That the Legislature congratulates Dave Barnard on his retirement and for being named the 2011 Nebraska FFA Advisor of the Year.
2. That a copy of this resolution be sent to Dave Barnard.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 404.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 589.** Title read. Considered.

Committee AM858, found on page 1019, was considered.

Pending.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 699.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Conrad, 46; Dubas, 34; Fischer, 43; Lautenbaugh, 18; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change boundaries of the Supreme Court judicial districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**MOTIONS - Print in Journal**

Senator Council filed the following motion to LB204:  
MO39

Becomes law notwithstanding the objections of the Governor.

Senator Council filed the following motion to LB204A:  
MO40

Becomes law notwithstanding the objections of the Governor.

**AMENDMENT - Print in Journal**

Senator Hadley filed the following amendment to LB590:  
AM1289

(Amendments to Standing Committee amendments, AM1072)

- 1 1. On page 24, line 27, after "(1)" insert "Any
- 2 nonparticipating manufacturer may post a bond or its cash
- 3 equivalent for the benefit of the state which is subject to
- 4 execution under subsection (3) of this section.".
- 5 2. On page 30, strike lines 18 through 27 and insert:
- 6 "(3) As a condition of the stamping agent's agreement
- 7 to purchase cigarettes from a nonparticipating manufacturer, a



8 stamping agent may require a nonparticipating manufacturer to  
 9 prepay the escrow deposit amount owed pursuant to subdivision (2)  
 10 of section 69-2703 by the nonparticipating manufacturer into the  
 11 escrow account designated in its certification of compliance on  
 12 file with the state. The stamping agent may require proof from the  
 13 escrow agent of the prepayment of escrow.

14 (4) A stamping agent shall not be liable for escrow  
 15 deposits under subsection (1) or (2) of this section if the  
 16 stamping agent, at the time of purchase of such nonparticipating  
 17 manufacturers' cigarettes:

18 (a) Requires the nonparticipating manufacturer to prepay  
 19 the escrow deposit under subsection (3) of this section;

20 (b) Obtains a proof of prepayment of the escrow owed from  
 21 the escrow agent under subsection (3) of this section; and

22 (c) Determines that the nonparticipating manufacturer is  
 1 on the state directory pursuant to section 69-2706."

2 3. On page 31, strike lines 1 through 4; in line 24  
 3 after "report" insert "required under section 69-2708 or section 14  
 4 or 26 of this act"; and in line 25 after "certification" insert  
 5 "required under section 69-2708, subsection (2) of section 77-2603,  
 6 or section 14 of this act".

7 4. On page 32, strike beginning with "during" in line  
 8 23 through "section" in line 24 and insert "within ten days after  
 9 receipt of notice of such violation".

10 5. On page 41, strike beginning with the comma in line  
 11 7 through the first comma in line 8 and insert "under subsection  
 12 (2) of section 69-2709"; and in line 10 after the period insert  
 13 "If a stamping agent's license is terminated in another state for  
 14 a violation similar to those listed in subdivision (2)(a), (b),  
 15 (c), or (d) of section 69-2709 that was not knowing or intentional,  
 16 the stamping agent shall not be subject to license termination if  
 17 the stamping agent fully cures such violation and provides notice  
 18 of such cure to the Department of Revenue within ten days after  
 19 receipt of notice of such violation.".

20 6. On page 54, line 24, strike beginning with "has"  
 21 through "Commissioner" and insert "is excused from liability".

22 7. On page 60, line 18, reinstate "thirty" and strike  
 23 "fifteen".

### **MOTION - Print in Journal**

Senator Mello filed the following motion to LB682:

MO41

Bracket until January 4, 2012.

**VISITORS**

Visitors to the Chamber were 26 fourth-grade students and teachers from Yutan; and 38 fourth-grade students and teachers from Morton Elementary, Hastings.

**ADJOURNMENT**

At 4:00 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Wednesday, April 27, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTIETH DAY - APRIL 27, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 27, 2011

**PRAYER**

The prayer was offered by Pastor Matthew Mortenson, Faith Lutheran Church, Humboldt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Coash, B. Harr, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**MOTIONS - Print in Journal**

Senator Campbell filed the following motion to LB600:  
MO42

Becomes law notwithstanding the objections of the Governor.

Senator Campbell filed the following motion to LB600A:  
MO43

Becomes law notwithstanding the objections of the Governor.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 163, 164, 165, 166, 167, 168, and 169 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 163, 164, 165, 166, 167, 168, and 169.

**GENERAL FILE**

**LEGISLATIVE BILL 549A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 305A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 589.** Committee AM858, found on page 1019 and considered on page 1312, was renewed.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

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

**SENATOR SULLIVAN PRESIDING**

**LEGISLATIVE BILL 590.** Title read. Considered.

Committee AM1072, found on page 1090, was considered.

Senator Hadley renewed his amendment, AM1289, found on page 1312, to the committee amendment.

The Hadley amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 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.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB699	Redistricting

(Signed) John Nelson, Vice Chairperson  
Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 173.** Introduced by Adams, 24; Conrad, 46.

WHEREAS, Reinhold Marxhausen moved from Minnesota to Seward, Nebraska, in 1951 to be the first art teacher at what was then Concordia College and continued to teach at the college for forty years until his retirement in 1989; and

WHEREAS, Mr. Marxhausen was one of five artists to win a competition to design murals in the Great Hall of the State Capitol. He was the only Nebraskan selected, and he designed two of the six murals entitled "Building of the Capitol" and "The Spirit of Nebraska"; and

WHEREAS, Mr. Marxhausen has other murals at Southeast High School in Lincoln, Nebraska, and at a bank in Seward, Nebraska, along with other works of art at Lutheran churches throughout Nebraska and at the headquarters of the Lutheran Church-Missouri Synod in St. Louis, Missouri; and

WHEREAS, Mr. Marxhausen was continually exploring new art mediums through photography, sculpting, metal work, and murals; and

WHEREAS, Mr. Marxhausen appeared on David Letterman's show in 1986 to share his Stardust pieces made from stainless steel with small wires inside that when shaken created unique musical sounds; and

WHEREAS, at the age of eighty-nine, Reinhold Marxhausen passed away.

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

1. That the Legislature extends its sympathy to the family of Reinhold Marxhausen and especially his wife, Dorris Marxhausen.

2. That a copy of this resolution be sent to the family of Reinhold Marxhausen.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 684.** Title read. Considered.

Committee AM375, found on page 588, was considered.

Senator Schilz withdrew his amendments, AM1190 and AM30, found on pages 1179 and 330.

Senator Dubas offered the following amendment to the committee amendment:

FA20

Amend AM375

Strike sub-section (c) on page 2 lines 16-22.

Senator Dubas withdrew her amendment.

The committee amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 684A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 682.** Senator Mello offered the following motion:

MO44

Unanimous consent to bracket until January 4, 2012.

No objections. So ordered.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 174.** Introduced by Gloor, 35; Avery, 28; Campbell, 25; Dubas, 34; K. Haar, 21; Hadley, 37; Janssen, 15; Loudon, 49; Nordquist, 7; Pankonin, 2; Sullivan, 41; Utter, 33.

**PURPOSE:** The purpose of this resolution is to study what impediments exist in state statute to attracting national agricultural and business conventions and trade shows to facilities in Nebraska. Such examination of statute may include, but shall not be limited to, a review of the Motor Vehicle Industry Regulation Act.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 175.** Introduced by Cook, 13; Ashford, 20; Avery, 28; Conrad, 46; Council, 11; Dubas, 34; K. Haar, 21; B. Harr, 8; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Smith, 14; Sullivan, 41; Wallman, 30.

WHEREAS, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, tens of thousands more are permanently disabled; and

WHEREAS, millions are injured or made ill; and

WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2011, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

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

1. That the Legislature designates April 28, 2011, as Workers Memorial Day in the State of Nebraska in recognition of workers who have been killed, injured, or disabled on the job.

2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department.

Laid over.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Avery asked unanimous consent to add his name as cointroducer to LB699. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 5 high school students from Ogallala; 20 fifth-grade students and teacher from Mary Lynch Elementary, Kimball; 19 third- and fourth-grade students and teachers from Platteville Elementary, Fremont; 35 eighth-grade students and teacher from Blue Hill; 59 fourth-grade students, teacher, and sponsors from Westside Elementary, Norfolk; 75 fourth-grade students and teachers from Indian Hill Elementary, Omaha; and 42 fourth-grade students and teachers from St. Michael School, Hastings.

**RECESS**

At 11:53 a.m., on a motion by Speaker Flood, 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 Senator Wightman who was excused; and Senators Conrad, Nordquist, Pankonin, and Schilz who were excused until they arrive.

**SPEAKER FLOOD PRESIDING****COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 200.** Placed on Final Reading.

**LEGISLATIVE BILL 200A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 575.** Placed on Select File with amendment. ER99 is available in the Bill Room.

**LEGISLATIVE BILL 575A.** Placed on Select File.

**LEGISLATIVE BILL 252.** Placed on Select File with amendment. ER101

- 1 1. On page 1, strike beginning with "revenue" in line 1
- 2 through line 5 and insert "cemeteries; to amend section 77-2704.15,
- 3 Reissue Revised Statutes of Nebraska, and section 12-101, Revised



4 Statutes Cumulative Supplement, 2010; to change provisions relating  
 5 to Wyuka Cemetery; to exempt purchases from sales and use taxes as  
 6 prescribed; to provide an operative date; to repeal the original  
 7 sections; and to declare an emergency."

**LEGISLATIVE BILL 106.** Placed on Select File with amendment.  
 ER100

1 1. On page 1, strike beginning with "sections" in line  
 2 1 through line 12 and insert "section 13-319, Reissue Revised  
 3 Statutes of Nebraska; to define a term; to authorize the use  
 4 of county sales and use taxes for public safety services as  
 5 prescribed; and to repeal the original section."

**LEGISLATIVE BILL 549.** Placed on Select File.

**LEGISLATIVE BILL 345.** Placed on Select File with amendment.  
 ER102

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Sections 1 to 8 of this act shall be known and  
 4 may be cited as the Small Business Innovation Act.  
 5 Sec. 2. It is the intent of the Legislature to evolve  
 6 Nebraska's economic development and job creation policies in  
 7 order to remain competitive by adopting recommendations from  
 8 the statewide strategic plan developed by the Innovation and  
 9 Entrepreneurship Task Force. The strategic plan recognizes that  
 10 Nebraska's current policy tools targeted to fostering high-wage  
 11 job growth among small businesses, entrepreneurs, and innovators  
 12 have not kept pace with other states and jurisdictions. Nebraska  
 13 has a clear opportunity to improve our entrepreneurial ecosystem  
 14 by adopting proactive policy solutions with demonstrated positive  
 15 results.

16 Sec. 3. For purposes of the Small Business Innovation  
 17 Act:

18 (1) Department means the Department of Economic  
 19 Development;

20 (2) Nebraska-based growth business means a corporation,  
 21 partnership, limited liability company, limited partnership, or  
 22 limited liability partnership registered with the Secretary of  
 23 State that has five to fifty employees and annual sales revenue of  
 1 no less than five hundred thousand dollars and no more than two  
 2 million five hundred thousand dollars; and

3 (3) Small business innovation means the provision of  
 4 technical resources to locally owned and operated Nebraska-based  
 5 growth businesses to foster development, growth, and high-wage job  
 6 creation.

7 Sec. 4. The department may enter into a contract with a  
 8 Nebraska-based nonprofit entity, small business development center,  
 9 community development corporation, Nebraska-based institution of

10 higher education, chamber of commerce, or regional development  
11 district for the purpose of carrying out the Small Business  
12 Innovation Act.

13 Sec. 5. (1) The Legislature hereby establishes a  
14 statewide pilot program to support and assist up to forty  
15 Nebraska-based growth businesses. At least one-half of the  
16 businesses assisted under the Small Business Innovation Act shall  
17 be located in counties with a population of fewer than fifty  
18 thousand inhabitants.

19 (2) The pilot program shall provide technical assistance  
20 to Nebraska-based growth businesses that includes:

21 (a) Economic gardening components and information  
22 tools, including industry trends, industry financial data, state  
23 and national demographic trends, competitive intelligence, and  
24 marketing lists; and

25 (b) Decisionmaking tools, including strategy analysis,  
26 management team makeup, capital referrals, and labor referrals.

27 Sec. 6. It is the intent of the Legislature to  
1 appropriate two hundred thousand dollars from the General Fund for  
2 FY2011-12 and two hundred thousand dollars from the General Fund  
3 for FY2012-13 for the purpose of providing funding to carry out  
4 the Small Business Innovation Act.

5 Sec. 7. The department shall prepare and present a  
6 report to the Legislature by December 1, 2013, on the Small  
7 Business Innovation Act that includes, but is not limited to,  
8 businesses assisted, aggregate change in sales revenue, number of  
9 jobs created, and range of newly created jobs that includes an  
10 average wage.

11 Sec. 8. The Small Business Innovation Act terminates on  
12 December 31, 2013.

13 Sec. 9. Section 13-208, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 13-208 The total amount of tax credit granted for  
16 programs approved and certified under the Community Development  
17 Assistance Act by the department for any fiscal year shall not  
18 exceed three hundred fifty thousand dollars, except that for  
19 fiscal years 2011-12 and 2012-13, the total amount of tax credit  
20 granted under this section shall be reduced by two hundred thousand  
21 dollars.

22 Sec. 10. Original section 13-208, Reissue Revised  
23 Statutes of Nebraska, is repealed.

24 Sec. 11. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.

26 2. On page 1, strike lines 3 through 5 and insert "Small  
27 Business Innovation Act; to reduce the tax credit limits under the  
1 Community Development Assistance Act as prescribed; to repeal the  
2 original section; and to declare an emergency."

**LEGISLATIVE BILL 404.** Placed on Select File.

**LEGISLATIVE BILL 549A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

### Appropriations

**LEGISLATIVE BILL 380.** Placed on General File with amendment.  
AM834

1 1. Strike the original sections and insert the following

2 new sections:

3 Section 1. Section 81-188.01, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5 81-188.01 (1) The State Building Renewal Assessment Fund  
6 is created. The fund shall be under the control of the Governor for  
7 allocation to building renewal projects of the various agencies  
8 and shall be administered in a manner consistent with the  
9 administration of the Building Renewal Allocation Fund pursuant  
10 to the Deferred Building Renewal Act. No amounts accruing to the  
11 State Building Renewal Assessment Fund shall be expended in any  
12 manner for purposes other than as provided in this section or as  
13 appropriated by the Legislature to meet the cost of administering  
14 the act. Transfers may be made from the fund to the General Fund at  
15 the direction of the Legislature.

16 (2) Revenue credited to the State Building Renewal  
17 Assessment Fund shall include amounts derived from charges assessed  
18 pursuant to subdivision (4)(b) of section 81-1108.17, ~~depreciation~~  
19 ~~charges remitted pursuant to section 81-188.02~~, and such other  
20 revenue as may be incident to the administration of the fund.

21 (3) Amounts appropriated from the fund shall be expended  
22 to conduct renewal work as defined in section 81-173 and to  
23 complete other improvements incident to such renewal work as deemed

1 necessary or appropriate by the task force. From amounts accruing  
2 to the fund as the result of depreciation charges assessed pursuant  
3 to subdivision (4)(b) of section 81-1108.17, expenditures for  
4 capital improvements shall be limited to improvements to only those  
5 facilities for which such charges have been assessed and remitted.  
6 From amounts accruing to the fund as the result of depreciation  
7 charges assessed pursuant to section 81-188.02 prior to the  
8 operative date of this act, expenditures for capital improvement  
9 projects shall be limited to exclude (a) capital improvement  
10 projects relating to facilities, structures, or buildings owned,  
11 leased, or operated by the (i) University of Nebraska, (ii)  
12 Nebraska state colleges, (iii) Department of Aeronautics, (iv)  
13 Department of Roads, (v) Game and Parks Commission, or (vi)  
14 Board of Educational Lands and Funds and (b) capital improvement  
15 projects relating to facilities, structures, or buildings for which  
16 depreciation charges are assessed pursuant to subdivision (4)(b) of

17 section 81-1108.17. For each fiscal year, task force allocations  
 18 from amounts accruing to the fund pursuant to section 81-188.02  
 19 shall not exceed the total of such revenue credited to the fund  
 20 in the preceding fiscal year, except that if no revenue from  
 21 depreciation charge assessments was credited to the fund in the  
 22 preceding fiscal year, allocations shall not exceed fifty percent  
 23 of revenue credited to the fund in the last preceding fiscal year  
 24 in which depreciation charge assessments were credited to the fund.

25 (4) Any money in the fund available for investment  
 26 shall be invested by the state investment officer pursuant to  
 27 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 1 Investment Act.

2 Sec. 2. Section 81-188.03, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 81-188.03 (1) The University Building Renewal Assessment  
 5 Fund is created. The fund shall be under the control of the  
 6 Governor for allocation to building renewal projects and to  
 7 building renovation projects of the University of Nebraska. No  
 8 amounts accruing to the University Building Renewal Assessment Fund  
 9 shall be transferred to any other fund and no amounts accruing to  
 10 the fund shall be expended in any manner for purposes other than as  
 11 provided in this section or as appropriated by the Legislature to  
 12 meet the cost of administering the Deferred Building Renewal Act.

13 (2) Revenue credited to the fund shall include amounts  
 14 ~~derived from depreciation charges remitted pursuant to section~~  
 15 ~~81-188.04 as provided by the Legislature~~ and such other revenue as  
 16 may be incident to the administration of the fund.

17 (3) Amounts appropriated from the fund shall be expended  
 18 to conduct renewal work as defined in section 81-173, to conduct  
 19 renovation work, and to complete other improvements incident  
 20 to such renewal or renovation work as deemed necessary or  
 21 appropriate by the task force. Expenditures from the fund for  
 22 capital improvements shall be limited to exclude expenditures for  
 23 capital improvement projects relating to facilities, structures,  
 24 or buildings from which revenue is derived and pledged for the  
 25 retirement of revenue bonds issued under sections 85-403 to 85-411.

26 ~~For each fiscal year, task force allocations from the fund shall~~  
 27 ~~not exceed total revenue credited to the fund in the preceding~~  
 1 ~~fiscal year, except that if no revenue from depreciation charge~~  
 2 ~~assessments was credited to the fund in the preceding fiscal year,~~  
 3 ~~allocations shall not exceed fifty percent of revenue credited to~~  
 4 ~~the fund in the last preceding fiscal year in which depreciation~~  
 5 ~~charge assessments were credited to the fund.~~

6 (4) Any money in the fund available for investment  
 7 shall be invested by the state investment officer pursuant to  
 8 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 9 Investment Act.

10 (5) For purposes of this section, renovation work means  
 11 work to replace the interior or exterior systems of an existing

12 building to accommodate changes in use of building space or changes  
13 in programmatic need for building space.

14 Sec. 3. Section 81-188.05, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 81-188.05 (1) The State College Building Renewal  
17 Assessment Fund is created. The fund shall be under the control  
18 of the Governor for allocation to building renewal projects and  
19 building renovation projects of the Nebraska state colleges. No  
20 amounts accruing to the State College Building Renewal Assessment  
21 Fund shall be transferred to any other fund and no amounts accruing  
22 to the fund shall be expended in any manner for purposes other than  
23 as provided in this section or as appropriated by the Legislature  
24 to meet the cost of administering the Deferred Building Renewal  
25 Act.

26 (2) Revenue credited to the fund shall include amounts  
27 ~~derived from depreciation charges remitted pursuant to section~~  
1 ~~81-188.06 as provided by the Legislature~~ and such other revenue as  
2 may be incident to administration of the fund.

3 (3) Amounts appropriated from the fund shall be expended  
4 to conduct renewal work as defined in section 81-173, to conduct  
5 renovation work, and to complete other improvements incident  
6 to such renewal or renovation work as deemed necessary or  
7 appropriate by the task force. Expenditures from the fund for  
8 capital improvements shall be limited to exclude expenditures for  
9 capital improvement projects relating to facilities, structures,  
10 or buildings from which revenue is derived and pledged for the  
11 retirement of revenue bonds issued under sections 85-403 to 85-411.  
12 ~~For each fiscal year, task force allocations from the fund shall~~  
13 ~~not exceed total revenue credited to the fund in the preceding~~  
14 ~~fiscal year, except that if no revenue from depreciation charge~~  
15 ~~assessments was credited to the fund in the preceding fiscal year,~~  
16 ~~allocations shall not exceed fifty percent of revenue credited to~~  
17 ~~the fund in the last preceding fiscal year in which depreciation~~  
18 ~~charge assessments were credited to the fund.~~

19 (4) Any money in the fund available for investment  
20 shall be invested by the state investment officer pursuant to  
21 the Nebraska Capital Expansion Act and the Nebraska State Funds  
22 Investment Act.

23 (5) For purposes of this section, renovation work means  
24 work to replace the interior or exterior systems of an existing  
25 building to accommodate changes in use of building space or changes  
26 in programmatic need for building space.

27 Sec. 4. This act becomes operative on July 1, 2011.

1 Sec. 5. Original sections 81-188.03 and 81-188.05,  
2 Reissue Revised Statutes of Nebraska, and section 81-188.01,  
3 Revised Statutes Cumulative Supplement, 2010, are repealed.

4 Sec. 6. The following sections are outright repealed:  
5 Sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes  
6 Cumulative Supplement, 2010.

7 Sec. 7. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.

**LEGISLATIVE BILL 379.** Placed on General File with amendment.  
AM1250

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 66-1345, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:  
5 66-1345 (1) There is hereby created the Ethanol  
6 Production Incentive Cash Fund which shall be used by the board  
7 to pay the credits created in section 66-1344 to the extent  
8 provided in this section. Any money in the fund available for  
9 investment shall be invested by the state investment officer  
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
11 State Funds Investment Act. The State Treasurer shall transfer to  
12 the Ethanol Production Incentive Cash Fund such money as shall be  
13 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
14 the Legislature, (b) given as gifts, bequests, grants, or other  
15 contributions to the Ethanol Production Incentive Cash Fund from  
16 public or private sources, (c) made available due to failure to  
17 fulfill conditional requirements pursuant to investment agreements  
18 entered into prior to April 30, 1992, (d) received as return on  
19 investment of the Ethanol Authority and Development Cash Fund, (e)  
20 credited to the Ethanol Production Incentive Cash Fund from the  
21 excise taxes imposed by section 66-1345.01 through December 31,  
22 2012, ~~and~~ (f) credited to the Ethanol Production Incentive Cash  
23 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519,  
1 and (g) directed to be transferred pursuant to section 84-612.  
2 (2) The Department of Revenue shall, at the end of each  
3 calendar month, notify the State Treasurer of the amount of motor  
4 fuel tax that was not collected in the preceding calendar month  
5 due to the credits provided in section 66-1344. The State Treasurer  
6 shall transfer from the Ethanol Production Incentive Cash Fund to  
7 the Highway Trust Fund an amount equal to such credits less the  
8 following amounts:  
9 (a) For 1993, 1994, and 1995, the amount generated during  
10 the calendar quarter by a one-cent tax on motor fuel pursuant to  
11 sections 66-489 and 66-6,107;  
12 (b) For 1996, the amount generated during the calendar  
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
14 sections;  
15 (c) For 1997, the amount generated during the calendar  
16 quarter by a one-half-cent tax on motor fuel pursuant to such  
17 sections; and  
18 (d) For 1998 and each year thereafter, no reduction.  
19 For 1993 through 1997, if the amount generated pursuant  
20 to subdivisions (a), (b), and (c) of this subsection and the  
21 amount transferred pursuant to subsection (1) of this section are

22 not sufficient to fund the credits provided in section 66-1344,  
23 then the credits shall be funded through the Ethanol Production  
24 Incentive Cash Fund but shall not be funded through either the  
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
26 thereafter, the credits provided in such section shall be funded  
27 through the Ethanol Production Incentive Cash Fund but shall not be  
1 funded through either the Highway Cash Fund or the Highway Trust  
2 Fund.

3 If, during any month, the amount of money in the Ethanol  
4 Production Incentive Cash Fund is not sufficient to reimburse the  
5 Highway Trust Fund for credits earned pursuant to section 66-1344,  
6 the Department of Revenue shall suspend the transfer of credits by  
7 ethanol producers until such time as additional funds are available  
8 in the Ethanol Production Incentive Cash Fund for transfer to the  
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
10 the end of each month, allow transfer of accumulated credits earned  
11 by each ethanol producer on a prorated basis derived by dividing  
12 the amount in the fund by the aggregate amount of accumulated  
13 credits earned by all ethanol producers.

14 (3) The State Treasurer shall transfer from the Ethanol  
15 Production Incentive Cash Fund to the Management Services Expense  
16 Revolving Fund the amount reported under subsection (4) of section  
17 66-1345.02 for each calendar month of the fiscal year as provided  
18 in such subsection.

19 (4) On December 31, 2012, the State Treasurer shall  
20 transfer one-half of the unexpended and unobligated funds,  
21 including all subsequent investment interest, from the Ethanol  
22 Production Incentive Cash Fund to the Nebraska Corn Development,  
23 Utilization, and Marketing Fund and the Grain Sorghum Development,  
24 Utilization, and Marketing Fund in the same proportion as funds  
25 were collected pursuant to section 66-1345.01 from corn and grain  
26 sorghum. The Department of Agriculture shall assist the State  
27 Treasurer in determining the amounts to be transferred to the  
1 funds. The State Treasurer shall transfer the remaining one-half of  
2 the unexpended and unobligated funds to the General Fund.

3 (5) Whenever the unobligated balance in the Ethanol  
4 Production Incentive Cash Fund exceeds twenty million dollars, the  
5 Department of Revenue shall notify the Department of Agriculture at  
6 which time the Department of Agriculture shall suspend collection  
7 of the excise tax levied pursuant to section 66-1345.01. If, after  
8 suspension of the collection of such excise tax, the balance of  
9 the fund falls below ten million dollars, the Department of Revenue  
10 shall notify the Department of Agriculture which shall resume  
11 collection of the excise tax.

12 (6) On or before December 1, 2003, and each December  
13 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
14 Board shall jointly submit a report to the Legislature which shall  
15 project the anticipated revenue and expenditures from the Ethanol  
16 Production Incentive Cash Fund through the termination of the

17 ethanol production incentive programs pursuant to section 66-1344.  
18 The initial report shall include a projection of the amount  
19 of ethanol production for which the Department of Revenue has  
20 entered agreements to provide ethanol production credits pursuant  
21 to section 66-1344.01 and any additional ethanol production which  
22 the Department of Revenue and the Nebraska Ethanol Board reasonably  
23 anticipate may qualify for credits pursuant to section 66-1344.

24 Sec. 2. Section 84-612, Revised Statutes Cumulative  
25 Supplement, 2010, is amended to read:

26 84-612 (1) There is hereby created within the state  
27 treasury a fund known as the Cash Reserve Fund which shall be under  
1 the direction of the State Treasurer. The fund shall only be used  
2 pursuant to this section.

3 (2) The State Treasurer shall transfer funds from the  
4 Cash Reserve Fund to the General Fund upon certification by the  
5 Director of Administrative Services that the current cash balance  
6 in the General Fund is inadequate to meet current obligations. Such  
7 certification shall include the dollar amount to be transferred.  
8 Any transfers made pursuant to this subsection shall be reversed  
9 upon notification by the Director of Administrative Services that  
10 sufficient funds are available.

11 ~~(3) The State Treasurer, at the direction of the~~  
12 ~~budget administrator of the budget division of the Department~~  
13 ~~of Administrative Services, shall transfer such amounts not to~~  
14 ~~exceed seven million seven hundred fifty three thousand two hundred~~  
15 ~~sixty three dollars in total from the Cash Reserve Fund to the~~  
16 ~~Nebraska Capital Construction Fund between July 1, 2003, and June~~  
17 ~~30, 2007.~~

18 ~~(4) The State Treasurer, at the direction of the budget~~  
19 ~~administrator, shall transfer an amount equal to the total amount~~  
20 ~~transferred pursuant to subsection (3) of this section from the~~  
21 ~~General Fund to the Cash Reserve Fund on or before June 30, 2008.~~

22 ~~(5)~~(3) In addition to receiving transfers from other  
23 funds, the Cash Reserve Fund shall receive federal funds received  
24 by the State of Nebraska for undesignated general government  
25 purposes, federal revenue sharing, or general fiscal relief of the  
26 state.

27 ~~(6) On June 15, 2009, the State Treasurer shall transfer~~  
1 ~~four million nine hundred ninety thousand five hundred five dollars~~  
2 ~~from the Cash Reserve Fund to the General Fund.~~

3 ~~(7) On or before June 16, 2009, the State Treasurer, at~~  
4 ~~the direction of the budget administrator, shall transfer fifty~~  
5 ~~million dollars from the Cash Reserve Fund to the General Fund.~~

6 ~~(8)~~(4) The State Treasurer, at the direction of the  
7 budget administrator, shall transfer such amounts, as certified  
8 by the Director of Administrative Services, for employee health  
9 insurance claims and expenses, not to exceed twelve million dollars  
10 in total from the Cash Reserve Fund to the State Employees  
11 Insurance Fund between May 1, 2007, and June 30, 2011.



12 ~~(9)-(5)~~ On July 9, 2007, the State Treasurer shall  
13 transfer five million dollars from the Cash Reserve Fund to the  
14 Job Training Cash Fund. ~~The State Treasurer shall transfer from the~~  
15 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~  
16 ~~directed in section 81-1201.21.~~

17 ~~(10)-(6)~~ On July 7, 2008, the State Treasurer shall  
18 transfer five million dollars from the Cash Reserve Fund to the  
19 Job Training Cash Fund. ~~The State Treasurer shall transfer from the~~  
20 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~  
21 ~~directed in section 81-1201.21.~~

22 ~~(11)~~ On or before June 30, 2009, the State Treasurer  
23 shall transfer nine million five hundred ninety thousand dollars  
24 from the Cash Reserve Fund to the Nebraska Capital Construction  
25 Fund.

26 ~~(12)-(7)~~ The State Treasurer, at the direction of the  
27 budget administrator, shall transfer an amount equal to the total  
1 amount transferred pursuant to subsection ~~(8)-(4)~~ of this section  
2 from the appropriate health insurance accounts of the State  
3 Employees Insurance Fund in such amounts as certified by the  
4 Director of Administrative Services to the Cash Reserve Fund on or  
5 before June 30, 2011.

6 ~~(13)-(8)~~ On July 7, 2009, the State Treasurer shall  
7 transfer five million dollars from the Cash Reserve Fund to the  
8 Roads Operations Cash Fund. The Department of Roads shall use such  
9 funds to provide the required state match for federal funding made  
10 available to the state through congressional earmarks.

11 ~~(14)-(9)~~ Within five days after the budget division  
12 of the Department of Administrative Services notifies the State  
13 Treasurer that matching fund requirements under section 82-331 have  
14 been met, the State Treasurer shall transfer one million dollars  
15 from the Cash Reserve Fund to the Nebraska Cultural Preservation  
16 Endowment Fund.

17 ~~(15)~~ On or before June 15, 2010, the State Treasurer,  
18 at the direction of the budget administrator, shall transfer one  
19 hundred five million dollars from the Cash Reserve Fund to the  
20 General Fund.

21 ~~(16)-(10)~~ On or before June 15, 2011, the State  
22 Treasurer, at the direction of the budget administrator, shall  
23 transfer one hundred fifty-one million dollars from the Cash  
24 Reserve Fund to the General Fund.

25 ~~(17)~~ On June 15, 2009, the State Treasurer shall transfer  
26 seven million five hundred thousand dollars from the Cash Reserve  
27 Fund to the Governor's Emergency Cash Fund.

1 ~~(18)~~ On July 7, 2009, the State Treasurer shall  
2 transfer one million dollars from the Cash Reserve Fund to the  
3 State Visitors Promotion Cash Fund. The Department of Economic  
4 Development shall use such funds to provide funding for the  
5 promotion and support of the hosting of a Special Olympics national  
6 event by a city of the primary class.

7 ~~(19)~~(11) On or before June 30, 2011, the State  
 8 Treasurer, at the direction of the budget administrator, shall  
 9 transfer three million dollars from the Cash Reserve Fund to the  
 10 General Fund.

11 (12) The State Treasurer shall transfer a total of one  
 12 hundred twenty-eight million dollars from the Cash Reserve Fund to  
 13 the General Fund on or before June 30, 2012, on such dates and in  
 14 such amounts as directed by the budget administrator.

15 (13) The State Treasurer shall transfer a total of one  
 16 hundred twenty-eight million dollars from the Cash Reserve Fund to  
 17 the General Fund on or before June 30, 2013, on such dates and in  
 18 such amounts as directed by the budget administrator.

19 (14) The State Treasurer, at the direction of the budget  
 20 administrator, shall transfer not to exceed twelve million dollars  
 21 in total between July 1, 2011, and November 30, 2012, from the  
 22 Cash Reserve Fund to the Ethanol Production Incentive Cash Fund,  
 23 for ethanol production incentive credits, on such dates and in such  
 24 amounts as certified by the Tax Commissioner.

25 (15) The State Treasurer, at the direction of the budget  
 26 administrator, shall transfer an amount equal to the total amount  
 27 transferred pursuant to subsection (14) of this section from the  
 1 Ethanol Production Incentive Cash Fund to the Cash Reserve Fund  
 2 in such amounts as certified by the Tax Commissioner on or before  
 3 November 30, 2012.

4 Sec. 3. Original sections 66-1345 and 84-612, Revised  
 5 Statutes Cumulative Supplement, 2010, are repealed.

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

**LEGISLATIVE BILL 378.** Placed on General File with amendment.  
 AM904 is available in the Bill Room.

**LEGISLATIVE BILL 377.** Placed on General File with amendment.  
 AM903 is available in the Bill Room.

**LEGISLATIVE BILL 376.** Placed on General File with amendment.  
 AM1300

1 1. On page 3, after lines 4, 10, and 16, and on page 4,  
 2 after lines 9 and 15 insert:

3 "The unexpended General Fund appropriation balance  
 4 existing on June 30, 2011, is hereby reappropriated.

5 The unexpended General Fund appropriation balance  
 6 existing on June 30, 2012, is hereby reappropriated."

7 2. On page 3, strike lines 17 through 23, and on page 4,  
 8 strike lines 1 and 2, and insert:

9 "The budget division of the Department of Administrative

10 Services shall administratively transfer General Fund

11 appropriations among Programs 3, 4, 5, 6, 7, 52, 67, and 435

12 within Agency 5, upon written certification by the State Court

13 Administrator that the Nebraska Supreme Court has determined  
 14 that such transfer is necessary for the efficient functioning  
 15 of statewide court operations and the proper administration of  
 16 justice. The Salary Limit for Agency 5, Programs 5, 52, 67, and  
 17 435, may be administratively increased for any transfers made to  
 18 Programs 5, 52, 67, and 435 pursuant to this section."

19 3. On page 4, strike lines 7 and 8, and insert:

20 GENERAL FUND	10,353,750	10,372,443
21 PROGRAM TOTAL	10,353,750	10,372,443

**LEGISLATIVE BILL 375.** Placed on General File.

**LEGISLATIVE BILL 374.** Placed on General File with amendment.  
 AM902 is available in the Bill Room.

**LEGISLATIVE BILL 373.** Placed on General File with amendment.  
 AM901 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

### AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB374:  
 AM1307

(Amendments to Standing Committee amendments, AM902)

- 1 Intent: Restore half of the funding for the Railroad
- 2 Inspection Program at the Public Service Commission.
- 3 Amendment:
- 4 1. On page 31, strike line 13 and insert: "GENERAL FUND
- 5 1,764,170 1,818,807"; strike line 15 and insert: PROGRAM TOTAL
- 6 3,045,683 2,891,164"; and strike line 16 and insert: "SALARY LIMIT
- 7 1,154,587 1,180,689".

Senator Heidemann filed the following amendment to LB374:  
 AM1313

(Amendments to Standing Committee amendments, AM902)

- 1 1. Strike original section 227 and insert the following
  - 2 new section:
  - 3 Sec. 227. AGENCY NO. 76 - COMMISSION ON INDIAN AFFAIRS
  - 4 Program No. 584 - Indian Affairs
  - 5
  - 6
  - 7
  - 8
  - 9
- |                 | FY2011-12 | FY2012-13 |
|-----------------|-----------|-----------|
| 6 GENERAL FUND  | 179,486   | 167,410   |
| 7 CASH FUND     | 92,922    | 92,922    |
| 8 PROGRAM TOTAL | 272,408   | 260,332   |
| 9 SALARY LIMIT  | 160,862   | 163,401   |
- 10 The unexpended General Fund appropriation balance
  - 11 existing on June 30, 2011, is hereby reappropriated.
  - 12 There is included in the appropriation to this program
  - 13 for FY2011-12 \$15,000 General Funds for state aid, to carry out the

14 provisions of sections 81-2509 to 81-2513, which shall only be used  
15 for such purpose.

Senator Heidemann filed the following amendment to LB379:  
AM1301

(Amendments to Standing Committee amendments, AM1250)

- 1 1. On page 8, lines 11 and 12, strike "one hundred
- 2 twenty-eight" and insert "XXX"; and in lines 15 and 16 strike "one
- 3 hundred twenty-eight" and insert "XXX".

### SELECT FILE

**LEGISLATIVE BILL 500.** Advanced to Enrollment and Review for  
Engrossment.

**LEGISLATIVE BILL 360.** ER97, found on page 1294, was adopted.

Senator Larson renewed his amendment, AM741, found on page 1058.

Senator Larson withdrew his amendment.

Senator K. Haar offered the following amendment:  
AM1298

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 77-27,235, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-27,235 (1) Any producer of electricity generated by
- 5 a new ~~zero-emission~~ renewable electric generation facility shall
- 6 earn a renewable energy tax credit. For electricity generated on
- 7 or after July 14, 2006, and before October 1, 2007, the credit
- 8 shall be .075 cent for each kilowatt-hour of electricity generated
- 9 by a new ~~zero-emission~~ renewable electric generation facility. For
- 10 electricity generated on or after October 1, 2007, and before
- 11 January 1, 2010, the credit shall be .1 cent for each kilowatt-hour
- 12 of electricity generated by a new ~~zero-emission~~ renewable electric
- 13 generation facility. For electricity generated on or after January
- 14 1, 2010, and before January 1, 2013, the credit shall be .075 cent
- 15 per kilowatt-hour for electricity generated by a new ~~zero-emission~~
- 16 renewable electric generation facility. For electricity generated
- 17 on or after January 1, 2013, ~~and before January 1, 2018,~~ the credit
- 18 shall be .05 cent per kilowatt-hour for electricity generated by
- 19 a new ~~zero-emission~~ renewable electric generation facility. The
- 20 credit may be earned for production of electricity for ten years
- 21 after the date that the facility is placed in operation on or after
- 22 July 14, 2006.
- 23 (2) For purposes of this section:
- 1 (a) Electricity generated by a new ~~zero-emission~~
- 2 renewable electric generation facility means electricity that is

3 exclusively produced by a new ~~zero-emission-renewable~~ electric  
4 generation facility;

5 (b) Eligible renewable resources means wind, moving  
6 water, solar, geothermal, fuel cell, methane gas, or photovoltaic  
7 technology; and

8 (c) New ~~zero-emission-renewable~~ electric generation  
9 facility means an electrical generating facility located in this  
10 state that is first placed into service on or after July 14, 2006,  
11 which utilizes eligible renewable resources as its fuel source, ~~and~~  
12 ~~for which the operation of the facility results in no pollution~~  
13 ~~or emissions that are or may be harmful to the environment as~~  
14 ~~certified by the Department of Environmental Quality.~~

15 (3) The credit allowed under this section may be used to  
16 reduce the producer's Nebraska income tax liability or to obtain  
17 a refund of state sales and use taxes paid by the producer of  
18 electricity generated by a ~~zero-emission-new~~ renewable electric  
19 generation facility. A claim to use the credit for refund of the  
20 state sales and use taxes paid, either directly or indirectly,  
21 by the producer may be filed quarterly for electricity generated  
22 during the previous quarter by the twentieth day of the month  
23 following the end of the calendar quarter. The credit may be  
24 used to obtain a refund of state sales and use taxes paid during  
25 the quarter immediately preceding the quarter in which the claim  
26 for refund is made, except that the amount refunded under this  
27 subsection shall not exceed the amount of the state sales and use  
1 taxes paid during the quarter.

2 (4) The Department of Revenue may adopt and promulgate  
3 rules and regulations to permit verification of the validity and  
4 timeliness of any renewable energy tax credit claimed.

5 ~~The Environmental Quality Council may adopt and~~  
6 ~~promulgate rules and regulations to certify that the operation of~~  
7 ~~a new zero-emission facility results in no pollution or emissions~~  
8 ~~that are or may be harmful to the environment.~~

9 ~~(5)~~ (5) The total amount of renewable energy tax credits  
10 that may be used by all taxpayers shall be limited to ~~seven~~  
11 ~~hundred~~ fifty thousand dollars without further authorization from  
12 the Legislature.

13 ~~(7)~~ (6) The credit allowed under this section may not  
14 be claimed by a producer who received a sales tax exemption under  
15 section 77-2704.57 for the new ~~zero-emission-renewable~~ electric  
16 generation facility.

17 Sec. 7. Original section 77-27,235, Reissue Revised  
18 Statutes of Nebraska, is repealed.

19 2. Renumber the remaining sections accordingly and  
20 correct the operative date section so that the sections added by  
21 this amendment become operative on October 1, 2011.

The K. Haar amendment was adopted with 38 ayes, 0 nays, 6 present and  
not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 137.** ER96, found on page 1294, was adopted.

Advanced to Enrollment and Review for Engrossment.

**SENATOR GLOOR PRESIDING**

**LEGISLATIVE BILL 463.** ER88, found on page 1151, was adopted.

Senator Flood withdrew his amendment, AM1174, found on page 1178.

Senator Flood renewed his amendment, AM1306, found on page 1310.

The Flood amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Ashford renewed his amendment, AM1297, found on page 1311.

The Ashford amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 463A.** ER87, found on page 1151, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**  
Business and Labor

**LEGISLATIVE BILL 151.** Placed on General File with amendment. AM1243 is available in the Bill Room.

**LEGISLATIVE BILL 585.** Placed on General File with amendment. AM1253 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB384:  
AM1204

(Amendments to Standing Committee amendments, AM944)

- 1 1. Strike sections 35 and 39 and insert the following new
- 2 sections:
- 3 Section 1. Section 49-617, Reissue Revised Statutes of

4 Nebraska, is amended to read:  
5 49-617 The Revisor of Statutes shall cause the statutes  
6 to be printed. The printer shall deliver all completed copies to  
7 the Supreme Court. These copies shall be held and disposed of  
8 by the court as follows: Sixty copies to the State Library to  
9 exchange for statutes of other states; five copies to the State  
10 Library to keep for daily use; not to exceed twenty-five copies  
11 to the Legislative Council for bill drafting and related services  
12 to the Legislature and executive state officers; as many copies  
13 to the Attorney General as he or she has attorneys on his or  
14 her staff; as many copies to the Commission on Public Advocacy  
15 as it has attorneys on its staff; up to sixteen copies to the  
16 State Court Administrator; thirteen copies to the Tax Commissioner;  
17 eight copies to the Nebraska Publications Clearinghouse; six copies  
18 to the Public Service Commission; four copies to the Secretary  
19 of State; ~~four~~ three copies to the Tax Equalization and Review  
20 Commission; four copies to the Clerk of the Legislature for use  
21 in his or her office and three copies to be maintained in the  
22 legislative chamber, one copy on each side of the chamber and  
1 one copy at the desk of the Clerk of the Legislature, under  
2 control of the sergeant at arms; three copies to the Department  
3 of Health and Human Services; two copies each to the Governor  
4 of the state, the Chief Justice and each judge of the Supreme  
5 Court, each judge of the Court of Appeals, the Clerk of the  
6 Supreme Court, the Reporter of the Supreme Court and Court of  
7 Appeals, the Commissioner of Labor, the Auditor of Public Accounts,  
8 and the Revisor of Statutes; one copy each to the Secretary of  
9 State of the United States, each Indian tribal court located  
10 in the State of Nebraska, the library of the Supreme Court of  
11 the United States, the Adjutant General, the Air National Guard,  
12 the Commissioner of Education, the State Treasurer, the Board  
13 of Educational Lands and Funds, the Director of Agriculture, the  
14 Director of Administrative Services, the Director of Aeronautics,  
15 the Director of Economic Development, the director of the Nebraska  
16 Public Employees Retirement Systems, the Director-State Engineer,  
17 the Director of Banking and Finance, the Director of Insurance,  
18 the Director of Motor Vehicles, the Director of Veterans' Affairs,  
19 the Director of Natural Resources, the Director of Correctional  
20 Services, the Nebraska Emergency Operating Center, each judge of  
21 the Nebraska Workers' Compensation Court, each commissioner of the  
22 Commission of Industrial Relations, the Nebraska Liquor Control  
23 Commission, the State Real Estate Commission, the secretary of  
24 the Game and Parks Commission, the Board of Pardons, each state  
25 institution under the Department of Health and Human Services,  
26 each state institution under the State Department of Education, the  
27 State Surveyor, the Nebraska State Patrol, the materiel division of  
1 the Department of Administrative Services, the personnel division  
2 of the Department of Administrative Services, the Nebraska Motor  
3 Vehicle Industry Licensing Board, the Board of Trustees of the

4 Nebraska State Colleges, each of the Nebraska state colleges, each  
 5 district judge of the State of Nebraska, each judge of the county  
 6 court, each judge of a separate juvenile court, the Lieutenant  
 7 Governor, each United States Senator from Nebraska, each United  
 8 States Representative from Nebraska, each clerk of the district  
 9 court for the use of the district court, the clerk of the Nebraska  
 10 Workers' Compensation Court, each clerk of the county court, each  
 11 county attorney, each county public defender, each county law  
 12 library, and the inmate library at all state penal and correctional  
 13 institutions, and each member of the Legislature shall be entitled  
 14 to two complete sets, and two complete sets of such volumes as are  
 15 necessary to update previously issued volumes, but each member of  
 16 the Legislature and each judge of any court referred to in this  
 17 section shall be entitled, on request, to an additional complete  
 18 set. Copies of the statutes distributed without charge, as listed  
 19 in this section, shall be the property of the state or governmental  
 20 subdivision of the state and not the personal property of the  
 21 particular person receiving a copy. Distribution of statutes to the  
 22 library of the College of Law of the University of Nebraska shall  
 23 be as provided in sections 85-176 and 85-177.

24 Sec. 36. Sections 16, 32, 33, 36, 37, 38, and 41 of this  
 25 act become operative on their effective date. Sections 1, 5, 20,  
 26 21, 22, 23, 27, 28, 29, 30, 31, and 40 of this act become operative  
 27 on July 1, 2011. The other sections of this act become operative  
 1 three calendar months after the adjournment of this legislative  
 2 session.

3 Sec. 40. Original sections 49-617, 77-702, 77-5001,  
 4 77-5003, 77-5005, and 77-5017, Reissue Revised Statutes of  
 5 Nebraska, and sections 77-5004, 77-5016, and 77-5018, Revised  
 6 Statutes Cumulative Supplement, 2010, are repealed.

7 2. On page 1, line 7; page 5, lines 10 and 19; page 6,  
 8 line 1; page 7, lines 8 and 27; page 8, line 15; page 9, line 25;  
 9 page 10, line 10; page 11, lines 17 and 23; page 13, line 15; page  
 10 19, line 24; page 20, lines 14 and 26; and page 43, line 12, strike  
 11 "2013" and insert "2014".

12 3. On page 31, strike beginning with "Any" in line 2  
 13 through the period in line 3.

14 4. Renumber the remaining sections and correct internal  
 15 references accordingly.

Senator Krist filed the following amendment to LB386:  
 AM1308

(Amendments to E & R amendments, ER98)

1 1. On page 1, strike lines 6 through 13 and insert the  
 2 following new subdivision:

3 "(2) Distressed area means:

4 (a) A municipality, unincorporated area, or census tract  
 5 in Nebraska that (i) is within a county with a population of fewer  
 6 than one hundred thousand inhabitants according to the most recent



7 federal decennial census and (ii)(A) has an unemployment rate which  
8 exceeds the statewide average unemployment rate, (B) has a per  
9 capita income below the statewide average per capita income, or  
10 (C) had a population decrease between the two most recent federal  
11 decennial censuses; and

12 (b) A county with a population of fewer than one hundred  
13 thousand inhabitants according to the most recent federal decennial  
14 census in Nebraska that (i) has an unemployment rate which exceeds  
15 the statewide average unemployment rate, (ii) has a per capita  
16 income below the statewide average per capita income, or (iii) had  
17 a population decrease between the two most recent federal decennial  
18 censuses;".

### VISITORS

Visitors to the Chamber were a group of BACH Homeschoolers from Bellevue; and 13 third- and fourth-grade students, teacher, and sponsors from St. Paul Lutheran, Arlington.

The Doctor of the Day was Dr. Patrick Hotovy from York.

### ADJOURNMENT

At 3:59 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Thursday, April 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-FIRST DAY - APRIL 28, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 28, 2011

**PRAYER**

The prayer was offered by Father Paul Rutten, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett, Karpisek, Krist, Lautenbaugh, Loudon, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 289.** Placed on Final Reading.  
ST29

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mello amendment, AM1239, on page 33, line 16, the underscored comma has been struck.

2. In the E & R amendments, ER91, on page 1, the matter beginning with "60-165" in line 9 through the first "and" in line 12 has been struck and "60-165, 60-301, 60-306, 60-336.01, 60-339, 60-386, 60-3,100, 60-3,113, 60-3,187, 60-3,190, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, 60-6,349, 66-712, 66-738, 66-1405, and 77-1330," inserted.

3. On page 1, line 1, "14-3,113," has been inserted after "sections"; and in line 6 "60-6,349," has been struck.

**LEGISLATIVE BILL 289A.** Placed on Final Reading.

**LEGISLATIVE BILL 305A.** Placed on Final Reading.

**LEGISLATIVE BILL 449.** Placed on Final Reading.

ST30

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER93, on page 1, line 2, "32-616," has been inserted after the third comma.

**LEGISLATIVE BILL 500.** Placed on Final Reading.

**LEGISLATIVE BILL 535.** Placed on Final Reading.

**LEGISLATIVE BILL 665.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 589.** Placed on Select File with amendment.

ER103

1 1. In the Standing Committee amendments, AM858, on page  
2 1, line 10, strike "subsection (2) or" and insert "subsections (2)  
3 and".

4 2. On page 1, strike lines 3 through 6 and insert  
5 "temporary use of the state highway system for special events held  
6 by a county, city, or village as prescribed; to provide liability  
7 and duties for the county, city, or village; and to repeal the  
8 original section."

(Signed) Tyson Larson, Chairperson

### NOTICE OF COMMITTEE HEARING

Redistricting

Room 1525

Thursday, May 5, 2011 3:00 p.m.

LB699

### VIDEOCONFERENCE SITES:

SCOTTSBLUFF: High Plains Room, Panhandle Research & Extension  
Center, 4502 Avenue I (2:00 p.m. M.S.T.)

OMAHA: Room 207, State Office Building, 1313 Farnam Street

(Signed) Chris Langemeier, Chairperson

**REPORT**

The following report was received by the Legislature:

**Labor, Department of**

Nebraska State Workforce Investment Board Significant Modifications to  
Nebraska's Strategic State Plan for PY 2011

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 27, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Arch, Cameron J.

Blue Cross & Blue Shield of Nebraska

Bromm, Curt

Medical Center, Nebraska

Evnen, Robert B.

Lincoln Chamber of Commerce

Moore, Scott S.

Omaha Chamber of Commerce, Greater

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB382 with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 382.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend section 79-988.01, Reissue Revised Statutes of Nebraska, sections 79-958, 79-966, 79-9,113, and 81-2017, Revised Statutes Cumulative Supplement, 2010, section 79-1028.01, Revised Statutes Cumulative Supplement, 2010, as amended by section 21, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011, and section 79-1003, Revised Statutes Cumulative Supplement, 2010, as amended by section 2, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011, and section 5, Legislative Bill 235, One Hundred Second Legislature, First Session, 2011; to change contribution and deposit requirements for employees and employers for

school retirement systems and the Nebraska State Patrol Retirement System; to change provisions relating to calculation of state aid for schools; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Conrad	Harms	McCoy	Schilz
Ashford	Cook	Heidemann	McGill	Schumacher
Avery	Dubas	Howard	Mello	Smith
Bloomfield	Fischer	Janssen	Nelson	Sullivan
Brasch	Flood	Karpisek	Nordquist	Utter
Campbell	Fulton	Langemeier	Pahls	Wallman
Carlson	Gloor	Larson	Pankonin	Wightman
Christensen	Haar, K.	Lathrop	Pirsch	
Coash	Hadley	Louden	Price	

Voting in the negative, 0.

Present and not voting, 2:

Council        Harr, B.

Excused and not voting, 4:

Cornett        Hansen        Krist        Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 382A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Conrad	Harms	McCoy	Schilz
Ashford	Cook	Heidemann	McGill	Schumacher
Avery	Council	Howard	Mello	Smith
Bloomfield	Dubas	Janssen	Nelson	Sullivan
Brasch	Fischer	Karpisek	Nordquist	Utter
Campbell	Flood	Langemeier	Pahls	Wallman
Carlson	Fulton	Larson	Pankonin	Wightman
Christensen	Gloor	Lathrop	Pirsch	
Coash	Hadley	Louden	Price	

Voting in the negative, 0.

Present and not voting, 2:

Haar, K.      Harr, B.

Excused and not voting, 4:

Cornett      Hansen      Krist      Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 464.** With Emergency Clause.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Adams	Dubas	Heidemann	McGill	Schumacher
Ashford	Fischer	Howard	Mello	Smith
Avery	Flood	Janssen	Nelson	Sullivan
Bloomfield	Fulton	Karpisek	Nordquist	Utter
Brasch	Gloor	Langemeier	Pahls	Wallman
Campbell	Haar, K.	Larson	Pankonin	Wightman
Carlson	Hadley	Lathrop	Pirsch	
Coash	Harms	Louden	Price	
Conrad	Harr, B.	McCoy	Schilz	

Voting in the negative, 2:

Christensen      Council

Present and not voting, 1:

Cook

Excused and not voting, 4:

Cornett            Hansen            Krist            Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 648.**

A BILL FOR AN ACT relating to child placement; to amend sections 43-1314 and 71-1902, Reissue Revised Statutes of Nebraska, and section 43-285, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to juvenile care and placement plans and foster care placement; to change foster care licensure requirements for child-caring agencies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Harr, B.	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Avery	Fischer	Howard	McGill	Schumacher
Bloomfield	Flood	Janssen	Mello	Smith
Brasch	Fulton	Karpisek	Nelson	Sullivan
Campbell	Gloor	Langemeier	Nordquist	Utter
Carlson	Haar, K.	Larson	Pahls	Wallman
Christensen	Hadley	Lathrop	Pankonin	Wightman
Coash	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Cook            Council

Excused and not voting, 3:

Cornett            Hansen            Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 54.**

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2147, Reissue Revised Statutes of Nebraska; to change provisions relating to tax-increment financing; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harr, B.	McCoy	Schumacher
Ashford	Council	Heidemann	McGill	Smith
Avery	Dubas	Howard	Mello	Sullivan
Bloomfield	Fischer	Janssen	Nelson	Utter
Brasch	Flood	Karpisek	Nordquist	Wallman
Campbell	Fulton	Langemeier	Pahls	Wightman
Carlson	Gloor	Larson	Pankonin	
Christensen	Haar, K.	Lathrop	Pirsch	
Coash	Hadley	Lautenbaugh	Price	
Conrad	Harms	Louden	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Cornett	Hansen	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB177 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to health and human services; to amend sections 43-905, 43-1301, 43-1311, 43-1312, 43-1318, 68-1202, and 68-1204, Reissue Revised Statutes of Nebraska, and section 43-285, Revised Statutes Cumulative Supplement, 2010; to provide for a written independent living transition proposal for children in foster care; to provide for notification of relatives when a child is removed from his or her home; to require reasonable efforts for joint-sibling placement or sibling visitation

or ongoing interactions; to change provisions relating to placement of children and the purchase and provision of social services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Harr, B.	Louden	Schilz
Ashford	Council	Heidemann	McCoy	Schumacher
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Janssen	Mello	Sullivan
Brasch	Flood	Karpisek	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Harms	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Cornett            Hansen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB283 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 283.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to property tax levy limits; to provide school boards with tax levy and bond authority relating to energy efficiency projects as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Adams	Cook	Howard	Mello	Schumacher
Ashford	Dubas	Karpisek	Nordquist	Sullivan
Avery	Gloor	Krist	Pahls	Wallman
Campbell	Haar, K.	Lathrop	Pankonin	
Coash	Hadley	Louden	Pirsch	
Conrad	Harr, B.	McGill	Schilz	

Voting in the negative, 19:

Bloomfield	Fischer	Heidemann	Lautenbaugh	Smith
Brasch	Flood	Janssen	McCoy	Utter
Carlson	Fulton	Langemeier	Nelson	Wightman
Christensen	Harms	Larson	Price	

Present and not voting, 1:

Council

Excused and not voting, 2:

Cornett            Hansen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB637 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 637.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 77-2704.12, 79-757, 85-943, 85-961, 85-1604, 85-1620, and 85-1643, Reissue Revised Statutes of Nebraska, sections 85-1412 and 85-2105, Revised Statutes Cumulative Supplement, 2010, section 38-2622, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 334, One Hundred Second Legislature, First Session, 2011, and section 9-812, Revised Statutes Cumulative Supplement, 2010, as amended by section 1, Legislative Bill 333, One Hundred Second Legislature, First Session, 2011; to adopt the Postsecondary Institution Act; to provide and eliminate sales tax exemption provisions, authorization requirements, and penalties relating to out-of-state institutions of higher education and private colleges; to change provisions relating to the Education Innovation Fund, the Nebraska Optometry Education Assistance Contract Program, authorized offerings of the

University of Nebraska and community colleges, the Private Postsecondary Career School Act, and the Access College Early Scholarship Program; to provide for a pilot project for the administration of a standard college admission test; to provide and eliminate duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-1101, 85-1102, 85-1103, 85-1103.01, 85-1103.02, 85-1104, 85-1105, 85-1106, 85-1107, 85-1108, 85-1109, 85-1110, 85-1110.01, and 85-1111, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Cook	Harms	Lautenbaugh	Price
Ashford	Cornett	Harr, B.	Louden	Schilz
Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Fischer	Janssen	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Hansen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 637A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 637, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Cook	Harms	Lautenbaugh	Price
Ashford	Cornett	Harr, B.	Louden	Schilz
Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Fischer	Janssen	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Hansen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 382, 382A, 464, 648, 54, 177, 283, 637, and 637A.

### **COMMITTEE REPORT**

Business and Labor

The Business and Labor 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.

Steven Bley - Boiler Safety Code Advisory Board  
 Robert Kirkpatrick - Boiler Safety Code Advisory Board  
 Thomas Phipps - Boiler Safety Code Advisory Board

Aye: 7 Senators Ashford, Carlson, Cook, B. Harr, Lathrop, Smith, Wallman.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 176.** Introduced by Hansen, 42; Brasch, 16; Campbell, 25; Carlson, 38; Fulton, 29; Gloor, 35; Harms, 48; Howard, 9; Krist, 10; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, November 2011 is National Family Caregivers Month; and

WHEREAS, an estimated 250,000 people in Nebraska, 13 percent of the population, are 65 years of age and older, and this number is expected to increase in the next 20 years to 420,000, or 23 percent of the population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the population, are 85 years of age and older, and this number is expected to increase in the next 20 years to 60,000, or 3.1 percent of the population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska currently have Alzheimer's disease, and this number is expected to increase to 44,000 by 2025, with 70 percent of the people with Alzheimer's disease and other dementias living at home; and

WHEREAS, currently 13 percent of those age 62 and older need some level of assistance with their activities of daily living; and

WHEREAS, there are an estimated 225,000 adults in Nebraska providing non-family-paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by more than 50 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2011 as Nebraska Caregivers Month and encourages citizens to participate in activities of the National Family Caregivers Month in November.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

**LEGISLATIVE RESOLUTION 177.** Introduced by Pirsch, 4.

WHEREAS, speeding in residential neighborhoods represents the single greatest complaint to police departments in the United States; and

WHEREAS, the death rate per million miles driven on residential streets is almost three times the death rate on other streets and highways; and

WHEREAS, motor vehicle crashes are the leading cause of death for children ages two through fourteen years.

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

1. That the Legislature recognizes the seriousness of speeding in residential neighborhoods with respect to causing injury and death to children.

2. That the Legislature declares May 1, 2011, as "Keep Kids Alive-Drive 25 Day".

Laid over.

## **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.

Jill Reel - Foster Care Review Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Dillard Delts - Commission for the Deaf and Hard of Hearing

Amy Kasch - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. 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.

Janet Coleman - State Board of Health

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

(Signed) Kathy Campbell, Chairperson

**MOTION - Override Veto on LB600**

Senator Campbell renewed her motion, MO42, found on page 1315, that LB600 becomes law notwithstanding the objections of the Governor.

Senator Campbell moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 44:

Adams	Cook	Hadley	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Brasch	Dubas	Howard	McCoy	Smith
Campbell	Fischer	Janssen	McGill	Sullivan
Carlson	Flood	Karpisek	Mello	Utter
Christensen	Fulton	Krist	Nordquist	Wallman
Coash	Gloor	Langemeier	Pankonin	Wightman
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield    Nelson            Pahls

Excused and not voting, 2:

Hansen            Heidemann

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.



**MOTION - Override Veto on LB600A**

Senator Campbell renewed her motion, MO43, found on page 1315, that LB600A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 43:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Howard	McCoy	Smith
Brasch	Fischer	Janssen	McGill	Sullivan
Campbell	Flood	Karpisek	Mello	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Coash	Gloor	Langemeier	Pankonin	Wightman
Conrad	Haar, K.	Larson	Pirsch	
Cook	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 4:

Bloomfield	Christensen	Nelson	Pahls
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Excused and not voting, 2:

Hansen	Heidemann
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**COMMUNICATION**

April 28, 2011

The Honorable John Gale  
 Secretary of State  
 2300 State Capitol  
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB600 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB600, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 600, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of April 2011.

(Signed) Mike Flood  
President of the Legislature

**COMMUNICATION**

April 28, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB600A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB600A, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 600A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of April 2011.

(Signed) Mike Flood  
President of the Legislature

**AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB642:  
AM1315

(Amendments to Standing Committee amendments, AM493)

- 1 1. On page 1, strike beginning with "The" in line 7
- 2 through the underscored period in line 11 and insert
- 3 "(a) The department may enter into a contract with
- 4 an entity to recruit to the state new enterprises that will
- 5 generate sales taxable pursuant to section 77-2703 if the Governor
- 6 determines the contract to be in the best interest of the state.
- 7 The contract shall not be subject to the requirements of sections
- 8 73-201 to 73-204 and 73-504.
- 9 (b) The Governor's determination that a contract is in
- 10 the best interest of the state shall be based on the new state
- 11 sales tax revenue that would be generated as a result of the
- 12 business activity of the new enterprises recruited to the state,
- 13 the number of new jobs directly and indirectly created as a result
- 14 of the activity, and an average salary of new jobs greater than one
- 15 hundred fifty percent of the state average wage as determined by
- 16 the Department of Labor on an annual basis. The contract and all
- 17 supporting information shall be confidential except for the name of
- 18 the taxpayer, location of the taxpayer's place of business, amounts
- 19 of increased employment and investment, and information required to
- 20 be reported under subdivision (2)(e) of this section.
- 21 (c) A contract entered into under this section may
- 22 provide for the payment of an incentive that is a percentage of the
- 1 new state sales tax revenue generated.
- 2 (d) A new enterprise recruited under this subsection
- 3 shall be subject to all reporting, audit, enforcement, and
- 4 confidentiality provisions of the Nebraska Revenue Act of 1967
- 5 that are applicable to other sellers in the state. The state may
- 6 not contractually waive this requirement. In the event an incentive
- 7 was paid under this section on taxes subsequently determined to
- 8 have been paid in error, the amount of refund for such taxes shall
- 9 be reduced by the amount of the incentive paid.
- 10 (e) The Tax Commissioner shall submit an annual report
- 11 to the Legislature no later than July 15 each year regarding total
- 12 state sales tax revenue generated pursuant to this subsection. The
- 13 report shall include:
- 14 (i) A listing of the contracts which have been signed
- 15 during the previous calendar year;
- 16 (ii) A listing of the contracts which are still in
- 17 effect;
- 18 (iii) The identity of each taxpayer who is party to a
- 19 contract;
- 20 (iv) The location of each new enterprise;
- 21 (v) Total taxable sales occurring in this state as a
- 22 result of the contract authorized by this subsection;

23 (vi) Total state sales tax revenue generated by the total  
 24 taxable sales referred to in subdivision (2)(e)(v) of this section;  
 25 (vii) Total incentives paid to each new enterprise; and  
 26 (viii) The total number of Nebraska jobs created and the  
 27 average salary and benefits paid."; and in line 15 before the  
 1 period insert "; and in line 24 after "to" insert "subsection (1)  
 2 of".

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 28, 2011, at 9:52 a.m. were the following: LBs 382e, 382Ae, 464e, 648, 54, 177, 283, 637e, and 637Ae.

(Signed) Jamie Kruse  
 Clerk of the Legislature's Office

### COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 226.** Placed on General File with amendment.  
 AM1068

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 28-101, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Criminal Code.  
 7 Sec. 2. (1) Any person who knowingly and intentionally  
 8 strikes any public safety officer with any bodily fluid is guilty  
 9 of assault with a bodily fluid against a public safety officer.  
 10 (2) Except as provided in subsection (3) of this section,  
 11 assault with a bodily fluid against a public safety officer is a  
 12 Class I misdemeanor.  
 13 (3) Assault with a bodily fluid against a public safety  
 14 officer is a Class IIIA felony if the person committing the offense  
 15 strikes with a bodily fluid the eyes, mouth, or skin of a public  
 16 safety officer and knew the source of the bodily fluid was infected  
 17 with the human immunodeficiency virus, hepatitis B, or hepatitis C  
 18 at the time the offense was committed.  
 19 (4) Upon a showing of probable cause by affidavit to  
 20 a judge of this state that an offense as defined in subsection  
 21 (1) of this section has been committed and that identifies the  
 22 probable source of the bodily fluid or bodily fluids used to commit  
 23 the offense, the judge shall grant an order or issue a search  
 1 warrant authorizing the collection of any evidence, including any  
 2 bodily fluid or medical records or the performance of any medical  
 3 or scientific testing or analysis, that may assist with the  
 4 determination of whether or not the person committing the offense  
 5 or the person from whom the person committing the offense obtained

- 6 the bodily fluid or bodily fluids is infected with the human  
 7 immunodeficiency virus, hepatitis B, or hepatitis C.  
 8 (5) As used in this section:  
 9 (a) Bodily fluid means any naturally produced secretion  
 10 or waste product generated by the human body and shall include,  
 11 but not be limited to, any quantity of human blood, urine, saliva,  
 12 mucus, vomitus, seminal fluid, or feces; and  
 13 (b) Public safety officer includes any of the following  
 14 persons who are engaged in the performance of their official duties  
 15 at the time of the offense: A peace officer; a probation officer;  
 16 an employee of a county, city, or village jail; an employee  
 17 of the Department of Correctional Services; an employee of the  
 18 secure youth confinement facility operated by the Department of  
 19 Correctional Services, if the person committing the offense is  
 20 committed to such facility; or an employee of the Department of  
 21 Health and Human Services if the person committing the offense  
 22 is committed as a dangerous sex offender under the Sex Offender  
 23 Commitment Act.  
 24 Sec. 3. Original section 28-101, Revised Statutes  
 25 Cumulative Supplement, 2010, is repealed.

**LEGISLATIVE BILL 673.** Placed on General File with amendment.  
 AM1254

- 1 1. On page 4, line 3, strike "shall" and insert "may";
- 2 and in line 7 strike "prima facie".
- 3 2. On page 10, line 2, strike "Nebraska".

(Signed) Brad Ashford, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 550.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 15.** Title read. Considered.

Committee AM161, found on page 1018, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Committee AM159, found on page 1018, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

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

**SENATOR LANGEMEIER PRESIDING**

**LEGISLATIVE BILL 424.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 453.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 454.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 455.** Title read. Considered.

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

**LEGISLATIVE BILL 167.** Title read. Considered.

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

**LEGISLATIVE BILL 107.** Title read. Considered.

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

**LEGISLATIVE BILL 155.** Title read. Considered.

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

**LEGISLATIVE BILL 248.** Title read. Considered.

Committee AM272, found on page 640, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 261.** Title read. Considered.

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

**LEGISLATIVE BILL 121.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 309.** Title read. Considered.

Committee AM222, found on page 658, was considered.

Senator Coash renewed his amendment, AM1180, found on page 1187, to the committee amendment.

The Coash amendment was adopted with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 573.** Title read. Considered.

Committee AM344, found on page 695, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 458.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

**SENATOR CARLSON PRESIDING**

**LEGISLATIVE BILL 423.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 56.** Title read. Considered.

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

**LEGISLATIVE BILL 480.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 254.** Title read. Considered.

Committee AM240, found on page 799, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 641.** Title read. Considered.

Committee AM656, found on page 809, was considered.

Senator Karpisek renewed his amendment, AM1040, found on page 1032, to the committee amendment.

The Karpisek amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 413.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.



**LEGISLATIVE BILL 525.** Title read. Considered.

Senator Lathrop renewed his amendment, AM1185, found on page 1188.

The Lathrop amendment 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 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 525A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 591.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

## **COMMITTEE REPORTS**

### Enrollment and Review

**LEGISLATIVE BILL 137.** Placed on Final Reading.

**LEGISLATIVE BILL 360.** Placed on Final Reading.

ST31

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM369, section 4 has been struck and the following new section inserted:

Sec. 5. Sections 3 and 7 of this act become operative on October 1, 2011. The other sections of this act become operative on January 1, 2010.

2. On page 1, the matter beginning with "sections" in line 1 through line 8 and all amendments thereto have been struck and "section 77-27,235, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, and 77-6203, Revised Statutes Cumulative Supplement, 2010; to redefine a term; to change a property tax exemption; to change provisions relating to tax credits relative to energy generation facilities; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Tyson Larson, Chairperson

**VISITORS**

Visitors to the Chamber were 60 fourth-grade students and teachers from Howard Elementary, Grand Island; 33 fourth-grade students and teacher from Sacred Heart Elementary, Norfolk; 12 fourth-grade students and teacher from Humphrey St. Francis, Humphrey; 13 high school students and teachers from Lyons-Decatur Northeast; Noah Smith from Beatrice and Justice Bennett from Lincoln; 10 fourth-grade students and teacher from St. Joseph's York School, York; and 30 fourth-grade students and teacher from Homer.

**RECESS**

At 11:58 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Christensen, Harms, Janssen, Loudon, Pahls, and Wightman who were excused; and Senators Coash, Cornett, Fulton, Hansen, Lathrop, Lautenbaugh, McGill, and Mello who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 178.** Introduced by Flood, 19.

WHEREAS, Dr. G. Tom Surber was selected as the recipient of the 2011 Edward I. Vrzal Outstanding Citizen Award; and

WHEREAS, this award is given annually to recognize the excellent civic contributions of a Norfolk citizen; and

WHEREAS, Dr. Surber is a trusted physician in the Norfolk community, providing quality medical care to thousands with extreme attention to ensuring that each patient receives the best care possible; and

WHEREAS, Dr. Surber has maintained a lifelong interest in the Boy Scouts of America and has led a troop for many years; and

WHEREAS, Dr. Surber has provided medical direction for the city of Norfolk for over thirty-five years and has been instrumental in various medical developments in the Norfolk community.

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

1. That the Legislature congratulates Dr. G. Tom Surber on receiving the 2011 Edward I. Vrzal Outstanding Citizen Award.

2. That a copy of this resolution be sent to Dr. G. Tom Surber.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 687.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 542.** Title read. Considered.

Committee AM655, found on page 829, was adopted with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

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

**LEGISLATIVE BILL 265.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 315.** Title read. Considered.

Committee AM842, found on page 890, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Senator Langemeier withdrew his amendment, AM673, found on page 762.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 277.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 292.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 394.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Committee AM872, found on page 923, was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 162.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 494.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 124.** Title read. Considered.

Committee AM1037, found on page 1019, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 73.** Title read. Considered.

Committee AM979, found on page 1024, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 234.** Title read. Considered.

Committee AM740, found on page 1025, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 502.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Bloomfield filed the following amendment to LB628:  
AM1263

(Amendments to Final Reading copy)

- 1 1. Strike section 4.
- 2 2. On page 1, strike beginning with "to" in line 5
- 3 through the semicolon in line 6.
- 4 3. Renumber the remaining section accordingly.

**VISITORS**

Visitors to the Chamber were 25 fourth-grade students and teachers from Shelby; and 67 fourth-grade students, teachers, and sponsors from Willowdale Elementary, Omaha.

**ADJOURNMENT**

At 2:29 p.m., on a motion by Senator Larson, the Legislature adjourned until 10:00 a.m., Monday, May 2, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SECOND DAY - MAY 2, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 2, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cook and Pankonin who were excused; and Senators Coash, B. Harr, Karpisek, McGill, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 463.** Placed on Final Reading.  
ST32

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Flood amendment, AM1306:
  - a. On page 3, line 10, the comma has been struck; and
  - b. On page 14, line 7, "the" has been inserted after "after"; and in line 8 "rest of the" has been struck and "other" inserted.
2. In the E & R amendment, ER88, on page 1, line 7, ", 43-412, 43-416," has been inserted after "43-286"; in line 9 "43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04," has been inserted after the fourth comma; in line 18 "to provide duties for the Office of Juvenile Services;" has been inserted after the semicolon; and in line 21 "to provide operative dates;" has been inserted after the second semicolon.
3. In the Ashford amendment, AM1131:
  - a. On page 27, line 13; page 28, line 19; and page 29, line 2, "10" has been struck and "16" inserted; and

b. On page 29, lines 11 and 12, "8, 9, 10, and 11" has been struck and "14, 15, 16, and 17" inserted; and

c. On page 36, line 2, "43-2,108.05," has been struck.

**LEGISLATIVE BILL 463A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 384.** ER86, found on page 1137, was adopted.

Senator Louden renewed his amendment, AM1132, found on page 1140.

Senator Louden moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Conrad	Hansen	Krist	Mello	Schumacher
Council	Howard	Lathrop	Nelson	Wallman
Haar, K.	Karpisek	Louden	Nordquist	

Voting in the negative, 26:

Adams	Carlson	Flood	Langemeier	Schilz
Ashford	Christensen	Fulton	Larson	Utter
Avery	Coash	Gloor	Lautenbaugh	
Bloomfield	Cornett	Hadley	McCoy	
Brasch	Dubas	Heidemann	Pahls	
Campbell	Fischer	Janssen	Pirsch	

Present and not voting, 4:

Harms	Price	Smith	Sullivan
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Excused and not voting, 5:

Cook	Harr, B.	McGill	Pankonin	Wightman
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The Louden amendment lost with 14 ayes, 26 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.



Senator Cornett renewed her amendment, AM1204, found on page 1334.

The Cornett amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 384A.** ER95, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 386.** ER98, found on page 1294, was adopted.

Senator Krist renewed his amendment, AM1308, found on page 1336.

Senator Krist withdrew his amendment.

Senator Mello offered the following amendment:  
AM1359

(Amendments to E & R amendments, ER98)

- 1 1. On page 2, line 19, strike "and"; in line 22 strike
- 2 the period and insert "; and"; and after line 22 insert the
- 3 following new subdivision:
- 4 "(d) The intern applies for the internship prior to
- 5 graduation, even though the internship may be completed after
- 6 graduation.".

The Mello amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 179.** Introduced by Harms, 48.

WHEREAS, Kaleigh Mueller of Gering High School placed second in sports news/game coverage and third in yearbook sports feature writing at the 2011 Class B state championships for journalism; and

WHEREAS, Kaleigh Mueller's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kaleigh Mueller for placing second in sports news/game coverage and third in yearbook sports feature writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kaleigh Mueller.

Laid over.

**LEGISLATIVE RESOLUTION 180.** Introduced by Harms, 48.

WHEREAS, Caleb Wyre of Gering High School placed first in sports news/game coverage and third in sports feature writing at the 2011 Class B state championships for journalism; and

WHEREAS, Caleb Wyre's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Caleb Wyre for placing first in sports news/game coverage and third in sports feature writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Caleb Wyre.

Laid over.

**LEGISLATIVE RESOLUTION 181.** Introduced by Harms, 48.

WHEREAS, Erika Bowman of Gering High School placed third in information graphic at the 2011 Class B state championships for journalism; and

WHEREAS, Erika Bowman's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Erika Bowman for placing third in information graphic at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Erika Bowman.

Laid over.

**LEGISLATIVE RESOLUTION 182.** Introduced by Harms, 48.

WHEREAS, Kendall Uhrich of Gering High School placed first in photo illustration at the 2011 Class B state championships for journalism; and

WHEREAS, Kendall Uhrich's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kendall Uhrich for placing first in photo illustration at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kendall Uhrich.

Laid over.

**LEGISLATIVE RESOLUTION 183.** Introduced by Harms, 48.

WHEREAS, Alexa Anderson of Gering High School placed first in news writing, first in news/feature photography, second in photo illustration, and third in sports/action photography at the 2011 Class B state championships for journalism; and

WHEREAS, Alexa Anderson's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Alexa Anderson for placing first in news writing, first in news/feature photography, second in photo illustration, and third in sports/action photography at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Alexa Anderson.

Laid over.

**LEGISLATIVE RESOLUTION 184.** Introduced by Harms, 48.

WHEREAS, Kelsy Belgum of Gering High School placed first in sports/action photography, first in yearbook theme copy writing, and third in news/feature photography at the 2011 Class B state championships for journalism; and

WHEREAS, Kelsy Belgum's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kelsy Belgum for placing first in sports/action photography, first in yearbook theme copy writing, and third in news/feature photography at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kelsy Belgum.

Laid over.

**LEGISLATIVE RESOLUTION 185.** Introduced by Harms, 48.

WHEREAS, Jessica Wolf of Gering High School placed first in headline writing and second in newspaper layout at the 2011 Class B state championships for journalism; and

WHEREAS, Jessica Wolf's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Jessica Wolf for placing first in headline writing and second in newspaper layout at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Jessica Wolf.

Laid over.

**LEGISLATIVE RESOLUTION 186.** Introduced by Harms, 48.

WHEREAS, Samuel Eastman of Gering High School placed third in entertainment review writing at the 2011 Class B state championships for journalism; and

WHEREAS, Samuel Eastman's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Samuel Eastman for placing third in entertainment review writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Samuel Eastman.

Laid over.

**LEGISLATIVE RESOLUTION 187.** Introduced by Harms, 48.

WHEREAS, Nicholas Brady of Gering High School placed first in editorial cartooning at the 2011 Class B state championships for journalism; and

WHEREAS, Nicholas Brady's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Nicholas Brady for placing first in editorial cartooning at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Nicholas Brady.

Laid over.

**LEGISLATIVE RESOLUTION 188.** Introduced by Harms, 48.

WHEREAS, Courtney Prohs of Gering High School placed third in headline writing at the 2011 Class B state championships for journalism; and

WHEREAS, the efforts and outstanding performance of Courtney Prohs helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Courtney Prohs for placing third in headline writing at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Courtney Prohs.

Laid over.

**LEGISLATIVE RESOLUTION 189.** Introduced by Harms, 48.

WHEREAS, Destiney Warren of Gering High School placed first in advertising at the 2011 Class B state championships for journalism; and

WHEREAS, Destiney Warren's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Destiney Warren for placing first in advertising at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Destiney Warren.

Laid over.

**LEGISLATIVE RESOLUTION 190.** Introduced by Christensen, 44.

WHEREAS, the Imperial Chapter of the Chase County Schools FFA took first place in Ag Sales at the 83rd Annual Nebraska FFA Convention held April 6-8, 2011; and

WHEREAS, the members of the Ag Sales team included Alexa Bernhardt, Steven Fish, Spencer Hartman, and Jared Knobbe. The team was coached by former FFA members Dillon Harchelroad and Tanner Martin; 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, FIRST SESSION:

1. That the Legislature congratulates the Ag Sales team of the Imperial Chapter of the Chase County Schools FFA for taking first place at the 83rd Annual Nebraska FFA Convention.
2. That a copy of this resolution be sent to the Ag Sales team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 191.** Introduced by Christensen, 44.

WHEREAS, the Imperial Chapter of the Chase County Schools FFA took first place in Senior Parliamentary Procedure and Junior Parliamentary Procedure at the 83rd Annual Nebraska FFA Convention held April 6-8, 2011; and

WHEREAS, the members of the Senior Parliamentary Procedure team included Lucas Bauerle, Michaela Ketter, Daniel Regier, Kyle Bottom, Steven Fish, and Chantal Heathers. The team was coached by FFA advisor Jeremy Vlasin; and

WHEREAS, the members of the Junior Parliamentary Procedure team included Spencer Hartman, Callin Ledall, Shandra Johnson, Emily Johnston, Justin German, Hunter Spady, and Mason Holmes. The team was coached by FFA advisor Jason Speck; 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, FIRST SESSION:

1. That the Legislature congratulates the Senior and Junior Parliamentary Procedure teams of the Imperial Chapter of the Chase County Schools FFA for taking first place at the 83rd Annual Nebraska FFA Convention.

2. That a copy of this resolution be sent to the Senior and Junior Parliamentary Procedure teams and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 192.** Introduced by Harms, 48.

WHEREAS, Kaitlyn Krzyzanowski of Gering High School placed third in sports news/game coverage at the 2011 Class B state championships for journalism; and

WHEREAS, Kaitlyn Krzyzanowski's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kaitlyn Krzyzanowski for placing third in sports news/game coverage at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kaitlyn Krzyzanowski.

Laid over.

**LEGISLATIVE RESOLUTION 193.** Introduced by Harms, 48.

WHEREAS, Morgan Broussard of Gering High School placed second in yearbook theme development at the 2011 Class B state championships for journalism; and

WHEREAS, Morgan Broussard's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Morgan Broussard for placing second in yearbook theme development at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Morgan Broussard.

Laid over.

**LEGISLATIVE RESOLUTION 194.** Introduced by Harms, 48.

WHEREAS, McKenzie Duncan of Gering High School placed second in yearbook theme development at the 2011 Class B state championships for journalism; and

WHEREAS, McKenzie Duncan's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates McKenzie Duncan for placing second in yearbook theme development at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to McKenzie Duncan.

Laid over.

**LEGISLATIVE RESOLUTION 195.** Introduced by Harms, 48.

WHEREAS, Morgan Greene of Gering High School placed second in yearbook theme development and yearbook theme copy writing at the 2011 Class B state championships for journalism; and

WHEREAS, Morgan Greene's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Morgan Greene for placing second in yearbook theme development and yearbook theme copy writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Morgan Greene.

Laid over.



**AMENDMENT - Print in Journal**

Senator Mello filed the following amendment to LB575:  
AM1355

(Amendments to E & R amendments, ER99)

1 1. Insert the following new sections:

2 Sec. 7. Section 9-812, Revised Statutes Cumulative  
3 Supplement, 2010, as amended by section 1, Legislative Bill 333,  
4 One Hundred Second Legislature, First Session, 2011, is amended to  
5 read:

6 9-812 (1) All money received from the operation of  
7 lottery games conducted pursuant to the State Lottery Act in  
8 Nebraska shall be credited to the State Lottery Operation Trust  
9 Fund, which fund is hereby created. All payments of the costs  
10 of establishing and maintaining the lottery games shall be made  
11 from the State Lottery Operation Cash Fund. In accordance with  
12 legislative appropriations, money for payments for expenses of the  
13 division shall be transferred from the State Lottery Operation  
14 Trust Fund to the State Lottery Operation Cash Fund, which fund  
15 is hereby created. All money necessary for the payment of lottery  
16 prizes shall be transferred from the State Lottery Operation Trust  
17 Fund to the State Lottery Prize Trust Fund, which fund is hereby  
18 created. The amount used for the payment of lottery prizes shall  
19 not be less than forty percent of the dollar amount of the lottery  
20 tickets which have been sold.

21 (2) Beginning October 1, 2003, a portion of the dollar  
22 amount of the lottery tickets which have been sold on an annualized  
1 basis shall be transferred from the State Lottery Operation Trust  
2 Fund to the Education Innovation Fund, the Nebraska Opportunity  
3 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska  
4 State Fair Board, and the Compulsive Gamblers Assistance Fund. The  
5 dollar amount transferred pursuant to this subsection shall equal  
6 the greater of (a) the dollar amount transferred to the funds  
7 in fiscal year 2002-03 or (b) any amount which constitutes at  
8 least twenty-two percent and no more than twenty-five percent of  
9 the dollar amount of the lottery tickets which have been sold on  
10 an annualized basis. To the extent that funds are available, the  
11 Tax Commissioner and director may authorize a transfer exceeding  
12 twenty-five percent of the dollar amount of the lottery tickets  
13 sold on an annualized basis.

14 (3) Of the money available to be transferred to the  
15 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
16 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,  
17 and the Compulsive Gamblers Assistance Fund:

18 (a) The first five hundred thousand dollars shall be  
19 transferred to the Compulsive Gamblers Assistance Fund to be used  
20 as provided in section 71-817;

21 (b) Nineteen and three-fourths percent of the money  
22 remaining after the payment of prizes and operating expenses and

23 the initial transfer to the Compulsive Gamblers Assistance Fund  
24 shall be transferred to the Education Innovation Fund;

25 (c) Twenty-four and three-fourths percent of the money  
26 remaining after the payment of prizes and operating expenses and  
27 the initial transfer to the Compulsive Gamblers Assistance Fund  
1 shall be transferred to the Nebraska Opportunity Grant Fund;

2 (d) Forty-four and one-half percent of the money  
3 remaining after the payment of prizes and operating expenses and  
4 the initial transfer to the Compulsive Gamblers Assistance Fund  
5 shall be transferred to the Nebraska Environmental Trust Fund to be  
6 used as provided in the Nebraska Environmental Trust Act;

7 (e) Ten percent of the money remaining after the payment  
8 of prizes and operating expenses and the initial transfer to  
9 the Compulsive Gamblers Assistance Fund shall be transferred to  
10 the Nebraska State Fair Board if the most populous city within  
11 the county in which the fair is located provides matching funds  
12 equivalent to ten percent of the funds available for transfer. Such  
13 matching funds may be obtained from the city and any other private  
14 or public entity, except that no portion of such matching funds  
15 shall be provided by the state. If the Nebraska State Fair ceases  
16 operations, ten percent of the money remaining after the payment  
17 of prizes and operating expenses and the initial transfer to the  
18 Compulsive Gamblers Assistance Fund shall be transferred to the  
19 General Fund; and

20 (f) One percent of the money remaining after the payment  
21 of prizes and operating expenses and the initial transfer to the  
22 Compulsive Gamblers Assistance Fund shall be transferred to the  
23 Compulsive Gamblers Assistance Fund to be used as provided in  
24 section 71-817.

25 (4)(a) The Education Innovation Fund is created. At least  
26 seventy-five percent of the lottery proceeds allocated to the  
27 Education Innovation Fund shall be available for disbursement.

1 (b) For fiscal year 2010-11, the Education Innovation  
2 Fund shall be allocated as follows: The first one million  
3 dollars shall be transferred to the Excellence in Teaching Cash  
4 Fund to fund the Excellence in Teaching Act, and the amount  
5 remaining in the Education Innovation Fund shall be allocated,  
6 after administrative expenses, for distance education equipment and  
7 incentives pursuant to sections 79-1336 and 79-1337.

8 (c) For fiscal year 2011-12, the Education Innovation  
9 Fund shall be allocated as follows: (i) The first two hundred  
10 twenty-five thousand dollars shall be transferred to the Excellence  
11 in Teaching Cash Fund to fund the Attracting Excellence to Teaching  
12 Program; (ii) the next three million three hundred sixty-five  
13 thousand nine hundred sixty-two dollars shall be distributed  
14 to school districts as grants pursuant to the Early Childhood  
15 Education Grant Program; (iii) the next two million one hundred  
16 seventy-five thousand six hundred seventy-three dollars shall be  
17 distributed to local systems as grants for approved accelerated

18 or differentiated curriculum programs for students identified as  
19 learners with high ability pursuant to section 79-1108.02; (iv)  
20 the next four hundred ninety-one thousand five hundred forty-one  
21 dollars shall be used by the State Department of Education for  
22 the development of an integrated early childhood, elementary,  
23 secondary, and postsecondary student information system; (v) the  
24 next four hundred fifty thousand dollars shall fund the Center  
25 for Student Leadership and Extended Learning Act; (vi) the next  
26 one hundred fourteen thousand six hundred twenty-nine dollars shall  
27 fund the multicultural education program created under section  
1 79-720; (vii) the next one hundred twenty-three thousand four  
2 hundred sixty-eight dollars shall be used by the department to  
3 employ persons to investigate and prosecute alleged violations as  
4 provided in section 79-868; and (viii) the amount remaining shall  
5 be allocated, after administrative expenses, for distance education  
6 equipment and incentives pursuant to sections 79-1336 and 79-1337.

7 (d) For fiscal year 2012-13, the Education Innovation  
8 Fund shall be allocated as follows: (i) The first forty-five  
9 thousand dollars shall be transferred to the Excellence in Teaching  
10 Cash Fund to fund the Attracting Excellence to Teaching Program;  
11 (ii) the next three million three hundred sixty-five thousand  
12 nine hundred sixty-two dollars shall be distributed to school  
13 districts as grants pursuant to the Early Childhood Education  
14 Grant Program; (iii) the next two million one hundred seventy-five  
15 thousand six hundred seventy-three dollars shall be distributed to  
16 local systems as grants for approved accelerated or differentiated  
17 curriculum programs for students identified as learners with  
18 high ability pursuant to section 79-1108.02; (iv) the next one  
19 hundred eight thousand one hundred thirty-six dollars shall be  
20 used by the department for the development of an integrated  
21 early childhood, elementary, secondary, and postsecondary student  
22 information system; (v) the next four hundred fifty thousand  
23 dollars shall fund the Center for Student Leadership and Extended  
24 Learning Act; (vi) the next one hundred fourteen thousand six  
25 hundred twenty-nine dollars shall be used by the department to fund  
26 the multicultural education program created under section 79-720;  
27 (vii) the next one hundred twenty-three thousand four hundred  
1 sixty-eight dollars shall be used by the department to employ  
2 persons to investigate and prosecute alleged violations as provided  
3 in section 79-868; ~~and (viii) the next twenty-seven thousand two~~  
4 hundred dollars shall be used to fund the Interstate Compact on  
5 Educational Opportunity for Military Children; and (ix) the amount  
6 remaining shall be allocated, after administrative expenses, for  
7 distance education equipment and incentives pursuant to sections  
8 79-1336 and 79-1337.

9 (e) For fiscal years 2013-14 through 2015-16, the  
10 Education Innovation Fund shall be allocated as follows: (i) The  
11 first one million dollars shall be transferred to the Excellence in  
12 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii)

13 the next allocation shall be distributed to local systems as grants  
 14 for approved accelerated or differentiated curriculum programs  
 15 for students identified as learners with high ability pursuant  
 16 to section 79-1108.02 in an aggregated amount up to the amount  
 17 distributed in the prior fiscal year for such purposes increased  
 18 by the basic allowable growth rate pursuant to section 79-1025;  
 19 (iii) the next allocation shall be used by the State Department  
 20 of Education for the integrated early childhood, elementary,  
 21 secondary, and postsecondary student information system in an  
 22 aggregated amount up to the amount used in the prior fiscal year  
 23 for such purposes increased by the basic allowable growth rate  
 24 pursuant to section 79-1025; (iv) the next allocation shall fund  
 25 the Center for Student Leadership and Extended Learning Act in  
 26 an aggregated amount up to the amount used in the prior fiscal  
 27 year for such purposes increased by the basic allowable growth  
 1 rate pursuant to section 79-1025; (v) the next allocation shall  
 2 be used by the department to fund the multicultural education  
 3 program created under section 79-720 in an aggregated amount up  
 4 to the amount used in the prior fiscal year for such purposes  
 5 increased by the basic allowable growth rate pursuant to section  
 6 79-1025; (vi) the next allocation shall be used by the department  
 7 to employ persons to investigate and prosecute alleged violations  
 8 as provided in section 79-868 in an aggregated amount up to the  
 9 amount used in the prior fiscal year for such purposes increased by  
 10 the basic allowable growth rate pursuant to section 79-1025; and  
 11 (vii) the amount remaining shall be allocated, after administrative  
 12 expenses, for distance education equipment and incentives pursuant  
 13 to sections 79-1336 and 79-1337.

14 (f) For fiscal year 2016-17 and each fiscal year  
 15 thereafter, the Education Innovation Fund shall be allocated,  
 16 after administrative expenses, for education purposes as provided  
 17 by the Legislature.

18 (5) Any money in the State Lottery Operation Trust  
 19 Fund, the State Lottery Operation Cash Fund, the State Lottery  
 20 Prize Trust Fund, or the Education Innovation Fund available  
 21 for investment shall be invested by the state investment officer  
 22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 23 State Funds Investment Act.

24 (6) Unclaimed prize money on a winning lottery ticket  
 25 shall be retained for a period of time prescribed by rules and  
 26 regulations. If no claim is made within such period, the prize  
 27 money shall be used at the discretion of the Tax Commissioner for  
 1 any of the purposes prescribed in this section.

2 Sec. 9. This act becomes operative on July 1, 2012.

3 2. On page 33, line 25, after "department" insert "shall  
 4 distribute amounts from the Education Innovation Fund pursuant to  
 5 section 9-812 and".

6 3. Renumber the remaining sections and correct the  
 7 repealer accordingly.

### VISITORS

Visitors to the Chamber were 13 second- through fourth-grade students, teachers, and sponsors from Our Redeemer School, Staplehurst; 45 eighth-grade students, teachers, and sponsors from Mary Our Queen, Omaha; members of Americans for Prosperity from across the State; 58 fourth-grade students, teachers, and sponsors from Bennington; and 69 fourth-grade students, teachers, and sponsors from Grace Abbott Elementary, Omaha.

### RECESS

At 12:01 p.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Cook and Pankonin who were excused; and Senators Ashford, Langemeier, Lautenbaugh, and McGill who were excused until they arrive.

### RESOLUTION

**LEGISLATIVE RESOLUTION 196.** Introduced by Pahls, 31.

WHEREAS, Theodore L. Carlson, a judge with the Court of Appeals, had a long and distinguished career in public service; and

WHEREAS, prior to his judicial service, Judge Carlson served as an assistant city attorney and assistant city prosecutor in Omaha, Nebraska; and

WHEREAS, Judge Carlson also served for nearly forty years as a judge. He started out as a judge for the former Omaha Municipal Court and then for the Douglas County District Court before being appointed to the Court of Appeals in 1998; and

WHEREAS, Judge Carlson was actively involved in the Millard Public Schools and community; and

WHEREAS, Judge Carlson was known by his friends and colleagues as a fair-minded judge who provided outstanding service to the judiciary and the rule of law; and

WHEREAS, Judge Carlson passed away on April 16, 2011, at the age of seventy-two.

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

1. That the Legislature extends its sympathy and condolences to the family of Theodore L. Carlson.

2. That a copy of this resolution be sent to the family of Theodore L. Carlson.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 380.** Title read. Considered.

Committee AM834, found on page 1323, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 379.** Title read. Considered.

Committee AM1250, found on page 1326, was considered.

Senator Heidemann withdrew his amendment, AM1301, found on page 1332.

Senator Heidemann offered the following amendment to the committee amendment:

AM1347

(Amendments to Standing Committee amendments, AM1250)

- 1 1. On page 8, lines 11 and 12, strike "one hundred
- 2 twenty-eight" and insert "thirty-seven"; and in lines 15 and 16
- 3 strike "one hundred twenty-eight" and insert "sixty-eight".

The Heidemann amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 378.** Title read. Considered.

Committee AM904, found on page 1330, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**RESOLUTION****LEGISLATIVE RESOLUTION 197.** Introduced by Nordquist, 7.

**PURPOSE:** The purpose of this resolution is to study issues related to the potential implementation of an all-payer claims database in Nebraska. An all-payer claims database can collect and provide information on inpatient, outpatient, pharmacy, and dental services for commercially insured, publicly insured, and self-insured populations. It is the public policy goal of an all-payer claims database to provide greater transparency regarding the cost and quality of medical services in order to empower consumers to make well-informed health care decisions. The committees shall conduct a study that includes, but is not limited to, the following topics:

(1) An evaluation of which payers should be required to submit price and quality information and what types of claims should be collected to allow consumers, medical providers, researchers, and policymakers to effectively and efficiently compare costs and the quality of care;

(2) An examination of data collection and storage processes to maintain security, privacy, and confidentiality in compliance with all state and federal privacy laws;

(3) An evaluation of the available technologies to collect claims data and to reproduce that data in a timely manner and user-friendly format; and

(4) A consideration of options for sustainable funding of an all-payer claims database.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Avery filed the following amendment to LB176:  
AM1357

(Amendments to Final Reading copy)

1 1. Strike original section 3 and insert the following new  
2 sections:

3 Section 1. Section 49-1401, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 49-1401 Sections 49-1401 to 49-14,141 and section 3 of

6 this act shall be known and may be cited as the Nebraska Political  
7 Accountability and Disclosure Act.

8 Sec. 2. Section 49-1403, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 49-1403 For purposes of the Nebraska Political  
11 Accountability and Disclosure Act, unless the context otherwise  
12 requires, the definitions found in sections 49-1404 to 49-1444 and  
13 section 3 of this act shall be used.

14 Sec. 3. (1) Electioneering communication means any  
15 communication which:

16 (a) Refers to a clearly identified candidate;

17 (b) Is publicly distributed in the thirty days

18 immediately preceding an election for the office sought by the  
19 clearly identified candidate; and

20 (c) Is directed to the electorate of the office sought by  
21 the clearly identified candidate.

22 (2) Electioneering communication does not include:

1 (a) A contribution or expenditure;

2 (b) A communication by a television station, radio  
3 station, newspaper, magazine, or other periodical or publication  
4 for any news story, commentary, or editorial in support of or  
5 opposition to a candidate for elective office;

6 (c) A candidate debate or forum or a communication which  
7 gives notice of a candidate debate or forum;

8 (d) A communication while the Legislature is in session  
9 about specifically named pending legislation;

10 (e) The posting on the Internet or other publication or  
11 distribution of a voter guide; or

12 (f) A communication by a membership organization to one  
13 or more of the recognized members of the membership organization if  
14 any one or more of the following applies:

15 (i) The member has submitted an email to the membership  
16 organization indicating an intent to be a member;

17 (ii) The member has submitted a written letter or other  
18 written statement to the membership organization indicating an  
19 intent to be a member; or

20 (iii) The member has paid dues to the membership  
21 organization.

22 (3) For purposes of this section:

23 (a) Clearly identified candidate means the candidate  
24 whose name, nickname, photograph, or drawing appears in the  
25 communication or whose identity is otherwise apparent in the  
26 communication through an unambiguous reference or through an  
27 unambiguous reference to the candidate's status as a candidate;  
1 and

2 (b) Voter guide means a document or other compilation  
3 of the responses of candidates to a survey or questionnaire if  
4 all known candidates seeking election to the same office are  
5 given the opportunity to respond to the survey or questionnaire,  
6 all responses received from candidates seeking election to the  
7 same office are included in the document or compilation, and the  
8 document or other compilation does not express support for or



9 opposition to the election of any candidate.

10 Sec. 4. Section 49-1467, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 49-1467 (1) Any person, other than a committee, who  
13 makes an independent expenditure advocating the election of a  
14 candidate or the defeat of a candidate's opponents or the  
15 qualification, passage, or defeat of a ballot question or who  
16 makes an electioneering communication, which is in an amount of  
17 more than two hundred fifty dollars, shall file a report of the  
18 independent expenditure or electioneering communication, within ten  
19 days, with the commission.

20 (2) The report shall be made on an independent  
21 expenditure or electioneering communication report form provided  
22 by the commission and shall include the date of the expenditure  
23 or electioneering communication, a brief description of the nature  
24 of the expenditure or electioneering communication, the amount of  
25 the expenditure or the amount disbursed for the electioneering  
26 communication, the name and address of the person to whom it was  
27 paid, the name and address of the person filing the report, and  
1 the name, address, occupation, employer, and principal place of  
2 business of each person who contributed more than two hundred fifty  
3 dollars to the expenditure or electioneering communication.

4 (3) The commission shall make all independent expenditure  
5 or electioneering communication reports available to the public on  
6 its web site as soon as practicable. An independent expenditure or  
7 electioneering communication report shall be available on the web  
8 site for the duration of the election period for which the report  
9 is filed and for an additional six months thereafter.

10 (4) Any person who fails to file a report of an  
11 independent expenditure or electioneering communication with the  
12 commission shall pay to the commission a late filing fee of  
13 twenty-five dollars for each day the statement remains not filed  
14 in violation of this section not to exceed seven hundred fifty  
15 dollars.

16 (5) Any person who violates this section shall be guilty  
17 of a Class IV misdemeanor.

18 Sec. 5. Section 49-1469, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 49-1469 (1) A corporation, labor organization, or  
21 industry, trade, or professional association, which is organized  
22 under the laws of the State of Nebraska or doing business in this  
23 state and which is not a committee, may:

- 24 (a) Make an expenditure;  
25 (b) Make a contribution; ~~and~~  
26 (c) Provide personal services; ~~and~~-  
27 (d) Make an electioneering communication.

1 (2) Such a corporation, labor organization, or industry,  
2 trade, or professional association shall not be required to  
3 file reports of independent expenditures or electioneering

4 communications pursuant to section 49-1467, but if it makes a  
 5 contribution, ~~or~~ expenditure, or electioneering communication,  
 6 or provides personal services, with a value of more than two  
 7 hundred fifty dollars, it shall file a report with the commission  
 8 within ten days after the end of the calendar month in which  
 9 the contribution, ~~or~~ expenditure, or electioneering communication  
 10 is made or the personal services are provided. The report shall  
 11 include:

12 (a) The nature, date, and value of the contribution  
 13 or expenditure and the name of the candidate or committee or a  
 14 description of the ballot question to or for which the contribution  
 15 or expenditure was made; ~~and~~

16 (b) The nature, date, and value of the electioneering  
 17 communication and the name of the candidate identified in the  
 18 electioneering communication; and

19 ~~(b)-(c)~~ A description of any personal services provided,  
 20 the date the services were provided, and the name of the candidate  
 21 or committee or a description of the ballot question to or for  
 22 which the personal services were provided.

23 (3) A corporation, labor organization, or industry,  
 24 trade, or professional association may not receive contributions  
 25 unless it establishes and administers a separate segregated  
 26 political fund which shall be utilized only in the manner set forth  
 27 in sections 49-1469.05 and 49-1469.06.

1 Sec. 8. Original sections 49-1401, 49-1403, 49-1467,  
 2 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
 3 Nebraska, are repealed.

4 2. On page 1, strike beginning with "49-14,126" in  
 5 line 2 through line 6 and insert "49-1401, 49-1403, 49-1467,  
 6 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
 7 Nebraska; to define a term; to require reporting regarding  
 8 electioneering communication; to provide for payment of hearing  
 9 costs by violators in certain cases as prescribed; to provide  
 10 for distribution of proceeds; to eliminate obsolete provisions; to  
 11 harmonize provisions; and to repeal the original sections."

12 3. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 377.** Title read. Considered.

Committee AM903, found on page 1330, was considered.

Senator Karpisek offered the following amendment to the committee amendment:

AM1358

(Amendments to Standing Committee amendments, AM903)

- 1 1. Strike original section 31.
- 2 2. Renumber the remaining sections accordingly.

Pending.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 590.** Placed on Select File with amendment.  
ER111 is available in the Bill Room.

**LEGISLATIVE BILL 684.** Placed on Select File with amendment.  
ER104

- 1 1. On page 1, line 4, after the semicolon insert
- 2 "to authorize the Department of Economic Development to hire a
- 3 consultant as prescribed;".

**LEGISLATIVE BILL 684A.** Placed on Select File.

**LEGISLATIVE BILL 550.** Placed on Select File.

**LEGISLATIVE BILL 15.** Placed on Select File with amendment.  
ER106

- 1 1. Strike the original section and all amendments thereto
- 2 and insert the following new section:
- 3 Section 1. Any person having a judgment rendered by
- 4 a district court may request the clerk of such court to issue
- 5 execution on the judgment in the same manner as execution is
- 6 issued upon other judgments rendered in the district court and
- 7 direct the execution on the judgment to any county in the state.
- 8 Such person may request that garnishment, attachment, or any other
- 9 aid to execution for personal property be directed to any county
- 10 without the necessity of filing a transcript of the judgment in the
- 11 receiving county, and any hearing or proceeding with regard to such
- 12 execution or aid in execution shall be heard in the court in which
- 13 the judgment was originally rendered. Such execution shall not
- 14 serve as a lien on real estate in a county other than the county
- 15 where the judgment was rendered unless a transcript of the judgment
- 16 is filed with the clerk of the district court in the county in
- 17 which the real estate is located.

**LEGISLATIVE BILL 17.** Placed on Select File with amendment.  
ER107

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 25-1319, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 25-1319 The clerk shall make a complete record of every
- 6 ~~cause, civil, criminal, and appeal case filed in the court as soon~~
- 7 ~~as it is finally determined, unless such record, or some part~~
- 8 ~~thereof, is duly waived.~~
- 9 Sec. 2. Section 25-1320, Reissue Revised Statutes of

10 Nebraska, is amended to read:

11 25-1320 The clerk shall make up ~~such the complete~~ record  
12 ~~in each case, required under section 25-1319~~ in the vacation next  
13 after the term at which the same was determined, and the presiding  
14 judge of such court shall, at its next term thereafter, subscribe  
15 the same.

16 Sec. 3. Section 25-1321, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 25-1321 The complete record shall include the complaint,  
19 the process, the return, the pleadings subsequent thereto, reports,  
20 verdicts, orders, judgments, and all material acts and proceedings  
21 of the court maintained in the state's electronic case management  
22 system and either in paper form or on microfilm. All journal  
23 entries and all such filings as are required to be entered in full  
1 in the ~~appearance dockets, register of actions~~ shall, by reference,  
2 be made a part of the complete record for all purposes, including  
3 the taxing of fees and costs, ~~and need not be reentered in the~~  
4 ~~making up of such record; but if the items of an account or the~~  
5 ~~copies of a paper attached to the pleadings are voluminous, the~~  
6 ~~court may order the record to be made by abbreviating the same,~~  
7 ~~by inserting a pertinent description thereof, or by omitting them~~  
8 ~~entirely~~. Evidence introduced at any proceeding is not part of the  
9 complete record of the cause.

10 Sec. 4. Section 25-2209, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 25-2209 The clerk of the district court shall keep  
13 records to be called the appearance docket, the trial docket,  
14 the journal, the complete record, the execution docket, the fee  
15 book, the general index, and the judgment record. Such records  
16 may be compiled, filed, and maintained on a computer system.  
17 Effective not later than October 1, 1992, provision for dockets and  
18 records of the district courts shall be established by rule of the  
19 Supreme Court. The journal ~~and complete record~~ may be compiled and  
20 filed on microfilm. The recording of all instruments by the roll  
21 form of microfilm may be substituted for the method of recording  
22 instruments in books. If this method of recording instruments on  
23 microfilm is used, a security copy on silver negative microfilm  
24 in roll form must be maintained and filed off premises under safe  
25 conditions to insure the protection of the records. The internal  
26 reference copies or work copies of the instruments recorded on  
27 microfilm may be in any photographic form to provide the necessary  
1 information as may be determined by the official in charge, and  
2 shall meet the microfilm standards as prescribed by the State  
3 Records Administrator.

4 Sec. 5. Section 33-106, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 33-106 (1) In addition to the judges retirement fund  
7 fee provided in section 24-703 and the fee provided in section  
8 33-106.03 and except as otherwise provided by law, the fees of the

9 clerk of the district court shall be as follows: There shall be a  
10 docket fee of forty-two dollars for each civil and criminal case  
11 except (a) a case commenced by filing a transcript of judgment as  
12 hereinafter provided, (b) proceedings under the Nebraska Workers'  
13 Compensation Act and the Employment Security Law, when provision  
14 is made for the fees that may be charged, and (c) a criminal case  
15 appealed to the district court from any court inferior thereto as  
16 hereinafter provided. There shall be a docket fee of twenty-five  
17 dollars for each case commenced by filing a transcript of judgment  
18 from another court in this state for the purpose of obtaining  
19 a lien. There shall be a docket fee of twenty-seven dollars for  
20 each criminal case appealed to the district court from any court  
21 inferior thereto.

22 (2) In all cases, other than those appealed from an  
23 inferior court or original filings which are within jurisdictional  
24 limits of an inferior court and when a jury is demanded in district  
25 court, the docket fee shall cover all fees of the clerk, except  
26 that the clerk shall be paid for each copy or transcript ordered of  
27 any pleading, record, or other paper and that the clerk shall be  
1 entitled to a fee of fifteen dollars for making a complete record  
2 of a case.

3 (3) The fee for making a complete record of a case shall  
4 be taxed as a part of the costs of the case, ~~except when~~  
5 ~~expressly waived by the parties to the action. In a Title IV-D~~  
6 ~~case, in a case filed pursuant to sections 25-2301 to 25-2310, or~~  
7 ~~in a case filed by a county attorney, the fee for making a complete~~  
8 ~~record of a case shall be waived.~~ In all civil cases, except habeas  
9 corpus cases in which a poverty affidavit is filed and approved  
10 by the court, and for all other services, the docket fee or other  
11 fee shall be paid by the party filing the case or requesting the  
12 service at the time the case is filed or the service requested.

13 (4) For any other service which may be rendered or  
14 performed by the clerk but which is not required in the discharge  
15 of his or her official duties, the fee shall be the same as that of  
16 a notary public but in no case less than one dollar.

17 Sec. 6. This act becomes operative on January 1, 2012.

18 Sec. 7. Original sections 25-1319, 25-1320, 25-1321,  
19 25-2209, and 33-106, Reissue Revised Statutes of Nebraska, are  
20 repealed.

21 Sec. 8. The following sections are outright repealed:

22 Sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of  
23 Nebraska.

24 2. On page 1, line 2, after the first comma insert  
25 "25-2209,".

**LEGISLATIVE BILL 424.** Placed on Select File.

**LEGISLATIVE BILL 453.** Placed on Select File.

**LEGISLATIVE BILL 454.** Placed on Select File.

**LEGISLATIVE BILL 455.** Placed on Select File.

**LEGISLATIVE BILL 167.** Placed on Select File with amendment.  
ER110

- 1 1. On page 1, strike beginning with "add" in line 3
- 2 through "persons" in line 4 and insert "redefine displaced person".

(Signed) Tyson Larson, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 377.** The Karpisek amendment, AM1358, found in this day's Journal, to the committee amendment, was renewed.

Senator Karpisek moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 5:

Howard	Karpisek	Larson	Louden	Wallman
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Voting in the negative, 37:

Adams	Conrad	Haar, K.	McGill	Schumacher
Ashford	Cornett	Hadley	Mello	Smith
Avery	Council	Harms	Nelson	Sullivan
Brasch	Dubas	Harr, B.	Nordquist	Utter
Campbell	Fischer	Heidemann	Pahls	Wightman
Carlson	Flood	Janssen	Pirsch	
Christensen	Fulton	Lautenbaugh	Price	
Coash	Gloor	McCoy	Schilz	

Present and not voting, 3:

Bloomfield	Hansen	Lathrop
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Excused and not voting, 4:

Cook	Krist	Langemeier	Pankonin
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The Karpisek amendment lost with 5 ayes, 37 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM903, found on page 1330 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 376.** Title read. Considered.

Committee AM1300, found on page 1330, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 375.** 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 374.** Title read. Considered.

Committee AM902, found on page 1331, was considered.

Senator Heidemann asked unanimous consent to withdraw his amendment, AM1307, found on page 1331, and replace it with his substitute amendment, AM1360, to the committee amendment. No objections. So ordered.  
AM1360

(Amendments to Standing Committee amendments, AM902)

- 1 Intent: Restore half of the funding for the Railroad
- 2 Inspection Program at the Public Service Commission.
- 3 Amendment:
- 4 1. On page 31, strike line 13 and insert: "GENERAL FUND
- 5 1,794,170 1,818,807"; strike line 15 and insert: PROGRAM TOTAL
- 6 3,045,683 2,891,164"; and strike line 16 and insert: "SALARY LIMIT
- 7 1,154,587 1,180,689".

The Heidemann amendment was adopted with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

Senator Heidemann renewed his amendment, AM1313, found on page 1331, to the committee amendment.

The Heidemann amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays,

9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 373.** Title read. Considered.

Committee AM901, found on page 1331, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Conrad filed the following amendment to LB22:  
AM1365

- 1 1. On page 4, line 7, after "coverage" insert "(a)"; and
- 2 in line 9 after the first "to" insert "(i)", after "women" insert
- 3 "(ii) avert serious risk of substantial and irreversible physical
- 4 impairment of a major bodily function of the woman, or (iii)
- 5 preserve the life of an unborn child", and strike "to coverage" and
- 6 insert "(b)".
- 7 2. On page 5, line 7, after "to" insert "(i)"; and in
- 8 line 8 before the period insert "(ii) avert serious risk of
- 9 substantial and irreversible physical impairment of a major bodily
- 10 function of the female, or (iii) preserve the life of an unborn
- 11 child".

Senator Cornett filed the following amendment to LB357:  
AM1305

- 1 1. On page 2, after line 13 insert the following new
- 2 paragraph:
- 3 "Any incorporated municipality that proposes to impose a
- 4 municipal sales and use tax of two percent or to increase its sales
- 5 and use tax to two percent shall submit the question of such tax
- 6 or increase at the municipality's primary or general election. Any
- 7 such tax or increase shall terminate no more than ten years after
- 8 its effective date or, if bonds are issued and the local option
- 9 sales and use tax revenue is pledged for payment of such bonds,
- 10 upon payment of such bonds and any refunding bonds, whichever date
- 11 is later. Sections 13-518 to 13-522 apply to the revenue from any
- 12 such tax or increase.".
- 13 2. On page 4, line 21, strike "The", show as stricken,
- 14 and insert "Except as otherwise provided by section 77-27,142,
- 15 the".
- 16 3. In the E & R amendment, ER89, on page 1, line 4,
- 17 reinstate the stricken matter; and in line 5 reinstate the stricken
- 18 "77-27,142," and "the" and strike "The".



Senator Lathrop filed the following amendment to LB585:  
AM1348

(Amendments to Standing Committee amendments, AM1253)

- 1 1. On page 2, line 25, after "to" insert "Carroll T.
- 2 White, personal representative of the estate of".

### **VISITORS**

Visitors to the Chamber were Kenny Zoeller from Seward; 50 fourth-grade students and teachers from Alcott Elementary, Hastings; 50 fourth-grade students and teachers from Beemer Elementary and West Point Elementary, West Point; 10 fourth-grade students and sponsors from Bellevue Christian, Bellevue; 16 third- and fourth-grade students, teachers, and sponsor from Litchfield; and 6 guests from Afghanistan and two escorts from the State Department of Education.

### **ADJOURNMENT**

At 5:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, May 3, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-THIRD DAY - MAY 3, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 3, 2011

**PRAYER**

The prayer was offered by Pastor Mary Ellen Gaither, First Presbyterian Church, Humboldt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Krist who was excused; and Senators Fulton, Loudon, McCoy, Pahls, Schilz, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-second day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 107.** Placed on Select File.

**LEGISLATIVE BILL 155.** Placed on Select File.

**LEGISLATIVE BILL 248.** Placed on Select File.

**LEGISLATIVE BILL 261.** Placed on Select File with amendment.

ER112

- 1 1. On page 1, line 3, after the first semicolon
- 2 insert "to adopt updated federal provisions; to eliminate obsolete
- 3 provisions;"
- 4 2. On page 18, line 9, strike "AmeriCorp.", show as
- 5 stricken, and insert "AmeriCorps.".

**LEGISLATIVE BILL 121.** Placed on Select File.

**LEGISLATIVE BILL 309.** Placed on Select File with amendment.  
ER113

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

3 Section 1. (1) Whenever a tract of land against which a  
4 special assessment has been levied is divided or subdivided by any  
5 plating, replating, or other form of division creating separate  
6 lots or tracts, the governing body of any city of the first class,  
7 city of the second class, or village which has levied such special  
8 assessments may (a) on application of the owner of any part of  
9 the tract or (b) on its own motion, determine the apportionment of  
10 such special assessment remaining unpaid among the various lots and  
11 parcels in the tract resulting from the division or subdivision.  
12 Any such reapportionment shall be on such fair and equitable terms  
13 as the governing body shall determine after notice and hearing  
14 on the reapportionment. No reapportionment of a special assessment  
15 shall be done on a tract of land if a tax sale certificate has  
16 been issued for such tract or if the special assessment being  
17 reapportioned is delinquent.

18 (2) Notice of hearing on the reapportionment shall be  
19 given by publication one time in a newspaper published or of  
20 general circulation in the city or village not less than ten days  
21 prior to the hearing. Notice of the hearing shall be sent by mail  
22 to the owners of record title of each lot or parcel affected by  
23 any proposed or determined reapportionment in the same manner as is  
1 required under section 25-520.01.

2 (3) In making the determination as to reapportionment,  
3 the governing body shall take into consideration its own  
4 requirements as to security for payment of the amounts owing and  
5 may, if determined appropriate, allocate based upon either front  
6 footage or square footage or other such method or reapportionment  
7 as may be determined appropriate based upon the facts and  
8 circumstances. No such reapportionment shall result in a reduction  
9 or remittance of the total amount originally assessed and then  
10 remaining outstanding and unpaid. Notice of the reapportionment  
11 when determined shall be sent by mail to the owners of record title  
12 of each lot or parcel affected by the reapportionment.

13 (4) Any notice required under this section may be waived  
14 in writing by any owner of any lot or parcel affected by any  
15 reapportionment.

16 (5) Any owner of real property who feels aggrieved by  
17 the reapportionment of any special assessment under this section  
18 may appeal such reapportionment in the same manner as applies  
19 for appeals from special assessments under sections 19-2422 to  
20 19-2425, but only matters related to such reapportionment shall be  
21 considered upon any such appeal.

22 (6) The governing body shall file notice of any  
23 reapportionment of a special assessment with the county treasurer  
24 of the county where the lot or parcel is located.

- 25 Sec. 2. Since an emergency exists, this act takes effect  
26 when passed and approved according to law.  
27 2. On page 1, line 2, after "prescribed" insert "; and to  
1 declare an emergency".

**LEGISLATIVE BILL 573.** Placed on Select File with amendment.  
ER114

- 1 1. On page 1, line 3, strike "and" and insert "storm  
2 spotter; to"; and in line 4 strike "by" and insert "on motor  
3 vehicles used by emergency management workers and".

**LEGISLATIVE BILL 458.** Placed on Select File with amendment.  
ER115

- 1 1. On page 2, lines 4, 12, 13, and 25; and page 3, line  
2 9, strike the comma and show as stricken.  
3 2. On page 3, line 24; and page 4, line 8, after "deeper"  
4 insert an underscored comma.

**LEGISLATIVE BILL 423.** Placed on Select File.

**LEGISLATIVE BILL 56.** Placed on Select File.

**LEGISLATIVE BILL 480.** Placed on Select File.

**LEGISLATIVE BILL 254.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 585.** Title read. Considered.

Committee AM1253, found on page 1334, was considered.

Senator Lathrop renewed his amendment, AM1348, found on page 1393, to the committee amendment.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**MOTION - Override Veto on LB204**

Senator Council renewed her motion, MO39, found on page 1312, that LB204 becomes law notwithstanding the objections of the Governor.

**SENATOR COASH PRESIDING****SPEAKER FLOOD PRESIDING**

Senator Council moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Council requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Adams	Coash	Dubas	Lathrop	Wallman
Ashford	Conrad	Gloor	McGill	
Avery	Cook	Haar, K.	Mello	
Campbell	Cornett	Harr, B.	Nordquist	
Carlson	Council	Howard	Pirsch	

Voting in the negative, 20:

Bloomfield	Fulton	Janssen	Lautenbaugh	Schilz
Brasch	Hadley	Karpisek	McCoy	Schumacher
Fischer	Hansen	Langemeier	Nelson	Smith
Flood	Heidemann	Larson	Pankonin	Utter

Present and not voting, 4:

Christensen	Harms	Price	Sullivan
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Excused and not voting, 4:

Krist	Louden	Pahls	Wightman
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 669.** Placed on General File with amendment. AM1342 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

Natural Resources

The Natural Resources 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.

Douglas Anderson - Environmental Quality Council  
 John Baker - Environmental Quality Council  
 John Kinter - Environmental Quality Council  
 John Turnbull - Environmental Quality Council  
 Donald Williams - Environmental Quality Council

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

**AMENDMENT - Print in Journal**

Senator Christensen filed the following amendment to LR40CA: AM1371

(Amendments to AM886)

- 1 1. On page 1, strike line 6 and insert " , fishing, and
- 2 harvesting of wildlife. Public hunting, fishing, and harvesting of
- 3 wildlife shall be a preferred means".
- 4 2. In the E and R amendments, ER94, on page 1, line
- 5 4, strike "and fishing" and insert " , fishing, and harvesting of
- 6 wildlife".

**SELECT FILE**

**LEGISLATIVE BILL 575.** ER99, found on page 1320, was adopted.

Senator Mello renewed his amendment, AM1355, found on page 1377.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 575A.** Senator Price offered the following amendment:

AM1353

- 1 1. Strike original section 1 and insert the following new  
 2 section:  
 3 Section 1. There is hereby appropriated \$27,200 from the  
 4 Education Innovation Fund for FY2012-13 to the State Department of  
 5 Education, for Program 161, to aid in carrying out the provisions  
 6 of Legislative Bill 575, One Hundred Second Legislature, First  
 7 Session, 2011.  
 8 Total expenditures for permanent and temporary salaries  
 9 and per diems from funds appropriated in this section shall not  
 10 exceed \$10,200 for FY2012-13.

The Price amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 151.** Title read. Considered.

Committee AM1243, found on page 1334, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 216A.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Second Legislature, First Session, 2011.

### RESOLUTION

**LEGISLATIVE RESOLUTION 198.** Introduced by Adams, 24.

PURPOSE: The purpose of this resolution is to study the governance and coordination of postsecondary education in Nebraska.

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



1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 42 fourth-grade students, teachers, and sponsors from Plattsmouth; 42 twelfth-grade students and teacher from Centura High School, Cairo; 26 fourth-grade students and teacher from Tri County Public Schools, DeWitt; 56 fourth-grade students, teachers, and sponsors from Lothrop Magnet Center, Omaha; and 50 fourth-grade students and teachers from Fullerton Magnet Center, Omaha.

### **RECESS**

At 12:03 p.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senator Krist who was excused; and Senators Heidemann and Pahls who were excused until they arrive.

### **SPEAKER FLOOD PRESIDING**

### **SELECT FILE**

**LEGISLATIVE BILL 22.** ER40, found on page 699, was adopted.

Senator Conrad asked unanimous consent to withdraw her amendment, AM698, found on page 1241, and replace it with her substitute amendment, AM1373. No objections. So ordered.  
AM1373

- 1 1. Insert the following new sections:
- 2 Sec. 5. Nothing in the Mandate Opt-Out and Insurance
- 3 Coverage Clarification Act shall prohibit or prevent a qualified
- 4 health insurance plan offered through a health insurance exchange
- 5 created pursuant to the federal Patient Protection and Affordable
- 6 Care Act, Public Law 111-148, from offering or providing coverage
- 7 to any individual for ectopic pregnancy or miscarriage.

- 8 Sec. 6. Nothing in the Mandate Opt-Out and Insurance  
 9 Coverage Clarification Act shall prohibit or prevent any health  
 10 insurance plan, contract, or policy delivered or issued for  
 11 delivery in the State of Nebraska from offering or providing  
 12 coverage to any individual for ectopic pregnancy or miscarriage.  
 13 2. On page 2, line 1, strike "4" and insert "6".  
 14 3. Renumber the remaining sections accordingly.

Senator Conrad moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Conrad requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Avery	Cook	Haar, K.	Karpisek	Sullivan
Campbell	Council	Harr, B.	McGill	Wightman
Conrad	Dubas	Howard	Mello	

Voting in the negative, 26:

Adams	Cornett	Hansen	McCoy	Utter
Bloomfield	Fischer	Harms	Nelson	Wallman
Brasch	Flood	Janssen	Pankonin	
Carlson	Fulton	Larson	Pirsch	
Christensen	Gloor	Lathrop	Schilz	
Coash	Hadley	Louden	Smith	

Present and not voting, 2:

Nordquist	Schumacher
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Excused and not voting, 7:

Ashford	Krist	Lautenbaugh	Price
Heidemann	Langemeier	Pahls	

The Conrad amendment lost with 14 ayes, 26 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Conrad asked unanimous consent to withdraw her amendment, AM1365, found on page 1392, and replace it with her substitute amendment, AM1374. No objections. So ordered.

AM1374

1. On page 4, line 7, after "coverage" insert "(a)"; and
- 2 in line 9 strike "to prevent the death of the woman" and insert
- 3 "(i) due to an emergency situation as defined in section 28-326

- 4 or (ii) to preserve the life of an unborn child" and strike "to  
 5 coverage" and insert "(b)".  
 6 2. On page 5, strike beginning with "to" in line 7  
 7 through line 8 and insert "(i) an emergency situation as defined in  
 8 section 28-326 or (ii) to preserve the life of an unborn child.".

The Conrad amendment lost with 10 ayes, 20 nays, 10 present and not voting, and 9 excused and not voting.

Pending.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 641.** Placed on Select File with amendment.  
 ER119

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 53-134, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 53-134 The local governing body of any city or village  
 6 with respect to licenses within its corporate limits and the local  
 7 governing body of any county with respect to licenses not within  
 8 the corporate limits of any city or village but within the county  
 9 shall have the following powers, functions, and duties with respect  
 10 to retail, craft brewery, and microdistillery licenses:  
 11 (1) To cancel or revoke for cause retail, craft brewery,  
 12 or microdistillery licenses to sell or dispense alcoholic liquor  
 13 issued to persons for premises within its jurisdiction, subject to  
 14 the right of appeal to the commission;  
 15 (2) To enter or to authorize any law enforcement officer  
 16 to enter at any time upon any premises licensed under the Nebraska  
 17 Liquor Control Act to determine whether any provision of the act,  
 18 any rule or regulation adopted and promulgated pursuant to the  
 19 act, or any ordinance, resolution, rule, or regulation adopted  
 20 by the local governing body has been or is being violated and  
 21 at such time examine the premises of such licensee in connection  
 22 with such determination. Any law enforcement officer who determines  
 23 that any provision of the act, any rule or regulation adopted  
 1 and promulgated pursuant to the act, or any ordinance, resolution,  
 2 rule, or regulation adopted by the local governing body has been  
 3 or is being violated shall report such violation in writing to the  
 4 executive director of the commission (a) within thirty days after  
 5 determining that such violation has occurred, (b) within thirty  
 6 days after the conclusion of an ongoing police investigation, or  
 7 (c) within thirty days after the verdict in a prosecution related  
 8 to such an ongoing police investigation if the prosecuting attorney  
 9 determines that reporting such violation prior to the verdict would  
 10 jeopardize such prosecution, whichever is later;

11 (3) To receive a signed complaint from any citizen within  
12 its jurisdiction that any provision of the act, any rule or  
13 regulation adopted and promulgated pursuant to the act, or any  
14 ordinance, resolution, rule, or regulation relating to alcoholic  
15 liquor has been or is being violated and to act upon such  
16 complaints in the manner provided in the act;

17 (4) To receive retail license fees, craft brewery license  
18 fees, and microdistillery license fees as provided in sections  
19 53-124 and 53-124.01 and pay the same, after the license has  
20 been delivered to the applicant, to the city, village, or county  
21 treasurer;

22 (5) To examine or cause to be examined any applicant  
23 or any retail licensee, craft brewery licensee, or microdistillery  
24 licensee upon whom notice of cancellation or revocation has been  
25 served as provided in the act, to examine or cause to be examined  
26 the books and records of any applicant or licensee, and to hear  
27 testimony and to take proof for its information in the performance  
1 of its duties. For purposes of obtaining any of the information  
2 desired, the local governing body may authorize its agent or  
3 attorney to act on its behalf;

4 (6) To cancel or revoke on its own motion any license if,  
5 upon the same notice and hearing as provided in section 53-134.04,  
6 it determines that the licensee has violated any of the provisions  
7 of the act or any valid and subsisting ordinance, resolution, rule,  
8 or regulation duly enacted, adopted, and promulgated relating to  
9 alcoholic liquor. Such order of cancellation or revocation may  
10 be appealed to the commission within thirty days after the date  
11 of the order by filing a notice of appeal with the commission.  
12 The commission shall handle the appeal in the manner provided for  
13 hearing on an application in section 53-133; and

14 (7) Upon receipt from the commission of the notice and  
15 copy of application as provided in section 53-131, to fix a time  
16 and place for a hearing at which the local governing body shall  
17 receive evidence, either orally or by affidavit from the applicant  
18 and any other person, bearing upon the propriety of the issuance  
19 of a license. Notice of the time and place of such hearing shall  
20 be published in a legal newspaper in or of general circulation in  
21 such city, village, or county one time not less than seven and not  
22 more than fourteen days before the time of the hearing. Such notice  
23 shall include, but not be limited to, a statement that all persons  
24 desiring to give evidence before the local governing body in  
25 support of or in protest against the issuance of such license may  
26 do so at the time of the hearing. Such hearing shall be held not  
27 more than forty-five days after the date of receipt of the notice  
1 from the commission, and after such hearing the local governing  
2 body shall cause to be recorded in the minute record of their  
3 proceedings a resolution recommending either issuance or refusal of  
4 such license. The clerk of such city, village, or county shall mail  
5 to the commission by first-class mail, postage prepaid, a copy of

6 the resolution which shall state the cost of the published notice,  
 7 except that failure to comply with this provision shall not void  
 8 any license issued by the commission. If the commission refuses to  
 9 issue such a license, the cost of publication of notice shall be  
 10 paid by the commission from the security for costs.

11 Sec. 2. Section 53-197, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 53-197 (1) Every sheriff, deputy sheriff, police officer,  
 14 marshal, or deputy marshal who knows or who is credibly informed  
 15 that any offense has been committed against ~~the provisions of any~~  
 16 law of this state relating to the sale of alcoholic ~~liquors~~ liquor  
 17 shall make complaint against the person so offending within their  
 18 respective jurisdictions to the proper court, and for every neglect  
 19 or refusal to do so, every such officer shall be guilty of a Class  
 20 V misdemeanor.

21 (2) Every sheriff, deputy sheriff, police officer,  
 22 marshal, or deputy marshal who knows or who is credibly informed  
 23 that any offense has been committed against any law of this state  
 24 relating to the sale of alcoholic liquor shall report such offense  
 25 in writing to the executive director of the commission (a) within  
 26 thirty days after such offense is committed, (b) within thirty  
 27 days after such sheriff, deputy sheriff, police officer, marshal,  
 1 or deputy marshal is informed of such offense, (c) within thirty  
 2 days after the conclusion of an ongoing police investigation, or  
 3 (d) within thirty days after the verdict in a prosecution related  
 4 to such an ongoing police investigation if the prosecuting attorney  
 5 determines that reporting such violation prior to the verdict would  
 6 jeopardize such prosecution, whichever is later.

7 Sec. 3. Original sections 53-134 and 53-197, Reissue  
 8 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 413.** Placed on Select File.

**LEGISLATIVE BILL 525.** Placed on Select File.

**LEGISLATIVE BILL 525A.** Placed on Select File.

**LEGISLATIVE BILL 591.** Placed on Select File.

**LEGISLATIVE BILL 687.** Placed on Select File.

**LEGISLATIVE BILL 542.** Placed on Select File with amendment.  
 ER120

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 71-401, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:

5 71-401 Sections 71-401 to 71-465 and section 2 of this  
 6 act shall be known and may be cited as the Health Care Facility  
 7 Licensure Act.

8 Sec. 2. (1) Each general acute hospital shall take all  
 9 of the following actions in accordance with the guidelines of the  
 10 Centers for Disease Control and Prevention of the United States

11 Public Health Service of the United States Department of Health and  
 12 Human Services as the guidelines existed on January 1, 2011:

13 (a) Annually offer onsite influenza vaccinations to all  
 14 hospital employees when no national vaccine shortage exists; and  
 15 (b) Require all hospital employees to be vaccinated  
 16 against influenza, except that an employee may elect not to be  
 17 vaccinated.

18 (2) The hospital shall keep a record of which employees  
 19 receive the annual vaccination against influenza and which  
 20 employees do not receive such vaccination.

21 Sec. 3. Original section 71-401, Revised Statutes  
 22 Cumulative Supplement, 2010, is repealed.

23 2. On page 1, line 5, strike "or decline in writing" and  
 1 insert "as prescribed".

**LEGISLATIVE BILL 265.** Placed on Select File.

**LEGISLATIVE BILL 406.** Placed on Select File.

**LEGISLATIVE BILL 315.** Placed on Select File with amendment.  
 ER118

1 1. On page 1, strike beginning with "the" in line 1  
 2 through line 7 and insert "corporations; to amend sections 21-2024  
 3 and 21-2201, Reissue Revised Statutes of Nebraska; to permit  
 4 organization under the Business Corporation Act or the Nebraska  
 5 Professional Corporation Act by a designated broker under the  
 6 Nebraska Real Estate License Act; to harmonize provisions; to  
 7 repeal the original sections; and to declare an emergency.".

**LEGISLATIVE BILL 277.** Placed on Select File.

**LEGISLATIVE BILL 292.** Placed on Select File.

**LEGISLATIVE BILL 394.** Placed on Select File.

**LEGISLATIVE BILL 162.** Placed on Select File.

**LEGISLATIVE BILL 494.** Placed on Select File.

**LEGISLATIVE BILL 124.** Placed on Select File.

**LEGISLATIVE BILL 73.** Placed on Select File with amendment.  
 ER121

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 44-4217, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 44-4217 ~~The members shall select the board as it is~~  
 6 ~~composed prior to January 1, 2001, except the representative of~~  
 7 ~~the general public and the representative of the health agency who~~  
 8 ~~shall be appointed by the director.~~ The director shall select the  
 9 board, as it is composed on and after January 1, 2001. The board  
 10 shall select ~~one or more insurers to serve as administering insurer~~  
 11 ~~a pool administrator pursuant to section 44-4223. The selection~~  
 12 ~~of the board as it is composed prior to January 1, 2001, and~~

13 ~~the selection of the administering insurer by the board prior to~~  
14 ~~January 1, 2001, or after December 31, 2000, shall be subject to~~  
15 ~~the approval of the director.~~

16 Sec. 2. Section 44-4219, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 44-4219 In its plan of operation, the board shall:

19 (1) Establish procedures for the handling and accounting  
20 of assets and funds of the pool;

21 (2) Select ~~an administering insurer~~ a pool administrator  
22 in accordance with section 44-4223;

23 (3) Establish procedures for the selection, replacement,  
1 term of office, and qualifications of the directors of the board  
2 and rules of procedures for the operation of the board; and

3 (4) Develop and implement a program to publicize the  
4 existence of the pool, the eligibility requirements, and the  
5 procedures for enrollment and to maintain public awareness of the  
6 pool.

7 Sec. 3. Section 44-4220.02, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 44-4220.02 (1)(a) In addition to the requirements of  
10 section 44-4220.01, following the close of each calendar year, the  
11 board shall conduct a review of health care provider reimbursement  
12 rates for benefits payable under pool coverage for covered  
13 services. The board shall report to the director the results  
14 of the review within thirty days after the completion of the  
15 review.

16 (b) The review required by this section shall include  
17 a determination of whether (i) health care provider reimbursement  
18 rates for benefits payable under pool coverage for covered services  
19 are in excess of reasonable amounts and (ii) cost savings in the  
20 operation of the pool could be achieved by establishing the level  
21 of health care provider reimbursement rates for benefits payable  
22 under pool coverage for covered services as a multiplier of an  
23 objective standard.

24 (c) In the determination pursuant to subdivision  
25 (1)(b)(i) of this section, the board shall consider:

26 (i) The success of any efforts by the ~~administering~~  
27 ~~insurer-pool administrator~~ to negotiate reduced health care  
1 provider reimbursement rates for benefits payable under pool  
2 coverage for covered services on a voluntary basis;

3 (ii) The effect of health care provider reimbursement  
4 rates for benefits payable under pool coverage for covered services  
5 on the number and geographic distribution of health care providers  
6 providing covered services to covered individuals;

7 (iii) The administrative cost of implementing a level of  
8 health care provider reimbursement rates for benefits payable under  
9 pool coverage for covered services; and

10 (iv) A filing by the ~~administering insurer-pool~~  
11 administrator which shows the difference, if any, between the

12 aggregate amounts set for health care provider reimbursement rates  
 13 for benefits payable under pool coverage for covered services  
 14 by existing contracts between the ~~administering insurer-pool~~  
 15 administrator and health care providers and the amounts generally  
 16 charged to reimburse health care providers prevailing in the  
 17 commercial market. No such filing shall require the ~~administering~~  
 18 ~~insurer-pool administrator~~ to disclose proprietary information  
 19 regarding health care provider reimbursement rates for specific  
 20 covered services under pool coverage.

21 (d) If the board determines that cost savings in the  
 22 operation of the pool could be achieved, the board shall set forth  
 23 specific findings supporting the determination and may establish  
 24 the level of health care provider reimbursement rates for benefits  
 25 payable under pool coverage for covered services as a multiplier of  
 26 an objective standard.

27 (2) A health care provider who provides covered services  
 1 to a covered individual under pool coverage and requests payment  
 2 is deemed to have agreed to reimbursement according to the health  
 3 care provider reimbursement rates for benefits payable under pool  
 4 coverage for covered services established pursuant to this section.  
 5 Any reimbursement paid to a health care provider for providing  
 6 covered services to a covered person under pool coverage is limited  
 7 to the lesser of billed charges or the health care provider  
 8 reimbursement rates for benefits payable under pool coverage for  
 9 covered services established pursuant to this section. A health  
 10 care provider shall not collect or attempt to collect from a  
 11 covered individual any money owed to the health care provider  
 12 by the pool. A health care provider shall not have any recourse  
 13 against a covered individual for any covered services under pool  
 14 coverage in excess of the copayment, coinsurance, or deductible  
 15 amounts specified in the pool coverage.

16 (3) Nothing in this section shall prohibit a health care  
 17 provider from billing a covered individual under pool coverage for  
 18 services which are not covered services under pool coverage.

19 Sec. 4. Section 44-4223, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 44-4223 (1) The board shall select ~~an insurer or insurers~~  
 22 a pool administrator through a competitive bidding process to  
 23 administer the pool. The pool administrator may be an insurer or a  
 24 third-party administrator authorized to transact business in this  
 25 state. The board shall evaluate bids submitted on the basis of  
 26 criteria established by the board which shall include:

27 (a) The ~~insurer's~~ applicant's proven ability to handle  
 1 individual sickness and accident insurance;

2 (b) The efficiency of the ~~insurer's~~ applicant's  
 3 claim-paying procedures;

4 (c) The ~~insurer's~~ applicant's estimate of total charges  
 5 for administering the pool; ~~and~~



6 (d) The ~~insurer's applicant's~~ ability to administer the  
7 pool in a cost-effective manner; and-

8 (e) The applicant's ability to negotiate reduced health  
9 care provider reimbursement rates for benefits payable under pool  
10 coverage for covered services.

11 (2) The ~~administering insurer-pool~~ administrator shall  
12 serve for a period of three years subject to removal for cause. At  
13 least one year prior to the expiration of each three-year period  
14 of service by ~~an administering insurer, a pool administrator,~~ the  
15 board shall invite all insurers and third-party administrators  
16 authorized to transact business in this state, including the  
17 current administering insurer, pool administrator, to submit bids  
18 to serve as the ~~administering insurer-pool~~ administrator for  
19 the succeeding three-year period. Selection of the ~~administering~~  
20 ~~insurer-pool~~ administrator for the succeeding period shall be made  
21 at least six months prior to the end of the current three-year  
22 period.

23 Sec. 5. Section 44-4224, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 44-4224 The ~~administering insurer-pool~~ administrator  
26 shall:

27 (1) Perform all eligibility verification functions  
1 relating to the pool;

2 (2) Establish a premium billing procedure for collection  
3 of premiums from covered individuals on a periodic basis as  
4 determined by the board;

5 (3) Perform all necessary functions to assure timely  
6 payment of benefits to covered individuals, including:

7 (a) Making available information relating to the proper  
8 manner of submitting a claim for benefits to the pool and  
9 distributing forms upon which submission shall be made; and

10 (b) Evaluating the eligibility of each claim for payment  
11 by the pool;

12 (4) Submit regular reports to the board regarding the  
13 operation of the pool. The frequency, content, and form of the  
14 reports shall be determined by the board;

15 (5) Following the close of each calendar year, report  
16 such income and expense items as directed by the board to the board  
17 and the department on a form prescribed by the director; and

18 (6) Be paid as provided in the plan of operation for its  
19 expenses incurred in the performance of its services to the pool.

20 Sec. 6. Section 44-4225, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 44-4225 (1) Following the close of each calendar year,  
23 the board shall report the board's determination of the paid and  
24 incurred losses for the year, taking into account investment income  
25 and other appropriate gains and losses. The board shall distribute  
26 copies of the report to the director, the Governor, and each member  
27 of the Legislature.

1 (2) The Comprehensive Health Insurance Pool Distributive  
2 Fund is created. Commencing with the premium and related  
3 retaliatory taxes for the taxable year ending December 31,  
4 2001, and for each taxable year thereafter, any premium and  
5 related retaliatory taxes imposed by section 44-150 or 77-908  
6 paid by insurers writing health insurance in this state, except  
7 as otherwise set forth in subdivisions (1) and (2) of section  
8 77-912, shall be remitted to the State Treasurer for credit to  
9 the fund. The fund shall be used for the operation of and payment  
10 of claims made against the pool. Any money in the fund available  
11 for investment shall be invested by the state investment officer  
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
13 State Funds Investment Act. ~~Funds held by the administering~~  
14 ~~insurer as of December 31, 2000, shall be carried forward by the~~  
15 ~~administering insurer for payment of claims, costs of operation,~~  
16 ~~and any remaining refunds.~~

17 (3) The board shall make periodic estimates of the amount  
18 needed from the fund for payment of losses resulting from claims,  
19 including a reasonable reserve, and administrative, organizational,  
20 and interim operating expenses and shall notify the director of the  
21 amount needed and the justification of the board for the request.

22 (4) The director shall approve all withdrawals from the  
23 fund and may determine when and in what amount any additional  
24 withdrawals may be necessary from the fund to assure the continuing  
25 financial stability of the pool.

26 (5) No later than May 1, 2002, and each May 1 thereafter,  
27 after funding of the net loss from operation of the pool for the  
1 prior premium and related retaliatory tax year, taking into account  
2 the policyholder premiums, account investment income, claims, costs  
3 of operation, and other appropriate gains and losses, the director  
4 shall transmit any money remaining in the fund as directed by  
5 section 77-912, disregarding the provisions of subdivisions (1)  
6 through (3) of such section. Interest earned on money in the fund  
7 shall be credited proportionately in the same manner as premium and  
8 related retaliatory taxes set forth in section 77-912.

9 ~~(6) By June 30, 2001, the State Treasurer shall~~  
10 ~~transfer three million one hundred sixty five thousand two hundred~~  
11 ~~sixty five dollars from the Department of Insurance Cash Fund to~~  
12 ~~the General Fund.~~

13 Sec. 7. Section 77-918, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 77-918 Insurers transacting insurance in this state whose  
16 annual tax for the preceding taxable year was four thousand dollars  
17 or more shall make prepayments of the annual taxes imposed pursuant  
18 to Chapter 77, article 9, and related retaliatory taxes imposed  
19 pursuant to Chapter 44, article 1.

20 Each insurer required to make prepayments shall remit  
21 such prepayments on or before April 15, June 15, and September 15

22 of the current taxable year. Remittance for such prepayments shall  
23 be accompanied by a prepayment form prescribed by the director.

24 The amount of each such prepayment shall be at least  
25 one-fourth of either (1) the total tax paid for the immediately  
26 preceding taxable year or (2) eighty percent of the actual tax due  
27 for the current taxable year. ~~For the taxable year ending December~~  
1 ~~31, 2001, total tax paid for the immediately preceding taxable year~~  
2 ~~means tax payable prior to any offsets taken under subsection (1)~~  
3 ~~of section 44-4233.~~

4 The director, for good cause shown, may extend for not  
5 more than ten days the time for making a prepayment. The extension  
6 may be granted at any time if a request for such extension is  
7 filed with the director within or prior to the period for which the  
8 extension may be granted. Insurers who fail to pay any premium or  
9 retaliatory tax, including prepayments, when due shall pay interest  
10 at the rate prescribed by section 45-104.02, as such rate may from  
11 time to time be adjusted, until such tax is paid. Any insurer who  
12 fails to make the prepayments within the prescribed time period or  
13 to obtain an extension shall be subject to the penalties prescribed  
14 in section 77-911.

15 The director shall immediately deposit one-half of the  
16 prepayments received in the Premium and Retaliatory Tax Suspense  
17 Fund, which fund is hereby created, and one-half of the prepayments  
18 received in the General Fund. Commencing with the premium and  
19 related retaliatory taxes for the taxable year ending December 31,  
20 2001, and for each taxable year thereafter, the director shall  
21 determine the amount of the premium and related retaliatory taxes  
22 imposed by section 44-150 or 77-908 paid by insurers writing  
23 health insurance in this state, except as otherwise set forth in  
24 subdivisions (1) and (2) of section 77-912, and such amount shall  
25 be credited to the Comprehensive Health Insurance Pool Distributive  
26 Fund. Except as provided in ~~subsections (5) and (6) subsection~~  
27 ~~(5) of section 44-4225, on May 1 of each year the director shall~~  
1 transfer all of the interest earned in the Premium and Retaliatory  
2 Tax Suspense Fund on the immediately preceding year's prepayments  
3 to the General Fund and transfer the balance of the preceding  
4 year's prepayments deposited in the Premium and Retaliatory Tax  
5 Suspense Fund to the Insurance Tax Fund. Any money in the Premium  
6 and Retaliatory Tax Suspense Fund available for investment shall be  
7 invested by the state investment officer pursuant to the Nebraska  
8 Capital Expansion Act and the Nebraska State Funds Investment Act.  
9 Sec. 8. Original sections 44-4217, 44-4219, 44-4220.02,  
10 44-4223, 44-4224, 44-4225, and 77-918, Reissue Revised Statutes of  
11 Nebraska, are repealed.

12 Sec. 9. Since an emergency exists, this act takes effect  
13 when passed and approved according to law.

14 2. On page 1, line 6, strike "to provide an operative  
15 date;".

**LEGISLATIVE BILL 234.** Placed on Select File.

**LEGISLATIVE BILL 502.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **COMMITTEE REPORT**

Health and Human Services

**LEGISLATIVE BILL 507.** Placed on General File with amendment.

AM670

- 1 1. Insert the following new section:  
 2 Sec. 5. It is the intent of the Legislature that the  
 3 Department of Health and Human Services carry out the requirements  
 4 of sections 2 to 4 of this act within the limits of its annual  
 5 appropriation.  
 6 2. On page 2, line 3, strike "4" and insert "5"; and in  
 7 line 19 after "(1)" insert "For purposes of this section, target  
 8 work rate means fifty percent less the caseload reduction credit  
 9 submitted by the Nebraska Department of Health and Human Services  
 10 to the United States Department of Health and Human Services for  
 11 the fiscal year.  
 12 (2)".  
 13 3. On page 3, strike beginning with "(2)" in line 3  
 14 through line 13 and insert:  
 15 "(3) No state funds shall be used to carry out this  
 16 section unless such state funds meet the definition of qualified  
 17 state expenditures under the federal Temporary Assistance to Needy  
 18 Families Act, 42 U.S.C. 609(a)(7)(B)(i).  
 19 (4) If Nebraska's work participation rate under the  
 20 federal Temporary Assistance to Needy Families program, 42 U.S.C.  
 21 601 et seq., does not exceed the target work rate by ten percentage  
 22 points in any month, the Department of Health and Human Services  
 23 may suspend the requirements of subsection (2) of this section  
 1 until the work participation rate exceeds the target work rate by  
 2 ten percentage points for three consecutive months."  
 3 4. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 199.** Introduced by Schilz, 47.

WHEREAS, the Mathewson family of Potter, Nebraska, received the 2011 Leopold Conservation Award in Nebraska; and

WHEREAS, this award is given by the Sand County Foundation in partnership with Nebraska Cattlemen, Cargill, and a diverse group of agriculture and conservation organizations to individuals or families who

demonstrate extraordinary natural resource conservation and land management; and

WHEREAS, the Mathewson family has been committed to conserving natural resources on their ranch for three generations. Rodney Mathewson started the ranching operation in the 1940s, and Rodney's son, Randy, and grandson, Beau, continue to run the ranch today; and

WHEREAS, the Mathewson family has utilized various conservation practices to get the most benefit out of the ranching operation in the most sustainable way possible.

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

1. That the Legislature congratulates the Mathewson family for receiving the 2011 Leopold Conservation Award in Nebraska.

2. That a copy of this resolution be sent to the Mathewson family.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 22.** Senator K. Haar offered the following amendment:

AM831

- 1 1. On page 4, line 7, after "coverage" insert "(a)"; in
- 2 line 9 strike "or to coverage" and insert ", (b)"; and in line
- 3 10 before the period insert ", or (c) for an abortion that is
- 4 performed because, in the professional judgment of the physician,
- 5 there is a complication or anomaly related to the pregnancy such
- 6 that the fetus has a condition incompatible with life".
- 7 2. On page 5, line 8, before the period insert "or
- 8 because, in the professional judgment of the physician, there is
- 9 a complication or anomaly related to the pregnancy such that the
- 10 fetus has a condition incompatible with life".

Senator K. Haar withdrew his amendment.

The Presiding Officer called for a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 8 nays, 7 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 142.** Title read. Considered.

**SENATOR CARLSON PRESIDING**

Committee AM934, found on page 1307, was considered.

Pending.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 384.** Placed on Final Reading.

ST33

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER86, on page 1, line 2, "49-617," has been inserted before "77-123".

2. In the Standing Committee amendments, AM944:

a. On page 21, line 27, "26" has been struck and "27" inserted; and

b. On page 22, line 1; page 26, line 24; page 27, line 3; page 36, line 2; and page 38, line 4, "27" has been struck and "28" inserted.

**LEGISLATIVE BILL 384A.** Placed on Final Reading.

**LEGISLATIVE BILL 386.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 200.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study whether the insurance laws of Nebraska should be amended to provide that insurance or self-insurance providing coverage to an operator of a motor vehicle not owned by the operator shall be primary to any insurance or self-insurance providing coverage to the motor vehicle. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons and organizations, including motor vehicle dealers and insurers, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### AMENDMENTS - Print in Journal

Senator Cook filed the following amendment to LB628:  
AM1261

(Amendments to Final Reading copy)

- 1 1. On page 5, line 23, after "organization" insert "a
- 2 other than a religious corporation, organization, association, or
- 3 society."
- 4 2. On page 6, line 3, strike "an immediate" and insert
- 5 "a"; and in line 4 after the period insert "For purposes of
- 6 this section, family member means a spouse, child, parent,
- 7 brother, sister, grandchild, or grandparent by blood, marriage,
- 8 or adoption."

Senator Gloor filed the following amendment to LB590:  
AM1364

(Amendments to E & R amendments, ER111)

- 1 1. Insert the following new section:
- 2 Sec. 18. Section 71-7606, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-7606 (1) The purpose of the Nebraska Health Care
- 5 Funding Act is to provide for the use of dedicated revenue for
- 6 health-care-related expenditures and administration and enforcement
- 7 of the Master Settlement Agreement as defined in section 69-2702.
- 8 (2) Any funds appropriated or distributed under the act
- 9 shall not be considered ongoing entitlements or obligations on the
- 10 part of the State of Nebraska and shall not be used to replace
- 11 existing funding for existing programs.
- 12 (3) No funds appropriated or distributed under the act
- 13 shall be used for abortion, abortion counseling, referral for
- 14 abortion, or research or activity of any kind involving the use of
- 15 human fetal tissue obtained in connection with the performance of
- 16 an induced abortion or involving the use of human embryonic stem
- 17 cells or for the purpose of obtaining other funding for such use.
- 18 (4) The Department of Health and Human Services shall
- 19 report annually to the Legislature and the Governor regarding the
- 20 use of funds appropriated under the act and the outcomes achieved
- 21 from such use.
- 22 2. On page 19, line 16, strike the last "and" and show as
- 1 stricken; and in line 23 after "69-2702" insert "; and
- 2 (vi) The information required to establish that such
- 3 nonparticipating manufacturer has posted the appropriate bond or
- 4 cash equivalent required under section 9 of this act".

5 3. On page 21, line 25, after "376" insert "and 376a".

6 4. On page 24, line 27, strike beginning with "(1)"  
 7 through "post" and insert the following new subsections:  
 8 "(1) All nonparticipating manufacturers shall post a bond  
 9 or its cash equivalent for the benefit of the state which is  
 10 subject to execution under subsection (3) of this section. The  
 11 bond shall be posted by corporate surety located within the United  
 12 States, or the cash equivalent of the bond shall be posted by the  
 13 nonparticipating manufacturer in an account approved by the state.  
 14 The bond or its cash equivalent shall be posted and evidence of  
 15 such posting shall be provided to the Tax Commissioner at least  
 16 ten days in advance of each calendar quarter as a condition to the  
 17 nonparticipating manufacturer and its brand families being included  
 18 in the directory for that quarter.

19 (2) The amount of the bond shall be determined as  
 20 follows:

21 (a) Unless subdivision (c) of this subsection is  
 22 applicable, for a nonparticipating manufacturer or its affiliates  
 23 which have been listed on any state's directory for at least  
 24 three years or for any nonparticipating manufacturer whose sales  
 25 are authorized pursuant to an agreement under section 22 of this  
 26 act, the amount of the bond required shall be twenty-five thousand  
 27 dollars;

1 (b) Unless subdivision (c) of this subsection is  
 2 applicable, for a nonparticipating manufacturer or its affiliates  
 3 which have not been listed on any state's directory for at least  
 4 three years, the amount of the bond required shall be fifty  
 5 thousand dollars; and

6 (c) For a nonparticipating manufacturer or its affiliates  
 7 which have failed, in the past three years, to make a full and  
 8 timely escrow deposit due under section 69-2703, unless the failure  
 9 was not knowing or intentional and was promptly cured upon notice,  
 10 or for any nonparticipating manufacturer or its affiliates which  
 11 were involuntarily removed from any state's directory, unless the  
 12 removal was determined to have been erroneous or illegal, the  
 13 amount of the bond required shall be the greater of (i) fifty  
 14 thousand dollars or (ii) the greatest amount of escrow owed by the  
 15 nonparticipating manufacturer or its predecessor in any calendar  
 16 year in Nebraska within the preceding five calendar years."

17 5. Strike page 25.

18 6. On page 26, strike lines 1 and 2.

19 7. On page 28, line 2, after the period insert "The Tax  
 20 Commissioner may also share with a nonparticipating manufacturer  
 21 information reported under this section pertaining to such  
 22 nonparticipating manufacturer's cigarettes."

23 8. On page 30, strike lines 21 through 27.

24 9. On page 31, strike lines 1 through 11 and insert the  
 25 following new subsection:



26 "(3) A stamping agent shall not be liable for escrow  
27 deposits under subsections (1) and (2) of this section if,  
1 at the time of purchase of such nonparticipating manufacturer's  
2 cigarettes:

3 (a) The nonparticipating manufacturer is on the directory  
4 pursuant to section 69-2706; and

5 (b) The state denotes on the directory that the  
6 nonparticipating manufacturer has posted the appropriate bond  
7 required under section 9 of this act."; and in line 20 after  
8 "69-2706" insert "or the rules and regulations".

9 10. On page 33, lines 2, 5, 6, 7, and 8, strike "failure"  
10 and insert "violation".

11 11. On page 34, line 1, strike "manufacturer of  
12 cigarettes" and insert "tobacco product manufacturer".

13 12. On page 35, line 15, after the period insert  
14 "This subsection shall not apply to a stamping agent purchasing  
15 cigarettes which are not in violation of subsection (4) of section  
16 69-2706 or section 69-2708."

17 13. On page 37, line 3, strike "77-2604 or section" and  
18 insert "69-2708 or 77-2604 or section 14 or".

19 14. On page 42, line 10, after "process" insert ", that  
20 it fully cured such violation and provided notice of such cure  
21 to the Department of Revenue within thirty days after receipt of  
22 notice of the violation, or that it secured a temporary injunction  
23 against removal from the directory in the district court of  
24 Lancaster County. For purposes of a temporary injunction sought  
25 pursuant to this subsection, loss of the ability to sell tobacco  
26 products as a result of removal from the directory shall not  
27 constitute irreparable harm. If, after thirty days, the tobacco  
1 product manufacturer remains in noncompliance and has not obtained  
2 a temporary injunction pursuant to this subsection, the tobacco  
3 product manufacturer shall be removed from the directory".

4 15. On page 55, line 11, after "forfeiture" insert "if  
5 the stamping agent fails to pay the shortfall amount".

6 16. On page 68, strike lines 11 through 18 and insert the  
7 following new subsection:

8 "(4) If a person's license has been suspended or revoked  
9 and the person's name has been removed for at least ten days from  
10 the list of licensed entities published by the Tax Commissioner  
11 under subsection (4) of section 77-2603, any person that sells  
12 cigarettes to or purchases cigarettes from such person shall be  
13 jointly and severally liable for any taxes applicable to such  
14 cigarettes under section 77-2602 and for any escrow due on such  
15 cigarettes under section 69-2703."

16 17. Renumber the remaining sections and correct internal  
17 references and the repealer section accordingly.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 590A.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 590, One Hundred Second Legislature, First Session, 2011.

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Wednesday, May 25, 2011 1:00 p.m.

Helen Abbott Feller - State Racing Commission

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 142.** Committee AM934, found on page 1307 and considered in this day's Journal, was renewed.

Pending.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 380.** Placed on Select File with amendment.  
ER108

- 1 1. On page 1, strike lines 2 through 6 and insert
- 2 "sections 81-188.03 and 81-188.05, Reissue Revised Statutes of
- 3 Nebraska, and section 81-188.01, Revised Statutes Cumulative
- 4 Supplement, 2010; to change and eliminate provisions governing
- 5 depreciation charges; to provide an operative date; to repeal
- 6 the original sections; to outright repeal sections 81-188.02,
- 7 81-188.04, and 81-188.06, Revised Statutes Cumulative Supplement,
- 8 2010; and to declare an emergency."

**LEGISLATIVE BILL 379.** Placed on Select File with amendment.  
ER109

- 1 1. In the Standing Committee amendments, AM1250, on page
- 2 6, line 7, after "administrator" insert "of the budget division of
- 3 the Department of Administrative Services".
- 4 2. On page 1, strike beginning with "the" in line
- 5 1 through line 5 and insert "state funds; to amend sections

6 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2010;  
 7 to provide for fund transfers involving the Ethanol Production  
 8 Incentive Cash Fund and the Cash Reserve Fund; to eliminate  
 9 obsolete provisions; to harmonize provisions; to repeal the  
 10 original sections; and to declare an emergency.".

**LEGISLATIVE BILL 378.** Placed on Select File with amendment.  
 ER116

1 1. In the Standing Committee amendments, AM904:  
 2 a. On page 2, line 2, strike "Local Civic, Cultural, and  
 3 Convention" and insert "Civic and Community"; and  
 4 b. On page 3, line 17, strike "state".  
 5 2. On page 1, strike beginning with "66-1345.04" in  
 6 line 1 through "2010" in line 4 and insert "47-632, 48-1,103,  
 7 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22, 85-122,  
 8 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska,  
 9 sections 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07,  
 10 81-1120.23, and 82-331, Revised Statutes Cumulative Supplement,  
 11 2010, and section 9-531, Uniform Commercial Code, Revised Statutes  
 12 Cumulative Supplement, 2010"; and in line 5 after the semicolon  
 13 insert "to create a fund;".

**LEGISLATIVE BILL 377.** Placed on Select File with amendment.  
 ER122

1 1. In the Standing Committee amendments, AM903, on page  
 2 16, lines 2 and 10, after "Agriculture" insert "at Curtis".

**LEGISLATIVE BILL 376.** Placed on Select File with amendment.  
 ER105 is available in the Bill Room.

**LEGISLATIVE BILL 375.** Placed on Select File.

**LEGISLATIVE BILL 374.** Placed on Select File with amendment.  
 ER124

1 1. In the Standing Committee amendments, AM902:  
 2 a. On page 1, line 7, strike the first "July 1" and  
 3 insert "June 30";  
 4 b. On page 7, line 20; and page 9, line 11, strike  
 5 "Nebraska";  
 6 c. On page 48, lines 14 and 15, after "of" insert "the";  
 7 d. On page 92, line 14, strike "4,942,260" and insert  
 8 "4,942,620";  
 9 e. On page 121, line 21, strike the second comma;  
 10 f. On page 164, line 7, after "Fund" insert ", State  
 11 Medicaid Fraud Control Unit Cash Fund"; and in line 10 after the  
 12 comma insert "College Savings Plan Expense Fund,";

- 13 g. On page 165, line 14, after the second "Fund" insert  
 14 ", Nebraska Advantage Transformational Tourism and Redevelopment  
 15 Act Cash Fund";
- 16 h. On page 166, line 6, after the second "Fund" insert  
 17 ", Anthrax Control Act Cash Fund"; and in line 18 after the second  
 18 "Fund" insert ", Professional Employer Organization Cash Fund";
- 19 i. On page 168, line 25, after the second "Fund" insert  
 20 ", Reentry Cash Fund";
- 21 j. On page 170, line 9, after the colon insert  
 22 "Certified";
- 23 k. On page 171, line 1, after "Fund" insert ", Commission  
 1 on Latino-Americans Cash Fund"; in line 14 after "Fund" insert ",  
 2 Civic and Community Center Financing Fund"; and in line 25 after  
 3 "Fund" insert ", Nebraska Crime Victim Fund";
- 4 l. On page 173, line 11, strike "and"; in line 14 strike  
 5 the period and insert "; and"; and after line 14 insert the  
 6 following new subdivision:  
 7 "(73) Commission on Indian Affairs: Designated Collection  
 8 Fund."; and
- 9 m. On page 186, line 16, strike "Local Civic, Cultural,  
 10 and Convention" and insert "Civic and Community".

**LEGISLATIVE BILL 373.** Placed on Select File with amendment.  
 ER117

- 1 1. In the Standing Committee amendments, AM901:  
 2 a. On page 6, line 23, strike "sections" and insert  
 3 "section";
- 4 b. On page 38, line 27, strike the last comma and insert  
 5 a semicolon; and
- 6 c. On page 39, line 1, strike the third comma and insert  
 7 a semicolon and strike the last comma and insert a semicolon; in  
 8 line 3 strike ", and" and insert a semicolon; and in line 4 strike  
 9 the ninth comma and insert a semicolon.
- 10 2. On page 1, strike lines 2 through 5 and insert  
 11 "section 31; Laws 2009, LB 315, section 216; Laws 2009, LB 603A,  
 12 sections 1 and 2; Laws 2009, First Special Session, LB 1, sections  
 13 14, 91, 96, 100, 101, 103, 122, and 217; Laws 2010, LB 935,  
 14 sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112;  
 15 and"; and in line 9 after the second semicolon insert "to provide  
 16 for transfer of funds;".

**LEGISLATIVE BILL 585.** Placed on Select File with amendment.  
 ER123

- 1 1. In the Standing Committee amendments, AM1253, on page  
 2 2, line 20, after "2009-03422" insert an underscored comma; and in  
 3 line 24 after "2010-04095" insert an underscored comma.

(Signed) Tyson Larson, Chairperson

**AMENDMENTS - Print in Journal**

Senator Hadley filed the following amendment to LB226:  
AM1381

(Amendments to Standing Committee amendments, AM1068)

- 1 1. On page 2, line 20, after the semicolon insert "an
- 2 employee of the Youth Rehabilitation and Treatment Center-Geneva or
- 3 the Youth Rehabilitation and Treatment Center-Kearney:".

Senator Lathrop filed the following amendment to LB397:  
AM1383

(Amendments to Standing Committee amendments, AM1116)

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 48-815, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-815 The commission shall provide itself with a proper
- 5 seal and shall have the power and authority to issue subpoenas and
- 6 to compel the attendance of witnesses and parties and to compel
- 7 the production of relevant books, correspondence, files, records,
- 8 and accounts of any person, corporation, association, or labor
- 9 organization affected, and to make any and all investigations
- 10 necessary to ascertain the truth in regard to the matters
- 11 before the commission. Subpoenas for the production of books,
- 12 correspondence, files, records and accounts shall be issued by the
- 13 commission only after notice to the owner and person in possession
- 14 thereof and opportunity to be heard as to the relevancy of such
- 15 subpoena. When records are sought from private sector employers
- 16 under subsection (2) of section 48-818, the commission shall
- 17 receive documents and provide documents to the parties along with
- 18 a protective order prohibiting dissemination to parties outside
- 19 the litigation and protecting the identity of the employer in any
- 20 proceeding or order.
- 21 2. On page 3, strike lines 12 through 17 and renumber the
- 22 remaining subdivisions accordingly.
- 1 3. On page 7, line 25, after the period insert "If
- 2 a change in the employment status or in wages or terms and
- 3 conditions of employment is necessary, a motion by either party
- 4 or by the parties jointly may be presented to the commission at
- 5 that time and if the commission finds, based on a showing of
- 6 evidence at a hearing thereon, that the requested change is both
- 7 reasonable and necessary to serve an important public interest and
- 8 that the employer has not considered a change in the employment
- 9 status, wages, or terms and conditions of employment as a policy
- 10 alternative on an equal basis with other policy alternatives
- 11 to achieve budgetary savings, the commission may order that the
- 12 requested change be allowed pending final resolution of the pending
- 13 industrial dispute.".
- 14 4. On page 11, line 1, strike "public employer" and
- 15 insert "municipality, municipally owned utility, or county"; and

16 strike beginning with "representing" in line 2 through "personnel"  
17 in line 3.

18 5. On page 17, strike lines 20 through 27.

19 6. On page 18, strike lines 1 through 3; and in line 4  
20 strike "(3)" and insert "(2)".

21 7. On page 19, after line 4 insert the following new  
22 subdivision:

23 "(iv) Nothing in subdivision (2)(b) of this section shall  
24 prevent parties from stipulating to an array member that does not  
25 otherwise meet the criteria in such subdivision, and nothing in  
26 such subdivision shall prevent parties from stipulating to less  
27 than seven or more than thirteen array members;" and renumber the  
1 remaining subdivisions accordingly; in line 15 after "area" insert  
2 "other than the metropolitan statistical area in which the employer  
3 before the commission is located"; in line 25 strike "employees"  
4 and insert "meters served"; and in line 26 after "the" insert  
5 "number of meters served by the".

6 8. On page 20, line 5; and page 26, lines 14 and 27,  
7 strike "(3)" and insert "(2)".

8 9. On page 25, line 22, strike "enrolled actuary" and  
9 insert "actuary holding a current membership with the American  
10 Academy of Actuaries".

11 10. On page 27, line 7, strike "or benefits"; and in  
12 lines 8, 14, and 18 strike "and benefits".

13 11. On page 64, line 15, after "48-813," insert  
14 "48-815,".

15 12. Renumber the remaining sections and correct internal  
16 references accordingly.

Senator Fulton filed the following amendment to LB397:  
AM1379 is available in the Bill Room.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to  
LB575. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 35 fifth- and sixth-grade students, teachers,  
and sponsor from Kenesaw; and 9 eleventh- and twelfth-grade students and  
teachers from Papillion-La Vista, Papillion.

**ADJOURNMENT**

At 4:59 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, May 4, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-FOURTH DAY - MAY 4, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 4, 2011

**PRAYER**

The prayer was offered by Pastor Michael Brown, Redeemer Lutheran Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, Fischer, K. Haar, Heidemann, Janssen, Lautenbaugh, Pahls, Pankonin, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**MESSAGE FROM THE GOVERNOR**

May 4, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 54, 177, 382e, 382Ae, 464e, 637e, 637Ae, and 648 were received in my office on April 28, 2011.

These bills were signed and delivered to the Secretary of State on May 4, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTIONS - Approve Appointments**

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1349:

Boiler Safety Code Advisory Board

Steven Bley

Robert Kirkpatrick

Thomas Phipps

Voting in the affirmative, 28:

Brasch	Dubas	Howard	Mello	Smith
Campbell	Flood	Krist	Nordquist	Sullivan
Carlson	Gloor	Larson	Pirsch	Utter
Conrad	Hadley	Lathrop	Price	Wallman
Cook	Hansen	Louden	Schilz	
Council	Harms	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Christensen	Harr, B.	McGill
Avery	Coash	Karpisek	Nelson
Bloomfield	Fulton	Langemeier	

Excused and not voting, 10:

Ashford	Fischer	Heidemann	Lautenbaugh	Pankonin
Cornett	Haar, K.	Janssen	Pahls	Wightman

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1351:

Foster Care Review Board

Jill Reel

Voting in the affirmative, 33:

Bloomfield	Cook	Harms	McGill	Schumacher
Brasch	Council	Howard	Mello	Smith
Campbell	Dubas	Krist	Nordquist	Sullivan
Carlson	Flood	Langemeier	Pahls	Utter
Christensen	Gloor	Larson	Pirsch	Wallman
Coash	Hadley	Lathrop	Price	
Conrad	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Fulton	Karpisek	Nelson
Avery	Harr, B.	Louden	

Excused and not voting, 9:

Ashford	Fischer	Heidemann	Lautenbaugh	Wightman
Cornett	Haar, K.	Janssen	Pankonin	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1351:

Commission for the Deaf and Hard of Hearing  
 Dillard Delts  
 Amy Kasch

Voting in the affirmative, 32:

Adams	Conrad	Harms	Mello	Smith
Bloomfield	Cook	Howard	Nordquist	Sullivan
Brasch	Council	Krist	Pahls	Utter
Campbell	Dubas	Langemeier	Pirsch	Wallman
Carlson	Flood	Larson	Price	
Christensen	Gloor	Lathrop	Schilz	
Coash	Hansen	McGill	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Hadley	Karpisek	McCoy
Fulton	Harr, B.	Louden	Nelson

Excused and not voting, 9:

Ashford	Fischer	Heidemann	Lautenbaugh	Wightman
Cornett	Haar, K.	Janssen	Pankonin	

The appointments were confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1352:

State Board of Health  
Janet Coleman

Voting in the affirmative, 33:

Adams	Cook	Harms	McGill	Schumacher
Bloomfield	Council	Howard	Mello	Smith
Brasch	Dubas	Janssen	Nordquist	Sullivan
Campbell	Flood	Krist	Pahls	Utter
Carlson	Gloor	Langemeier	Pirsch	Wallman
Christensen	Haar, K.	Larson	Price	
Conrad	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Fulton	Harr, B.	Lathrop	Nelson
Coash	Hadley	Karpisek	McCoy	

Excused and not voting, 7:

Ashford	Fischer	Lautenbaugh	Wightman
Cornett	Heidemann	Pankonin	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1399:

Environmental Quality Council  
Douglas Anderson  
John Baker  
John Kinter  
John Turnbull  
Donald Williams

Voting in the affirmative, 33:

Adams	Council	Hansen	McGill	Schumacher
Bloomfield	Dubas	Harms	Mello	Smith
Campbell	Fischer	Howard	Nordquist	Sullivan
Carlson	Flood	Krist	Pahls	Utter
Christensen	Gloor	Langemeier	Pirsch	Wallman
Conrad	Haar, K.	Larson	Price	
Cook	Hadley	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Coash	Harr, B.	Karpisek	Louden
Brasch	Fulton	Janssen	Lathrop	Nelson

Excused and not voting, 6:

Ashford	Heidemann	Pankonin
Cornett	Lautenbaugh	Wightman

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 590A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 404.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 590.** ER111, found on page 1387, was adopted.

Senator Gloor renewed his amendment, AM1364, found on page 1415.

Senator Gloor offered the following amendment to his amendment:

FA21

Amend AM1364

Page 4, line 26, after "shall", delete "not".

The Gloor amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The Gloor amendment, AM1364, as amended, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Gloor offered the following amendment:

AM1387

(Amendments to E & R amendments, ER111)

1 1. On page 53, strike lines 1 through 8, and insert the  
 2 following new subsection:  
 3 "(4) The agreement may provide for the sale of cigarettes  
 4 not included in the directory under section 69-2706, but only if  
 5 the agreement requires that such cigarettes bear the tribal stamp  
 6 under section 24 of this act and only if the agreement includes  
 7 provisions to account for escrow deposits on such cigarettes in  
 8 amounts equal to and in a manner consistent with the deposits  
 9 required of manufacturers under section 69-2703 or otherwise  
 10 requires payment of escrow by the manufacturers in accordance  
 11 with section 69-2703."

The Gloor amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 106.** ER100, found on page 1321, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 549.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 549A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 345.** ER102, found on page 1321, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 345A.** Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 673.** Title read. Considered.

Committee AM1254, found on page 1357, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 226.** Title read. Considered.

Committee AM1068, found on page 1356, was considered.

Senator Hadley renewed his amendment, AM1381, found on page 1421, to the committee amendment.

**SENATOR SULLIVAN PRESIDING**

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Hadley moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Hadley requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Avery	Flood	Karpisek	Pahls	Sullivan
Bloomfield	Hadley	Krist	Pankonin	Utter
Carlson	Hansen	Langemeier	Pirsch	Wallman
Christensen	Harms	Louden	Price	
Cornett	Howard	McCoy	Schilz	
Fischer	Janssen	Nelson	Smith	

Voting in the negative, 13:

Adams	Campbell	Cook	Haar, K.	Nordquist
Ashford	Coash	Council	Larson	
Brasch	Conrad	Gloor	McGill	

Present and not voting, 5:

Dubas	Lathrop	Lautenbaugh	Mello	Schumacher
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Absent and not voting, 1:

Harr, B.

Excused and not voting, 3:

Fulton	Heidemann	Wightman
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The Hadley amendment was adopted with 27 ayes, 13 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

### **COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 151.** Placed on Select File with amendment. ER125 is available in the Bill Room.

**LEGISLATIVE BILL 590A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **VISITORS**

Visitors to the Chamber were 60 fourth-grade students, teachers, and sponsors from Cardinal Elementary, South Sioux City; Jesse and Melissa Hall from Blair and Chuck Sattig, Dana Vincent, Brenda Worth, and Mark Spadaro; 38 ninth-grade students and teachers from Wood River; and 48 second-grade students and teachers from Wilber-Clatonia Public School, Wilber.

### **RECESS**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

### **ROLL CALL**

The roll was called and all members were present except Senator Carlson who was excused; and Senators Coash, Cornett, Heidemann, Lautenbaugh, Mello, and Wightman who were excused until they arrive.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 170, 171, and 172 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 170, 171, and 172.



**GENERAL FILE**

**LEGISLATIVE BILL 397.** Title read. Considered.

Committee AM1116, found on page 1095, was considered.

Senator Lathrop withdrew his amendment, AM1125, found on page 1095.

Senator Lathrop renewed his amendment, AM1383, found on page 1421, to the committee amendment.

**SENATOR SULLIVAN PRESIDING****SPEAKER FLOOD PRESIDING**

Pending.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Tuesday, May 17, 2011 1:00 p.m.

Miguel "Mike" Gomez - Board of Parole

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

Business and Labor

**LEGISLATIVE BILL 564.** Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

Judiciary

**LEGISLATIVE BILL 521.** Placed on General File with amendment.  
AM1100

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

3 Section 1. Section 28-335, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 28-335 (1) The performing of an abortion by any person  
6 other than a licensed physician is a Class IV felony.

7 (2) No abortion shall be performed, induced, or attempted  
8 unless the physician who uses or prescribes any instrument, device,  
9 medicine, drug, or other substance to perform, induce, or attempt

10 the abortion is physically present in the same room with the  
 11 patient when the physician performs, induces, or attempts to  
 12 perform or induce the abortion. Any person who knowingly or  
 13 recklessly violates this subsection shall be guilty of a Class IV  
 14 felony. No civil or criminal penalty shall be assessed against the  
 15 patient upon whom the abortion is performed, induced, or attempted  
 16 to be performed or induced.

17 Sec. 2. If any one or more provisions, sections,  
 18 subsections, sentences, clauses, phrases, or words of this act  
 19 or the application thereof to any person or circumstance is found  
 20 to be unconstitutional, the same is hereby declared to be severable  
 21 and the balance of this act shall remain effective notwithstanding  
 22 such unconstitutionality. The Legislature hereby declares that  
 23 it would have passed this act, and each provision, section,  
 1 subsection, sentence, clause, phrase, or word thereof, irrespective  
 2 of the fact that any one or more provisions, sections, subsections,  
 3 sentences, clauses, phrases, or words be declared unconstitutional.  
 4 Sec. 3. Original section 28-335, Reissue Revised Statutes  
 5 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 397.** The Lathrop amendment, AM1383, found on page 1421 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

### COMMITTEE REPORTS

Business and Labor

**LEGISLATIVE BILL 555.** Indefinitely postponed.

**LEGISLATIVE BILL 623.** Indefinitely postponed.

**LEGISLATIVE BILL 664.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 29CA.** Indefinitely postponed.

**LEGISLATIVE BILL 482.** Indefinitely postponed.

**LEGISLATIVE BILL 619.** Indefinitely postponed.

**LEGISLATIVE BILL 624.** Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

**AMENDMENT - Print in Journal**

Senator Gloor filed the following amendment to LB591:  
AM1398

- 1 1. On page 14, line 1, after "entity" insert "listed in
- 2 section 71-539".

**MESSAGE FROM THE SECRETARY OF STATE**

May 4, 2011

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

Dear Mr. President and Senators,

The purpose of this letter is to inform the honorable members of the Legislature that I have made the following appointment requiring Legislative confirmation:

Mr. Timothy M. Schulz, as an "at-large" member of the Accountability and Disclosure Commission, for a six-year term beginning July 1, 2011 and ending on June 30, 2017.

This appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

Cc: Frank Daley  
Sh

**AMENDMENTS - Print in Journal**

Senator Heidemann filed the following amendment to LB374:  
AM1397

- 1 1. In the Standing Committee amendments, AM902:
- 2 a. Purpose: To correct for an error, reappropriation
- 3 language was omitted.
- 4 Amendment:
- 5 1. On page 5, after line 27 insert:

6 "The unexpended General Fund appropriation balance  
7 existing on June 30, 2011, is hereby reappropriated.";

8 b. Purpose: Decrease Tax Equity and Educational  
9 Opportunities Support Act aid for FY2011-12 by \$2,809,152 to  
10 reflect actual insurance premium tax receipts used to offset  
11 general funds and increase Tax Equity and Educational Opportunities  
12 Support Act aid for FY2011-12 by \$28,578 to reflect adjustments  
13 made by the State Department of Education.

14 Amendment:

15 1. On page 24, line 1, strike "1,008,822,743" and insert  
16 "1,006,042,169"; in line 4 strike "1,302,952,819" and insert  
17 "1,300,172,245"; in line 6 strike "\$1,008,822,743" and insert  
18 "\$1,006,042,169"; and in line 14, strike "\$807,469,661" and insert  
19 "\$804,689,087";

20 c. Purpose: Change description of health care positions  
21 to harmonize with legislative change to licensure classification.

22 Amendment:

23 1. On page 53, lines 22 and 23, and page 53,  
1 line 26 and page 54, line 1, strike each occurrence of  
2 "emergency medical technicians-intermediate and emergency medical  
3 technicians-paramedic" and insert "out-of-hospital emergency care  
4 providers";

5 d. Purpose: Change funding language for federally  
6 qualified health centers.

7 Amendment:

8 1. On page 71, line 19, strike "a" and insert "the  
9 second"; strike beginning with "with" in line 20 through  
10 "inhabitants" in line 21 and insert ". Such funds shall be used  
11 for the purpose of implementing a minority health initiative  
12 which may target, but shall not be limited to, infant mortality,  
13 cardiovascular disease, obesity, diabetes, and asthma"; and

14 e. Purpose: Add transfer language.

15 Amendments:

16 1. On page 182, line 14, after "Fund" insert "to the  
17 General Fund".

18 2. Purpose: Increase the cash fund appropriation \$45,000  
19 in the first year in anticipation of additional gifts and grants  
20 and allow for carryover of unspent cash fund balances related to  
21 sections 81-2509 to 81-2515.

22 Amendment: In AM1313, on page 1, strike lines 7 and 8 and  
23 insert:

24 CASH FUND	137,922	92,922
25 PROGRAM TOTAL	317,408	260,332

26 and in line 10 after "Fund" insert "and cash fund".

Senator Heidemann filed the following amendment to LB376:  
AM1384

(Amendments to E & R amendments, ER105)

- 1 1. On page 6, strike lines 2 and 3 and insert the  
2 following:  
3 "GENERAL FUND 120,018 120,018  
4 PROGRAM TOTAL 120,018 120,018".

### GENERAL FILE

**LEGISLATIVE BILL 397.** The Lathrop amendment, AM1383, found on page 1421 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

### AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB289:  
AM1376

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:  
2 Sec. 18. Section 60-393, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 60-393 Any owner who has two or more motor vehicles  
5 or trailers required to be registered under the Motor Vehicle  
6 Registration Act may register all such motor vehicles or trailers  
7 on a calendar-year basis or on an annual basis for the same  
8 registration period beginning in a month chosen by the owner. When  
9 electing to establish the same registration period for all such  
10 motor vehicles or trailers, the owner shall pay the registration  
11 fee, the motor vehicle tax imposed in section 60-3,185, ~~and~~  
12 the motor vehicle fee imposed in section 60-3,190, and the  
13 alternative fuel fee imposed in section 24 of this act on each  
14 motor vehicle for the number of months necessary to extend its  
15 current registration period to the registration period under which  
16 all such motor vehicles or trailers will be registered. Credit  
17 shall be given for registration paid on each motor vehicle or  
18 trailer when the motor vehicle or trailer has a later expiration  
19 date than that chosen by the owner except as otherwise provided in  
20 sections 60-3,121, 60-3,122.02, and 60-3,128. Thereafter all such  
21 motor vehicles or trailers shall be registered on an annual basis  
22 starting in the month chosen by the owner.  
1 Sec. 19. Section 60-395, Reissue Revised Statutes of  
2 Nebraska, is amended to read:  
3 60-395 (1) Except as otherwise provided in subsection  
4 (2) of this section and sections 60-3,121, 60-3,122.02, and  
5 60-3,128, the registration shall expire and the registered owner or  
6 lessee may, by returning the registration certificate, the license

7 plates, and, when appropriate, the validation decals and by either  
8 making application on a form prescribed by the department to the  
9 county treasurer or designated county official of the occurrence  
10 of an event described in subdivisions (a) through (e) of this  
11 subsection or, in the case of a change in situs, displaying to  
12 the county treasurer or designated county official the registration  
13 certificate of such other state as evidence of a change in situs,  
14 receive a refund of that part of the unused fees and taxes on  
15 motor vehicles or trailers based on the number of unexpired months  
16 remaining in the registration period from the date of any of the  
17 following events:

18 (a) Upon transfer of ownership of any motor vehicle or  
19 trailer;

20 (b) In case of loss of possession because of fire, theft,  
21 dismantlement, or junking;

22 (c) When a salvage branded certificate of title is  
23 issued;

24 (d) Whenever a type or class of motor vehicle or trailer  
25 previously registered is subsequently declared by legislative act  
26 or court decision to be illegal or ineligible to be operated or  
27 towed on the public roads and no longer subject to registration  
1 fees, the motor vehicle tax imposed in section 60-3,185, ~~and the~~  
2 motor vehicle fee imposed in section 60-3,190, and the alternative  
3 fuel fee imposed in section 24 of this act;

4 (e) Upon a trade-in or surrender of a motor vehicle under  
5 a lease; or

6 (f) In case of a change in the situs of a motor vehicle  
7 or trailer to a location outside of this state.

8 (2) If the date of the event falls within the same  
9 calendar month in which the motor vehicle or trailer is acquired,  
10 no refund shall be allowed for such month.

11 (3) If the transferor or lessee acquires another motor  
12 vehicle at the time of the transfer, trade-in, or surrender, the  
13 transferor or lessee shall have the credit provided for in this  
14 section applied toward payment of the motor vehicle fees and taxes  
15 then owing. Otherwise, the transferor or lessee shall file a claim  
16 for refund with the county treasurer or designated county official  
17 upon an application form prescribed by the department.

18 (4) The registered owner or lessee shall make a claim for  
19 refund or credit of the fees and taxes for the unexpired months  
20 in the registration period within sixty days after the date of the  
21 event or shall be deemed to have forfeited his or her right to such  
22 refund or credit.

23 (5) For purposes of this section, the date of the event  
24 shall be: (a) In the case of a transfer or loss, the date of  
25 the transfer or loss; (b) in the case of a change in the situs,  
26 the date of registration in another state; (c) in the case of  
27 a trade-in or surrender under a lease, the date of trade-in or  
1 surrender; (d) in the case of a legislative act, the effective date

2 of the act; and (e) in the case of a court decision, the date the  
3 decision is rendered.

4 (6) Application for registration or for reassignment of  
5 license plates and, when appropriate, validation decals to another  
6 motor vehicle or trailer shall be made within thirty days of the  
7 date of purchase.

8 (7) If a motor vehicle or trailer was reported stolen  
9 under section 60-178, a refund under this section shall not be  
10 reduced for a lost plate charge and a credit under this section may  
11 be reduced for a lost plate charge but the applicant shall not be  
12 required to pay the plate fee for new plates.

13 (8) The county treasurer or designated county official  
14 shall refund the motor vehicle fee and registration fee from  
15 the fees which have not been transferred to the State Treasurer.  
16 The county treasurer shall make payment to the claimant from the  
17 undistributed motor vehicle taxes of the taxing unit where the  
18 tax money was originally distributed. No refund of less than two  
19 dollars shall be paid.

20 2. On page 1, line 4, after the first comma insert  
21 "60-393, 60-395,".

22 3. On page 4, line 11, strike "30" and insert "32".

23 4. On page 16, line 1, strike "22" and insert "24".

24 5. On page 20, line 3, strike "22" and insert "24".

25 6. On page 29, line 18, after the period insert "The  
26 fee shall be collected by the county treasurer and remitted to the  
27 State Treasurer for credit to the Highway Trust Fund.".

1 7. On page 35, line 4, strike "29 and 30" and insert "31  
2 and 32"; and in line 10 strike "29" and insert "31".

3 8. On page 36, line 13, strike "30" and insert "32".

4 9. On page 45, line 3, after the third comma insert  
5 "60-393, 60-695,".

6 10. Renumber the remaining sections accordingly.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Schulz, Timothy M. - Nebraska Accountability and Disclosure Commission  
- Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 201.** Introduced by Bloomfield, 17; Adams, 24; Ashford, 20; Avery, 28; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30.

WHEREAS, "Freedom is Not Free," and our members of the armed forces of the United States of America lead the way in bringing peace, democracy, and the joy of freedom around the world; and

WHEREAS, our young men and women of the armed forces swear to defend the United States of America against all evil; and

WHEREAS, our young men and women of the armed forces leave home, family, and employment behind and embark upon a journey for which they do not know if they will be reunited; and

WHEREAS, the bravery and dedication of our American military is above all measures a display of loyalty, perseverance, and commitment; and

WHEREAS, there are those who leave us way too early and return adorned with the flag of the United States of America - "Old Glory"; and

WHEREAS, such a young soldier has returned home to his loved ones having given the ultimate sacrifice, life, for our freedoms; and

WHEREAS, Staff Sergeant James Alan Justice gave his life on April 23, 2011; and

WHEREAS, James volunteered for duty in Afghanistan in early 2011 to be with his unit in the Iowa Army National Guard because he loved his country and felt that was where he should be; and

WHEREAS, after completing a routine security patrol at Bagram Airfield in Afghanistan, word was received of a downed OH-58 Kiowa helicopter in the neighboring Kapisa province northeast of Kabul. James and some of his fellow soldiers from the Iowa Army National Guard's Alpha Troop 1st Squadron 113th Cavalry boarded a UH-60 Black Hawk helicopter to rescue the two-man crew of the downed helicopter; and

WHEREAS, after their craft landed the group came under small arms fire. James was killed at the site. James was 32 years, 9 months, and 24 days of age. James was escorted home to Iowa from Dover Air Force Base by OC Alan Schmeckpepper; and

WHEREAS, James served his nation with honor, and this resolution honors his service and sacrifice; and

WHEREAS, James left behind a loving wife, Amanda Jo Sand Justice, a three-year-old daughter, Caydence Lillian Justice, parents, Larry and Lillian Justice, and siblings, Kenneth Justice, Denise Christensen, and Christina Lingle.



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

1. That the Legislature recognizes the service and sacrifice made by Staff Sergeant James Alan Justice and his family for our freedom. There is no price that will ever repay this soldier and his family for what James did out of love for God, country, family, and freedom for one and all.

2. That the Legislature extends its sympathy and gratitude to the loved ones of Staff Sergeant James Alan Justice. Indeed, "Freedom is Not Free." May his soul rest in peace and may God bless America.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 397.** The Lathrop amendment, AM1383, found on page 1421 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 22.** Placed on Final Reading.

**LEGISLATIVE BILL 404.** Placed on Final Reading.

**LEGISLATIVE BILL 575.** Placed on Final Reading.

ST34

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER99, on page 39, lines 18 and 21, ", and section 9-812, Revised Statutes Cumulative Supplement, 2010, as amended by section 1, Legislative Bill 333, One Hundred Second Legislature, First Session, 2011" has been inserted after "2010"; in line 18 "is" has been struck and "are" inserted; and in line 25 "to allocate money in the Education Innovation Fund for the compact; to provide an operative date;" has been inserted after the semicolon and "section" has been struck and "sections" inserted.

**LEGISLATIVE BILL 575A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**MESSAGE FROM THE GOVERNOR**

May 4, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 283 without my signature and with my objections.

LB 283 would add energy efficiency projects to the narrow list of activities for which school districts are allowed to issue bonds without voter approval. Historically, the authority granted to districts to use this special bonding provision has been limited to primarily life, health, and safety issues. The definition of energy efficiency projects in this bill is vague and will greatly increase use of this authority.

I am convinced that the expanded scope and reduced voter oversight contained in LB 283 will result in significant property tax increases. Bond issues for energy efficiency projects should not be outside of the levy limits unless approved by a vote of the people.

For these reasons, I urge you to sustain my veto of LB 283.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 397.** The Lathrop amendment, AM1383, found on page 1421 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Lathrop moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Lathrop requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 30:

Adams	Cornett	Hadley	Louden	Schumacher
Ashford	Council	Harms	McGill	Smith
Avery	Dubas	Harr, B.	Mello	Sullivan
Campbell	Flood	Howard	Nordquist	Utter
Conrad	Gloor	Karpisek	Pahls	Wallman
Cook	Haar, K.	Lathrop	Pirsch	Wightman

Voting in the negative, 9:

Bloomfield	Fulton	Janssen	McCoy	Schilz
Brasch	Hansen	Larson	Nelson	

Present and not voting, 9:

Christensen	Fischer	Krist	Lautenbaugh	Price
Coash	Heidemann	Langemeier	Pankonin	

Excused and not voting, 1:

Carlson

The Lathrop amendment was adopted with 30 ayes, 9 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Fulton renewed his amendment, AM1379, found on page 1422, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

### **AMENDMENTS - Print in Journal**

Senator Cook filed the following amendment to LB628:  
AM1400

(Amendments to Final Reading copy)

- 1 1. On page 5, line 25, after "Act" insert "unless such
- 2 donation is prohibited by law".
- 3 2. On page 6, line 3, strike "an immediate" and insert
- 4 "a"; and in line 4 after the period insert "For purposes of
- 5 this section, family member means a spouse, child, parent,
- 6 brother, sister, grandchild, or grandparent by blood, marriage,
- 7 or adoption".

Senator Karpisek filed the following amendment to LB490:  
AM840

(Amendments to Standing Committee amendments, AM595)

- 1 1. Strike sections 1, 2, 7, 8, and 9 and renumber the
- 2 remaining sections accordingly.

Senator Karpisek filed the following amendment to LB256:  
AM1195

- 1 1. Strike original section 2 and insert the following new
- 2 sections:
- 3 Sec. 2. Section 2-1205, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1205 If the commission is satisfied that its rules and
- 6 regulations and all provisions of sections 2-1201 to 2-1218 have
- 7 been and will be complied with, it may issue a license for a period
- 8 of not more than one year. The license shall set forth the name
- 9 of the licensee, the place where the races or race meetings are
- 10 to be held, and the time and number of days during which racing
- 11 may be conducted by such licensee. Any such license issued shall
- 12 not be transferable or assignable. The commission shall have the
- 13 power to revoke any license issued at any time for good cause upon
- 14 reasonable notice and hearing. No license shall be granted to any
- 15 corporation or association except upon the express condition that
- 16 it shall not, by any lease, contract, understanding, or arrangement
- 17 of whatever kind or nature, grant, assign, or turn over to any
- 18 person, corporation, or association the operation or management of
- 19 any racing or race meeting licensed under such sections or of the
- 20 parimutuel system of wagering described in section 2-1207 or in any
- 21 manner permit any person, corporation, or association other than
- 22 the licensee to have any share, percentage, or proportion of the
- 23 money received for admissions to the racing or race meeting or from
- 1 the operation of the parimutuel system; and any violation of such
- 2 conditions shall authorize and require the commission immediately
- 3 to revoke such license. Notwithstanding the provisions of this
- 4 section to the contrary, a racetrack licensee may contract with
- 5 another licensee under sections 2-1201 to 2-1218 to conduct all but
- 6 one day of live race meetings on its behalf, and until January 1,
- 7 2027, a racetrack licensee located in a county which contains a
- 8 city of the primary class may contract with another licensee under
- 9 sections 2-1201 to 2-1218 to conduct all live race meetings on its
- 10 behalf.

- 11 Sec. 3. Section 2-1226, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:

- 13 2-1226 Any racetrack issued a license under sections
- 14 2-1201 to 2-1223 which operates at least one live race meet
- 15 during each calendar year except as provided in section 2-1228
- 16 or contracts for one or more live race meets as authorized under
- 17 section 2-1205 may apply to the commission for a simulcast facility

18 license. An application for such license shall be in such form  
19 as may be prescribed by the commission and shall contain such  
20 information, material, or evidence as the commission may require.  
21 Any racetrack issued a simulcast facility license may display the  
22 simulcast of a horserace on which parimutuel wagering shall be  
23 allowed.

24 Sec. 4. Section 2-1228, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 2-1228 (1) Any racetrack issued a license under sections  
27 2-1201 to 2-1223 ~~(1)-(a)~~ conducting primarily quarterhorse races  
1 in the year immediately preceding the year for which application  
2 is made, regardless of the total number of days of live  
3 racing conducted in such year, ~~or (2)-(b) conducting primarily~~  
4 thoroughbred horseraces in the year immediately preceding the year  
5 for which application is made which conducted live racing on at  
6 least seventy percent of the days for which it was authorized  
7 to conduct live racing in 1988 unless the commission determines  
8 that such racetrack licensee was unable to conduct live racing on  
9 the required number of days due to factors beyond its control,  
10 including, but not limited to, fire, earthquake, tornado, or  
11 other natural disaster, or (c) contracting for one or more live  
12 race meets as authorized under section 2-1205, may apply to  
13 the commission for an interstate simulcast facility license. An  
14 application for such license shall be in a form prescribed by  
15 the commission and shall contain such information, material, or  
16 evidence as the commission may require. Any racetrack licensee  
17 issued an interstate simulcast facility license may conduct the  
18 interstate simulcast of any horserace permitted under its license,  
19 and parimutuel wagering shall be allowed on such horserace. The  
20 commission shall not authorize interstate simulcasting for any  
21 racetrack licensee pursuant to sections 2-1201 to 2-1223 unless all  
22 of the thoroughbred racetracks together applied for and received  
23 authority to conduct at least one hundred eighty live racing days  
24 in the calendar year in which the application is made.

25 (2) If any racetrack licensee, other than a racetrack  
26 licensee contracting for one or more live race meets as authorized  
27 under section 2-1205, conducts live racing for less than seventy  
1 percent of the days assigned such racetrack licensee in 1988,  
2 (a) such racetrack licensee shall be precluded from conducting  
3 interstate simulcasts and (b) the number of live racing days  
4 conducted by such racetrack licensee shall be subtracted from an  
5 amount equal to seventy percent of all the days assigned such  
6 racetrack licensee in 1988 and the amount remaining shall be  
7 deducted from the one-hundred-eighty-day total required by this  
8 section. If any racetrack licensee ceases to conduct live racing,  
9 other than a racetrack licensee contracting for one or more live  
10 race meets as authorized under section 2-1205, seventy percent of  
11 the days assigned such racetrack licensee in 1988 shall be deducted  
12 from the one-hundred-eighty-day total required by this section.

- 13 Sec. 5. Original sections 2-1205, 2-1226, and 2-1228,  
 14 Reissue Revised Statutes of Nebraska, and section 2-1201, Revised  
 15 Statutes Cumulative Supplement, 2010, are repealed.  
 16 2. Renumber the remaining section accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 397.** The Fulton amendment, AM1379, found on page 1422 and considered in this day's Journal, to the committee amendment, was renewed.

### SENATOR LANGEMEIER PRESIDING

### SPEAKER FLOOD PRESIDING

Senator Fulton withdrew his amendment.

Committee AM1116, found on page 1095 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 9 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 252.** ER101, found on page 1320, was adopted.

Advanced to Enrollment and Review for Engrossment.

### VISITORS

Visitors to the Chamber were Luke Peterson from Lincoln; 50 fourth-grade students, teachers, and sponsors from Arbor Park Elementary, Blair; 40 fourth-grade students, teachers, and sponsors from Wood River; and 19 sixth-grade students and teachers from Valentine.

### ADJOURNMENT

At 8:30 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Thursday, May 5, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature

**SEVENTY-FIFTH DAY - MAY 5, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 5, 2011

**PRAYER**

The prayer was offered by Senator Utter.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Carlson who was excused; and Senators Karpisek and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 673.** Placed on Select File with amendment.  
ER127 is available in the Bill Room.

**LEGISLATIVE BILL 226.** Placed on Select File with amendment.  
ER126

- 1 1. On page 1, lines 2 and 3, strike "provide for" and
- 2 insert "create the offense of".

(Signed) Tyson Larson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 590A.** Advanced to Enrollment and Review for  
Engrossment.

**REPORTS**

The following reports were received by the Legislature:

**Administrative Services, Department of**

Division of Risk Management – Tort Claims Payments  
 Division of Risk Management – State Insurance Fund Claims Payments  
 Division of Risk Management – Indemnification Claims Payments  
 Division of Risk Management – Miscellaneous Claims Payments  
 Division of Risk Management – Workers Compensation Payments

**Investment Finance Authority, Nebraska (NIFA)**

2009 Series A, B, C, D, E and F Community Development Loan Notes  
 (City of Lincoln Program-2009) as of March 31, 2011

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 137.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction relief; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Louden	Price
Avery	Dubas	Harr, B.	McCoy	Schilz
Bloomfield	Fischer	Heidemann	McGill	Schumacher
Brasch	Flood	Howard	Mello	Smith
Campbell	Fulton	Janssen	Nelson	Sullivan
Christensen	Gloor	Krist	Nordquist	Utter
Coash	Haar, K.	Langemeier	Pahls	Wallman
Conrad	Hadley	Larson	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 3:

Carlson      Karpisek      Lautenbaugh



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 181.**

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-1,108, 54-1,121, 54-1,122, and 54-1,122.02, Reissue Revised Statutes of Nebraska; to establish a surcharge; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Larson	Pirsch
Ashford	Cornett	Hansen	Lathrop	Price
Avery	Council	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Heidemann	McGill	Smith
Campbell	Flood	Howard	Nelson	Sullivan
Christensen	Fulton	Janssen	Nordquist	Utter
Coash	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 3:

Carlson      Karpisek      Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 181A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 181, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Larson	Pirsch
Ashford	Cornett	Hansen	Lathrop	Price
Avery	Council	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Heidemann	McGill	Smith
Campbell	Flood	Howard	Nelson	Sullivan
Christensen	Fulton	Janssen	Nordquist	Utter
Coash	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 3:

Carlson          Karpisek          Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 305.**

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Reissue Revised Statutes of Nebraska; to change permitted uses of the Commercial Feed Administration Cash Fund; to require the Director of Agriculture to report regarding implementation of a state program of meat and poultry inspection; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Council	Harms	Louden	Schilz
Ashford	Dubas	Harr, B.	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Mello	Smith
Brasch	Flood	Howard	Nelson	Sullivan
Campbell	Fulton	Janssen	Nordquist	Utter
Christensen	Gloor	Krist	Pahls	Wallman
Coash	Haar, K.	Langemeier	Pankonin	Wightman
Cook	Hadley	Larson	Pirsch	
Cornett	Hansen	Lathrop	Price	

Voting in the negative, 1:

Conrad

Present and not voting, 2:

Avery            McGill

Excused and not voting, 3:

Carlson        Karpisek        Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 305A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Dubas	Harr, B.	McCoy	Schilz
Ashford	Fischer	Heidemann	McGill	Schumacher
Bloomfield	Flood	Howard	Mello	Smith
Brasch	Fulton	Janssen	Nelson	Sullivan
Campbell	Gloor	Krist	Nordquist	Utter
Christensen	Haar, K.	Langemeier	Pahls	Wallman
Coash	Hadley	Larson	Pankonin	Wightman
Cook	Hansen	Lathrop	Pirsch	
Cornett	Harms	Louden	Price	

Voting in the negative, 0.

Present and not voting, 3:

Avery            Conrad            Council

Excused and not voting, 3:

Carlson        Karpisek        Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB360 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 360.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, and 77-6203, Revised Statutes Cumulative Supplement, 2010; to redefine a term; to change a property tax exemption; to change provisions relating to tax credits relative to energy generation facilities; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lathrop	Pirsch
Ashford	Cornett	Hansen	Louden	Price
Avery	Council	Harms	McCoy	Schilz
Bloomfield	Dubas	Heidemann	McGill	Schumacher
Brasch	Fischer	Howard	Mello	Smith
Campbell	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Utter
Coash	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Harr, B.          Larson

Excused and not voting, 2:

Carlson          Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB384 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 384.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-617, 77-123, 77-202.12, 77-702, 77-1301, 77-1303, 77-1311, 77-1311.03, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1504, 77-1504.01, 77-1514, 77-3519, 77-5001, 77-5003, 77-5005, 77-5008, 77-5015, 77-5017, 77-5022, 77-5024.01, and 77-5027, Reissue Revised Statutes of Nebraska, and sections 77-202.04, 77-1502, 77-1507, 77-5004, 77-5007, 77-5016, 77-5018, and 77-5019, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to preliminary real property valuations and notices, filings, hearings, protests, and appeals regarding property taxes as prescribed; to change provisions relating to homestead exemptions and county boards of equalization; to change provisions relating to membership and powers and duties of the Tax Equalization and Review Commission; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Adams	Cornett	Hansen	Lathrop	Smith
Ashford	Dubas	Harms	McCoy	Sullivan
Avery	Fischer	Heidemann	Pahls	Utter
Bloomfield	Flood	Janssen	Pankonin	Wightman
Brasch	Fulton	Karpisek	Pirsch	
Campbell	Gloor	Krist	Price	
Christensen	Haar, K.	Langemeier	Schilz	
Coash	Hadley	Larson	Schumacher	

Voting in the negative, 11:

Conrad	Harr, B.	McGill	Nordquist
Cook	Howard	Mello	Wallman
Council	Louden	Nelson	

Excused and not voting, 2:

Carlson           Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 384A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 384, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Cornett	Harms	Lathrop	Pirsch
Ashford	Dubas	Harr, B.	Louden	Price
Avery	Fischer	Heidemann	McCoy	Schilz
Bloomfield	Flood	Howard	McGill	Schumacher
Brasch	Fulton	Janssen	Mello	Smith
Campbell	Gloor	Karpisek	Nelson	Sullivan
Christensen	Haar, K.	Krist	Nordquist	Utter
Coash	Hadley	Langemeier	Pahls	Wightman
Conrad	Hansen	Larson	Pankonin	

Voting in the negative, 2:

Cook           Council

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Carlson           Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 421.**

A BILL FOR AN ACT relating to motor vehicle park entry permits; to amend section 37-438, Reissue Revised Statutes of Nebraska, and section 37-440, Revised Statutes Cumulative Supplement, 2010; to change fees for

annual and temporary permits and fees for issuance of the permits; to change a provision relating to display of permits; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Council	Harms	McCoy	Smith
Ashford	Dubas	Harr, B.	McGill	Sullivan
Avery	Fischer	Heidemann	Nelson	Utter
Campbell	Flood	Karpisek	Nordquist	Wallman
Christensen	Fulton	Krist	Pahls	Wightman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Price	
Cook	Hadley	Lathrop	Schilz	
Cornett	Hansen	Louden	Schumacher	

Voting in the negative, 5:

Bloomfield	Brasch	Howard	Janssen	Pirsch
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Present and not voting, 1:

Mello

Excused and not voting, 2:

Carlson      Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB449 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 449.**

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-208, 32-305, 32-312, 32-615, 32-616, 32-811, 32-903, 32-947, 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-606, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election commissioners, deputy registrars, voter

registration, filing for office, nominations without opposition, creation of precincts, procedures for voting early, payment of costs of elections, recall petitions, and recall elections; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Carlson           Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB463 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 463.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 43-286, 43-412, 43-416, and 43-3701, Reissue Revised Statutes of Nebraska, and sections 28-416, 29-2258, 29-2262.08, 29-3921, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, 43-2,108.05, 43-2,129, 79-209, 79-2104, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and transfer provisions relating to certain violations of the Uniform Controlled Substances Act by minors, powers and duties of probation officers relating to juveniles, revocation of probation of a juvenile, sealed juvenile records, and policies regarding excessive absenteeism; to provide for and eliminate transfers from the Commission on Public Advocacy Operations Cash Fund;



to eliminate provisions relating to a study and assessment; to provide duties for the Office of Juvenile Services; to state intent and provide for grants for court appointed special advocate programs; to create a fund; to require reports; to provide for funding for and a plan regarding excessive absenteeism; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cornett	Harr, B.	McCoy	Schumacher
Ashford	Council	Heidemann	McGill	Smith
Avery	Dubas	Howard	Mello	Sullivan
Bloomfield	Fischer	Karpisek	Nelson	Utter
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	
Cook	Harms	Louden	Schilz	

Voting in the negative, 2:

Fulton            Janssen

Excused and not voting, 1:

Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 463A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 463, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	McCoy	Schumacher
Ashford	Council	Harr, B.	McGill	Smith
Avery	Dubas	Heidemann	Mello	Sullivan
Bloomfield	Fischer	Howard	Nelson	Utter
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Fulton	Langemeier	Pahls	Wightman
Christensen	Gloor	Larson	Pankonin	
Coash	Haar, K.	Lathrop	Pirsch	
Conrad	Hadley	Lautenbaugh	Price	
Cook	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Janssen            Karpisek

Excused and not voting, 1:

Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 500.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,182 and 60-6,256, Reissue Revised Statutes of Nebraska; to change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Council	Harr, B.	McCoy	Schumacher
Ashford	Dubas	Heidemann	McGill	Smith
Avery	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	
Cook	Hansen	Lautenbaugh	Price	
Cornett	Harms	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Karpisek

Excused and not voting, 1:

Carlson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB535 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 535.**

A BILL FOR AN ACT relating to insurance; to amend section 44-102.01, Reissue Revised Statutes of Nebraska; to adopt the Portable Electronics Insurance Act; to redefine service contract; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Ashford	Council	Harr, B.	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Carlson

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 665.** With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to criminal child enticement and to define a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cornett	Hansen	Lautenbaugh	Pirsch
Ashford	Council	Harms	Louden	Price
Bloomfield	Dubas	Harr, B.	McCoy	Schilz
Brasch	Fischer	Howard	McGill	Schumacher
Campbell	Flood	Janssen	Mello	Smith
Christensen	Fulton	Krist	Nelson	Sullivan
Coash	Gloor	Langemeier	Nordquist	Utter
Conrad	Haar, K.	Larson	Pahls	Wallman
Cook	Hadley	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Avery            Heidemann    Karpisek

Excused and not voting, 1:

Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 137, 181, 181A, 305, 305A, 360, 384, 384A, 421, 449, 463, 463A, 500, 535, and 665.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 202.** Introduced by Nordquist, 7; Campbell, 25; Council, 11; Gloor, 35; Howard, 9; McGill, 26; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study public assistance programs with income-based eligibility criteria in Nebraska and the program rules that contribute or detract from asset building and economic stability for participating families. In some assistance programs, a small increase in income leads to the abrupt termination or substantial reduction in public assistance. This leaves families in a more precarious financial situation despite an increase in income due to the loss of public assistance. The committee shall conduct a study that assesses options for removing public assistance program policy barriers to asset building and increased work participation.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Council filed the following amendment to LB386:

FA22

Insert the phrase "or the intern resides in a distressed area" after "area" on page 2, line 26.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 4, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Johnson, DeMaris - The Johnson Group

LeadingAge (formerly Homes and Services for the Aging, Nebraska Association of) (Withdrawn 05/02/2011)

**SELECT FILE**

**LEGISLATIVE BILL 380.** ER108, found on page 1418, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 379.** ER109, found on page 1418, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 378.** ER116, found on page 1419, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 377.** ER122, found on page 1419, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 376.** ER105, found on page 1419, was adopted.

Senator Heidemann renewed his amendment, AM1384, found on page 1437.

The Heidemann amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 374.** ER124, found on page 1419, was adopted.

Senator Heidemann renewed his amendment, AM1397, found on page 1435.

The Heidemann amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 373.** ER117, found on page 1420, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 585.** ER123, found on page 1420, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 550.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 15.** ER106, found on page 1387, was adopted.

Senator Wightman offered the following amendment:  
AM1388

(Amendments to E & R amendments, ER106)

- 1 1. On page 1, line 9, after "property" insert "or wages".

The Wightman amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 17.** ER107, found on page 1387, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 424.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 453.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 454.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 455.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 167.** ER110, found on page 1390, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 107.** Senator Wallman offered the following amendment:

AM1369

- 1 1. On page 2, line 3, strike "seven", show as stricken,
- 2 and insert "grower"; in line 12 strike "by the Governor"; and in
- 3 line 13 after "appointed" insert "by the Governor".
- 4 2. On page 4, line 6, before "on" insert "to the board".
- 5 3. On page 8, line 4, after the first "of" insert
- 6 "appointed".

The Wallman amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 155.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 248.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 261.** ER112, found on page 1395, was adopted.

Senator Lathrop offered the following amendment:

AM1356

- 1 1. On page 18, strike beginning with "program" in line
- 2 10 through "12511(17)(B)" in line 11, show as stricken, and insert
- 3 "organization receiving assistance under the national service laws
- 4 through which the participant is engaging in service pursuant to 42
- 5 U.S.C. 12511(30)(B)".

The Lathrop amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 121.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 309.** ER113, found on page 1396, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 573.** ER114, found on page 1397, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 458.** ER115, found on page 1397, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 423.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 480.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 254.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 641.** ER119, found on page 1403, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 413.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 525.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 525A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 591.** Senator Gloor renewed his amendment, AM1398, found on page 1435.

The Gloor amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 687.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 542.** ER120, found on page 1405, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 265.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 315.** ER118, found on page 1406, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 277.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 292.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 394.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 162.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 494.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 124.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 73.** ER121, found on page 1406, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 234.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 502.** Advanced to Enrollment and Review for Engrossment.

#### **MOTION - Return LB628 to Select File**

Senator Bloomfield moved to return LB628 to Select File for his specific amendment, AM1263, found on page 1365.

The Bloomfield motion to return failed with 3 ayes, 29 nays, 15 present and not voting, and 2 excused and not voting.

#### **WITHDRAW - Amendment to LB628**

Senator Cook withdrew her amendment, AM1261, found on page 1415, to LB628.

#### **MOTION - Return LB628 to Select File**

Senator Cook moved to return LB628 to Select File for her specific amendment, AM1400, found on page 1443.

The Cook motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 628.** The Cook specific amendment, AM1400, found on page 1443, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 40:

Adams	Council	Heidemann	McCoy	Price
Brasch	Dubas	Howard	McGill	Schilz
Campbell	Fischer	Karpisek	Mello	Schumacher
Christensen	Flood	Krist	Nelson	Smith
Coash	Gloor	Langemeier	Nordquist	Sullivan
Conrad	Haar, K.	Larson	Pahls	Utter
Cook	Hansen	Lathrop	Pankonin	Wallman
Cornett	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 1:

Bloomfield

Present and not voting, 6:

Ashford	Fulton	Harr, B.
Avery	Hadley	Louden

Excused and not voting, 2:

Carlson          Janssen

Advanced to Enrollment and Review for Reengrossment with 40 ayes, 1 nay, 6 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 700.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 701.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections

85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 702.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311 and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 703.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 704.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Fischer, 43; Lautenbaugh, 18; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB700	Redistricting
LB701	Redistricting
LB702	Redistricting
LB703	Redistricting
LB704	Redistricting

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Redistricting

Room 1525

Friday, May 13, 2011 1:00 p.m.

HEARING WILL BEGIN AT 1:00 P.M. CENTRAL DAYLIGHT TIME

LB700  
LB701  
LB702  
LB703  
LB704

VIDEOCONFERENCE SITES:

CHECK REDISTRICTING COMMITTEE WEBSITE FOR SPECIFIC  
LOCATIONS IN EACH TOWN

North Platte, NE  
Hastings, NE  
McCook, NE  
Alliance, NE

Friday, May 13, 2011 9:00 a.m.

HEARING WILL BEGIN AT 9:00 A.M. CENTRAL DAYLIGHT TIME

LB700  
LB701  
LB702  
LB703  
LB704

VIDEOCONFERENCE SITES:

CHECK REDISTRICTING COMMITTEE WEBSITE FOR SPECIFIC  
LOCATIONS IN EACH TOWN

Columbus, NE  
Norfolk, NE  
Scottsbluff, NE  
Omaha, NE

(Signed) Chris Langemeier, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 203.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding vacant residential and commercial properties. This study shall include an examination of current tools available to Nebraska municipalities to address vacant residential and commercial properties as well as a comparative study of tools available to municipalities in other states.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 204.** Introduced by Council, 11; Cook, 13; McGill, 26; Mello, 5; Nordquist, 7.

**WHEREAS,** the Republic of Turkey and the United States of America are long-standing allies, both cherishing the universal values of freedom, democracy, and human rights; and

**WHEREAS,** in its alliances with the United States, Turkey has demonstrated its commitment to peace and liberty, as well as its political and religious tolerance; and

**WHEREAS,** there are approximately five hundred thousand Turkish Americans in the United States and a growing number in Nebraska; and

**WHEREAS,** Nebraska values its vibrant and mutually beneficial relationship with Turkey, the world's fifteenth largest economy and Europe's sixth largest economy, and is excited at the prospect of future growth; and

**WHEREAS,** expanding the relationship between Nebraska and Turkey is economically and culturally worthy; and

WHEREAS, a prominent project spearheaded by the University of Nebraska in the post-war era was the founding of Ataturk University in 1955. University of Nebraska faculty was involved for thirteen years in helping the country establish a new university based on the American land-grant model; and

WHEREAS, many Turkish scholars and professors have been teaching and studying at Nebraska universities for decades; and

WHEREAS, agricultural practices of Turkey and Nebraska have enjoyed improvement as a result of many exchanges of information; and

WHEREAS, agricultural productivity in Turkey has been profoundly improved by the irrigation systems produced by Nebraska companies; and

WHEREAS, the Niagara Foundation of Nebraska, a not-for-profit organization subsidized by citizens of Turkey and America, has recognized the efforts of influential Nebraskans for their contributions to the atmosphere of tolerance and diversity in Nebraska; and

WHEREAS, the Turkish American Society of Nebraska, a not-for-profit organization, is instrumental in assisting many displaced immigrants invited to Nebraska; and

WHEREAS, it is in the best interest of the State of Nebraska to further cultivate the relationship with Turkey and other Turkic nations; and

WHEREAS, the friendship between Nebraska and the Republic of Turkey is important and merits recognition.

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

1. That the Legislature honors the friendship between Nebraska and the Republic of Turkey.

2. That a copy of this resolution be sent to Ismail Ozcan, Executive Director of the Niagara Foundation of Nebraska.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 5, 2011, at 10:08 a.m. were the following: LBs 137, 181, 181A, 305, 305A, 360e, 384e, 384Ae, 421, 449, 463e, 463Ae, 500, 535, and 665e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Coash asked unanimous consent to add his name as cointroducer to LB252. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 19 third- through fifth-grade students and teachers from Clarkson; 40 fourth-grade students and teachers from Knickrehm Elementary, Grand Island; 12 fourth-grade students and teacher from Trinity Lutheran, Grand Island; 40 fourth-grade students and teachers from Lincoln Elementary, Hastings; and 47 fourth-grade students and sponsors from Beals Elementary, Omaha.

**ADJOURNMENT**

At 11:33 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, May 9, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SIXTH DAY - MAY 9, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 9, 2011

**PRAYER**

The prayer was offered by Senator Hansen.

**ROLL CALL**

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

The roll was called and all members were present except Senators Christensen and Cornett who were excused; and Senators Coash and Council who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 397.** Placed on Select File with amendment. ER128 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

**MOTION - Print in Journal**

Senator K. Haar filed the following motion to LB283:  
MO45

Becomes law notwithstanding the objections of the Governor.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 205.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this resolution is to study the potential establishment of a statewide electronics recycling program in the State of Nebraska. The issues addressed by the study shall include, but not be limited to:

- (1) An analysis of the demand for electronics recycling in Nebraska;
- (2) An analysis of the availability of electronics recycling programs within Nebraska, with emphasis on availability in rural areas of the state;
- (3) A review of the cost to establish a statewide electronics recycling program and possible funding sources;
- (4) An analysis of the effect of adopting a statewide electronics recycling program, if any, on small businesses in Nebraska;
- (5) A review of the health and ecological risks associated with electronic waste; and
- (6) A comparative review of electronics recycling statutes that have been adopted in other states.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 206.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine funding streams available to adult education programs to better transition adults into postsecondary education through "bridge programs." The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of current investments made in adult education at the state, local, and federal levels;
- (2) An examination of the federal Supplemental Nutrition Assistance Program (SNAP) Employment and Training plan, which allows states to provide education and training services to SNAP participants, and whether current or additional funding in the program could be used to support bridge programs;
- (3) A review of the current use of funds received by the state under the federal College Access Challenge Grant Program and whether such funds could be used to support bridge programs;

(4) An examination of the Temporary Assistance for Needy Families rainy day fund in the Department of Health and Human Services and whether the fund could be used to support bridge programs;

(5) A review of the current use of discretionary funds received by the state through the Workforce Investment Act for adult and dislocated workers and whether such funds could be used to support bridge programs; and

(6) An examination of additional existing funding streams that could be used to fund bridge programs.

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

1. That the Appropriations and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 490.** Committee AM595, found on page 689 and considered on page 858, was renewed.

Senator Karpisek withdrew his amendment, AM760, found on page 859.

Senator Avery withdrew his amendment, AM759, found on page 864.

Senator McCoy withdrew his amendment, AM778, found on page 864.

Senator Karpisek renewed his amendment, AM840, found on page 1444, to the committee amendment.

The Karpisek amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 256.** Senator Karpisek withdrew his amendment, AM597, found on page 702 and considered on page 846.

Senator Karpisek renewed his amendment, AM1195, found on page 1444.

Senator McCoy offered the following amendment to the Karpisek amendment:

AM1403

(Amendments to Karpisek amendments, AM1195)

1 1. Strike sections 2 to 4 and insert the following new  
2 sections:

3 Sec. 2. Section 2-1205, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 2-1205 If the commission is satisfied that its rules and  
6 regulations and all provisions of sections 2-1201 to 2-1218 have  
7 been and will be complied with, it may issue a license for a period  
8 of not more than one year. The license shall set forth the name  
9 of the licensee, the place where the races or race meetings are  
10 to be held, and the time and number of days during which racing  
11 may be conducted by such licensee. Any such license issued shall  
12 not be transferable or assignable. The commission shall have the  
13 power to revoke any license issued at any time for good cause upon  
14 reasonable notice and hearing. No license shall be granted to any  
15 corporation or association except upon the express condition that  
16 it shall not, by any lease, contract, understanding, or arrangement  
17 of whatever kind or nature, grant, assign, or turn over to any  
18 person, corporation, or association the operation or management of  
19 any racing or race meeting licensed under such sections or of the  
20 parimutuel system of wagering described in section 2-1207 or in any  
21 manner permit any person, corporation, or association other than  
22 the licensee to have any share, percentage, or proportion of the  
1 money received for admissions to the racing or race meeting or from  
2 the operation of the parimutuel system; and any violation of such  
3 conditions shall authorize and require the commission immediately  
4 to revoke such license. Notwithstanding the provisions of this  
5 section to the contrary, a racetrack licensee may contract with  
6 another licensee under sections 2-1201 to 2-1218 to conduct all but  
7 one day of live race meetings on its behalf. The contract shall  
8 specify that the days of live race meetings conducted on behalf  
9 of another licensee shall be in addition to the days of live race  
10 meetings conducted by the licensee to meet its requirements for  
11 licensure under sections 2-1201 to 2-1228.

12 Sec. 3. Section 2-1228, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 2-1228 (1) Any racetrack issued a license under sections  
15 2-1201 to 2-1223 ~~(1)-(a)~~ conducting primarily quarterhorse races  
16 in the year immediately preceding the year for which application  
17 is made, regardless of the total number of days of live  
18 racing conducted in such year, ~~or (2)-(b)~~ conducting primarily  
19 thoroughbred horseraces in the year immediately preceding the year  
20 for which application is made which conducted live racing on at  
21 least seventy percent of the days for which it was authorized  
22 to conduct live racing in 1988 unless the commission determines

23 that such racetrack licensee was unable to conduct live racing on  
 24 the required number of days due to factors beyond its control,  
 25 including, but not limited to, fire, earthquake, tornado, or  
 26 other natural disaster, or (c) meeting the requirements for live  
race meets under section 2-1205, may apply to the commission  
 1 for an interstate simulcast facility license. An application for  
 2 such license shall be in a form prescribed by the commission  
 3 and shall contain such information, material, or evidence as the  
 4 commission may require. Any racetrack licensee issued an interstate  
 5 simulcast facility license may conduct the interstate simulcast  
 6 of any horserace permitted under its license, and parimutuel  
 7 wagering shall be allowed on such horserace. The commission  
 8 shall not authorize interstate simulcasting for any racetrack  
 9 licensee pursuant to sections 2-1201 to 2-1223 unless all of the  
 10 thoroughbred racetracks together applied for and received authority  
 11 to conduct at least one hundred eighty live racing days in the  
 12 calendar year in which the application is made.

13 (2) If any racetrack licensee, other than a racetrack  
 14 licensee meeting the requirements for live race meets under section  
 15 2-1205, conducts live racing for less than seventy percent of  
 16 the days assigned such racetrack licensee in 1988, (a) such  
 17 racetrack licensee shall be precluded from conducting interstate  
 18 simulcasts and (b) the number of live racing days conducted  
 19 by such racetrack licensee shall be subtracted from an amount  
 20 equal to seventy percent of all the days assigned such racetrack  
 21 licensee in 1988 and the amount remaining shall be deducted  
 22 from the one-hundred-eighty-day total required by this section.  
 23 If any racetrack licensee ceases to conduct live racing, other  
 24 than a racetrack licensee meeting the requirements for live  
 25 race meets under section 2-1205, seventy percent of the days  
 26 assigned such racetrack licensee in 1988 shall be deducted from the  
 27 one-hundred-eighty-day total required by this section.

1 2. On page 4, line 13, strike ", 2-1226,".

2 3. Renumber the remaining section accordingly.

Senator McCoy moved for a call of the house. The motion prevailed with 39  
 ayes, 0 nays, and 10 not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Avery	Fischer	Harms	Pankonin	Utter
Bloomfield	Flood	Heidemann	Price	Wightman
Brasch	Fulton	McCoy	Schumacher	
Carlson	Hansen	Nelson	Smith	

Voting in the negative, 21:

Adams	Dubas	Howard	McGill	Wallman
Ashford	Gloor	Karpisek	Mello	
Campbell	Haar, K.	Krist	Nordquist	
Conrad	Hadley	Larson	Schilz	
Cook	Harr, B.	Lautenbaugh	Sullivan	

Present and not voting, 4:

Janssen	Lathrop	Pahls	Pirsch
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Excused and not voting, 6:

Christensen	Cornett	Langemeier
Coash	Council	Louden

The McCoy amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Karpisek amendment was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 373.** Placed on Final Reading.

**LEGISLATIVE BILL 374.** Placed on Final Reading.  
ST37

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Heidemann amendments, AM1313, on page 1, line 10, "balance" has been struck and "balances" inserted; and in line 11 "is" has been struck and "are" inserted.

2. In the Standing Committee amendments, AM902, on page 173, line 22, "2011" has been struck and "2009" inserted.

**LEGISLATIVE BILL 375.** Placed on Final Reading.

**LEGISLATIVE BILL 376.** Placed on Final Reading.

**LEGISLATIVE BILL 377.** Placed on Final Reading.

**LEGISLATIVE BILL 378.** Placed on Final Reading.

**LEGISLATIVE BILL 379.** Placed on Final Reading.

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 585.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 207.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study the formation and governance of sanitary and improvement districts.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 208.** Introduced by McGill, 26.

**PURPOSE:** The purpose of this resolution is to determine the best manner in which to license certified applied behavioral analysts in Nebraska. Such masters and doctoral level professionals are trained to conduct empirically based behavioral therapy and are not currently licensed under Nebraska law. LB 630 (2011) proposes a method for licensure, however modifications are needed. The committee should review LB 630 and any proposed amendments to find a solution to the issue.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 209.** Introduced by Urban Affairs Committee; McGill, 26, Chairperson; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

**PURPOSE:** The purpose of this resolution is to examine all of the building codes in Nebraska, including, but not limited to, the state building code, the state plumbing code, the Nebraska Energy Code, and the state electrical code, and to work towards the development of a consistent long-term policy for code adoption and enforcement in the state. The committee specifically intends to explore the following areas:

(1) The current method of code adoption and amendment by political subdivisions, the ability or difficulty of code adoption at the local level, and statutory harmonization of local procedures of code adoption, amending procedures, and enforcement;

(2) Other states' methods or policies on code adoption;

(3) The current method of code adoption in Nebraska and any potential issues with unconstitutional delegation of legislative authority that exist in statute, as discussed in *Clemens v. Harvey*, 247 Neb. 77 (1994); and

(4) The compatibility of the International Energy Conservation Code and the International Residential Code, and which code takes priority on any conflicting sections of these codes.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 667.** Placed on General File with amendment. AM162 is available in the Bill Room.

**LEGISLATIVE BILL 675.** Placed on General File with amendment. AM1380 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

### VISITORS

Visitors to the Chamber were 6 first- through sixth-grade students, teacher, and sponsor from Platte Valley, Grand Island; and 16 fourth-grade students, teacher, and sponsor from Anselmo-Merna Public School, Merna.

### RECESS

At 11:49 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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



**ROLL CALL**

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

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 106.** Placed on Final Reading.

**LEGISLATIVE BILL 252.** Placed on Final Reading.

**LEGISLATIVE BILL 345.** Placed on Final Reading.

**LEGISLATIVE BILL 345A.** Placed on Final Reading.

**LEGISLATIVE BILL 549.** Placed on Final Reading.

**LEGISLATIVE BILL 549A.** Placed on Final Reading.

**LEGISLATIVE BILL 590.** Placed on Final Reading.

ST35

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Gloor amendment, AM1387, on page 1, line 6, "24" has been struck and "25" inserted;

2. In the Gloor amendment, AM1364, on page 2, line 25, "22" has been struck and "23" inserted.

3. In the E & R amendments, ER111:

a. On page 2, lines 24 and 25; page 3, line 13; page 4, line 2; page 15, line 2; page 32, line 25; page 40, lines 6 and 7; page 43, line 9; page 53, line 25; page 54, lines 8 and 20; page 55, lines 3, 9, and 15; page 57, line 4; page 60, line 20; page 61, line 9; page 63, lines 19 and 27; page 64, line 17; page 65, lines 14 and 15, 18 and 19, and 26; page 66, lines 14 and 15 and 18 and 19; page 67, lines 5, 10, and 15; and page 68, lines 5 and 6 and 24, "21, 22, 24, and 26" has been struck and "22, 23, 25, and 27" inserted;

b. On page 9, line 16; page 16, line 20; page 17, line 4; page 27, line 18; page 32, line 11; page 37, line 20; page 50, line 20; page 52, line 27; page 62, line 7; and page 66, line 23, "24" has been struck and "25" inserted;

c. On page 11, line 18; page 13, line 3; page 23, line 13; page 51, line 24; and page 56, line 23, "22" has been struck and "23" inserted;

d. On page 32, lines 3 and 5; page 37, line 3; and page 41, lines 9 and 11, "26" has been struck and "27" inserted;

e. On page 52, line 5, "21 and 24" has been struck and "22 and 25" inserted;

f. On page 53, line 16, "21, 22, and 24" has been struck and "22, 23, and 25" inserted;

g. On page 55, line 12, "(4)" has been struck and "(3)" inserted;

h. On page 70, line 5, "22 and 38" has been struck and "23 and 39" inserted; and in line 25 "to provide additional uses for dedicated revenue under the Nebraska Health Care Funding Act;" has been inserted after the semicolon; and

i. On page 70, lines 11 and 17, "71-7606," has been inserted after "69-2711,".

**LEGISLATIVE BILL 590A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**WITHDRAW - Amendment to LB176**

Senator Avery withdrew his amendment, AM1357, found on page 1383, to LB176.

**MOTION - Return LB176 to Select File**

Senator Avery moved to return LB176 to Select File for the following specific amendment:

AM1410

(Amendments to Final Reading copy)

- 1 1. Strike original section 3 and insert the following new
- 2 sections:
- 3 Section 1. Section 49-1401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 49-1401 Sections 49-1401 to 49-14,141 and section 3 of
- 6 this act shall be known and may be cited as the Nebraska Political
- 7 Accountability and Disclosure Act.
- 8 Sec. 2. Section 49-1403, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 49-1403 For purposes of the Nebraska Political
- 11 Accountability and Disclosure Act, unless the context otherwise
- 12 requires, the definitions found in sections 49-1404 to 49-1444 and
- 13 section 3 of this act shall be used.
- 14 Sec. 3. (1) Electioneering communication means any
- 15 communication which:
- 16 (a) Refers to a clearly identified candidate;
- 17 (b) Is publicly distributed in the thirty days
- 18 immediately preceding an election for the office sought by the
- 19 clearly identified candidate; and
- 20 (c) Is directed to the electorate of the office sought by
- 21 the clearly identified candidate.
- 22 (2) Electioneering communication does not include:
- 1 (a) A contribution or expenditure;
- 2 (b) A communication by a television station, radio
- 3 station, newspaper, magazine, or other periodical or publication
- 4 for any news story, commentary, or editorial in support of or
- 5 opposition to a candidate for elective office;
- 6 (c) A candidate debate or forum or a communication which
- 7 gives notice of a candidate debate or forum;
- 8 (d) A communication while the Legislature is in session
- 9 about specifically named pending legislation;

10 (e) The posting on the Internet or other publication or  
11 distribution of a voter guide; or

12 (f) A communication by a membership organization to one  
13 or more of the recognized members of the membership organization if  
14 any one or more of the following applies:

15 (i) The member has submitted an email to the membership  
16 organization indicating an intent to be a member;

17 (ii) The member has submitted a written letter or other  
18 written statement to the membership organization indicating an  
19 intent to be a member; or

20 (iii) The member has paid dues to the membership  
21 organization.

22 (3) For purposes of this section:

23 (a) Clearly identified candidate means the candidate  
24 whose name, nickname, photograph, or drawing appears in the  
25 communication or whose identity is otherwise apparent in the  
26 communication through an unambiguous reference or through an  
27 unambiguous reference to the candidate's status as a candidate;  
1 and

2 (b) Voter guide means a document or other compilation  
3 of the responses of candidates to a survey or questionnaire if  
4 all known candidates seeking election to the same office are  
5 given the opportunity to respond to the survey or questionnaire,  
6 all responses received from candidates seeking election to the  
7 same office by the deadline designated in or with the survey or  
8 questionnaire are included in the document or compilation, and  
9 the document or other compilation does not express support for or  
10 opposition to the election of any candidate.

11 Sec. 4. Section 49-1467, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 49-1467 (1) Any person, other than a committee, who  
14 makes an independent expenditure advocating the election of a  
15 candidate or the defeat of a candidate's opponents or the  
16 qualification, passage, or defeat of a ballot question or who  
17 makes an electioneering communication, which is in an amount of  
18 more than two hundred fifty dollars, shall file a report of the  
19 independent expenditure or electioneering communication, within ten  
20 days, with the commission.

21 (2) The report shall be made on an independent  
22 expenditure or electioneering communication report form provided  
23 by the commission and shall include the date of the expenditure  
24 or electioneering communication, a brief description of the nature  
25 of the expenditure or electioneering communication, the amount of  
26 the expenditure or the amount disbursed for the electioneering  
27 communication, the name and address of the person to whom it was  
1 paid, the name and address of the person filing the report, and  
2 the name, address, occupation, employer, and principal place of  
3 business of each person who contributed more than two hundred fifty  
4 dollars to the expenditure or electioneering communication.

5 (3) The commission shall make all independent expenditure  
 6 or electioneering communication reports available to the public on  
 7 its web site as soon as practicable. An independent expenditure or  
 8 electioneering communication report shall be available on the web  
 9 site for the duration of the election period for which the report  
 10 is filed and for an additional six months thereafter.

11 (4) Any person who fails to file a report of an  
 12 independent expenditure or electioneering communication with the  
 13 commission shall pay to the commission a late filing fee of  
 14 twenty-five dollars for each day the statement remains not filed  
 15 in violation of this section not to exceed seven hundred fifty  
 16 dollars.

17 (5) Any person who violates this section shall be guilty  
 18 of a Class IV misdemeanor.

19 Sec. 5. Section 49-1469, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 49-1469 (1) A corporation, labor organization, or  
 22 industry, trade, or professional association, which is organized  
 23 under the laws of the State of Nebraska or doing business in this  
 24 state and which is not a committee, may:

25 (a) Make an expenditure;

26 (b) Make a contribution; ~~and~~

27 (c) Provide personal services; ~~and~~;

1 (d) Make an electioneering communication.

2 (2) Such a corporation, labor organization, or industry,  
 3 trade, or professional association shall not be required to  
 4 file reports of independent expenditures or electioneering  
 5 communications pursuant to section 49-1467, but if it makes a  
 6 contribution, ~~or~~ expenditure, or electioneering communication,  
 7 or provides personal services, with a value of more than two  
 8 hundred fifty dollars, it shall file a report with the commission  
 9 within ten days after the end of the calendar month in which  
 10 the contribution, ~~or~~ expenditure, or electioneering communication  
 11 is made or the personal services are provided. The report shall  
 12 include:

13 (a) The nature, date, and value of the contribution  
 14 or expenditure and the name of the candidate or committee or a  
 15 description of the ballot question to or for which the contribution  
 16 or expenditure was made; ~~and~~

17 (b) The nature, date, and value of the electioneering  
 18 communication and the name of the candidate identified in the  
 19 electioneering communication; and

20 ~~(b)-(c)~~ (c) A description of any personal services provided,  
 21 the date the services were provided, and the name of the candidate  
 22 or committee or a description of the ballot question to or for  
 23 which the personal services were provided.

24 (3) A corporation, labor organization, or industry,  
 25 trade, or professional association may not receive contributions  
 26 unless it establishes and administers a separate segregated

- 27 political fund which shall be utilized only in the manner set forth  
 1 in sections 49-1469.05 and 49-1469.06.  
 2 Sec. 8. Original sections 49-1401, 49-1403, 49-1467,  
 3 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
 4 Nebraska, are repealed.  
 5 2. On page 1, strike beginning with "49-14,126" in  
 6 line 2 through line 6 and insert "49-1401, 49-1403, 49-1467,  
 7 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
 8 Nebraska; to define a term; to require reporting regarding  
 9 electioneering communication; to provide for payment of hearing  
 10 costs by violators in certain cases as prescribed; to provide  
 11 for distribution of proceeds; to eliminate obsolete provisions; to  
 12 harmonize provisions; and to repeal the original sections."  
 13 3. Renumber the remaining sections accordingly.

Senator Avery requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Adams	Conrad	Howard	Nordquist	Wallman
Ashford	Cook	Karpisek	Pankonin	
Avery	Council	Lathrop	Pirsch	
Campbell	Dubas	McGill	Schumacher	
Coash	Haar, K.	Mello	Sullivan	

Voting in the negative, 10:

Bloomfield	Carlson	Hansen	Langemeier	McCoy
Brasch	Fulton	Krist	Larson	Nelson

Present and not voting, 13:

Fischer	Harms	Lautenbaugh	Schilz	Wightman
Gloor	Heidemann	Pahls	Smith	
Hadley	Janssen	Price	Utter	

Excused and not voting, 5:

Christensen	Cornett	Flood	Harr, B.	Louden
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The Avery motion to return failed with 21 ayes, 10 nays, 13 present and not voting, and 5 excused and not voting.

**MOTION - Return LB289 to Select File**

Senator Fischer moved to return LB289 to Select File for her specific amendment, AM1376, found on page 1437.

The Fischer motion to return prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 289.** The Fischer specific amendment, AM1376, found on page 1437, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 15.** Placed on Final Reading.  
**LEGISLATIVE BILL 17.** Placed on Final Reading.  
**LEGISLATIVE BILL 107.** Placed on Final Reading.  
**LEGISLATIVE BILL 121.** Placed on Final Reading.  
**LEGISLATIVE BILL 155.** Placed on Final Reading.  
**LEGISLATIVE BILL 167.** Placed on Final Reading.  
**LEGISLATIVE BILL 248.** Placed on Final Reading.  
**LEGISLATIVE BILL 261.** Placed on Final Reading.  
**LEGISLATIVE BILL 309.** Placed on Final Reading.  
**LEGISLATIVE BILL 424.** Placed on Final Reading.  
**LEGISLATIVE BILL 453.** Placed on Final Reading.  
**LEGISLATIVE BILL 454.** Placed on Final Reading.  
**LEGISLATIVE BILL 455.** Placed on Final Reading.  
**LEGISLATIVE BILL 458.** Placed on Final Reading.  
**LEGISLATIVE BILL 550.** Placed on Final Reading.  
**LEGISLATIVE BILL 573.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 210.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Mello, 5; Pankonin, 2.

**PURPOSE:** The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State

Patrol Retirement System, and the Nebraska Judges Retirement System. The committee may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The committee shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 669.** Title read. Considered.

Committee AM1342, found on page 1399, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

### AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB585:  
AM1420

(Amendments to Final Reading copy)

- 1 1. On page 3, line 10, strike "\$50,000.00" and
- 2 insert "\$550,000.00" and after the last comma insert "including
- 3 \$500,000.00 for mental health services to be provided for Mariah
- 4 La Frenz".
- 5 4. On page 4, line 12, strike "\$1,480,000.00" and insert
- 6 "\$1,980,000.00"; and in line 15 strike "\$1,579,666.37" and insert
- 7 "\$2,079,666.37".

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 56.** Placed on Final Reading.

**LEGISLATIVE BILL 73.** Placed on Final Reading.

**LEGISLATIVE BILL 124.** Placed on Final Reading.

**LEGISLATIVE BILL 162.** Placed on Final Reading.

**LEGISLATIVE BILL 234.** Placed on Final Reading.

**LEGISLATIVE BILL 254.** Placed on Final Reading.

**LEGISLATIVE BILL 265.** Placed on Final Reading.

ST36

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "department" has been struck and "Department of Health and Human Services" inserted.

**LEGISLATIVE BILL 277.** Placed on Final Reading.

**LEGISLATIVE BILL 292.** Placed on Final Reading.

**LEGISLATIVE BILL 315.** Placed on Final Reading.

**LEGISLATIVE BILL 394.** Placed on Final Reading.

**LEGISLATIVE BILL 406.** Placed on Final Reading.

**LEGISLATIVE BILL 413.** Placed on Final Reading.

**LEGISLATIVE BILL 423.** Placed on Final Reading.

**LEGISLATIVE BILL 480.** Placed on Final Reading.

**LEGISLATIVE BILL 494.** Placed on Final Reading.

**LEGISLATIVE BILL 502.** Placed on Final Reading.

**LEGISLATIVE BILL 525.** Placed on Final Reading.

**LEGISLATIVE BILL 525A.** Placed on Final Reading.

**LEGISLATIVE BILL 542.** Placed on Final Reading.

**LEGISLATIVE BILL 591.** Placed on Final Reading.

**LEGISLATIVE BILL 641.** Placed on Final Reading.

**LEGISLATIVE BILL 687.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 211.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Council, 11; K. Haar, 21; Howard, 9; Schilz, 47; Sullivan, 41.

**PURPOSE:** To study the offering of elementary and secondary courses and high school diplomas through electronic means in Nebraska by monitoring the cooperative efforts of educational service units, school districts, the State Department of Education, and the University of Nebraska in expanding and enhancing opportunities for students to access such courses and to earn high school diplomas through electronic means. The committee may also develop legislation to facilitate the expansion and enhancement of such offerings utilizing existing resources.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.



Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 142.** Committee AM934, found on page 1307 and considered on pages 1414 and 1418, was renewed.

### SENATOR CARLSON PRESIDING

Senator Janssen offered the following amendment to the committee amendment:

AM1419

(Amendments to Standing Committee amendments, AM934)

- 1 1. Strike sections 1 to 19 and insert the following new
- 2 sections:
- 3 Section 1. Section 32-1608, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-1608 During the election period, no candidate for a
- 6 covered elective office shall accept contributions from independent
- 7 committees, businesses, including corporations, unions, industry,
- 8 trade, or professional associations, and political parties which,
- 9 when aggregated, are in excess of ~~fifty-seventy-five~~ percent of the
- 10 spending limitation for the office set pursuant to section 32-1604.
- 11 The commission shall calculate the limitation on contributions
- 12 under this section at the time it calculates the adjustments on the
- 13 campaign spending limitations under section 32-1604. The commission
- 14 shall publish the new contribution limits on its web site and shall
- 15 notify any candidate who files for an office which is subject to
- 16 the spending limitation of the contribution limits applicable at
- 17 the time of filing.
- 18 Sec. 2. Original section 32-1608, Reissue Revised
- 19 Statutes of Nebraska, is repealed.

The Janssen amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

### SPEAKER FLOOD PRESIDING

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 173, 175, 176, 177, and 178 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 173, 175, 176, 177, and 178.

**AMENDMENT - Print in Journal**

Senator Schilz filed the following amendment to LB684:  
AM1421

(Amendments to Standing Committee amendments, AM375)

- 1 1. On page 1, line 13, after the first comma insert "one
- 2 representative from the Department of Roads".

**RESOLUTION**

**LEGISLATIVE RESOLUTION 212.** Introduced by Gloor, 35; Bloomfield, 17; Campbell, 25; Cook, 13; Krist, 10; Wallman, 30.

**PURPOSE:** The purpose of this study is to review the operations and usefulness of the Nebraska Regulation of Health Professions Act, sections 71-6201 to 71-6229. The act has been in existence for over twenty-five years and has never been revisited by the Legislature despite significant changes in the health care field and in the delivery of health care. The issues addressed by this interim study shall include, but not be limited to:

(1) Whether the act, known as the 407 program, fulfills its original purpose of providing the Legislature with valuable information for the purpose of making informed legislative decisions regarding the licensure and scope of practice of regulated health professionals;

(2) Whether provisions and procedures utilized by the Division of Public Health of the Department of Health and Human Services in administering the act are fair and impartial to the parties involved in the reviews;

(3) Whether the criteria set out in law for the review of proposals for initial licensure of a health profession and the expansion of the scope of practice of an already licensed health profession are central to the interests and concerns of the Legislature in the review and consideration of such proposals;

(4) Whether the well-being and safety of consumers are adequately reflected by the review criteria in statute as administered by the division and whether those interests are appropriately balanced in relation to advantages of enabling consumer access to new services, technology, or providers; and

(5) The act authorized the division to promulgate regulations for the conduct of 407 reviews, though such regulations have never been promulgated. Would the 407 program be well served by the promulgation of such regulations at this time?

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 50 fourth-grade students and teachers from Twin River Public School, Genoa; and 44 fourth-grade students and teachers from Woodland Park, Norfolk.

The Doctor of the Day was Dr. Roger Meyer from Utica.

### **ADJOURNMENT**

At 5:24 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Tuesday, May 10, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SEVENTH DAY - MAY 10, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 10, 2011

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Loudon who was excused; and Senators Ashford, Coash, Lautenbaugh, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 256.** Placed on Final Reading.  
ST38

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 4 has been struck and "horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska, and section 2-1201, Revised Statutes Cumulative Supplement, 2010; to change the terms of certain members of the State Racing Commission; to allow licensees to contract with other licensees to conduct live race meetings as prescribed; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 628.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

## Enrollment and Review

**LEGISLATIVE BILL 490.** Placed on Select File with amendment.  
ER129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-601, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 9-601 Sections 9-601 to 9-653 and section 3 of this act
- 6 shall be known and may be cited as the Nebraska County and City
- 7 Lottery Act.
- 8 Sec. 2. Section 9-603, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 9-603 For purposes of the Nebraska County and City
- 11 Lottery Act, the definitions found in sections 9-603.02 to 9-618
- 12 and section 3 of this act shall be used.
- 13 Sec. 3. Activation, with regard to lottery equipment,
- 14 means initiating the selection of winning numbers.
- 15 Sec. 4. Section 9-607, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 9-607 (1) Lottery shall mean a gambling scheme in which:
- 18 (a) The players pay or agree to pay something of value
- 19 for an opportunity to win;
- 20 (b) Winning opportunities are represented by tickets;
- 21 (c) Winners are solely determined by one of the following
- 22 two methods:
- 23 (i) By a random drawing of tickets differentiated by
- 1 sequential enumeration from a receptacle by hand whereby each
- 2 ticket has an equal chance of being chosen in the drawing; or
- 3 (ii) By use of a game known as keno in which a player
- 4 selects up to twenty numbers from a total of eighty numbers on a
- 5 paper ticket and a computer, other electronic selection device, or
- 6 electrically operated blower machine which is not player-activated
- 7 randomly selects up to twenty numbers from the same pool of
- 8 eighty numbers and the winning players are determined by the
- 9 correct matching of the numbers on the paper ticket selected by
- 10 the players with the numbers randomly selected by the computer,
- 11 other electronic selection device, or electrically operated blower
- 12 machine, except that (A) no keno game shall permit or require
- 13 player ~~access or~~ activation of lottery equipment and (B) the random
- 14 selection of numbers by the computer, other electronic selection
- 15 device, or electrically operated blower machine shall not occur
- 16 within five minutes of the completion of the previous selection of
- 17 random numbers; and
- 18 (d) The holders of the winning paper tickets are to
- 19 receive cash or prizes redeemable for cash. Selection of a winner
- 20 or winners shall be predicated solely on chance.
- 21 (2) Lottery shall not include:

22 (a) Any gambling scheme which uses any mechanical gaming  
23 device, computer gaming device, electronic gaming device, or video  
24 gaming device which has the capability of awarding something of  
25 value, free games redeemable for something of value, or tickets or  
26 stubs redeemable for something of value;

27 (b) Any activity authorized or regulated under the  
1 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the  
2 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and  
3 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,  
4 article 12; or

5 (c) Any activity prohibited under Chapter 28, article 11.

6 (3) Notwithstanding the requirement in subdivision  
7 (1)(c)(ii) of this section that a player select up to twenty  
8 numbers, a player may select more than twenty numbers on a paper  
9 ticket when a top or bottom, left or right, edge, or way ticket  
10 is played. For a top or bottom ticket, the player shall select  
11 all numbers from one through forty or all numbers from forty-one  
12 through eighty. For a left or right ticket, the player shall select  
13 all numbers ending in one through five or all numbers ending in  
14 six through zero. For an edge ticket, the player shall select all  
15 of the numbers comprising the outside edge of the ticket. For a way  
16 ticket, the player shall select a combination of groups of numbers  
17 in multiple ways on a single ticket.

18 (4) A county, city, or village conducting a keno lottery  
19 shall designate the method of winning number selection to be used  
20 in the lottery and submit such designation in writing to the  
21 department prior to conducting a keno lottery. Only those methods  
22 of winning number selection described in subdivision (1)(c)(ii) of  
23 this section shall be permitted, and the method of winning number  
24 selection initially utilized may only be changed once during that  
25 business day as set forth in the designation. A county, city, or  
26 village shall not change the method or methods of winning number  
27 selection filed with the department or allow it to be changed  
1 once such initial designation has been made unless (a) otherwise  
2 authorized in writing by the department based upon a written  
3 request from the county, city, or village or (b) an emergency  
4 arises in which case a ball draw method of number selection would  
5 be switched to a number selection by a random number generator.  
6 An emergency situation shall be reported by the county, city,  
7 or village to the department within twenty-four hours of its  
8 occurrence.

9 Sec. 5. Original sections 9-601, 9-603, and 9-607,  
10 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Government, Military and Veterans Affairs

Room 1507

Tuesday, May 17, 2011 9:30 a.m.

Timothy M. Schulz - Nebraska Accountability and Disclosure Commission

(Signed) Bill Avery, Chairperson

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 176.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,126 and 49-14,140, Reissue Revised Statutes of Nebraska; to provide for payment of hearing costs by violators in certain cases as prescribed; to provide for placement of proceeds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cornett	Hansen	Lathrop	Price
Avery	Council	Harms	McCoy	Schilz
Bloomfield	Dubas	Harr, B.	McGill	Schumacher
Brasch	Fischer	Heidemann	Mello	Smith
Campbell	Flood	Howard	Nelson	Sullivan
Carlson	Fulton	Karpisek	Nordquist	Utter
Christensen	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	
Cook	Hadley	Larson	Pirsch	



Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 5:

Ashford      Coash      Lautenbaugh      Louden      Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 404.**

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-5422, 13-2709, 58-711, 81-1201.11, 81-1277, 81-12,104, 81-12,135, and 81-3605, Reissue Revised Statutes of Nebraska, and section 81-1205, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain reports; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ashford      Coash      Lautenbaugh      Louden      Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SELECT FILE**

**LEGISLATIVE BILL 684.** ER104, found on page 1387, was adopted.

Senator Schilz renewed his amendment, AM1421, found on page 1490.

**SENATOR LANGEMEIER PRESIDING**

Senator Schilz withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 684A.** Advanced to Enrollment and Review for Engrossment.

**SENATOR CARLSON PRESIDING**

**LEGISLATIVE BILL 673.** ER127, found on page 1447, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 226.** ER126, found on page 1447, was adopted.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 667.** Title read. Considered.

Committee AM162, found on page 1480, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**SPEAKER FLOOD PRESIDING****SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 176 and 404.

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB590:  
AM1418

(Amendments to Final Reading copy)

- 1 1. On page 58, line 25, after "69-2703" insert "and
- 2 pursuant to section 11 of this act".

Senator Cornett filed the following amendment to LB642:  
AM1401

(Amendments to Standing Committee amendments, AM493)

- 1 1. On page 1, strike beginning with "The" in line 7
- 2 through the underscored period in line 11 and insert
- 3 "(a) The department may contract with a person to recruit
- 4 to the state new retailers that will generate sales taxable
- 5 pursuant to section 77-2703 if the Governor determines the contract
- 6 to be in the best interest of the state. The contract shall not
- 7 be subject to the requirements of sections 73-201 to 73-204 and
- 8 73-504.

- 9 (b) The Governor's determination that a contract is in
- 10 the best interest of the state shall be based on the new state
- 11 sales tax revenue that would be generated as a result of the
- 12 business activity of the new retailers recruited to the state.
- 13 The contract and all supporting information shall be confidential
- 14 except for the names of the parties to the contract, the locations
- 15 of their places of business, the amounts of increased employment
- 16 and investment made by the parties to the contract, and information
- 17 required to be reported under subdivision (2)(e) of this section.

- 18 (c) A contract entered into under this section may
- 19 provide for the payment of an incentive that is a percentage of
- 20 the new state sales tax revenue generated. The department shall
- 21 verify and audit all incentives paid pursuant to this subsection.
- 22 A person that receives an incentive under this subsection is not
- 1 entitled to sales tax refunds under the Nebraska Advantage Act,
- 2 the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska
- 3 Advantage Research and Development Act, and the Nebraska Advantage
- 4 Rural Development Act with regard to the same sales transactions.

- 5 (d) A new retailer recruited under this subsection
- 6 shall be subject to all reporting, audit, enforcement, and
- 7 confidentiality provisions of the Nebraska Revenue Act of 1967
- 8 that are applicable to other retailers in the state. The state may
- 9 not contractually waive this requirement. In the event an incentive
- 10 was paid under this subsection on taxes subsequently determined to
- 11 have been paid in error, a purchaser may seek a refund from the
- 12 retailer. If the retailer files a claim for a refund of taxes paid
- 13 in error, the amount of the refund shall be reduced by the amount
- 14 of the incentive paid for the period of the refund claim.

- 15 (e) The Tax Commissioner shall submit an annual report
- 16 to the Legislature no later than July 15 each year regarding total

17 state sales tax revenue generated pursuant to this subsection. The  
 18 report shall include:

19 (i) A listing of the contracts which have been signed  
 20 during the previous calendar year;

21 (ii) A listing of the contracts which are still in  
 22 effect;

23 (iii) The identities of the parties to each contract;

24 (iv) The locations of the places of business of the  
 25 parties to each contract;

26 (v) Total taxable sales occurring in this state as a  
 27 result of the contracts authorized by this subsection;

1 (vi) Total state sales tax revenue generated by the total  
 2 taxable sales referred to in subdivision (2)(e)(v) of this section;  
 3 and

4 (vii) Total incentives paid pursuant to each contract.";  
 5 and in line 15 before the period insert "; and in line 24 after  
 6 "to" insert "subsection (1) of".

Senator Utter filed the following amendment to LB357:  
 AM1430

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

3 Section 1. Section 77-2701.02, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:

5 77-2701.02 Pursuant to section 77-2715.01:

6 (1) Until July 1, 1998, the rate of the sales tax levied  
 7 pursuant to section 77-2703 shall be five percent;

8 (2) Commencing July 1, 1998, and until July 1, 1999, the  
 9 rate of the sales tax levied pursuant to section 77-2703 shall be  
 10 four and one-half percent;

11 (3) Commencing July 1, 1999, and until the start of the  
 12 first calendar quarter after July 20, 2002, the rate of the sales  
 13 tax levied pursuant to section 77-2703 shall be five percent; ~~and~~

14 (4) Commencing on the start of the first calendar quarter  
 15 after July 20, 2002, and until October 1, 2011, the rate of the  
 16 sales tax levied pursuant to section 77-2703 shall be five and  
 17 one-half percent; ~~and-~~

18 (5) Commencing October 1, 2011, the rate of the sales tax  
 19 levied pursuant to section 77-2703 shall be six percent.

20 Sec. 2. Section 77-27,132, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 77-27,132 (1) There is hereby created a fund to be  
 23 designated the Revenue Distribution Fund which shall be set apart  
 1 and maintained by the Tax Commissioner. Revenue not required to be  
 2 credited to the General Fund or any other specified fund may be  
 3 credited to the Revenue Distribution Fund. Credits and refunds of  
 4 such revenue shall be paid from the Revenue Distribution Fund. The  
 5 balance of the amount credited, after credits and refunds, shall be  
 6 allocated as provided by the statutes creating such revenue.

7 (2) The Tax Commissioner shall pay to a depository bank  
 8 designated by the State Treasurer all amounts collected under the  
 9 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 10 to the State Treasurer bank receipts showing amounts so deposited  
 11 in the bank, and of the amounts so deposited the State Treasurer  
 12 shall

13 (a) ~~Credit credit~~ to the Highway Trust Fund all of the  
 14 proceeds of the sales and use taxes derived from the sale or  
 15 lease for periods of more than thirty-one days of motor vehicles,  
 16 trailers, and semitrailers, except that the proceeds equal to any  
 17 sales tax rate provided for in section 77-2701.02 that is in excess  
 18 of five percent derived from the sale or lease for periods of more  
 19 than thirty-one days of motor vehicles, trailers, and semitrailers  
 20 shall be credited to the Highway Allocation Fund; ~~and-~~

21 (b) For transactions occurring on or after October 1,  
 22 2011, credit the proceeds of the sales and use taxes derived from  
 23 transactions other than those listed in subdivision (2)(a) of this  
 24 section from a sales tax rate of one-half of one percent to the  
 25 Property Tax Credit Cash Fund.

26 The balance of all amounts collected under the Nebraska  
 27 Revenue Act of 1967 shall be credited to the General Fund.

1 Sec. 3. Original sections 77-2701.02 and 77-27,132,  
 2 Reissue Revised Statutes of Nebraska, are repealed.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 213.** Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Cook, 13; Council, 11; Flood, 19; Fulton, 29; B. Harr, 8; Howard, 9; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Mello, 5; Nelson, 6; Pirsch, 4; Smith, 14.

WHEREAS, the Rev. John P. Schlegel, S.J., is concluding an eleven-year tenure as president of Creighton University, a Jesuit Catholic institution of higher education located in Omaha, Nebraska, that enrolls more than seven thousand six hundred students, thirty-eight percent of whom are native Nebraskans; and

WHEREAS, Fr. Schlegel led Creighton University through a period of historic growth built on academic excellence, life-enhancing research, community involvement, spiritual formation, philanthropic support, and the promotion of justice; and

WHEREAS, Fr. Schlegel mindfully directed that development to complement the planned renaissance of the downtown area of Omaha, Nebraska, including the development of the riverfront recreational and athletic corridor, which is vital to the enjoyment and prosperity of the citizens of Nebraska and Nebraska tourism; and

WHEREAS, Fr. Schlegel has worked tirelessly to create a university that is a good neighbor to the metropolitan and residential areas in proximity to campus and has led Creighton University in its service to the community; and

WHEREAS, Fr. Schlegel has been a champion of medical and academic research and has greatly enhanced the research opportunities at Creighton University, attracting national scientific and technical talent to the state; and

WHEREAS, Fr. Schlegel has served the State of Nebraska through his participation on numerous governance and advisory boards in the arts, business, education, and not-for-profit areas, providing his expertise, business acumen, and ethical and moral guidance; and

WHEREAS, Fr. Schlegel's contributions will have a lasting positive impact on the State of Nebraska for years to come.

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

1. That the Legislature recognizes the Rev. John P. Schlegel, S.J., for his distinguished service to the Creighton University community and the State of Nebraska and thanks him for his many contributions and achievements which will positively impact Nebraskans now and into the future.

2. That a copy of this resolution be sent to Rev. John P. Schlegel, S.J.

Laid over.

**LEGISLATIVE RESOLUTION 214.** Introduced by Mello, 5; Nordquist, 7.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement. The issues addressed by this interim study shall include, but not be limited to:

(1) Examination of the impact of graffiti-related crimes throughout the state;

(2) Examination of current tools available to Nebraska municipalities to address graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement;

(3) Examination of offenses in the Nebraska Criminal Code that relate to graffiti, vandalism, the sale of spray paint or markers, and destruction of property, including a review of current penalties and possible enhanced penalties; and

(4) A comparative study of tools, programs, and funding available to municipalities for graffiti abatement as well as criminal offenses addressing graffiti, vandalism, the sale of spray paint or markers, and destruction of property in other states.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 215.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Mello, 5; Pankonin, 2.

**PURPOSE:** The purpose of this interim study is to examine issues related to defined benefit plans of political subdivisions.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 216.** Introduced by Smith, 14; Ashford, 20; Lathrop, 12; Nordquist, 7.

**PURPOSE:** The purpose of this resolution is to study public employee contracts entered into pursuant to collective bargaining and benefits for public officials. For purposes of this resolution, public employee has the same meaning as in section 49-1442, and public official has the same meaning as in section 49-1443. The study shall include the following:

(1) An examination of benefits, including wages, pension, retirement, and health insurance benefits;

(2) An examination of employee and employer contributions to pension, retirement, and health insurance plans;

(3) An examination of minimum and mandatory retirement age and purchase of service provisions; and

(4) An examination of the total costs associated with benefit packages.

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

1. That the Business and Labor Committee and the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 217.** Introduced by Cornett, 45; Fischer, 43.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to creating a regional transportation commission or authority for purposes of helping to fund political subdivisions' transportation infrastructure projects.

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

1. That the Revenue Committee and the Transportation and Telecommunications Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SENATOR CARLSON PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 675.** Title read. Considered.

Committee AM1380, found on page 1480, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

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

**LEGISLATIVE BILL 521.** Title read. Considered.

Committee AM1100, found on page 1433, was considered.

**SPEAKER FLOOD PRESIDING**

**SENATOR CARLSON PRESIDING**

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 10, 2011, at 10:42 a.m. were the following: LBs 176 and 404.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office



**RESOLUTION**

**LEGISLATIVE RESOLUTION 218.** Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; K. Haar, 21; McCoy, 39; Schilz, 47; Smith, 14; Avery, 28; Fischer, 43; Fulton, 29; Harms, 48; B. Harr, 8; Larson, 40; Mello, 5.

**PURPOSE:** To study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska. The water management activities in Nebraska are of critical importance and must be addressed to achieve and maintain economic viability, social and environmental health, safety, welfare, and sustainability of our water resources. The study shall include, but not be limited to:

(1) An examination of current Nebraska statutes relating to water use in Nebraska;

(2) An examination of the overall funding needs for water management activities in Nebraska, including an analysis of the resources needed to provide sufficient research and technical data, modeling, and studies to decision makers;

(3) An examination of LB 962 (2004), which put into statute proactive components of integrated management of surface water and ground water and the necessary funding to continue implementation and enforcement of the bill's policies;

(4) An examination of the State of Nebraska's obligations related to water management under interstate compacts or agreements and the necessary funding needs to satisfy those obligations; and

(5) An identification of all potential sources of funding to establish a dedicated source for water management activities in Nebraska.

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

1. That the Water Sustainability Funding Task Force be created and administered by the Natural Resources Committee of the Legislature and chaired by the Natural Resources Committee chairperson to conduct an interim study to carry out the purposes of this resolution.

2. That the chairperson of the Natural Resources Committee of the Legislature shall appoint members to the Water Sustainability Funding Task Force. Such members shall include:

- (a) The chairperson of the Agriculture Committee of the Legislature;
- (b) The chairperson of the Revenue Committee of the Legislature;
- (c) The members of the Natural Resources Committee of the Legislature;
- (d) The Director of Natural Resources;
- (e) A representative from the office of the Attorney General;
- (f) The executive director of the Nebraska Environmental Trust;
- (g) A representative of the Game and Parks Commission;
- (h) Representatives from natural resources districts, public power, municipalities, agricultural groups for every identifiable commodity, parks and recreation interests, environmental, hunting and fishing, and

conservationist interests, and irrigators representing Nebraska's river basins with an equal balance between surface water and ground water users; and

(i) Other members as the chairperson of the Natural Resources Committee deems appropriate.

3. That the Water Sustainability Funding Task Force may create rules of procedure that allow decisions to be based on a consensus decision-making process in which a settlement or solution is determined by all participants through identifying and exploring all parties' interests and assembling a package agreement that satisfies these interests to the greatest extent possible.

4. That the Water Sustainability Funding Task Force shall discuss the issues described in this resolution and such related issues as it deems appropriate, shall identify options for resolution of such issues, and shall make funding policy recommendations to the Legislature and Governor no later than December 1, 2011.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 42 fourth-grade students from Shoemaker Elementary, Grand Island.

### **RECESS**

At 11:56 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Loudon, Pirsch, and Wightman who were excused; and Senators Heidemann, Larson, and Nelson who were excused until they arrive.

**RESOLUTION****LEGISLATIVE RESOLUTION 219.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study insurance coverage of services to treat individuals with autism. The committee may determine the extent of coverage currently available in Nebraska, the need for greater coverage, the ways in which the current coverage could be broadened, and any costs incurred by the State of Nebraska if treatment is limited because of the prohibitive cost or lack of coverage. The committee may review how other states regulate reimbursement of treatment services for individuals with autism.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 521.** Senator Council offered the following amendment to the committee amendment:

AM1437

(Amendments to Standing Committee amendments, AM1100)

- 1 1. On page 1, lines 10 and 11, strike "in the same room
- 2 with the patient".

Senator Council moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Council requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 9:

Ashford	Campbell	Cook	Haar, K.	McGill
Avery	Conrad	Council	Karpisek	

Voting in the negative, 34:

Adams	Dubas	Harms	McCoy	Schilz
Bloomfield	Fischer	Howard	Mello	Schumacher
Brasch	Flood	Krist	Nelson	Smith
Carlson	Fulton	Langemeier	Nordquist	Sullivan
Christensen	Gloor	Larson	Pahls	Utter
Coash	Hadley	Lathrop	Pankonin	Wallman
Cornett	Hansen	Lautenbaugh	Price	

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

The Council amendment lost with 9 ayes, 34 nays, and 6 excused and not voting.

The Chair declared the call raised.

Committee AM1100, found on page 1433 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 9 nays, 1 present and not voting, and 6 excused and not voting.

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

Voting in the affirmative, 34:

Adams	Dubas	Harms	McCoy	Schilz
Bloomfield	Fischer	Karpisek	Mello	Schumacher
Brasch	Flood	Krist	Nelson	Smith
Carlson	Fulton	Langemeier	Nordquist	Sullivan
Christensen	Gloor	Larson	Pahls	Utter
Coash	Hadley	Lathrop	Pankonin	Wallman
Cornett	Hansen	Lautenbaugh	Price	

Voting in the negative, 9:

Ashford	Campbell	Cook	Haar, K.	McGill
Avery	Conrad	Council	Howard	

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, and 6 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 220.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to the imposition of occupation taxes by local governments. The issues addressed by this study shall include, but not be limited to, determining:

- (1) The nature or classification of such taxes;
- (2) The subject or subjects of such taxes;
- (3) The measure or measures of such taxes;
- (4) The rate or rates of such taxes and whether statutory tax rate limitations exist;
- (5) The taxpayers subject to such taxes; and
- (6) Constitutional limitations on the imposition of such taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 221.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to Nebraska's property tax homestead exemption program. The issues addressed by this study shall include, but not be limited to:

- (1) Whether the minimum age of a "qualified claimant" should be increased above sixty-five years of age;
- (2) Whether reimbursements for homestead exemptions paid to tax-levying political subdivisions from the state's General Fund should be capped;
- (3) Whether the homestead exemption program's household income limitation brackets should be changed;
- (4) Whether the homestead exemption program's assessed value limitation should be changed; and
- (5) Whether the homestead exemption program's definition of "maximum value" should be changed.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 222.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to changing individual and corporate income tax rate brackets and annually adjusting those income tax rate brackets upward for inflation, including, but not limited to, the following issues:

(1) Whether the procedure for making such upward inflation adjustments should be the procedure set forth in section 151 of the Internal Revenue Code of 1986, as amended; and

(2) Whether a de minimis threshold for making such upward inflation adjustments should be established for some or all income tax rate brackets in order to prevent having to make numerous small changes to the income tax rate brackets each year.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 223.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to Nebraska's special capital gains income tax deduction and the extraordinary dividend income tax deduction, examine issues pertaining to codification of the economic substance doctrine, and examine issues pertaining to transactions governed by section 338 of the Internal Revenue Code of 1986, as amended, including, but not limited to, the following issues:

(1) Whether the special capital gains income tax deduction and the extraordinary dividend income tax deduction authorized by sections 77-2715.08 and 77-2715.09 should be changed or eliminated;

(2) Whether the economic substance doctrine - as codified in section 7701(o) of the Internal Revenue Code of 1986, as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) - should be codified in Nebraska's statutes for purposes of state income taxation; and

(3) Whether the Department of Revenue has encountered problems with transactions governed by section 338 of the Internal Revenue Code of 1986, as amended.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 224.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding energy financing contracts (EFCs), also known as energy savings performance contracts. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the statutory authority granted to state agencies and political subdivisions to enter into EFCs in sections 66-1062 to 66-1066;

(2) A review of the use of EFCs by state agencies and political subdivisions since 1998; and

(3) An examination of the potential cost savings available to state agencies and political subdivisions through EFCs as compared to other available energy conservation financing mechanisms.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 225.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) lighting systems. This study shall include an examination of potential funding sources for municipalities to convert their existing street lighting systems to LED lighting systems, as well as potential economic, environmental, and public-power ratepayer benefits of converting to LED lighting.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 226.** Introduced by Hadley, 37; Sullivan, 41.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of the State of Nebraska implementing a pilot program to incentivize individuals to move to rural counties which have experienced population loss according to the most recent federal decennial census.

This interim study shall attempt to produce a workable proposal to incentivize individuals to move to rural counties which have experienced population loss. This study shall include, but not be limited to, the impact of waiving tax liabilities for such individuals, funding mechanisms to alleviate the student debt of students moving into rural counties, and the examination of eligibility requirements pursuant to such an incentive.

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

1. That the Revenue and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 227.** Introduced by Hadley, 37.

**PURPOSE:** The purpose of this interim study is to examine whether the State of Nebraska should adopt a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code. The interim study shall determine whether a comprehensive plumbing code, if adopted, should be enforced by local or state inspectors or by a state inspection system. The interim study report should include a recommendation as to whether any jurisdiction should be allowed to continue to adopt a local plumbing code if the jurisdiction adopts a local plumbing code that meets the minimum requirements specified by the comprehensive plumbing code. This interim study should include a review of the costs of administrative changes necessary to implement and enforce any recommended changes to the current system of plumbing code enforcement in the State of Nebraska.

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



1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 228.** Introduced by Hadley, 37.

**PURPOSE:** The purpose of this interim study is to examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney (YRTC) in order to determine the number and frequency of attacks on staff personnel by youth that have been placed in the facilities. Analysis of the severity of the injuries caused by such attacks should be included within the scope of the study.

This interim study shall attempt to determine whether there has been an increase in the number of attacks and severity of injuries to staff personnel caused by youth placed in these facilities since control of the facilities was transferred from the Department of Correctional Services to the Department of Health and Human Services.

This interim study shall consider whether staff of the YRTCs, who are currently employees of the Department of Health and Human Services, should be provided with the same statutory protections and benefits as if they were employed by the Department of Correctional Services.

The interim study should include recommendations for improving staff safety and the prevention of attacks on staff members by youth that have been placed in such facilities.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 229.** Introduced by Hadley, 37.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of requiring all law enforcement personnel to complete continuing education courses on an annual basis in order to carry out their duties with greater skill and effectiveness. Further, it is the purpose of this interim study to determine whether law enforcement personnel that have been designated to assist in investigations involving alleged child abuse and neglect situations should be required to annually complete continuing education courses that

stress the knowledge and skills necessary to protect children at risk of abuse and neglect.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 289.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORT

Redistricting

**LEGISLATIVE BILL 699.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

### AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB589:  
AM1408 is available in the Bill Room.

Senator Flood filed the following amendment to LB617:  
AM1443

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. On or after the effective date of this act,
- 4 when legislation is enacted requiring the adoption and promulgation
- 5 of rules and regulations by an agency, such agency shall adopt
- 6 and promulgate such rules and regulations within one year after
- 7 the public hearing required under subsection (2) of section 84-907.
- 8 Such time shall not include the time necessary for submission
- 9 of the rules and regulations to the Attorney General pursuant to
- 10 section 84-905.01 or submission of the rules and regulations to
- 11 the Governor pursuant to section 84-908. Any agency which does
- 12 not adopt and promulgate such rules and regulations as required by
- 13 this section shall submit a written explanation to the Executive
- 14 Board of the Legislative Council and the standing committee of the

15 Legislature which has subject matter jurisdiction over the issue  
16 involved in the legislation, stating the reasons why it has not  
17 adopted such rules and regulations as required by this section,  
18 the date by which the agency expects to adopt such rules and  
19 regulations, and any suggested statutory changes that may enable  
20 the agency to adopt such rules and regulations.

21 The changes made to the Administrative Procedure Act  
22 by this legislative bill shall not affect the validity or  
23 effectiveness of a rule or regulation adopted prior to the  
1 effective date of this act.

2 Sec. 2. Section 84-907, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 84-907 (1) No rule or regulation shall be adopted,  
5 amended, or repealed by any agency except after public hearing  
6 on the question of adopting, amending, or repealing such rule or  
7 regulation. Notice of such hearing shall be given at least thirty  
8 days prior thereto to the Secretary of State and by publication  
9 in a newspaper having general circulation in the state. All such  
10 hearings shall be open to the public.

11 (2) The public hearing on a rule or regulation that  
12 is required to be adopted, amended, or repealed based upon a  
13 legislative bill shall be held within twelve months after the  
14 effective or operative date of the legislative bill. If there  
15 is more than one applicable effective or operative date, the  
16 twelve-month period shall be calculated using the latest date. In  
17 addition to the requirements of section 84-906.01, draft copies  
18 or working copies of all rules and regulations to be adopted,  
19 amended, or repealed by any agency shall be available to the  
20 public in the office of the Secretary of State at the time of  
21 giving notice. The notice shall include: (1)(a) A declaration of  
22 availability of such draft or work copies for public examination;  
23 (2)(b) a short explanation of the purpose of the proposed rule or  
24 regulation and the reason for the amendment or repeal of the rule  
25 or regulation; and (3)(c) a description, including an estimated  
26 quantification, of the fiscal impact on state agencies, political  
27 subdivisions, and persons being regulated or an explanation of  
1 where the description of the fiscal impact may be inspected and  
2 obtained. No person may challenge the validity of any rule or  
3 regulation, the adoption, amendment, or repeal of any rule or  
4 regulation, or any determination of the applicability of any rule  
5 or regulation on the basis of the explanation or description  
6 provided pursuant to subdivisions (2) and (3)(b) and (c) of this  
7 section-subsection.

8 (3) Any agency adopting, amending, or repealing a rule or  
9 regulation may make written application to the Governor who may,  
10 upon receipt of a written showing of good cause, waive the notice  
11 of public hearing. For purposes of this ~~section~~, subsection, good  
12 cause shall include, but not be limited to, a showing by the agency  
13 that:

14 (a) Compliance with the ~~public notice~~ requirements of  
 15 this section would result in extreme hardship on the citizens of  
 16 this state;

17 (b) An emergency exists which must be remedied  
 18 immediately; or

19 (c) A timely filing or publication of notice of a public  
 20 hearing or the public hearing was prevented by some unforeseeable  
 21 event beyond the immediate control of the agency and that the  
 22 parties affected have not and will not suffer material injury as a  
 23 result of the agency's action.

24 (4) Whenever public notice is waived, the agency shall,  
 25 so far as practicable, give notice to the public of the proposed  
 26 rule or regulation change and of the rule or regulation as finally  
 27 adopted or changed.

1 Sec. 3. Section 84-907.09, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 84-907.09 Whenever an agency proposes to adopt, amend,  
 4 or repeal a rule or regulation, (1) at least thirty days before  
 5 the public hearing, when notice of a proposed rule or regulation  
 6 is sent out, or (2) at the same time the agency applies to the  
 7 Governor for a waiver of the notice of public hearing under section  
 8 84-907, the agency shall provide to the Governor for review (a) a  
 9 description of the proposed rule or regulation and the entity or  
 10 entities it will impact, (b) an explanation of the necessity of  
 11 the proposed rule or regulation, including the identification of  
 12 the ~~authorizing statute or specific legislative bill if applicable,~~  
 13 or the authorizing statute when there is no legislative bill  
 14 applicable, (c) a statement that the proposed rule or regulation  
 15 is consistent with legislative intent, (d) a statement indicating  
 16 whether the proposed rule or regulation is the result of a state  
 17 mandate on a local governmental subdivision and if the mandate  
 18 is funded, (e) a statement indicating if the proposed rule or  
 19 regulation is the result of a federal mandate on state government  
 20 or on a local governmental subdivision and if the mandate is  
 21 funded, (f) a description, including an estimated quantification,  
 22 of the fiscal impact on state agencies, political subdivisions, and  
 23 regulated persons, (g) a statement that the agency will solicit  
 24 public comment on the proposed rule or regulation before the public  
 25 hearing, and (h) a statement indicating whether or not the agency  
 26 has utilized the negotiated rulemaking process as provided for in  
 27 the Negotiated Rulemaking Act with respect to the proposed rule or  
 1 regulation.

2 Sec. 4. On or before July 1 of each year, each agency  
 3 shall provide to the Legislative Performance Audit Committee a  
 4 status report on all rules and regulations pending before the  
 5 agency which have not been adopted and promulgated. If an  
 6 additional appropriation was made with respect to legislation  
 7 enacted to provide funding for or additional staff to implement a  
 8 program for which rules and regulations are required to be adopted,

9 the status report shall include what the funding has been used for  
10 and what functions the staff have been performing while such rules  
11 and regulations are pending. The format of the report shall be  
12 established by the committee no later than June 1, 2011, and shall  
13 be updated thereafter.

14 Sec. 5. Section 84-920, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 84-920 Sections 84-901 to 84-920 and sections 1 and 4  
17 of this act shall be known and may be cited as the Administrative  
18 Procedure Act.

19 Sec. 6. Original sections 84-907, 84-907.09, and 84-920,  
20 Reissue Revised Statutes of Nebraska, are repealed.

21 Sec. 7. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.

## COMMITTEE REPORT

### General Affairs

The General Affairs 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.

Bryan Tuma - Nebraska Liquor Control Commission

Aye: 8 Senators Bloomfield, Brasch, Coash, Karpisek, Krist, Larson, McGill, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB575 with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to education; to amend section 79-318, Revised Statutes Cumulative Supplement, 2010, and section 9-812, Revised Statutes Cumulative Supplement, 2010, as amended by section 1, Legislative Bill 333, One Hundred Second Legislature, First Session, 2011; to adopt the Interstate Compact on Educational Opportunity for Military Children; to define terms; to provide powers and duties for the State Department of Education and the State Board of Education; to create a council; to designate a compact commissioner; to allocate money in the

Education Innovation Fund for the compact; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Lathrop	Price
Ashford	Cook	Hadley	Lautenbaugh	Schilz
Avery	Cornett	Hansen	McCoy	Schumacher
Bloomfield	Council	Harms	McGill	Smith
Brasch	Dubas	Howard	Mello	Sullivan
Campbell	Fischer	Karpisek	Nelson	Utter
Carlson	Flood	Krist	Nordquist	Wallman
Christensen	Fulton	Langemeier	Pahls	
Coash	Gloor	Larson	Pankonin	

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 575A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Lathrop	Price
Ashford	Cook	Hadley	Lautenbaugh	Schilz
Avery	Cornett	Hansen	McCoy	Schumacher
Bloomfield	Council	Harms	McGill	Smith
Brasch	Dubas	Howard	Mello	Sullivan
Campbell	Fischer	Karpisek	Nelson	Utter
Carlson	Flood	Krist	Nordquist	Wallman
Christensen	Fulton	Langemeier	Pahls	
Coash	Gloor	Larson	Pankonin	

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## **SPEAKER FLOOD PRESIDING**

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 575 and 575A.

### **VISITORS**

Visitors to the Chamber were 50 fourth-grade students, teachers, and sponsors from Standing Bear, Omaha; 49 third- through sixth-grade students and sponsors from Adams Central, Hastings; and 60 fourth-grade students, teachers, and sponsors from Longfellow Elementary, Hastings.

### **ADJOURNMENT**

At 3:35 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, May 11, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-EIGHTH DAY - MAY 11, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 11, 2011

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators B. Harr, Krist, Loudon, and Wightman who were excused; and Senators Cook, Cornett, Lautenbaugh, and Mello who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**COMMUNICATION**

May 11, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB204 and LB204A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 10, 2011, at 3:40 p.m. were the following: LBs 575 and 575A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**RESOLUTION**

**LEGISLATIVE RESOLUTION 230.** Introduced by Brasch, 16.

**PURPOSE:** To study issues relating to development and implementation of a biobased product program for government procurement in Nebraska as was proposed by LB691 in the 2011 legislative session.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB373 with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 373.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 314, section 31; Laws 2009, LB 315, section 216; Laws 2009, LB 603A, sections 1 and 2; Laws 2009, First Special Session, LB 1, sections 14, 91, 96, 100, 101, 103, 122, and 217; Laws 2010, LB 935, sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112; and section 90-519, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for transfer of funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Adams	Cook	Hansen	McCoy	Schumacher
Avery	Council	Harms	McGill	Smith
Bloomfield	Dubas	Heidemann	Nelson	Sullivan
Brasch	Fischer	Howard	Nordquist	Utter
Campbell	Flood	Janssen	Pahls	Wallman
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	
Conrad	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 8:

Ashford	Harr, B.	Lautenbaugh	Mello
Cornett	Krist	Louden	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB374 with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 374. With Emergency Clause.**

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2013; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 375.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2011-12 and FY2012-13; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 376.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2011-12 and FY2012-13; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB377 with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 377.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Langemeier	Pankonin	
Coash	Gloor	Larson	Pirsch	
Conrad	Haar, K.	Lathrop	Price	

Voting in the negative, 1:

Karpisek

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB378 with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 378.** With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 47-632, 48-1,103, 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22,

85-122, 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska, sections 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and 82-331, Revised Statutes Cumulative Supplement, 2010, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to provide for, change, and eliminate provisions relating to the use and transfer of funds; to create a fund; to eliminate funds; to harmonize provisions; to repeal the original sections; to outright repeal section 81-3606, Reissue Revised Statutes of Nebraska, and section 77-3,111, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB379 with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 379.** With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2010; to provide for

fund transfers involving the Ethanol Production Incentive Cash Fund and the Cash Reserve Fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	
Conrad	Haar, K.	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 380.** With Emergency Clause.

A BILL FOR AN ACT relating to capital improvement projects; to amend sections 81-188.03 and 81-188.05, Reissue Revised Statutes of Nebraska, and section 81-188.01, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions governing depreciation charges; to provide an operative date; to repeal the original sections; to outright repeal sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:



Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.      Krist      Lautenbaugh      Louden      Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 373, 374, 375, 376, 377, 378, 379, and 380.

### **MOTION - Return LB585 to Select File**

Senator Howard moved to return LB585 to Select File for her specific amendment, AM1420, found on page 1487.

### **SENATOR LANGEMEIER PRESIDING**

### **SPEAKER FLOOD PRESIDING**

Senator Howard withdrew her motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 585. With Emergency Clause.**

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Lathrop	Price
Ashford	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Janssen	Nordquist	Utter
Carlson	Flood	Karpisek	Pahls	Wallman
Christensen	Fulton	Langemeier	Pankonin	
Coash	Gloor	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 15.**

A BILL FOR AN ACT relating to courts; to allow aids of execution in district court to cross county lines.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.            Krist                Lautenbaugh    Louden            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 17.**

A BILL FOR AN ACT relating to courts; to amend sections 25-1319, 25-1320, 25-1321, 25-2209, and 33-106, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the complete record of a case and court fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.            Krist                Lautenbaugh    Louden            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 56.**

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2010; to update the reference to the National Electrical Code; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB73 with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 73.** With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4217, 44-4219, 44-4220.02, 44-4223, 44-4224, 44-4225, and 77-918, Reissue Revised Statutes of Nebraska; to provide for a pool administrator under the Comprehensive Health Insurance Pool Act; to delete obsolete language; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 107.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4004, 2-4005, 2-4006, and 2-4007, Reissue Revised Statutes of Nebraska; to change Grain Sorghum Development, Utilization, and Marketing Board provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 121.**

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Recruitment and Retention Act; to amend section 35-1309, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the State Fire Marshal; to harmonize provisions; to repeal the original section; and to outright repeal sections 35-1311.01 and 35-1321, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Larson	Price
Ashford	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 124.**

A BILL FOR AN ACT relating to adoption; to amend sections 43-107 and 43-123.01, Reissue Revised Statutes of Nebraska; to include cultural history in the medical histories of the biological parents; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 155.**

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-824.01, Revised Statutes Cumulative Supplement, 2010; to change sealed bid requirements for certain contracts entered into by a joint entity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.            Krist                    Lautenbaugh   Louden            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 162.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1514, Reissue Revised Statutes of Nebraska; to change provisions relating to abstracts of property assessment rolls; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.            Krist                    Lautenbaugh   Louden            Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 167.**

A BILL FOR AN ACT relating to the Relocation Assistance Act; to amend sections 76-1221 and 76-1228, Reissue Revised Statutes of Nebraska; to redefine displaced person; to authorize rules and regulations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:



Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Fulton	Karpisek	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.      Krist      Lautenbaugh      Louden      Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 234.**

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Reissue Revised Statutes of Nebraska; to change provisions relating to county office and service facilities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Conrad	Hadley	McCoy	Schilz
Ashford	Cook	Hansen	McGill	Schumacher
Avery	Cornett	Harms	Nelson	Smith
Bloomfield	Dubas	Heidemann	Nelson	Sullivan
Brasch	Fischer	Howard	Nordquist	Utter
Campbell	Flood	Janssen	Pahls	Wallman
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 248.**

A BILL FOR AN ACT relating to fires; to amend sections 81-520.01, 81-520.03, 81-520.04, and 81-520.05, Reissue Revised Statutes of Nebraska; to change provisions relating to burning permits and range-management burning; to provide for land-management burning; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Conrad	Hadley	McCoy	Schilz
Ashford	Cook	Hansen	McGill	Schumacher
Avery	Cornett	Harms	Mello	Smith
Bloomfield	Dubas	Heidemann	Nelson	Sullivan
Brasch	Fischer	Howard	Nordquist	Wallman
Campbell	Flood	Janssen	Pahls	
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 2:

Council	Utter
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Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 254.**

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide for applicability; and to repeal the original

sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Adams	Conrad	Hadley	McCoy	Schilz
Ashford	Cook	Hansen	McGill	Schumacher
Avery	Cornett	Harms	Mello	Smith
Bloomfield	Dubas	Heidemann	Nelson	Sullivan
Brasch	Fischer	Howard	Nordquist	Wallman
Campbell	Flood	Janssen	Pahls	
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 2:

Council	Utter
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Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB261 with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 261.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to provide a direct seller exemption; to adopt updated federal provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Larson	Price
Ashford	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 265.**

A BILL FOR AN ACT relating to family support; to amend section 81-3120, Reissue Revised Statutes of Nebraska; to change provisions relating to Department of Health and Human Services petty cash funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 277.**

A BILL FOR AN ACT relating to counties; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to provide for the advice of a visitors committee to the governing body of a county; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 292.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend section 49-14,120, Reissue Revised Statutes of Nebraska; to eliminate per diems for members of the commission as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 309.** With Emergency Clause.

A BILL FOR AN ACT relating to municipalities; to provide for reapportionment of special assessments as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Adams	Cornett	Hansen	McGill	Schumacher
Avery	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	
Cook	Hadley	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Ashford      Bloomfield

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 315.** With Emergency Clause.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2024 and 21-2201, Reissue Revised Statutes of Nebraska; to permit organization under the Business Corporation Act or the Nebraska Professional Corporation Act by a designated broker under the Nebraska Real Estate License Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 394.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3745, 2-3746, 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of Nebraska; to change Dry Bean Commission provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Adams	Cook	Hadley	McCoy	Schilz
Avery	Cornett	Hansen	McGill	Schumacher
Bloomfield	Council	Harms	Mello	Smith
Brasch	Dubas	Heidemann	Nelson	Sullivan
Campbell	Fischer	Howard	Nordquist	Utter
Carlson	Flood	Janssen	Pahls	Wallman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman



A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 585, 15, 17, 56, 73, 107, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292, 309, 315, and 394.

### **MESSAGE FROM THE GOVERNOR**

May 11, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 463e and 463Ae were received in my office on May 5, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 11, 2011, at 9:53 a.m. were the following: LBs 373e, 374e, 375e, 376e, 377e, 378e, 379e, and 380e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

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

Senator Schumacher filed the following amendment to LB357:  
AM1441

- 1 1. On page 2, line 3, reinstate the stricken "(1)"; and
- 2 after line 13 insert the following new subsection:
- 3 "(2) No sales and use tax shall be imposed at a rate
- 4 greater than one and one-half percent or increased to a rate
- 5 greater than one and one-half percent unless the municipality
- 6 and the county within which the municipality is located are
- 7 parties to an interlocal agreement pursuant to the Interlocal
- 8 Cooperation Act or a joint public agency agreement pursuant to

9 the Joint Public Agency Act which creates a separate legal or  
 10 administrative entity and which interlocal agreement or joint  
 11 public agency agreement contains provisions, including benchmarks,  
 12 relating to the long-term development of unified governance of  
 13 transportation, economic development, public safety services,  
 14 education, or information technology services with respect to  
 15 such parties. The Legislature may provide additional requirements  
 16 for such agreements, including benchmarks, but such additional  
 17 requirements shall not apply to any debt outstanding at the time  
 18 the Legislature enacts such additional requirements. Any other  
 19 public agency as defined in section 13-803 may be a party to such  
 20 interlocal cooperation agreement or joint public agency agreement.  
 21 A municipality is not required to use all of the additional revenue  
 22 generated by a sales and use tax imposed at a rate greater than one  
 23 and one-half percent under this subsection for the purposes of the  
 1 interlocal cooperation agreement or joint public agency agreement  
 2 set forth in this subsection.".

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 373e, 374e, 375e, 376e, 377e, 378e, and 379e.

(Signed) Brad Ashford

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 226.** Placed on Final Reading.  
**LEGISLATIVE BILL 673.** Placed on Final Reading.  
**LEGISLATIVE BILL 684.** Placed on Final Reading.  
**LEGISLATIVE BILL 684A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 669.** Placed on Select File with amendment. ER131 is available in the Bill Room.

**LEGISLATIVE BILL 142.** Placed on Select File with amendment. ER130

1 1. On page 1, strike beginning with "political" in line  
 2 1 through line 17 and insert "the Campaign Finance Limitation Act;  
 3 to amend section 32-1608, Reissue Revised Statutes of Nebraska;  
 4 to change a contribution limit as prescribed; and to repeal the  
 5 original section."

(Signed) Tyson Larson, Chairperson

**MOTION - Override Veto on LB283**

Senator K. Haar renewed his motion, MO45, found on page 1473, that LB283 becomes law notwithstanding the objections of the Governor

Pending.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 231.** Introduced by Cornett, 45.

PURPOSE: To study and examine any aspect of the state tax structure and tax policy deemed necessary by the study committee.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 232.** Introduced by Cornett, 45.

PURPOSE: To examine the fiscal impact of tax increment financing on taxpayers and governments throughout the state, including impacts on local governments, state government, and state aid.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 233.** Introduced by Hadley, 37.

PURPOSE: The purpose of this interim study is to review the scope of the agricultural exemption from the One-Call Notification System Act. After an informal Attorney General opinion in January 2011 expressed some doubt with regard to the scope of the agricultural exemption, LB 484 was introduced to clarify that the scope of the exemption included third party soil samplers.

Due to the concern surrounding the exemption, third party soil samplers were working with the Diggers Hotline center to become integrated within the system. The committee will review the progress that has taken place, the process surrounding the One-Call system, and the policy implications of requiring or exempting third party soil samplers from participation in the One-Call notification process.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 234.** Introduced by Nordquist, 7; Mello, 5.

**PURPOSE:** The purpose of this resolution is to examine policy options and develop a long-term plan to support infrastructure development for the use of natural gas as a transportation fuel. The committee shall conduct a study that includes, but is not limited to, an examination of the following issues:

(1) A review of the potential economic and environmental benefits to the state of encouraging the use of natural gas as a transportation fuel for individuals and public and private fleets;

(2) A review of current statutes and regulations dealing with natural gas as a transportation fuel;

(3) An analysis of the infrastructure necessary to implement statewide use of compressed natural gas or liquefied natural gas to fuel public and private vehicles; and

(4) An analysis of potential incentives that would be most effective in encouraging infrastructure development and to whom those incentives should be made available.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 235.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Association Act (2008) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. The study should include a review of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB317 (Conrad), which was introduced in 2011 and is pending in committee. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons, organizations, and state offices, including the practicing bar, the office of the Secretary of State, and the office of the Attorney General, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORT**

Revenue

**LEGISLATIVE BILL 400.** Placed on General File with amendment. AM1446 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 11, 2011, at 11:20 a.m. were the following: LBs 585e, 15, 17, 56, 73e, 107e, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292e, 309e, 315e, and 394e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on final passage of LB373e.

(Signed) Heath Mello

**VISITORS**

Visitors to the Chamber were 82 sixth-grade students and teachers from Wayne; 20 third- and fourth-grade students from Lewiston; 70 fourth-grade students, teachers, and sponsors from Ashland Park Robbins, Omaha; and 16 fourth-grade students and teacher from High Plains Grade School, Polk.

**RECESS**

At 11:57 a.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

**ROLL CALL**

The roll was called and all members were present except Senators B. Harr, Krist, Loudon, and Wightman who were excused; and Senator Utter who was excused until he arrives.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 549.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 59-1608.04, Reissue Revised Statutes of Nebraska; to state intent; to create and provide for the Nebraska Youth Conservation Program; to provide duties for the commission; to provide for rules and regulations and a report; to create a fund; to provide for the transfer of funds; to change provisions relating to the State Settlement Cash Fund; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 549A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendment to LB84**

Senator Nordquist withdrew his amendment, AM1273, found on page 1247, to LB84.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 84.**

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to change distribution of sales and use tax revenue; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Adams	Christensen	Hadley	Larson	Price
Ashford	Coash	Hansen	Lautenbaugh	Schilz
Avery	Cornett	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Nelson	Smith
Brasch	Flood	Janssen	Pahls	Sullivan
Campbell	Fulton	Karpisek	Pankonin	
Carlson	Gloor	Langemeier	Pirsch	

Voting in the negative, 10:

Conrad	Council	Haar, K.	McGill	Nordquist
Cook	Dubas	Howard	Mello	Wallman

Present and not voting, 1:

Lathrop

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB229 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 229.** With Emergency Clause.

A BILL FOR AN ACT relating to water resources; to amend sections 81-15,174 and 81-15,175, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the Water Resources Cash Fund and the Nebraska Environmental Trust Fund; to provide an additional consideration for grants from the Nebraska Environmental Trust Fund as prescribed; to provide for fund transfers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Adams	Cornett	Hansen	Lathrop	Pirsch
Ashford	Dubas	Harms	Lautenbaugh	Price
Avery	Fischer	Heidemann	McCoy	Schilz
Bloomfield	Flood	Howard	Mello	Schumacher
Brasch	Fulton	Janssen	Nelson	Smith
Campbell	Gloor	Karpisek	Nordquist	Sullivan
Carlson	Haar, K.	Langemeier	Pahls	Wallman
Christensen	Hadley	Larson	Pankonin	

Voting in the negative, 5:

Coash	Conrad	Cook	Council	McGill
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Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 229A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Adams	Cornett	Harms	McCoy	Schilz
Ashford	Dubas	Heidemann	McGill	Schumacher
Avery	Fischer	Howard	Mello	Smith
Bloomfield	Flood	Janssen	Nelson	Sullivan
Brasch	Fulton	Karpisek	Nordquist	Wallman
Campbell	Gloor	Langemeier	Pahls	
Carlson	Haar, K.	Larson	Pankonin	
Christensen	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	

Voting in the negative, 2:

Cook            Council

Present and not voting, 1:

Coash

Excused and not voting, 5:

Harr, B.        Krist            Louden        Utter            Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB386 to Select File**

Senator Council moved to return LB386 to Select File for her specific amendment, FA22, found on page 1461.

Senator Council withdrew her motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 386.** With Emergency Clause.

A BILL FOR AN ACT relating to job training grants; to amend section 81-1201.21, Revised Statutes Cumulative Supplement, 2010; to provide grants for internships; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Conrad	Haar, K.	Lathrop	Pirsch
Ashford	Cook	Hadley	Lautenbaugh	Price
Avery	Cornett	Hansen	McCoy	Schilz
Bloomfield	Council	Harms	McGill	Schumacher
Brasch	Dubas	Heidemann	Mello	Smith
Campbell	Fischer	Janssen	Nelson	Sullivan
Carlson	Flood	Karpisek	Nordquist	Wallman
Christensen	Fulton	Langemeier	Pahls	
Coash	Gloor	Larson	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
----------	-------	--------	-------	----------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 549, 549A, 84, 229, 229A, and 386.

**SPEAKER FLOOD PRESIDING**

**MOTION - Override Veto on LB283**

Senator K. Haar renewed his motion, MO45, found on page 1473 and considered in this day's Journal, that LB283 becomes law notwithstanding the objections of the Governor.

Senator K. Haar moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator K. Haar requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 24:

Adams	Conrad	Haar, K.	McGill	Pirsch
Ashford	Cook	Hadley	Mello	Schumacher
Avery	Cornett	Howard	Nordquist	Sullivan
Campbell	Council	Karpisek	Pahls	Wallman
Coash	Dubas	Lathrop	Pankonin	

Voting in the negative, 20:

Bloomfield	Fischer	Hansen	Langemeier	Nelson
Brasch	Flood	Harms	Larson	Price
Carlson	Fulton	Heidemann	Lautenbaugh	Schilz
Christensen	Gloor	Janssen	McCoy	Smith

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 236.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study maintenance payments for foster children by the Department of Health and Human Services and their subcontracting agencies, including, but not limited to a review of the following issues:

- (1) The federal requirements for a methodology for determining foster care payments;
- (2) The impact on the state of losing federal dollars under the Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. 670 et seq., or class action litigation requiring the development of such methodology;
- (3) The methodology that other states utilize;
- (4) The difference in payments between relative placements, specialized, enhanced specialized, and professional foster parents;
- (5) The adequacy or appropriateness of subcontractors' "child needs assessments";
- (6) The timeliness of payments;
- (7) State oversight of lead and subcontracting agencies' rates; and
- (8) The rates and methodologies used by the lead agencies and subcontracting agencies and whether there is a significant discrepancy by agency.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 237.** Introduced by Mello, 5; Conrad, 46; Hadley, 37; Harms, 48; McGill, 26.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding the potential consolidation of the Department of Labor and the Department of Economic Development into a newly created Department of Economic and Workforce Development. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of possible cost savings and efficiencies which could be achieved by combining the two departments;
- (2) A review of the time required to consolidate the personnel, property, contracts, services, and functions of the two departments;
- (3) A review of the existing statutes governing the two departments and providing powers and duties for the Commissioner of Labor and the Director of Economic Development;
- (4) An examination of the administrative structure of the two departments and possible structures for the new Department of Economic and Workforce Development;
- (5) A review of the state and federal programs administered by the two departments and an assessment of whether any programs are duplicative or obsolete; and

(6) An examination of the physical locations of the office space and equipment used by the two departments and whether such offices and equipment could be consolidated.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 11, 2011, at 2:05 p.m. were the following: LBs 549e, 549Ae, 84, 229e, 229Ae, and 386e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **PRESIDENT SHEEHY PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 642.** Title read. Considered.

Committee AM493, found on page 666, was considered.

Senator Cornett withdrew her amendment, AM1315, found on page 1355.

Senator Cornett renewed her amendment, AM1401, found on page 1499, to the committee amendment.

Pending.

### **COMMITTEE REPORT**

Business and Labor

**LEGISLATIVE BILL 152.** Placed on General File with amendment. AM1449 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 667A.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, One Hundred Second Legislature, First Session, 2011.

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB669:  
AM1448

(Amendments to E & R amendments, ER131)

- 1 1. Insert the following new sections:
- 2 Sec. 21. Section 29-404, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-404 No complaint shall be filed with the magistrate;
- 5 unless such complaint is in writing and ~~upon oath~~, signed by
- 6 the prosecuting attorney or by any other complainant. If the
- 7 complainant ~~be is a person~~ other than the prosecuting attorney
- 8 or a city or village attorney prosecuting the violation of a
- 9 municipal ordinance, he or she shall either have the consent of
- 10 the prosecuting attorney or shall furnish to the magistrate a bond
- 11 with good and sufficient sureties in such amount as the magistrate
- 12 shall determine to indemnify the person complained against for
- 13 wrongful or malicious prosecution. Whenever a complaint shall be
- 14 filed with the magistrate, charging any person with the commission
- 15 of an offense against the laws of this state, it shall be the duty
- 16 of such magistrate to issue a warrant for the arrest of the person
- 17 accused, if he ~~shall have~~ or she has reasonable grounds to believe
- 18 that the offense charged has been committed. The prosecuting
- 19 attorney shall consent to the filing of such complaint if he or she
- 20 is in possession of sufficient evidence to warrant the belief that
- 21 the person named as defendant in such complaint is guilty of the
- 22 crime alleged and can be convicted thereof. The Attorney General
- 1 shall have the same power to consent to the filing of complaints as
- 2 the prosecuting attorneys have in their respective counties.
- 3 Sec. 22. Section 29-1603, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-1603 (1) All informations shall be ~~verified by the~~
- 6 ~~oath of in writing and signed by~~ the county attorney, complainant,
- 7 or some other person, and the offenses charged therein shall be
- 8 stated with the same fullness and precision in matters of substance
- 9 as is required in indictments in like cases.
- 10 (2)(a) Any information charging a violation of section
- 11 28-303 and in which the death penalty is sought shall contain
- 12 a notice of aggravation which alleges one or more aggravating

13 circumstances, as such aggravating circumstances are provided in  
 14 section 29-2523. The notice of aggravation shall be filed as  
 15 provided in section 29-1602. It shall constitute sufficient notice  
 16 to describe the alleged aggravating circumstances in the language  
 17 provided in section 29-2523.

18 (b) The state shall be permitted to add to or amend a  
 19 notice of aggravation at any time up to and including the thirtieth  
 20 day prior to the trial of guilt.

21 (c) The existence or contents of a notice of aggravation  
 22 shall not be disclosed to the jury until after the verdict is  
 23 rendered in the trial of guilt.

24 (3) Different offenses and different degrees of the same  
 25 offense may be joined in one information, in all cases in which the  
 26 same might by different counts be joined in one indictment; and in  
 27 all cases a defendant or defendants shall have the same right, as  
 1 to proceedings therein, as the defendant or defendants would have  
 2 if prosecuted for the same offense upon indictment.

3 2. On page 21, line 10, strike "25, 26, and 29" and  
 4 insert "27, 28, and 31"; and in line 19 after "25-2805," insert  
 5 "29-404, 29-1603,".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 238.** Introduced by Langemeier, 23.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should update its statutory provisions regarding the regulation and business organization of firms and individuals rendering professional services. The study should include a review of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB 315 (Langemeier), which was introduced in and passed 2011. In order to carry out the purpose of this resolution, the study committee should consider the input of interested persons, organizations, and state offices, including the office of the Secretary of State and the State Real Estate Commission, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**LEGISLATIVE RESOLUTION 239.** Introduced by Fischer, 43.

**PURPOSE:** The purpose of this interim study is to examine public school finance, particularly the Tax Equity and Educational Opportunities Support Act (TEEOSA), to determine potential revisions of this funding method or to determine if a new formula needs to be implemented. Since the inception of TEEOSA in 1990, the educational landscape in Nebraska has continued to evolve. Small school districts and large school districts have increasingly different needs. The number of nonequalized districts has doubled over the last five years to equal thirty-seven percent of Nebraska's school districts. The study shall include, but not be limited to:

(1) An examination of the role of property taxes in funding public school education;

(2) An examination of what level of funding is sufficient to meet state accreditation standards and fund essential educational opportunities in each school district in the state;

(3) An examination of the stability of the current funding mechanism and its sustainability into the future;

(4) A review of the appropriate mechanisms to address the uniqueness of Nebraska school districts;

(5) An identification of resource measurements for school district accountability in the use of state funds for education; and

(6) An examination of how to create a formula that meets statutory expectations but is also pragmatic and understandable.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 240.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding direct repair programs operated by insurers. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of current regulation, if any, on direct repair programs in Nebraska;

(2) A review of legislation addressing direct repair programs that has been considered in other states; and

(3) An examination of the effect of direct repair programs on Nebraska's small businesses.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 241.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding the Nebraska Redevelopment Act. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of applications made under the act prior to February 1, 2000;
- (2) An examination of potential changes to modernize the act; and
- (3) A comparison of the tax increment financing provisions in the act to provisions in the Community Development Law.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 642.** The Cornett amendment, AM1401, found on page 1499 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Cornett withdrew her amendment.

Senator Pankonin offered the following amendment to the committee amendment:

FA23

Amend AM493

Strike lines 7 through 15 on page 1.

**SENATOR LANGEMEIER PRESIDING**

The Pankonin amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Committee AM493, found on page 666 and considered in this day's Journal, as amended, was renewed.

### **PRESIDENT SHEEHY PRESIDING**

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Avery offered the following amendment:

FA25

Strike on page 2, lines 15 and 16 beginning with "contracts" through "73-204."

The Avery amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

### **COMMITTEE REPORTS**

#### Judiciary

**LEGISLATIVE BILL 296.** Placed on General File.

**LEGISLATIVE BILL 670.** Placed on General File with amendment.  
AM1447

- 1 1. On page 6, strike lines 9 through 11 and reletter
- 2 the remaining subdivisions accordingly; in line 18 after the comma
- 3 insert "submit to day reporting"; in line 21 after "any" insert
- 4 "drug court program or"; and in line 22 strike "by any problem
- 5 solving court".

**LEGISLATIVE BILL 690.** Placed on General File with amendment.  
AM1429

- 1 1. Strike original section 14 and insert the following
- 2 new section:
- 3 Sec. 14. If any one or more provisions, sections,
- 4 subsections, sentences, clauses, phrases, or words of this act
- 5 or the application thereof to any person or circumstance is found
- 6 to be unconstitutional, the same is hereby declared to be severable
- 7 and the balance of this act shall remain effective notwithstanding
- 8 such unconstitutionality. The Legislature hereby declares that
- 9 it would have passed this act, and each provision, section,
- 10 subsection, sentence, clause, phrase, or word thereof, irrespective
- 11 of the fact that any one or more provisions, sections, subsections,
- 12 sentences, clauses, phrases, or words be declared unconstitutional.
- 13 2. On page 2, line 16; page 3, line 3; page 7, line 13;
- 14 page 13, line 23; page 14, line 3; page 15, lines 3 and 25; and
- 15 page 17, lines 1, 4, and 7, strike "13, and 14" and insert "and

16 13".

17 3. On page 7, strike lines 1 through 7 and insert

18 "written statement that she is a victim of abuse, sexual abuse as  
 19 defined in section 28-367, or child abuse or neglect as defined in  
 20 section 28-710 by either of her parents or her legal guardians,  
 21 then the attending physician shall obtain the notarized written  
 22 consent required by section 71-6902 from a grandparent specified by  
 23 the pregnant woman.".

1 4. On page 8, strike lines 23 through 25 and insert "that  
 2 there is evidence of abuse, sexual abuse as defined in section  
 3 28-367, or child abuse or neglect as defined in section 28-710 of  
 4 the pregnant woman by a parent or a guardian or that an abortion  
 5 without the consent of a parent or a guardian is in".

6 5. On page 9, strike line 1.

7 6. On page 16, line 4, after "filed" insert "by the  
 8 physician".

(Signed) Brad Ashford, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 242.** Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to study the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 243.** Introduced by McGill, 26.

PURPOSE: To study the extent of human trafficking in Nebraska in connection with labor and sex trafficking and whether or not current statutes are adequate to address this issue. Issues addressed by this interim study should include, but are not limited to, the following:

(1) Collect and organize data on the nature and extent of human trafficking in Nebraska;

(2) Identify areas of correlation between human trafficking and immigration enforcement issues in Nebraska;

(3) Determine the occurrence of the utilization of the T Nonimmigrant Visa in Nebraska;

(4) Analyze existing state and criminal statutes for their adequacy in addressing human trafficking and, if such analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address human trafficking;

(5) Identify and evaluate statutory changes in other states as they relate to human trafficking, including, but not limited to:

(a) Laws which criminalize or increase penalties for human trafficking;

(b) Laws which create task forces, state commissions, or committees on human trafficking;

(c) Laws which provide services and protections to victims of human trafficking;

(d) Laws which establish extortion if there are threats of reporting a person's immigrant status; and

(e) Any other state laws that relate to human trafficking;

(6) Investigate collaborative models for protecting and identifying victims of human trafficking;

(7) Identify available federal, state, and local programs that provide services to victims of human trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, voluntary repatriation, and victim's compensation for which victims of human trafficking may qualify; and

(8) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking, protect and assist victims of human trafficking, and prosecute human traffickers and users of victims of human trafficking for forced labor services or commercial sexual activity.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 617.** ER84, found on page 1131, was adopted.

Senator Flood renewed his amendment, AM1443, found on page 1514.

The Flood amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 589.** ER103, found on page 1340, was adopted.

Senator Smith renewed his amendment, AM1408, found on page 1514.

The Smith amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### MESSAGES FROM THE GOVERNOR

May 11, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 421 without my signature and with my objections.

LB 421, as amended, proposes a 25% increase to the fee for an annual resident permit from \$20 to \$25. LB 421 increases the fee for an annual non-resident permit from \$25 to \$30, increases the temporary resident permit from four dollars to five dollars, and the temporary non-resident permit from five dollars to six dollars. In addition, LB 421 would increase the amount that permit agents may collect from thirty-five cents to one dollar.

Nebraska's eight state parks and 65 state recreation areas provide Nebraskans great opportunities for outdoor activities. Last week, I signed a proclamation declaring May 7 to 15 as "See Nebraska Week," which encourages Nebraskans and other visitors to learn more about vacation and travel options in Nebraska. Nebraska's travel industry has an important economic impact on the state. It continues to be the third largest revenue producer from outside the state, behind agriculture and manufacturing, and generates more than \$3 billion a year.

Raising fees during these economic times is not the appropriate way to better Nebraska's state parks; government should be analyzing how to reduce expenses. Nebraskans have had to cut their spending and they expect the same for government. Compounding these uncertain economic conditions are increasing energy costs, health insurance premiums, and fuel prices. In May 2010, the average price of gas was \$2.87 per gallon. Currently, the average price of gas is \$3.98 per gallon, and is expected to

increase during the summer months. With increasing fuel prices, Nebraskans are going to stay closer to home. Increasing park entry fees will discourage Nebraskans from enjoying the outdoors and visiting Nebraska's attractions.

For these reasons, I urge you to sustain my veto of LB 421.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 11, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 137, 181, 181A, 305, 305A, 360e, 384e, 384Ae, 449, 500, 535, and 665e were received in my office on May 5, 2011.

These bills were signed and delivered to the Secretary of State on May 11, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 575 and 575A.

(Signed) Charlie Janssen

### **VISITORS**

Visitors to the Chamber were 75 fourth-grade students and teachers from Ashland Park Robbins School, Omaha; and 19 fourth-grade students from Ponca.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

### **ADJOURNMENT**

At 4:58 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, May 12, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-NINTH DAY - MAY 12, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 12, 2011

**PRAYER**

The prayer was offered by Reverend Gail Axen, Bethany Presbyterian Church, Carroll.

**ROLL CALL**

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

The roll was called and all members were present except Senator Louden who was excused; and Senators Ashford and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-eighth day was approved.

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on final passage of LB84.

(Signed) Dennis Utter

**MOTION - Print in Journal**

Senator Pankonin filed the following motion to LB421:  
MO46

Becomes law notwithstanding the objections of the Governor.

**REPORT**

The following report was received by the Legislature:

**Retirement Systems, Public Employees**  
Annual Plan Review - December 31, 2010

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 11, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Haggerty, Patrick  
Century Link (formerly Embarq Corp.)  
Johnston, Brian  
My Wireless.Org (Withdrawn 05/11/2011)  
Karavas, Julie M.  
GeneSeek, a Neogen Corporation Company (Withdrawn 05/06/2011)  
Maxwell, Chip  
Omaha Alliance for the Private Sector

**MOTION - Approve Appointment**

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1517:

Nebraska Liquor Control Commission  
Bryan Tuma

Voting in the affirmative, 40:

Adams	Conrad	Harms	McCoy	Price
Avery	Cook	Harr, B.	McGill	Schilz
Bloomfield	Cornett	Heidemann	Mello	Schumacher
Brasch	Dubas	Howard	Nelson	Smith
Campbell	Fischer	Karpisek	Nordquist	Sullivan
Carlson	Fulton	Krist	Pahls	Utter
Christensen	Gloor	Larson	Pankonin	Wallman
Coash	Hadley	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 6:

Council	Haar, K.	Janssen
Flood	Hansen	Langemeier

Excused and not voting, 3:

Ashford	Lautenbaugh	Louden
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

## **SPEAKER FLOOD PRESIDING**

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 406.**

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2026, Reissue Revised Statutes of Nebraska, and section 38-2001, Revised Statutes Cumulative Supplement, 2010; to provide for reentry licenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	McCoy	Schumacher
Ashford	Cornett	Harr, B.	McGill	Smith
Avery	Council	Heidemann	Mello	Sullivan
Bloomfield	Dubas	Howard	Nelson	Utter
Brasch	Fischer	Janssen	Nordquist	Wallman
Campbell	Fulton	Karpisek	Pahls	Wightman
Carlson	Gloor	Krist	Pankonin	
Christensen	Haar, K.	Langemeier	Pirsch	
Coash	Hadley	Larson	Price	
Conrad	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Lautenbaugh Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 413.**

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-706, Reissue Revised Statutes of Nebraska; to authorize support for programs benefiting homeless youth; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 423.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1901, 77-1902, 77-1909, 77-1914, 77-1915, and 77-1916, Reissue Revised Statutes of Nebraska; to change tax foreclosure provisions relating to liens of sanitary and improvement districts as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 424.**

A BILL FOR AN ACT relating to bonds; to amend section 85-1738, Reissue Revised Statutes of Nebraska; to change provisions relating to personal liability on Nebraska Educational Finance Authority Act bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 453.**

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a fund; and to outright repeal section 81-1211, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cornett	Hansen	Lautenbaugh	Price
Bloomfield	Council	Harr, B.	McCoy	Schilz
Brasch	Dubas	Heidemann	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Utter
Coash	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	Wightman
Cook	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Avery	Harms	Larson
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Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 454.**

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate obsolete provisions relating to certain property controlled by the department; and to outright repeal sections 81-1222.01 and 81-1222.03, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 455.**

A BILL FOR AN ACT relating to economic development; to repeal the Venture Capital Network Act; and to outright repeal sections 81-1265, 81-1266, 81-1267, 81-1268, 81-1269, 81-1270, and 81-1271, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 458.**

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wightman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 1:

Wallman

Excused and not voting, 1:



Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 480.**

A BILL FOR AN ACT relating to public building commissions; to amend sections 13-1302 and 13-1304, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for agreements relating to the use of certain areas of a project; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 494.** With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-914, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services regarding applications for medical assistance; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 502.**

A BILL FOR AN ACT relating to labor; to amend sections 48-1617, 48-1623, and 48-1624, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Workforce Investment Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Hansen	Lautenbaugh	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Bloomfield	Dubas	Heidemann	Mello	Utter
Brasch	Fischer	Howard	Nelson	Wallman
Campbell	Flood	Janssen	Nordquist	Wightman
Carlson	Fulton	Karpisek	Pahls	
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	
Conrad	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 2:

Krist Sullivan

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 525.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to state intent; to require application for an amendment or waiver related to the medicaid state plan; to authorize transfers of funds to the University of Nebraska Medical Center; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Sullivan
Brasch	Fischer	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Nordquist	Wightman
Christensen	Gloor	Krist	Pahls	
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 525A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 542.**

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to require general acute hospitals to offer vaccinations and to require hospital employees to be vaccinated as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 550.**

A BILL FOR AN ACT relating to the Election Act; to amend section 32-606, Revised Statutes Cumulative Supplement, 2010; to clarify provisions regarding incumbent filing deadlines; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 573.**

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 60-6,232 and 81-829.36, Reissue Revised Statutes of Nebraska; to define storm spotter; to authorize the use of amber lights on motor vehicles used by emergency management workers and storm spotters; to provide duties for the Nebraska Emergency Management Agency; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB591 with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 591.**

A BILL FOR AN ACT relating to health and human services; to amend sections 38-178, 38-182, 71-448, 71-529, 71-539, 71-540, 71-541, 71-542,

71-543, and 71-544, Reissue Revised Statutes of Nebraska; to provide for syndromic surveillance reporting by health care providers as prescribed; to require the Department of Health and Human Services to develop a syndromic surveillance program; to provide grounds for discipline of credentials for failure to report; to change provisions relating to the exchange of immunization information; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 641.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-134 and 53-197, Reissue Revised Statutes of Nebraska; to provide for reporting of offenses to the commission by law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 687.** With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Reissue Revised Statutes of Nebraska, and section 38-3301, Revised Statutes Cumulative Supplement, 2010; to provide for issuance of a veterinarian locum tenens; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.



Excused and not voting, 1:

Louden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 406, 413, 423, 424, 453, 454, 455, 458, 480, 494, 502, 525, 525A, 542, 550, 573, 591, 641, and 687.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 244.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this study is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 245.** Introduced by Avery, 28.

**PURPOSE:** In 2011, the Government, Military and Veterans Affairs Committee of the Legislature heard several bills that increased the use of technology in the election process, such as online voter registration and the use of electronic signatures on petitions.

The purpose of this study is to examine how technology may be used in elections to make the process more efficient and "user-friendly" for voters. The study shall explore an overall plan for the use of technology in the election process, including consideration of the costs of such technology and other future election costs the state may need to incur.

The Department of Motor Vehicles, the office of Chief Information Officer, the Secretary of State, and other interested parties will be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 246.** Introduced by Avery, 28.

PURPOSE: (1) The purpose of this interim study is to review and assess an interagency agreement between the Department of Health and Human Services and the Department of Revenue for the purpose of preparing and developing model language for possible tax form revisions for identification of children who may be eligible for the children's medical assistance program and medicaid as prescribed in section 68-915.

(2) The committee should examine the possibility of sharing data between the Department of Revenue and the Department of Health and Human Services to streamline the process of identifying uninsured children who qualify for medicaid and the children's medical assistance program and enrolling uninsured children in Kids Connection. The committee should encourage the Department of Health and Human Services to seek federal grants and bonus funds for implementation of eligibility, outreach, and express lane eligibility options pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3.

(3) The committee shall request that the Department of Health and Human Services:

(a) Enter into an interagency agreement with the Department of Revenue for the sole purpose of carrying out this resolution;

(b) Maintain the confidentiality of all information regarding eligibility for or recipients of health care assistance and use such information only for purposes related to this resolution or as otherwise permitted by federal law; and

(c) Prepare and submit a report of recommendations to the Health and Human Services Committee of the Legislature and the Revenue Committee of the Legislature not later than December 31, 2011.

(4) The committee shall request that the chief executive officer of the Department of Health and Human Services or his or her designee and the Tax Commissioner or his or her designee prepare and develop model language proposals under the interagency agreement to utilize income tax return information, including earned income tax credit information, for the purpose of eligibility determination of children for medicaid and the children's medical assistance program, which proposals shall include, but not be limited to:

(a) Revision of the Nebraska income tax form to include questions asking taxpayers to indicate whether any dependent children have health insurance at the time of filing;

(b) Revision of the Nebraska income tax form to include questions asking taxpayers to indicate whether dependent children are under nineteen years of age at the time of filing;

(c) Revision of the Nebraska income tax form to include consent and disclosure provisions or procedures to provide prior disclosure and reasonable opportunity for taxpayers to decline;

(d) Revision of the Nebraska income tax form to provide notice that taxpayers shall not be penalized for failure to provide information or failure to provide accurate information regarding any dependent's health insurance status; and

(e) Any further written instructions to taxpayers necessary to carry out the intent of this resolution.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 247.** Introduced by K. Haar, 21.

**PURPOSE:** To study issues related to the development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products and maximizing the opportunities for residents to recycle these products at the end of their useful lives. Local governments and solid waste agencies are receiving growing requests from citizens for recycling alternatives for consumer products but face challenges in increasing fees or taxes to fund these services. In addition, many Nebraska residents do not have access to convenient and no-cost alternatives to landfill disposal for selected consumer products. For example, only thirty Nebraska communities sponsored electronic waste collection events in 2009-2010. State grant funds that have historically provided funding for community services such as these efforts have been reduced by the Legislature.

Alternative funding approaches are available. They include advanced disposal fees paid by consumers at the time they purchase products or extended producer responsibility initiatives that call on companies that make a product to have a responsibility for their goods at the "end of life." The study shall focus on examining the various strategies to maximize the diversion of consumer products from landfill disposal, examining available financing options, identifying consumer products of concern, and

determining the advantages of establishing an overall strategy and financing policy structure for selected consumer products in Nebraska.

The Natural Resources Committee of the Legislature shall convene an advisory group comprised of individuals from Nebraska businesses, nonprofit organizations, and government to provide technical expertise and advice relevant to the study. Topics to be studied shall include, but not be limited to, the following:

(1) Examine existing strategies and financing mechanisms utilized in North America which maximize the amount of recycling for selected consumer products. This includes evaluating voluntary versus state-required diversion programs;

(2) Identify the advantages and disadvantages of various strategies and financing mechanisms. This shall include possible costs and benefits associated with each option;

(3) Recommend a strategy, financing mechanism, and process for designating consumer products for legislative action;

(4) Recommend methods to identify and monitor progress toward maximizing the recycling of selected consumer products; and

(5) Identify potential priority products for future legislative consideration.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 248.** Introduced by Nordquist, 7; Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Fulton, 29; Gloor, 35; Harms, 48; Heidemann, 1; Howard, 9; McGill, 26; Mello, 5; Wallman, 30.

**PURPOSE:** The purpose of this interim study is to examine the accessibility of health care providers for persons on medicaid in Nebraska. The committee shall conduct a study that includes, but is not limited to, an examination of the following issues:

(1) An analysis of the geographic distribution of medicaid providers by category of provider;

(2) A historical review of the impact of provider rates on the number of providers who accept medicaid;

(3) An analysis of the prevalence of providers who accept medicaid but limit the number of medicaid-eligible patients in their practice;

(4) A review of the impact of medicaid managed care on provider accessibility; and

(5) An examination of the potential impact on provider availability of the medicaid expansion as a result of the federal Patient Protection and Affordable Care Act, Public Law 111-148.

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

1. That the Appropriations Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## **SENATOR CARLSON PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 699.** Title read. Considered.

## **SPEAKER FLOOD PRESIDING**

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 12, 2011, at 10:14 a.m. were the following: LBs 406, 413, 423, 424, 453, 454, 455, 458, 480, 494e, 502, 525, 525A, 542, 550, 573, 591, 641, and 687e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 249.** Introduced by B. Harr, 8; Ashford, 20; Campbell, 25; Carlson, 38; Fischer, 43; Flood, 19; Harms, 48; Karpisek, 32; Mello, 5; Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study the impact of recidivism rates of persons convicted of driving under the influence. The committee shall:

(1) Review current procedures and studies that detail the rate of recidivism of persons convicted of driving under the influence;

(2) Determine how the State of Nebraska's recidivism rate ranks according to the national average;

(3) Compare current legislative measures in Nebraska with those in other states in addressing the problem of recidivism;

(4) Determine if there is a direct correlation between recidivism and either confinement or rehabilitative programs when addressing alcohol abuse in Nebraska;

(5) Determine Nebraska's current confinement numbers of those persons who have been convicted of a second or subsequent offense of driving under the influence;

(6) Determine the financial impact that recidivism has on county and state correctional facilities, public health agencies, and rehabilitation programs;

(7) Determine the success rate of rehabilitative programs in the United States, narrow the results to the top three most successful programs, and determine what methods and techniques such programs are utilizing and if Nebraska is currently using similar methods and techniques;

(8) Determine the success rate of a rehabilitation program versus confinement as a deterrent to a second or subsequent conviction of driving under the influence; and

(9) Determine sentencing data of persons convicted of driving under the influence in Nebraska by political subdivision.

The committee shall seek information from interested parties to aid in carrying out the study.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 250.** Introduced by Janssen, 15.

**PURPOSE:** The purpose of this resolution is to study human trafficking in Nebraska. The study shall include, but not be limited to:

(1) Data collection and findings on the nature and extent of human trafficking in Nebraska;

(2) Identification of available federal, state, and local programs that provide services to human trafficking victims;

(3) Analysis and recommendations regarding the ability of existing state statutes to address human trafficking;

(4) Analysis of the relationship between human trafficking and illegal immigration; and

(5) Recommendations regarding the prevention of human trafficking, the prosecution of offenses, and victim assistance.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 251.** Introduced by Janssen, 15.

**PURPOSE:** The purpose of this resolution is to examine immigration-related marriage fraud in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 252.** Introduced by Janssen, 15.

**PURPOSE:** The purpose of this resolution is to examine the impact of illegal immigration on the state's budget. The Congressional Budget Office released a report in December 2007 entitled "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments." Estimates were made of such impact on several states, including Iowa, Minnesota, Missouri, and New Mexico, in the areas of education, health care, and law enforcement. Information of the impact on Nebraska's budget was not offered. The legislature would benefit from an estimate of the impact on the state's budget and an estimate of the number of illegal immigrants residing in Nebraska.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 253.** Introduced by Janssen, 15; Bloomfield, 17; Gloor, 35.

**PURPOSE:** The purpose of the resolution is to investigate the merits and costs of drug testing recipients and applicants of cash assistance benefits offered under the Welfare Reform Act. The study shall include, but not be limited to:

- (1) Investigating the dangers to children under the care of parents abusing illegal drugs;
- (2) Examining the effectiveness of providing assistance to recipients without accountability measures;
- (3) Examining possible constitutional challenges to drug testing applicants and recipients of cash assistance benefits; and
- (4) Examining the availability of substance abuse treatment in Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 254.** Introduced by Ashford, 20.

**PURPOSE:** The purpose of this resolution is to study the Adam Walsh Child Protection and Safety Act of 2006, Nebraska's Sex Offender Registration Act, and the recent changes to Nebraska statutes contained in Laws 2009, LB 285. The study shall include, but not be limited to, the following issues:

- (1) A review of which state statutes trigger sex offender registration requirements;
- (2) A review of which state statutes do not pertain to children specifically or to specific sex crimes;
- (3) A review of the cost to the State of Nebraska and Nebraska's counties to comply with sex offender-related requirements;
- (4) A review of how often registrants are contacted by law enforcement and whether such contacts are entered into a law enforcement computer system so that other law enforcement agencies are aware of such contacts;
- (5) A review of whether the manner in which a change in information is required to be reported is beneficial to the state and whether such manner is a hardship on those required to register and leads to more frequent legal contacts and incarceration;
- (6) A review of the number of registrants that are recommitted to incarceration or detention because of criminal law violations;
- (7) A review of the financial effects of a state being deemed noncompliant; and



(8) A review of whether the state is best served by the current "offense based" registry requirements or whether the state should revert back to an "assessment based" registry for purposes of public safety.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 255.** Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 256.** Introduced by Ashford, 20.

WHEREAS, Andrea Spaustat, the daughter of John and Karen Spaustat of Omaha, Nebraska, has received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, Andrea completed a project which created a volleyball camp for local children to learn basic volleyball skills and rules along with an instructional video to show at community centers; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Andrea Spaustat for receiving the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Andrea Spaustat.

Laid over.

**EASE**

The Legislature was at ease from 11:01 a.m. until 11:25 a.m.

**SENATOR COASH PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 667A.** 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.

**SPEAKER FLOOD PRESIDING****BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 22.**

A BILL FOR AN ACT relating to insurance; to adopt the Mandate Opt-Out and Insurance Coverage Clarification Act; to provide an operative date; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Adams	Fischer	Harr, B.	McCoy	Schumacher
Bloomfield	Flood	Heidemann	Mello	Smith
Brasch	Fulton	Janssen	Nelson	Sullivan
Carlson	Gloor	Karpisek	Nordquist	Utter
Christensen	Haar, K.	Krist	Pankonin	Wallman
Coash	Hadley	Langemeier	Pirsch	
Cornett	Hansen	Larson	Price	
Dubas	Harms	Lathrop	Schilz	

Voting in the negative, 7:

Avery	Conrad	Council	McGill
Campbell	Cook	Howard	

Present and not voting, 2:

Lautenbaugh Wightman

Excused and not voting, 3:

Ashford Louden Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 135.**

A BILL FOR AN ACT relating to certificates of title; to amend section 60-161, Reissue Revised Statutes of Nebraska, and section 37-1287, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to remittance of fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harms	Lathrop	Schilz
Brasch	Dubas	Harr, B.	McCoy	Schumacher
Campbell	Fischer	Heidemann	McGill	Smith
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gloor	Karpisek	Nordquist	Wallman
Conrad	Haar, K.	Krist	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 3:

Ashford Louden Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 165.**

A BILL FOR AN ACT relating to telecommunications; to amend section 86-704, Reissue Revised Statutes of Nebraska; to change municipal occupation tax provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Council	Harms	Lathrop	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Carlson	Gloor	Karpisek	Pankonin	Wightman
Christensen	Haar, K.	Krist	Pirsch	
Cook	Hadley	Langemeier	Price	
Cornett	Hansen	Larson	Schilz	

Voting in the negative, 1:

Conrad

Present and not voting, 3:

Coash            Lautenbaugh    McGill

Excused and not voting, 3:

Ashford        Louden            Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB170 with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 170.**

A BILL FOR AN ACT relating to the Motorcycle Safety Education Act; to amend sections 39-2215, 60-4,115, 60-4,127, 60-2120, 60-2121, 60-2125, 60-2126, 60-2127, 60-2128, 60-2129, 60-2130, 60-2131, and 60-2139, Reissue Revised Statutes of Nebraska; to eliminate a fund; to eliminate funding and grants to motorcycle instructors and motorcycle courses; to change provisions relating to regulation of motorcycle safety instructors, motorcycle trainers, and motorcycle safety courses; to change and provide powers and duties for the Department of Motor Vehicles and the Director of Motor Vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-2132, 60-2133, 60-2134, 60-2135, 60-2136, 60-2137, and 60-2138, Reissue

Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hadley	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harms	Lathrop	Schilz
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gloor	Karpisek	Nordquist	Wightman
Conrad	Haar, K.	Krist	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Schumacher

Excused and not voting, 3:

Ashford Louden Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 200.**

A BILL FOR AN ACT relating to community development; to amend sections 13-208 and 81-3603, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Healthy Food Financing Initiative Act; to create a fund; to provide funding; to change the tax credit limit under the Community Development Assistance Act; to harmonize provisions; and to repeal the original sections.

Senator Council requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 22:

Adams	Conrad	Gloor	Larson	Pirsch
Avery	Cook	Haar, K.	Lathrop	Wallman
Campbell	Cornett	Harr, B.	McGill	
Carlson	Council	Howard	Mello	
Coash	Dubas	Karpisek	Nordquist	

Voting in the negative, 18:

Bloomfield	Flood	Harms	McCoy	Utter
Brasch	Fulton	Heidemann	Nelson	Wightman
Christensen	Hadley	Janssen	Pankonin	
Fischer	Hansen	Langemeier	Schumacher	

Present and not voting, 5:

Krist	Price	Schilz	Smith	Sullivan
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Absent and not voting, 1:

Lautenbaugh

Excused and not voting, 3:

Ashford	Louden	Pahls
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **LEGISLATIVE BILL 286.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipping license fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harms	Lathrop	Schilz
Brasch	Dubas	Harr, B.	McCoy	Schumacher
Campbell	Fischer	Heidemann	McGill	Smith
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gloor	Karpisek	Nordquist	Wallman
Conrad	Haar, K.	Krist	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford      Lautenbaugh      Louden      Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 22, 135, 165, 170, and 286.

### **SENATOR GLOOR PRESIDING**

#### **SELECT FILE**

**LEGISLATIVE BILL 151.** ER125, found on page 1432, was adopted.

Senator Lautenbaugh offered the following amendment:  
AM1445

(Amendments to E & R amendments, ER125)

- 1      1. On page 3, line 15, strike beginning with "allowed"
- 2      through the comma, show as stricken, and insert "as provided in
- 3      section 45-103".

### **SPEAKER FLOOD PRESIDING**

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 24:

Bloomfield	Coash	Heidemann	McCoy	Schumacher
Brasch	Fischer	Janssen	Nelson	Smith
Campbell	Flood	Karpisek	Pirsch	Sullivan
Carlson	Fulton	Larson	Price	Wightman
Christensen	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 14:

Adams	Conrad	Council	Harr, B.	Mello
Ashford	Cook	Dubas	Howard	Nordquist
Avery	Cornett	Haar, K.	Lathrop	

Present and not voting, 7:

Gloor	Krist	Pankonin	Wallman
Hadley	Langemeier	Utter	

Excused and not voting, 4:

Harms	Louden	McGill	Pahls
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The Lautenbaugh amendment lost with 24 ayes, 14 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:  
AM1454

(Amendments to E & R amendments, ER125)

- 1 1. Strike sections 6, 18, 19, and 20 and insert the
- 2 following sections:
- 3 Sec. 17. Sections 6, 8, 17, 18, and 21 of this act become
- 4 operative on their effective date. The other sections of this act
- 5 become operative three calendar months after the adjournment of
- 6 this legislative session.
- 7 Sec. 18. Original sections 48-167 and 48-175.01, Reissue
- 8 Revised Statutes of Nebraska, are repealed.
- 9 Sec. 19. Original sections 48-125, 48-145.01, 48-153,
- 10 48-155, 48-156, 48-170, 48-177, 48-178, 48-180, 48-182, 48-185,
- 11 48-191, and 48-1,110, Reissue Revised Statutes of Nebraska, are
- 12 repealed.
- 13 2. On page 9, line 18, before "full" insert "a".
- 14 3. On page 13, strike beginning with "Such" in line 7
- 15 through the period in line 8.
- 16 4. On page 18, line 26; and page 19, line 3, after
- 17 "hearing" insert "on the merits".
- 18 5. On page 19, line 8, strike "16" and insert "15".
- 19 6. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.



**AMENDMENT - Print in Journal**

Senator Pirsch filed the following amendment to LB675:

AM1459

(Amendments to Standing Committee amendments, AM1380)

- 1 1. Insert the following new section:
- 2 Sec. 13. This act becomes operative on January 1, 2012.
- 3 2. Renumber the remaining section accordingly.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 257.** Introduced by Mello, 5; Krist, 10; Price, 3; Smith, 14.

**PURPOSE:** To study the flood control needs of Omaha and the greater Omaha metropolitan area and examine the resources that are available or that may be utilized to meet such needs, including compliance with various federal regulatory requirements. The study should examine the role that a natural resources district may play to meet such needs and accompanying federal regulatory requirements.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 12, 2011, at 11:55 a.m. were the following: LBs 22, 135, 165, 170, and 286.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Print in Journal**

Senator Ashford filed the following motion to LB200:

MO48

Reconsider the vote on final passage.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Coash asked unanimous consent to add his name as cointroducer to LB629. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Senator Utter's son, Ward Utter, from Devon, Pennsylvania; 14 fourth-grade students and teacher from St. Patrick's School, Lincoln; 20 eighth-grade students, teacher, and sponsors from St. Patrick's of McCook, McCook; 23 seventh- and eighth-grade students and teachers from Orchard; 17 fourth- and fifth-grade students, teachers, and sponsors from St. Joseph, Beatrice; Senator Hadley's wife, Marilyn Hadley, and Mike and Carol Renner from Kearney; 46 fourth-grade students and teachers from North Park Elementary, Columbus; and 34 seventh- and eighth-grade students, teachers, and sponsors from Trinity Lutheran, Fremont.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

**ADJOURNMENT**

At 1:11 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Tuesday, May 17, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTIETH DAY - MAY 17, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 17, 2011

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 151.** Placed on Final Reading.

ST40

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER125, on page 19, line 26, "48-162," has been struck.

**LEGISLATIVE BILL 589.** Placed on Final Reading.

ST39

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Smith amendment, AM1408:

a. On page 7, line 11, "above" has been struck and "in this subsection" inserted; and

b. On page 12, line 14, the period has been struck, shown as stricken, and "; or" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 6 and all amendments thereto have been struck and "sections 13-901, 13-910, 39-1359, and 81-8,219, Reissue Revised Statutes of Nebraska; to allow for

temporary use of the state highway system for special events held by a county, city, or village as prescribed; to provide liability and duties for the county, city, or village; to provide for applicability of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 617.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 667.** Placed on Select File with amendment.

ER135

- 1 1. In the Standing Committee amendments, AM162:
- 2 a. On page 9, strike beginning with the second "and" in
- 3 line 5 through "60-4,115" in line 6 and show as stricken;
- 4 b. On page 26, line 16, after "form" insert "the"; and
- 5 in line 18 after "permit" insert an underscored comma;
- 6 c. On page 27, line 24, after "revocation" insert
- 7 "hearing"; and in line 26 strike "notification" and insert
- 8 "notice";
- 9 d. On page 31, line 20, strike "Upon" and insert "upon";
- 10 e. On page 36, line 22, strike "(c)" and insert "(2)";
- 11 f. On page 40, line 7, after "arrested" insert "and";
- 12 g. On page 46, line 19, strike "section.", show as
- 13 stricken, and insert "sections.";
- 14 h. On page 56, lines 1 and 17, after "60-6,198" insert an
- 15 underscored comma;
- 16 i. On page 59, line 19; page 61, line 1; and page 62,
- 17 line 4, strike the new matter and reinstate the stricken matter;
- 18 j. On page 73, line 23, strike the second comma; and
- 19 k. On page 77, line 17, strike "60-498.02" and insert
- 20 "60-498.04".
- 21 2. On page 1, strike beginning with "alcohol" in line
- 22 1 through line 17 and insert "crimes and offenses; to amend
- 23 1 sections 28-306, 28-394, 29-215, 29-1917, 37-1238.01, 37-1254.01,
- 1 37-1254.02, 37-1254.03, 37-1254.05, 37-1254.07, 37-1254.08,
- 2 37-1295, 53-180, 53-180.05, 60-498.01, 60-498.02, 60-498.03,
- 3 60-498.04, 60-4,115, 60-4,118.06, 60-4,129, 60-4,164, 60-601,
- 4 60-6,197, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,197.09,
- 5 60-6,198, and 60-6,211.05, Reissue Revised Statutes of Nebraska,
- 6 and sections 28-101, 29-2259.01, and 37-1201, Revised Statutes
- 7 Cumulative Supplement, 2010; to prohibit transportation of certain
- 8 minors by a person under the influence of alcohol or drugs; to
- 9 change provisions relating to motor vehicle homicide, operating
- 10

11 a motorboat, personal watercraft, or motor vehicle under the  
 12 influence, the Probation Cash Fund, regulation of vessels,  
 13 procuring alcohol for a minor or a mentally incompetent person,  
 14 administrative license revocation, ignition interlock permits and  
 15 devices, and employment driving permits; to change fees; to create  
 16 a fund; to provide for a public education campaign; to provide,  
 17 change, and eliminate penalties; to harmonize provisions; to  
 18 provide an operative date; and to repeal the original sections."  
 19 3. On page 2, strike lines 1 through 10.

**LEGISLATIVE BILL 667A.** Placed on Select File.

**LEGISLATIVE BILL 675.** Placed on Select File with amendment.  
 ER133

1 1. On page 1, strike lines 2 through 12 and insert  
 2 "60-498.02, 60-4,129, 60-601, 60-697, 60-698, 60-6,197.02,  
 3 60-6,197.03, 60-6,198, and 83-1,135, Reissue Revised Statutes  
 4 of Nebraska; to change penalties for Class W misdemeanors; to  
 5 change provisions relating to the duty to stop in the event of  
 6 an accident, employment driving permits, and driving under the  
 7 influence of alcohol or drugs; to change and provide penalties;  
 8 to provide requirements for parole eligibility; to harmonize  
 9 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 521.** Placed on Select File with amendment.  
 ER132

1 1. On page 1, strike beginning with "sections" in line 1  
 2 through line 8 and insert "section 28-335, Reissue Revised Statutes  
 3 of Nebraska; to require the physical presence of the physician  
 4 who performs, induces, or attempts to perform an abortion as  
 5 prescribed; to provide a penalty; to provide severability; and to  
 6 repeal the original section."

**LEGISLATIVE BILL 642.** Placed on Select File with amendment.  
 ER134

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. (1) The Department of Revenue may contract  
 4 to procure products and services to develop, deploy, or  
 5 administer systems or programs which identify nonfilers of  
 6 returns, underreporters, or nonpayers of taxes administered by the  
 7 department or improper or fraudulent payments made through programs  
 8 administered by the department. Fees for services, reimbursements,  
 9 costs incurred by the department, or other remuneration may be  
 10 funded from the amount of tax, penalty, interest, or other recovery  
 11 actually collected and shall be paid only after the amount is  
 12 collected. The Legislature intends to appropriate an amount from  
 13 the tax, penalty, interest, and other recovery actually collected,  
 14 not to exceed the amount collected, which is sufficient to pay

15 for services, reimbursements, costs incurred by the department, or  
16 other remuneration pursuant to this section. Vendors entering into  
17 a contract with the department pursuant to this section are subject  
18 to the requirements and penalties of the confidentiality laws of  
19 this state regarding tax information.

20 (2) Ten percent of all proceeds received during each  
21 calendar year due to the contracts entered into pursuant to this  
22 section shall be deposited in the Department of Revenue Enforcement  
23 Fund for purposes of identifying nonfilers, underreporters, and  
1 nonpayers.

2 (3) The Tax Commissioner shall report annually to the  
3 Revenue Committee of the Legislature and Appropriations Committee  
4 of the Legislature on the amount of dollars generated during the  
5 previous fiscal year pursuant to this section.

6 Sec. 2. Section 77-5601, Revised Statutes Cumulative  
7 Supplement, 2010, is amended to read:

8 77-5601 (1) From August 1, 2004, through October 31,  
9 2004, there shall be conducted a tax amnesty program with regard  
10 to taxes due and owing that have not been reported to the  
11 Department of Revenue. Any person applying for tax amnesty shall  
12 pay all unreported taxes that were due on or before April 1,  
13 2004. Any person that applies for tax amnesty and is accepted  
14 by the Tax Commissioner shall have any penalties and interest  
15 waived on unreported and delinquent taxes notwithstanding any other  
16 provisions of law to the contrary.

17 (2) To be eligible for the tax amnesty provided by this  
18 section, the person shall apply for amnesty within the amnesty  
19 period, file a return for each taxable period for which the amnesty  
20 is requested by December 31, 2004, if no return has been filed, and  
21 pay in full all taxes for which amnesty is sought with the return  
22 or within thirty days after the application if a return was filed  
23 prior to the amnesty period. Tax amnesty shall not be available for  
24 any person that is under civil or criminal audit, investigation, or  
25 prosecution for unreported or delinquent taxes by this state or the  
26 United States Government on or before April 16, 2004.

27 (3) The department shall not seek civil or criminal  
1 prosecution against any person for any taxable period for which  
2 amnesty has been granted. The Tax Commissioner shall develop forms  
3 for applying for the tax amnesty program, develop procedures for  
4 qualification for tax amnesty, and conduct a public awareness  
5 campaign publicizing the program.

6 (4) If a person elects to participate in the amnesty  
7 program, the election shall constitute an express and irrevocable  
8 relinquishment of all administrative and judicial rights to  
9 challenge the imposition of the tax or its amount. Nothing in this  
10 section shall prohibit the department from adjusting a return as a  
11 result of any state or federal audit.

12 (5)(a) Except for any local option sales tax collected  
13 and returned to the appropriate municipality and any motor vehicle

14 fuel, diesel fuel, and compressed fuel taxes, which shall be  
15 deposited in the Highway Trust Fund or Highway Allocation Fund  
16 as provided by law, no less than eighty percent of all revenue  
17 received pursuant to the tax amnesty program shall be deposited  
18 in the General Fund; ten percent, not to exceed five hundred  
19 thousand dollars, shall be deposited in the Department of Revenue  
20 Enforcement Fund; and ten percent, not to exceed five hundred  
21 thousand dollars, shall be deposited in the Department of Revenue  
22 Enforcement Technology Fund. Any amount that would otherwise be  
23 deposited in the Department of Revenue Enforcement Fund or the  
24 Department of Revenue Enforcement Technology Fund that is in excess  
25 of the five-hundred-thousand-dollar limitation shall be deposited  
26 in the General Fund.

27 (b) For fiscal year 2005-06, all proceeds in the  
1 Department of Revenue Enforcement Fund shall be appropriated to  
2 the department for purposes of employing investigators, agents, and  
3 auditors and otherwise increasing personnel for enforcement of the  
4 Nebraska Revenue Act of 1967. For fiscal year 2005-06, all proceeds  
5 in the Department of Revenue Enforcement Technology Fund shall be  
6 appropriated to the department for the purposes of acquiring lists,  
7 software, programming, computer equipment, and other technological  
8 methods for enforcing the act.

9 (c) For fiscal years after fiscal year 2005-06, twenty  
10 percent of all proceeds received during the previous calendar year  
11 due to the efforts of auditors and investigators hired pursuant to  
12 subdivision (5)(b) of this section, not to exceed seven hundred  
13 fifty thousand dollars, shall be deposited in the Department of  
14 Revenue Enforcement Fund for purposes of employing investigators  
15 and auditors or continuing such employment for purposes of  
16 increasing enforcement of the act.

17 (d) Ten percent of all proceeds received during each  
18 calendar year due to the contracts entered into pursuant to section  
19 1 of this act shall be deposited in the Department of Revenue  
20 Enforcement Fund for purposes of identifying nonfilers of returns,  
21 underreporters, and nonpayers of taxes.

22 (6)(a) The department shall prepare a report by April  
23 1, 2005, and by February 1 of each year thereafter detailing the  
24 results of the tax amnesty program and the subsequent enforcement  
25 efforts. For the report due April 1, 2005, the report shall include  
26 (i) the amount of revenue obtained as a result of the tax amnesty  
27 program broken down by tax program, (ii) the amount obtained  
1 from instate taxpayers and from out-of-state taxpayers, and (iii)  
2 the amount obtained from individual taxpayers and from business  
3 enterprises.

4 (b) For reports due in subsequent years, the report  
5 shall include (i) the number of personnel hired for purposes  
6 of subdivision (5)(b) of this section and their duties, (ii) a  
7 description of lists, software, programming, computer equipment,  
8 and other technological methods acquired pursuant to such

9 subdivision and the purposes of each, and (iii) the amount  
10 of new revenue obtained as a result of the new personnel and  
11 acquisitions during the prior calendar year, broken down into the  
12 same categories as described in subdivision (6)(a) of this section.

13 (7) The Department of Revenue Enforcement Fund and the  
14 Department of Revenue Enforcement Technology Fund are created.  
15 Transfers may be made from the Department of Revenue Enforcement  
16 Fund to the General Fund at the direction of the Legislature. The  
17 Department of Revenue Enforcement Fund may receive transfers from  
18 the Local Civic, Cultural, and Convention Center Financing Fund at  
19 the direction of the Legislature for the purpose of administering  
20 the Sports Arena Facility Financing Assistance Act. Any money  
21 in the Department of Revenue Enforcement Fund and the Department  
22 of Revenue Enforcement Technology Fund available for investment  
23 shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act. The Department of Revenue Enforcement Technology  
26 Fund shall terminate on July 1, 2006. Any unobligated money in the  
27 fund at that time shall be deposited in the General Fund.

1 (8) For purposes of this section, taxes mean any taxes  
2 collected by the department, including, but not limited to state  
3 and local sales and use taxes, individual and corporate income  
4 taxes, financial institutions deposit taxes, motor vehicle fuel,  
5 diesel fuel, and compressed fuel taxes, cigarette taxes, transfer  
6 taxes, and charitable gaming taxes.

7 Sec. 3. Original section 77-5601, Revised Statutes  
8 Cumulative Supplement, 2010, is repealed.

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

**LEGISLATIVE BILL 699.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### MESSAGE FROM THE GOVERNOR

May 16, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 176, 404, 575, and 575A were received in my office on May 10, 2011.

These bills were signed and delivered to the Secretary of State on May 16, 2011.



Sincerely,  
 (Signed) Dave Heineman  
 Governor

**MOTION - Override Veto on LB421**

Senator Pankonin renewed his motion, MO46, found on page 1569, that LB421 becomes law notwithstanding the objections of the Governor

Senator Pankonin moved for a call of the house. The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

Senator Pankonin requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 42:

Adams	Cornett	Hansen	Lautenbaugh	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Sullivan
Campbell	Fischer	Heidemann	McGill	Utter
Carlson	Flood	Karpisek	Nelson	Wallman
Christensen	Fulton	Krist	Nordquist	Wightman
Coash	Gloor	Langemeier	Pahls	
Conrad	Haar, K.	Larson	Pankonin	
Cook	Hadley	Lathrop	Price	

Voting in the negative, 5:

Bloomfield	Brasch	Howard	Janssen	Pirsch
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Present and not voting, 2:

Mello	Smith
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**SPEAKER FLOOD PRESIDING**

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, May 31, 2011 1:00 p.m.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board  
Sammy Reagan - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORTS**  
Natural Resources

**LEGISLATIVE BILL 629.** Placed on General File with amendment.  
AM1465

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

3 Section 1. Sections 1 to 6 of this act shall be known and  
4 may be cited as the Oil Pipeline Reclamation Act.

5 Sec. 2. For purposes of the Oil Pipeline Reclamation Act:

6 (1) Oil means petroleum of any kind or in any form,  
7 including crude oil or any fraction of crude oil;

8 (2) Pipeline carrier means a person that engages in  
9 owning, operating, or managing a pipeline or part of a pipeline for  
10 the transportation of oil but does not include an entity under the  
11 jurisdiction of the Nebraska Oil and Gas Conservation Commission  
12 for in-field flow-lines and gathering lines;

13 (3) Reclamation means restoration of the areas through  
14 which a pipeline is constructed as close as reasonably practicable  
15 to the condition, contour, and vegetation that existed prior to  
16 construction; and

17 (4) Reclamation costs include, but are not limited to,  
18 the costs of restoration of real and personal property, the costs  
19 of restoration of natural resources, the costs of rehabilitation of  
20 habitat or wildlife, and the costs of revegetation.

21 Sec. 3. The purpose of the Oil Pipeline Reclamation Act  
22 is to ensure that a pipeline carrier which owns, constructs,  
23 operates, or manages a pipeline through this state for the  
1 transportation of oil is financially responsible for reclamation  
2 costs relating to the construction, operation, and management of  
3 the pipeline in this state as prescribed in the act.

4 Sec. 4. (1) A pipeline carrier owning, operating, or  
5 managing a pipeline or part of a pipeline for the transportation  
6 of oil in this state shall be responsible for all reclamation  
7 costs necessary as a result of constructing the pipeline as well as  
8 reclamation costs resulting from operating the pipeline, except to  
9 the extent another party is determined to be responsible.

10 (2) The pipeline carrier shall commence reclamation of  
11 the area through which a pipeline is constructed as soon as  
12 reasonably practicable after backfill.

13 (3) A pipeline carrier's obligation for reclamation and  
14 maintenance of the pipeline right-of-way shall continue until the  
15 pipeline is permanently decommissioned or removed.

16 Sec. 5. Nothing in the Oil Pipeline Reclamation Act  
17 prohibits a state agency, county board, city council, or village  
18 board from pursuing reclamation costs for the maintenance and  
19 repair of roads, bridges, or other infrastructure related to the  
20 construction, maintenance, or operation of a pipeline by a pipeline  
21 carrier who is subject to the act.

22 Sec. 6. The Oil Pipeline Reclamation Act provides the  
23 minimum standards to be met by a pipeline carrier. The act is not  
24 meant to affect the obligations of a pipeline carrier provided for  
25 in a negotiated agreement with a landowner and is not to affect  
26 the duties of a pipeline carrier under applicable federal law or  
27 permits.

1 Sec. 7. If any section in this act or any part of any  
2 section is declared invalid or unconstitutional, the declaration  
3 shall not affect the validity or constitutionality of the remaining  
4 portions.

5 Sec. 8. Since an emergency exists, this act takes effect  
6 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

Redistricting

**LEGISLATIVE BILL 700.** Placed on General File.

**LEGISLATIVE BILL 701.** Placed on General File.

**LEGISLATIVE BILL 702.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

## **EXECUTIVE BOARD REPORT**

May 17, 2011

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Patrick:

The Executive Board met today and, pursuant to §81-8,241, adopted a motion to recommend Marshall Lux for reappointment to a six-year term as the Public Counsel (Ombudsman) for the State of Nebraska. A vote of

two-thirds of the members of the Legislature is required for approval of this appointment.

Sincerely,  
 (Signed) John Wightman, Chairperson  
 Executive Board

C: Marshall Lux, Ombudsman

### AMENDMENT - Print in Journal

Senators Cornett and Pankonin filed the following amendment to LB642:  
 AM1468

(Amendments to E & R amendments, ER134)

- 1 1. On page 1, line 23, strike "and".
- 2 2. On page 2, line 1, before the period insert ", and
- 3 improper or fraudulent payments".
- 4 3. On page 4, line 21, strike "and" and before the period
- 5 insert ", and improper or fraudulent payments".

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 258.** Introduced by Price, 3.

**PURPOSE:** The purpose of this resolution is to examine the availability and implementation of the necessary technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions as proposed in LB 574, which was introduced in 2011. The study shall include, but not be limited to, a review of the following issues:

(1) A determination of what data is necessary to request and approve a prior authorization request;

(2) A determination of what technical standards are available, whether in draft or final form, and currently in use by commercial payers, medicaid, or other payers or not in use;

(3) A determination of what further technology steps are necessary to standardize prior authorization requests and approvals;

(4) An assessment of the required resources related to implementing technical standards, including consideration of:

(a) Economization of time and resources benefiting physicians and their staff, pharmacists, and payers due to electronic adjudication of prior authorization requests; and

(b) The impact on patient care, including quality improvements, obtained by adjudicating prior authorization requests in real time as part of the physician-patient consultation; and

(5) A determination of the likely level of compliance of electronic medical record and electronic prescribing vendors doing business in the state if electronic prior authorization technology standards are required.

The Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall convene an advisory group comprised of a representative from each of the following stakeholder groups: The Department of Health and Human Services; patient advocates; the biopharmaceutical industry; the insurance industry; physician groups; pharmacies; and HIT vendors.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 259.** Introduced by Dubas, 34.

WHEREAS, Tyler Bankson of Hampton, Nebraska, won the 2011 FFA State Star in Production at the 83rd Annual Nebraska FFA Convention held in Lincoln, Nebraska; and

WHEREAS, the State Star is one of the top FFA honors in the State of Nebraska; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Tyler Bankson for winning the 2011 FFA State Star in Production.

2. That a copy of this resolution be sent to Tyler Bankson.

Laid over.

**LEGISLATIVE RESOLUTION 260.** Introduced by K. Haar, 21.

**PURPOSE:** The purpose of this resolution is to study Nebraska's statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking. These mining processes will be on the rise in Nebraska, and a comprehensive examination of Nebraska's laws, rules, and regulations should be undertaken to assure that adequate protections are in place, to assure that Nebraska's laws are in accordance with current practice, and to address other relevant concerns. The committee should seek and consider input from interested persons and organizations.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 261.** Introduced by K. Haar, 21.

**PURPOSE:** The purpose of this resolution is to study how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay." "On Bill Pay" is a process in which a consumer contracts with an energy service company (ESCO) to audit, finance, and manage energy efficiency. The ESCO retains all the risks, and the contract is paid by energy savings by the end user through his or her utility bill. The utility is the pass-through organization, is paid a fee for the service, and is not responsible for unpaid bills on the energy efficiency project. The committee should look at examples of this practice working in Nebraska and other states and examine ways to make it available to all Nebraskans. In order to carry out the purpose of the resolution, the committee should seek and consider the input of interested persons and organizations, including energy efficiency businesses, public power providers, and others.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 262.** Introduced by Loudon, 49; Heidemann, 1; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2.

**PURPOSE:** To examine the effects of imposing an earning cap on the calculation of a final pensionable salary for school employees.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 263.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector in the State of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax credits, tax exemptions, workforce development programs, international trade, and economic development programs in Nebraska and their effect on the manufacturing sector;

(2) A review of tax credits, tax exemptions, workforce development programs, international trade, and economic development programs used in other states to create jobs in the manufacturing sector; and

(3) An examination of possible statutory changes to existing municipal and state programs that could assist with job creation in the manufacturing sector.

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

1. That the Revenue and Urban Affairs Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 264.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine ways to encourage recycling and the use of recycled materials in manufacturing by Nebraska businesses. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax incentives and grant programs in Nebraska which encourage recycling;

(2) An examination of economic development opportunities in the recycling and manufacturing industries;

(3) A review of the economic benefits of increased recycling to political subdivisions, including the reduction of landfill costs; and

(4) An examination of possible changes to existing tax incentives and grant programs which would further encourage recycling and the use of recycled materials in manufacturing.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 265.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of implementing a Career Readiness Certificate program for the State of Nebraska. This study shall include:

(1) An examination of existing credentialed career readiness, job-training, and workforce development programs;

(2) An assessment of the costs to develop, implement, and administer a Career Readiness Certificate program;

(3) A review of potential state and local funding sources for the administration of the program; and

(4) A review of credentialed career readiness, job-training, and workforce development programs used in other states to implement a Career Readiness Certificate program.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 266.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of creating regional skills alliances, in which employers, state and local government agencies, educational institutions, and labor unions pool resources to train workers for emerging region-wide job opportunities. This study shall include:

(1) An examination of existing state and local job-training and workforce development programs;

(2) A review of regional skills alliances that have been developed in other states;

(3) An assessment of potential costs to the state to develop, implement, and administer a statewide regional skill alliance program; and



(4) A review of potential state and local funding sources for the administration of the program.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 267.** Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues related to regulatory flexibility policies. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of federal and state regulatory flexibility laws and the effects that regulatory flexibility policies have had in other states;

(2) A review of the Small Business Regulatory Flexibility Act which was proposed by the introduction of LB 288 in 2011;

(3) An examination of the costs of compliance with rules and regulations by small businesses compared to other businesses; and

(4) An examination of the possibility of creating a Regulatory Improvement Commission to review rules and regulations which may have become outdated or burdensome.

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

1. That the Government, Military and Veterans Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 268.** Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the potential for privatization of the State of Nebraska's property management system. This study shall include, but not be limited to:

(1) An examination of the current property management system of the Department of Administrative Services;

(2) A review of property management systems in other states, including those systems which have been partially or fully privatized;

(3) An examination of practices currently in place, if any, within the Department of Administrative Services to identify poorly performing or underutilized real property and leases that are above market value;

(4) A review of potential cost savings that could be achieved by improving efficiency and reducing operating costs in the state's property management system;

(5) A review of the potential to raise revenue through the disposition of excess state-owned real property; and

(6) An examination of the potential to partner with the private sector to improve management of state-owned real property.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 269.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the use of strategic plans and performance benchmarks by state agencies. This study shall include, but not be limited to:

(1) A review of the current use of strategic plans and performance benchmarks by state agencies;

(2) An examination of performance measurements used in other states;

(3) A review of the potential to include strategic plans and performance benchmarks as part of the biennial budget process; and

(4) A review of existing technological infrastructure to track performance data within state agencies.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 270.** Introduced by Nordquist, 7.

**PURPOSE:** The purpose of this study is to examine the current state of health insurance coverage in the State of Nebraska. With the implementation of federal health care reform, the Legislature must have a clear understanding of the current state of health insurance coverage so as to implement the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, in a way that meets the health insurance needs of Nebraskans.

The committee shall conduct a study that includes, but is not limited to, the following:

(1) A comprehensive analysis of existing data sources on health insurance coverage in Nebraska; and

(2) Collaboration with various public and private entities capable of conducting additional research or surveys of Nebraska consumers, employers, and insurers to supplement existing data sources.

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

1. That the Health and Human Services and Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 271.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to analyze the Nebraska Advantage Act. The committee shall analyze the following:

(1) What other states are doing to make their state more attractive for business expansions, to attract new small businesses, and to grow small businesses;

(2) How other states are effectively using sales tax refunds, job credits, and other investment credits to encourage growth;

(3) How other states are using private and public partnerships;

(4) How Nebraska businesses are using the money from the act currently; and

(5) What Nebraska can do to be more effective in the area of economic development.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 272.** Introduced by Fulton, 29.

**PURPOSE:** Each year the Legislature passes new or enhanced criminal penalties for certain acts by criminals. With each of these new or enhanced criminal acts, there comes a new or different procedure that Nebraska's counties must perform. With many of these new or different procedures, there are additional costs.

The purpose of this resolution is:

(1) To study the fiscal impact that the criminal law has on counties, especially new criminal offenses and procedures;

(2) To study whether the criminal law is effectively addressing the problems it is trying to solve; and

(3) To study the feasibility of creating a cost-benefit analysis that could be performed prior to the enactment of new criminal statutes or enhanced criminal procedures.

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

1. That the Judiciary Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 273.** Introduced by Langemeier, 23.

**PURPOSE:** The purpose of this resolution is to examine the criteria for developing integrated management plans required under section 46-715 of the Nebraska Ground Water Management and Protection Act and to explore any mechanisms or procedures that may facilitate the process.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 274.** Introduced by Flood, 19.

**PURPOSE:** The purpose of this resolution is to study the statutory protections for guide dogs. This study would examine protections under current Nebraska law, including animal cruelty and dog bite statutes, justifications for additional statutory protections, and an analysis of other states' statutes regarding guide dogs.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 275.** Introduced by Flood, 19.

**PURPOSE:** The purpose of this resolution is to study Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody. The study should look at developing transportation services other than law enforcement, especially in rural areas, as smaller counties may not have the resources to meet current needs. The study would also look at costs of alternative forms of transportation and responsibility for such costs.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 276.** Introduced by Carlson, 38.

**PURPOSE:** The purpose of this resolution is to examine the methods and level of effort of the Division of Weights and Measures of the Department of Agriculture to monitor and enforce fuel dispenser labeling requirements relating to ethanol-blended fuel products.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 277.** Introduced by Carlson, 38.

**PURPOSE:** The purpose of this resolution is to review the Department of Agriculture's inspection program under the Commercial Dog and Cat Operator Inspection Act. In particular, the study shall examine budgetary resources available to the department to carry out the inspection program resulting from the enactment of LB 910 (2010) in combination with state budgetary actions occurring during the 2011 legislative session. It is a further goal of this resolution to examine the feasibility of establishing an exemplary breeder certification program.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 278.** Introduced by Carlson, 38.

**PURPOSE:** It is the purpose of this resolution to examine the implications of the emerging livestock disease traceability framework governing movements of animals in interstate commerce as described in the Animal Disease Traceability Comprehensive Report and Implementation Plan recently published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture. Specifically, the study shall examine the responsibilities assigned to states under the framework and seek to determine any revisions in authorities of the Department of Agriculture and the Nebraska Brand Committee, resource needs, and other actions necessary to enable the state to meet performance standards of the system and to facilitate the movement of Nebraska livestock in interstate commerce.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 279.** Introduced by Howard, 9; Bloomfield, 17; Brasch, 16; Coash, 27; Karpisek, 32; Krist, 10; Larson, 40; McGill, 26; Schumacher, 22.

**PURPOSE:** The purpose of this interim study is to examine issues related to the compensation and benefits of the commissioners of the Nebraska Liquor Control Commission. The committee shall conduct a study that includes, but is not limited to:

- (1) An examination of commissioner salaries and per diems;
- (2) An evaluation of hours worked by commissioners and commission record-keeping regarding commissioner work schedules;
- (3) An assessment of the legality of commissioner health benefits;
- (4) An examination of commission expenditures for commissioner lodging and meals; and
- (5) An evaluation of the appropriateness of the compensation package in relation to other state boards and commissions.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 280.** Introduced by McCoy, 39.

**PURPOSE:** The purpose of this resolution is to study whether the insurance laws of Nebraska should be amended to protect homeowners from home improvement or home repair contractor fraud as it relates to insurance claims. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons and organizations, including home improvement contractors and insurers.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 281.** Introduced by Cook, 13.

**PURPOSE:** The purpose of this interim study is to conduct research and provide recommendations on how Nebraska is currently providing home and community-based health care services to Nebraska seniors. In conducting the study, the committee shall consult with the Department of Health and Human Services, other parties who may provide information on service delivery and costs associated with providing these services, and others who may have an interest in these services. Issues considered by the committee may include, but shall not be limited to:

(1) A review of home and community-based services provided by nonprofit organizations in Nebraska and the costs associated with providing these services;

(2) The evaluation of possible cost savings of providing home and community-based services to Nebraska seniors;

(3) The analysis and evaluation of current home and community-based services provided to Nebraska seniors;

(4) The analysis and evaluation of current home and community-based services currently being provided by other states and communities; and

(5) The analysis of the economic impact placed upon current nonprofit providers and available funding options to ensure a financially sustainable and affordable home and community-based provider system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 282.** Introduced by Campbell, 25; Heidemann, 1; Krist, 10.

**PURPOSE:** The purpose of this resolution is to provide for the review, assessment, and recommendations relating to the implementation of the



Nebraska Health Care Funding Act. The issues addressed by the study shall include, but not be limited to:

(1) The current distribution of funding under the Nebraska Health Care Funding Act, including the statutory requirements and the appropriations set by the Legislature;

(2) The outcome and priority of funding in fulfilling the purpose of the Nebraska Health Care Funding Act stated in section 71-7606, which is to provide for the use of dedicated revenue for health-care-related expenditures, including compliance with the requirement that any funds appropriated or distributed under the act shall not be considered ongoing entitlements or obligations on the part of the State of Nebraska and shall not be used to replace existing funding for existing programs;

(3) Statutory language identifying the tobacco settlement fund and intergovernmental transfer fund as trust funds notwithstanding that neither is a trust fund. Trust funds are assets held in trust, the use of which is governed by the conditions of the trust. Neither the tobacco settlement fund nor the intergovernmental transfer fund is governed by the conditions of a trust, and the use of both funds is strictly the prerogative of the Legislature; and

(4) Whether sustainability should be the policy governing allocations from the Nebraska Health Care Cash Fund. The latest report by the Nebraska Investment Council filed on September 22, 2010, indicates, based on current appropriations, that outflows will exceed inflows in every year in the next decade. Some projections estimate the fund will be depleted by 2037 or 2038. Hewitt, Ennis, Knupp, a consultant contracted by the Nebraska Investment Council, reported in March 2011 that if the current level of annual commitments is not reduced, "spending levels of high and very high will likely result in declining portfolio, under the current aggressive asset allocation. If spending can be kept low, portfolio will likely grow."

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

1. That the Appropriations Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of this study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 199 and 201 were adopted.

## **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 199 and 201.

**SELECT FILE**

**LEGISLATIVE BILL 490.** ER129, found on page 1494, was adopted.

Advanced to Enrollment and Review for Engrossment.

**SENATOR SULLIVAN PRESIDING**

**LEGISLATIVE BILL 142.** ER130, found on page 1546, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 675.** ER133, found in this day's Journal, was adopted.

Senator Pirsch renewed his amendment, AM1459, found on page 1601.

The Pirsch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 699.** Senator Flood offered the following amendment:

AM1482

- 1 1. On page 3, strike line 24 and insert "SC11-19002-1,
- 2 SC11-19002-2, SC11-19002-3, SC11-19002-4, SC11-19002-5, and
- 3 SC11-19002-6, filed".

The Flood amendment was adopted with 37 ayes, 4 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMUNICATION**

May 17, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB421 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB421, notwithstanding the objections of the

Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

### CERTIFICATE

Legislative Bill 421, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 17th day of May 2011.

(Signed) Mike Flood  
President of the Legislature

### COMMUNICATION

May 17, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB283, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

### AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB669:  
AM1471

(Amendments to E & R amendments, ER131)

- 1 1. On page 2, strike beginning with "or" in line 11
- 2 through "basis" in line 12; in line 14 strike the second "and" and
- 3 insert an underscored comma and after "Administrator," insert "and
- 4 clerk of the district court,"; and in line 17 after the period
- 5 insert "Any agreement entered into under this subsection must be
- 6 signed and stipulated to by the State Court Administrator, the
- 7 county board and the clerk of the district court after obtaining

8 input from the clerk of the county court, a district court judge, a  
 9 county court judge, and the county attorney. Any agreement entered  
 10 into under this subsection may include, but is not limited to,  
 11 financial considerations and scheduling."

12 2. On page 3, line 25, after "When" insert "the clerk of  
 13 the county court or the".

14 3. On page 4, line 4, after the period insert "Any  
 15 agreement entered into under this section must be signed and  
 16 stipulated to by the State Court Administrator, the county board  
 17 and the clerk of the district court after obtaining input from  
 18 the clerk of the county court, a district court judge, a county  
 19 court judge, and the county attorney. Any agreement entered into  
 20 under this section may include, but is not limited to, financial  
 21 considerations and scheduling."

22 4. On page 5, line 5, strike "the extent and" and  
 1 insert "for the extent of authority which may be assigned and the  
 2 procedure for"; in line 7 strike "judge" and insert an underscored  
 3 semicolon; and strike beginning with "conduct" in line 8 through  
 4 "position" in line 9 and insert "training of judicial hearing  
 5 officers".

6 5. On page 17, line 17, strike the new matter.

Senator Fulton filed the following amendment to LB669:  
 AM1452

(Amendments to E & R amendments, ER131)

1 1. On page 18, line 7, strike "The" and insert "Sixty  
 2 days or more after perfection of service of process, the"; in line  
 3 13 strike "The" and insert "Both"; and strike beginning with "at"  
 4 in line 14 through "has" in line 15 and insert "both parties have  
 5 certified that they have".

## COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Timothy M. Schulz - Nebraska Accountability and Disclosure Commission

Aye: 7 Senators Avery, Brasch, Janssen, Karpisek, Price, Schumacher, Sullivan. Nay: 0. Absent: 1 Senator Pahls. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 283.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this study is to examine Nebraska's judicial system, specifically issues affecting judicial effectiveness and independence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to examine issues surrounding judicial independence including, but not limited to, Nebraska's current method of judicial retention.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 284.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to examine current law with respect to the changing of surnames as a result of marriage. Pursuant to Nebraska law, a woman, in a cost-effective manner, can change her surname upon marriage. Others who wish to initiate a name change as a result of marriage must get a court order to do so.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to examine the issue of all name changes as a result of marriage and any resulting impacts or costs borne by the parties and other governmental entities, including, but not limited to, the Department of Health and Human Services.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 285.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to study the nursing shortage in Nebraska. A nursing shortage impacts many settings, including hospitals, long-term health care facilities, health clinics, schools, homes, and community and public health centers. The study should explore ways in which the State of Nebraska can be proactive in helping to alleviate the shortage and ensure that every citizen has reasonable access to qualified nursing care.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 286.** Introduced by Conrad, 46.

**PURPOSE:** The purpose of this resolution is to examine the Legislature's use of resources from designated cash funds for purposes of funding legislation independent of the budget process.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to examine the importance of maintaining the integrity of statutory intent as established by the Legislature with respect to cash funds.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 287.** Introduced by Fischer, 43.

**PURPOSE:** The purpose of this interim study is to analyze the in transit system in Nebraska for motor vehicle dealer sales and private transactions. With multiple state and local agencies involved in the process, an outdated system leaves a disconnection in the correct information flowing to the necessary destinations. As a result, it is difficult for the state to keep track of sales tax collections and proper motor vehicle registrations. In addition, current state law leaves no credible in transit process for a private motor vehicle sale.

The committee will conduct a working group with the Department of Motor Vehicles, county officials, and representatives of motor vehicle dealers to incorporate an in transit system into the existing Vehicle, Titling, and Registration (VTR) system. The working group will consider the impact on motor vehicle dealers, private sales, county treasurers, and the public.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 288.** Introduced by Ashford, 20; Campbell, 25; Christensen, 44; Coash, 27; Council, 11; Howard, 9.

**PURPOSE:** The purpose of this resolution is to research issues related to standing for foster parents in removal proceedings. The study shall include, but not be limited to:

(1) A review of the issues presented in the following Nebraska cases: In re Interest of Destiny S., 263 Neb. 255, 639 N.W.2d 400 (2002), and In re Interest of Jorius G. and Cheralee G., 249 Neb. 892, 546 N.W.2d 796 (1996);

(2) Consultation with foster parents, juvenile court judges, appropriate state agencies, and practitioners to research current practice under the provisions of subsections (2) and (3) of section 43-285 and section 43-1314; and

(3) Research and develop findings on the appropriate conditions under which foster parents should have standing and for what purpose.

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

1. That the Health and Human Services Committee and the Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 289.** Introduced by Ashford, 20; Coash, 27; Council, 11; B. Harr, 8; Larson, 40; McGill, 26.

**PURPOSE:** To study the new approaches to address the undocumented immigrant population that have been initiated at both the state and local level around the country since the Judiciary Committee of the Legislature completed its report on LR 362 in December of 2008. The committee should research action by state and local governments across the county in response to immigration issues, including the economic impact of such action and any resulting litigation. The committee should research the progress toward federal immigration reform, if any. The committee should research recent action by nongovernmental organizations to promote reasonable, humane,

and commonsense public policy and public discourse on immigration issues in the United States.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 290.** Introduced by Howard, 9; Cook, 13; Nordquist, 7; Pirsch, 4.

**PURPOSE:** The purpose of this interim study is to examine the procedures of the Department of Health and Human Services related to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption. The study will include, but not be limited to:

(1) An investigation of data related to the number of state wards who may require evaluation and the likelihood that they will receive evaluation;

(2) An evaluation of costs that may be associated with the evaluation of state wards for fetal alcohol spectrum disorders; and

(3) An examination of the consequences of such an evaluation or lack of an evaluation for adoptees and adoptive families.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 291.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this study is to evaluate methods of reporting and preventing hospital-acquired infections (HAIs). The committee shall conduct a study that includes, but is not limited to:

(1) Examination and evaluation of state and private efforts to reduce the number of HAIs; and

(2) Examination and evaluation of current Nebraska laws and regulations related to the reporting of HAIs as compared to other states.



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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 292.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine cellular phone related safety issues in construction and school zones. The committee shall conduct a study that includes, but is not limited to:

- (1) The dangers of cellular phone usage in school and construction zones;
- (2) The efficacy of current Nebraska statutes to address such safety concerns in school and construction zones; and
- (3) Legislative actions taken by other states to address such safety concerns in school and construction zones.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 293.** Introduced by Campbell, 25; Gloor, 35; Mello, 5; Nordquist, 7.

**PURPOSE:** To continue the work of the select committee appointed pursuant to Legislative Resolution 467 (LR 467) in 2010 to conduct research regarding the federal Patient Protection and Affordable Care Act, Public Law 111-148. The chairperson and vice-chairperson of the Health and Human Services Committee of the Legislature, in consultation with the chairperson of the Banking, Commerce and Insurance Committee and the chairperson of the Appropriations Committee, shall convene the original LR 467 select committee to initiate this interim study. The select committee shall:

- (1) Be comprised of members of the original LR 467 select committee. Should vacancies occur, new members shall be appointed by the Executive Board of the Legislative Council;

(2) Consult and encourage collaboration, coordination, and systemwide communication with a broad array of public and private entities involved in Nebraska health care issues, including employers, small businesses, consumers, insurers, health care providers, institutions of higher education, community health centers, national and regional policy research organizations, state agencies, federal agencies, and other interested parties;

(3) Assist with the communication and collaboration of health care reform implementation between standing committees of the Legislature as the committees develop health care reform policies and proposed legislation within their subject matter jurisdiction;

(4) Consider issues, including, but not limited to:

(a) Nebraska's strategic implementation of the federal Patient Protection and Affordable Care Act with special attention to medicaid expansion, eligibility determination and enrollment processes, benefit design, the insurance exchange, health insurance reform, and workforce development;

(b) Review of policy improvements and efficiencies to Nebraska health care delivery systems and payment reforms to ensure Nebraskans have quality and access, including capacity and affordability, through Nebraska's health care systems;

(c) Utilization of technology for safe storage and transmission of health information, medical administration efficiencies, health care delivery, and aggregate data across systems to monitor population health, identify priorities for improvement, and track progress toward improvement goals;

(d) Leveraging federal grants, pilot programs, and other nonstate funding sources to assist with health care reform; and

(e) Aligning purchasing power of the state within medicaid, the federal Children's Health Insurance Program, public employees and retirees, and the insurance exchange to form public-private partnerships to coordinate and integrate efforts with providers, employer-sponsored insurance companies, and other stakeholders to provide health care redesign in Nebraska to improve efficiencies and delivery, ensure financial sustainability, and maximize public health and wellness.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 294.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this interim study is to examine the formation and mission of outdoor outfitters and guides in the State of Nebraska. The study shall include, but not be limited to, a review of the following issues:

(1) Location of, services provided by, and duration of hunting or fishing trips and the facilities and accommodations provided by outdoor outfitters and guides in Nebraska;

(2) Licensure and regulation of Nebraska outdoor outfitters and guides;

(3) Formulation of application for registration and application fees;

(4) Formulation of application renewal and revocation processes;

(5) Accountability and oversight by the Game and Parks Commission, conservation officers, and other commission staff;

(6) Necessity of liability insurance coverage per individual or group and availability of emergency services;

(7) Role outdoor outfitters and guides play in promoting economic development in Nebraska; and

(8) Role of state and federal wildlife protection laws with respect to organized outdoor outfitter and guide services.

Based on these findings, the Natural Resources Committee of the Legislature shall make a recommendation with respect to Nebraska outdoor outfitters and guides to the Legislature.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 295.** Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to compile and synthesize available research and academic literature and solicit objective expert viewpoints regarding food safety, food security, animal welfare, resource stewardship, farm economy welfare, and other societal benefits and tradeoffs associated with various restrictions and regulations of livestock husbandry practices that have been promoted by animal welfare advocacy groups.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 296.** Introduced by Carlson, 38.

**PURPOSE:** The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level in areas such as governance, resource allocations, and promotional effort in relation to commodity production and value.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 297.** Introduced by Carlson, 38; Larson, 40.

**PURPOSE:** The purpose of this resolution is to review the report of the Department of Agriculture pursuant to LB 305 (2011) identifying those authorities and resources necessary to carry out a cooperative program of state meat and poultry inspection. It shall be a goal of the study to supplement the department's report with information regarding potential utilization of state meat and poultry inspection and to identify associated economic benefits.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 298.** Introduced by McGill, 26.

**PURPOSE:** To study the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states. Specifically, the interim study should examine the Nebraska Juvenile Service Delivery Project initiated by the Administrative Office of the Courts and Probation and the Department of Health and Human Services

in 2009. Topics addressed by this interim study may include, but are not limited to:

(1) Locating and analyzing successful models of collaborative management of multi-agency services provided to children and families in other states;

(2) Measuring and evaluating the success of the Nebraska Juvenile Service Delivery Project, including conducting a cost-benefit analysis of the project, identifying any cost savings to the State of Nebraska, and identifying the outcomes of the pilot program from 2009 to the present;

(3) Exploring the feasibility of statewide implementation of such a collaborative management service model between the Administrative Office of the Courts and Probation and the Department of Health and Human Services, including identifying any challenges or necessary modifications for extending a collaborative model into more counties and determining any benefits such a model would provide to the State of Nebraska and the children and families that utilize such services; and

(4) Consulting with governmental and nongovernmental organizations in developing recommendations for strategic planning in regard to future collaboration between state agencies.

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

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 299.** Introduced by Karpisek, 32.

**PURPOSE:** To study issues regarding gaming revenue that leaves Nebraska. This study should include, but not be limited to:

(1) A review of the number of Nebraskans who travel to neighboring states to gamble;

(2) A review of the economic impact a casino has on the local economy; and

(3) A review of the tax revenue generated by casinos to the state and to local municipalities.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 300.** Introduced by Karpisek, 32.

**PURPOSE:** To study issues regarding horseracing. Specifically, the study should focus on the feasibility of conducting live horseracing in Grand Island during the Nebraska State Fair and the distribution of horseracing revenue. This study should include, but not be limited to:

(1) A consideration of horseracing revenue and whether there should be a revenue distribution scheme similar to the keno distribution scheme; and

(2) A consideration of policy and feasibility issues regarding whether there should be live horseracing conducted in Grand Island during the Nebraska State Fair.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 301.** Introduced by Karpisek, 32.

**PURPOSE:** To study issues regarding alcohol impact zones. This study should include, but not be limited to:

(1) A consideration of what constitutes an alcohol impact zone;

(2) A review of alcohol impact zones or similar zones and their effectiveness in other states;

(3) A review of the primary and secondary issues occurring in alcohol impact zones; and

(4) A consideration of the impact of alcohol consumption on economically distressed areas.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 302.** Introduced by Karpisek, 32.

**PURPOSE:** To study issues under the jurisdiction of the General Affairs Committee of the Legislature which may arise during the interim.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 303.** Introduced by Karpisek, 32.

**PURPOSE:** To study issues regarding whether Nebraska State Patrol inspectors of violations under the Nebraska Liquor Control Act should be under the Nebraska Liquor Control Commission's jurisdiction. This study should include, but not be limited to:

(1) A review of the history of inspectors enforcing the Nebraska Liquor Control Act;

(2) A review of the role and effectiveness of inspectors in enforcing the Nebraska Liquor Control Act; and

(3) A consideration of whether inspectors should remain under the jurisdiction of the Nebraska State Patrol or instead be under the jurisdiction of the Nebraska Liquor Control Commission.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 304.** Introduced by Christensen, 44; Carlson, 38.

**PURPOSE:** The purpose of this interim study is to examine section 46-703, specifically subdivision (4), regarding the intent of the Legislature when

stating "The Legislature intends and expects that each natural resources district within which water use is causing external impacts will accept responsibility for ground water management in accordance with the Nebraska Ground Water Management and Protection Act in the same manner and to the same extent as if the impacts were contained within that district." Currently, some irrigated acres in certain natural resources districts are "commingled acres," or those that have access to ground water and surface water for the same acres. Some of the surface water supplied to these commingled acres comes from neighboring natural resources districts. According to the intent of the Legislature in section 46-703, which natural resources district should be charged with the consumptive use for consumptive ground water pumping on commingled acres when the surface water supply is unavailable from a neighboring natural resources district? This study shall include, but not be limited to:

(1) A determination of the original intent of the Legislature when applying subdivision (4) of section 46-703;

(2) Whether this legislative intent is being practiced currently;

(3) A determination of how the legislative intent would apply in the situation described above regarding consumptive ground water use on commingled acres with no supply of surface water from the neighboring district; and

(4) Whether the committee should look into legislation to clarify the intent for clear implementation.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 305.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the public benefits and supportive services available to older foster youth transitioning or "aging" out of the foster care system. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the public benefits and supportive services currently available for youth aging out of the foster care system, including postsecondary education and training and health care access;

(2) A review of the needs and barriers that exist for foster youth in accessing supportive services from the perspective of current and former foster youth themselves and those who work with and care for them;

(3) An examination of the availability and accessibility of medicaid services for youth aging out of the foster care system; and



(4) An examination of potential funding sources or other avenues to increase access to postsecondary education and training, health care coverage, and other supportive services for youth aging out of the foster care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 306.** Introduced by Conrad, 46; Mello, 5; Nordquist, 7.

**PURPOSE:** The purpose of this interim study is to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations (CBOs) and serving and reaching clients via the new system. This study shall include, but shall not be limited to:

(1) An assessment of the number, geographical area, and demographics served by current partnering CBOs statewide and the current hours and locations of Department of Health and Human Services offices as compared to 2009;

(2) An assessment of the support CBOs receive from the Department of Health and Human Services, including trainings, information, equipment, or funding, and the sufficiency of such support for the role of CBOs in ACCESS Nebraska;

(3) An assessment of the amount of resources, including, but not limited to, staff time and technology costs, expended by CBOs in executing ACCESS Nebraska-related work; and

(4) An assessment of the experiences that clients of CBOs have had with ACCESS Nebraska, including client successes and struggles.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, hold a hearing, or report its recommendations to the Legislative Council or Legislature on or before November 1, 2011.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 307.** Introduced by Schilz, 47.

**PURPOSE:** To study the process of decreasing the number of county commissioners.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 308.** Introduced by Schilz, 47.

**PURPOSE:** To study the intent of LB 102 (2011) regarding vehicle loads.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 309.** Introduced by Schilz, 47.

**PURPOSE:** To study ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 310.** Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 692 (2011) regarding the reimbursement of expenses by the Department of Administrative Services.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 311.** Introduced by Schilz, 47.

PURPOSE: To study the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market. The State of Nebraska could repay a philanthropic investment, with interest, resulting in a cost savings for the state and a profit for the philanthropic entity. The study should include an exploration into what areas of state government such investments could be made and a calculation of the appropriate formula to provide such cost savings and profit.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 312.** Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 392 (2011), including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 313.** Introduced by Schilz, 47.

**PURPOSE:** To study the intent of LR 9CA (2011) regarding agricultural and horticultural land valuation.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 314.** Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; McCoy, 39; Schilz, 47; Fischer, 43; Harms, 48; Mello, 5.

**PURPOSE:** To study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska. The water management activities in Nebraska are of critical importance and must be addressed to achieve and maintain economic viability, social and environmental health, safety, welfare, and sustainability of our water resources. The study shall include, but not be limited to:

(1) An examination of current Nebraska statutes relating to water use in Nebraska;

(2) An examination of the overall funding needs for water management activities in Nebraska, including an analysis of the resources needed to provide sufficient research and technical data, modeling, and studies to decision makers;

(3) An examination of LB 962 (2004), which put into statute proactive components of integrated management of surface water and ground water and the necessary funding to continue implementation and enforcement of the bill's policies; and

(4) An identification of all potential sources of funding to establish a dedicated source for water management activities in Nebraska.

This study shall be conducted by a select committee consisting of the chairperson of the Agriculture Committee of the Legislature, the chairperson of the Revenue Committee of the Legislature, the chairperson of the Appropriations Committee of the Legislature, the members of the Natural Resources Committee of the Legislature, and other members as the chairperson of the Natural Resources Committee deems appropriate.

The chairperson of the select committee shall be the chairperson of the Natural Resources Committee of the Legislature or a member of the Natural Resources Committee selected by the chairperson of the Natural Resources Committee.

In conducting the study, the select committee shall consult with the Department of Natural Resources, the Nebraska Environmental Trust, the Game and Parks Commission, representatives from natural resources districts, public power, municipalities, agricultural groups for every identifiable commodity, parks and recreation interests, environmental, hunting and fishing, and conservationist interests, irrigators representing Nebraska's river basins with an equal balance between surface water and ground water users, and any other group the select committee deems appropriate.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature on or before December 1, 2011.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 315.** Introduced by Christensen, 44.

**PURPOSE:** The purpose of this interim study is to examine simulcast horseracing in Nebraska, which was introduced in 1987. It will compare the vitality, profits, distribution of earnings, and participation in horseracing prior to the introduction of simulcast horseracing in Nebraska and the effects of simulcast horseracing on the horseracing industry since its introduction. The study shall address at least the following questions:

(1) Has the introduction of simulcast horseracing benefited the Nebraska horseracing industry in general?

(2) What was the original reason for the introduction of simulcast horseracing in 1987? Was it to preserve live horseracing?

(3) How many live races were run before simulcast horseracing was introduced and how many are run now?

(4) How many Nebraska-bred horses were racing in Nebraska before simulcast horseracing and how many Nebraska-bred horses are racing now?

(5) What was the gross wagering on horseracing in Nebraska before simulcast horseracing was introduced and what is it now?

(6) Where do the profits from simulcast horseracing go and what is the breakdown of funds to each category?

(7) What benefits have live Nebraska horseracing and Nebraska-bred horses gained from simulcast horseracing?

(8) If the horseracing industry wants to cut most of the racetrack enclosures down to one day per year of live racing, how does this strengthen live horseracing in Nebraska and Nebraska breeders?

(9) What entities benefit the most monetarily from simulcast horseracing: state government, instate breeders and trainers, racetrack enclosures, or others?

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 316.** Introduced by Krist, 10; Hadley, 37.

PURPOSE: The purpose of this resolution is to examine the timing issues related to the construction, permitting, and coordination processes of state and federal agencies regarding roads and transportation projects.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 317.** Introduced by Heidemann, 1.

PURPOSE: The formulas for distribution of funding to the federally qualified health centers (FQHC) were written a decade ago. The recent census figures show a change in demographics not anticipated when the formulas were written, and client numbers have increased significantly during this past decade. Also, the number of FQHCs has expanded since the formulas were developed, and there is the possibility of more being added in the future. For these reasons, the formula for distribution of the funding to the FQHCs needs to be reviewed and revised to ensure that the funding is distributed in the most fair and equitable manner.

This interim study will examine the funding formulas and recommend changes to the 2012 Legislature. Input and guidance will be sought from the FQHCs and the communities they serve.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2011.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 152.** Title read. Considered.

Committee AM1449, found on page 1558, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 670.** Title read. Considered.

Committee AM1447, found on page 1563, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 318.** Introduced by Fulton, 29.

**PURPOSE:** The purpose of this resolution is to study, compare, and analyze the true costs incurred when state government and political subdivisions provide services readily available in the private sector. This study should compare the complete costs when the public sector provides the services to the complete costs when the private sector provides the same services, including both direct and indirect costs. The study should include an analysis of the effects to the economy when services are provided by a government entity. The study should also include a comparison of intangibles associated with providing the services by both public and private sectors to evaluate true cost effectiveness. The study may include recommendations to address effective privatization of government services and to address concerns regarding unfair government competition with the private sector.

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

1. That the Speaker of the Legislature is empowered to convene an ad hoc committee consisting of standing committee chairpersons and the chairperson of the Executive Board of the Legislative Council, or a designee that is a member of the standing committee or the executive board, to discuss, plan, and oversee a process for standing committees and the executive board to conduct an interim study to carry out the purposes of this resolution.

2. That the standing committees and executive board shall meet and review the programs within the agencies under their subject-matter jurisdiction, as determined by the executive board, to:

a. Identify services provided by the public sector that are available in the private sector;

b. Study, compare, and analyze the true costs incurred when state agencies provide services readily available in the private sector, including both direct and indirect costs. The study should also include an analysis of the effects to the economy when services are provided by a government entity; and

c. Make recommendations to address effective privatization of government services and to address concerns regarding unfair government competition with the private sector.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 319.** Introduced by Christensen, 44.

**PURPOSE:** The purpose of this interim study is to examine the tax exemptions that pertain to the horseracing industry in Nebraska. The study shall include, but not be limited to:

(1) An examination of whether the income tax deduction given to the horseracing industry pursuant to sections 2-1208 and 2-1208.01 should be changed or eliminated;

(2) A determination of whether the sales tax exemption granted to racetrack enclosures in 1991 should be changed; and

(3) An examination of the purpose for the 1935 excise tax exemption for racetrack enclosures.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**LEGISLATIVE RESOLUTION 320.** Introduced by Adams, 24.

PURPOSE: To study the funding of public elementary and secondary education in Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 321.** Introduced by Pirsch, 4; Howard, 9.

PURPOSE: To examine the experiences of child victims and child witnesses with respect to their interaction with the criminal justice system and to examine whether legislation could improve such interaction.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 322.** Introduced by Bloomfield, 17; Brasch, 16; Carlson, 38; B. Harr, 8; Karpisek, 32; Larson, 40; Lathrop, 12; Price, 3; Wallman, 30.

PURPOSE: The purpose of this resolution is to examine issues relating to the operation of the Nebraska Tractor Testing Laboratory. This study shall include, but not be limited to:

(1) A tour of the Nebraska Tractor Testing Laboratory by the Agriculture Committee of the Legislature;

(2) A review of the history and purpose of the Nebraska Tractor Testing Laboratory and its effect on agriculture today;

(3) An examination of the definition of agricultural tractor;

(4) An examination of the permitting process found in sections 2-2701 to 2-2711; and

(5) A detailed study of issues that may place Nebraska equipment dealers at an economic disadvantage compared to their competitors in neighboring states.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 323.** Introduced by Mello, 5.

PURPOSE: To study combined sewer overflow projects affecting municipalities.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 324.** Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine ways for the State of Nebraska to help facilitate an increase in the export of Nebraska's agricultural products.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Conrad filed the following amendment to LB541:  
AM1483

(Amendments to Final Reading copy)

- 1 1. On page 3, strike beginning with "and" in line 16
- 2 through "73-203" in line 17; in line 22 after the comma insert
- 3 "including a limit on contingent fees of no more than twelve and
- 4 one-half percent of amounts recovered."; after line 24 insert the
- 5 following new subsection:
- 6 "(5) All amounts recovered and savings generated as a
- 7 result of this section shall be returned to the medical assistance
- 8 program."; and in line 25 strike "(5)" and insert "(6)".
- 9 2. On page 4, line 4, strike "(6)" and insert "(7)".

**VISITORS**

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from Lincoln Christian School, Lincoln; Judge John Finney from Lincoln; members of Dawson County Leadership Development; 37 fourth-grade students, teachers, and sponsors from Hitchcock Elementary, Omaha; 40 fourth-grade students, teachers, and sponsors from Golden Hills Elementary, Bellevue; a group from Adult English Classes for Omaha Public Schools, Omaha; and 27 seventh- and eighth-grade students and teachers from Marrs Magnet Middle School, Omaha.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, May 18, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FIRST DAY - MAY 18, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 18, 2011

**PRAYER**

The prayer was offered by Senator Fischer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cook, B. Harr, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eightieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 142.** Placed on Final Reading.

**LEGISLATIVE BILL 490.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**MESSAGES FROM THE GOVERNOR**

May 17, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 373e, 374e, 375e, 376e, 377e, 378e, 379e, 380e, 585e, 15, 17, 56, 73e, 107e, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292e, 309e, 315e, 394e, 549e, 549Ae, 229e, 229Ae, and 386e were received in my office on May 11, 2011.

These bills were signed and delivered to the Secretary of State on May 17, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 17, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 84 was received in my office on May 11, 2011. I signed this bill and delivered it to the Secretary of State on May 17, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 325.** Introduced by Harms, 48.

WHEREAS, Maria Winn-Ratliff, coach of the Western Nebraska Community College Cougars softball team, was selected as Coach of the Year for Region IX; and

WHEREAS, Coach Winn-Ratliff led her team to their second straight Region IX Championship and their third appearance in four years at the national tournament; and

WHEREAS, under her leadership, Coach Winn-Ratliff's team won the Sportsmanship Award and members of her team also won the Player of the Year and Freshman of the Year honors.

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

1. That the Legislature congratulates Coach Maria Winn-Ratliff on being selected as Region IX Coach of the Year and for her team's continued success.

2. That a copy of this resolution be sent to Coach Maria Winn-Ratliff.

Laid over.

**LEGISLATIVE RESOLUTION 326.** Introduced by Harms, 48.

WHEREAS, the Western Nebraska Community College Cougars softball team captured its second straight championship at the 2011 Region IX Tournament; and

WHEREAS, the Cougars defeated Trinidad State Junior College 4-0 in the title game to advance to the national tournament for the third time in four years; and

WHEREAS, the Cougars received the Sportsmanship Award at the tournament; and

WHEREAS, the Cougars team members include Jordan Schoepflin, Allie Alverson, Ashton Hughes, Jacqui Cappuccilli, Amanda Saldivar, Megan Bourdon, Jocelyn Stubbs, Mariah Faifer, Chelsi Townsend, Sarah Hawryluk, Bree Bitton, Amanda Jones, Aria Agle, and Sarah Ward-Hadden.

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

1. That the Legislature congratulates the Western Nebraska Community College Cougars softball team for winning its second straight Region IX Championship.

2. That a copy of this resolution be sent to the Cougars and their coach, Maria Winn-Ratliff.

Laid over.

**LEGISLATIVE RESOLUTION 327.** Introduced by Harms, 48.

WHEREAS, Ben Castinado, Jr., a Scottsbluff native and lifelong resident, was named Grand Marshal by this year's Cinco de Mayo Committee; and

WHEREAS, Ben Castinado, Jr., was also given the Key to the City by Scottsbluff Mayor Randy Meininger; and

WHEREAS, Ben Castinado, Jr., has been a mentor to members of the Scottsbluff community and has served various organizations, including as a member of the board of directors of both the Scottsbluff/Gering United Chamber of Commerce and Leadership of Scottsbluff/Gering and as ABE Committee chairman for the State Department of Education, and was awarded the 1995 Trailblazer of the Year by the chamber; and

WHEREAS, Ben Castinado, Jr., and his wife, Billye, have been married for fifty-five years and have five children and several grandchildren and great grandchildren.

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

1. That the Legislature congratulates Ben Castinado, Jr., on being named Grand Marshal and for receiving the Key to the City of Scottsbluff.

2. That a copy of this resolution be sent to Ben Castinado, Jr.

Laid over.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 106.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-319, Reissue Revised Statutes of Nebraska; to define a term; to authorize the use of county sales and use taxes for public safety services as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Conrad	Hansen	Louden	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Howard	McGill	Smith
Bloomfield	Dubas	Janssen	Mello	Sullivan
Brasch	Fischer	Karpisek	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Price	

Voting in the negative, 3:

Flood	Heidemann	Pirsch
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Excused and not voting, 3:

Cook	Harr, B.	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 226.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to create the offense of assault with a bodily fluid against a public safety officer; to provide penalties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:



Adams	Dubas	Heidemann	Lautenbaugh	Price
Ashford	Fischer	Howard	Louden	Schilz
Bloomfield	Flood	Janssen	McCoy	Schumacher
Brasch	Fulton	Karpisek	Mello	Smith
Campbell	Gloor	Krist	Nelson	Sullivan
Carlson	Hadley	Langemeier	Pahls	Utter
Christensen	Hansen	Larson	Pankonin	Wallman
Cornett	Harms	Lathrop	Pirsch	Wightman

Voting in the negative, 5:

Coash	Conrad	Council	McGill	Nordquist
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Present and not voting, 2:

Avery	Haar, K.
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Excused and not voting, 2:

Cook	Harr, B.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 252.** With Emergency Clause.

A BILL FOR AN ACT relating to cemeteries; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to Wyuka Cemetery; to exempt purchases from sales and use taxes as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Adams	Cornett	Harms	Louden	Schumacher
Ashford	Council	Heidemann	McGill	Smith
Avery	Dubas	Howard	Mello	Sullivan
Bloomfield	Fischer	Janssen	Nelson	Utter
Brasch	Flood	Karpisek	Nordquist	Wallman
Campbell	Gloor	Langemeier	Pahls	Wightman
Carlson	Haar, K.	Larson	Pirsch	
Coash	Hadley	Lathrop	Price	
Conrad	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 4:

Christensen    Fulton                    McCoy                    Pankonin

Present and not voting, 1:

Krist

Excused and not voting, 2:

Cook                    Harr, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 256.** With Emergency Clause.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska, and section 2-1201, Revised Statutes Cumulative Supplement, 2010; to change the terms of certain members of the State Racing Commission; to allow licensees to contract with other licensees to conduct live race meetings as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 27:

Adams	Council	Janssen	McGill	Sullivan
Avery	Dubas	Karpisek	Mello	Wallman
Campbell	Gloor	Larson	Nordquist	Wightman
Coash	Haar, K.	Lathrop	Pahls	
Conrad	Hadley	Lautenbaugh	Schilz	
Cornett	Howard	Louden	Schumacher	

Voting in the negative, 18:

Ashford	Christensen	Hansen	McCoy	Smith
Bloomfield	Fischer	Harms	Nelson	Utter
Brasch	Flood	Heidemann	Pankonin	
Carlson	Fulton	Langemeier	Pirsch	

Present and not voting, 2:

Krist                    Price

Excused and not voting, 2:

Cook                    Harr, B.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Adams	Cornett	Howard	McGill	Wallman
Avery	Council	Janssen	Mello	Wightman
Campbell	Dubas	Karpisek	Nordquist	
Coash	Gloor	Larson	Schilz	
Conrad	Haar, K.	Lathrop	Schumacher	
Cook	Hadley	Lautenbaugh	Sullivan	

Voting in the negative, 17:

Ashford	Fischer	Harms	Nelson	Utter
Brasch	Flood	Heidemann	Pankonin	
Carlson	Fulton	Langemeier	Pirsch	
Christensen	Hansen	McCoy	Smith	

Present and not voting, 5:

Bloomfield	Krist	Louden	Pahls	Price
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Excused and not voting, 1:

Harr, B.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB289 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 289.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 14-3,113, 39-2215, 39-2215.01, 39-2216, 60-101, 60-119.01, 60-123, 60-137, 60-165, 60-301, 60-306, 60-336.01, 60-339, 60-386, 60-393, 60-395, 60-3,100, 60-3,113, 60-3,187, 60-3,190, 60-471, 60-501, 60-520,

60-547, 60-601, 60-605, 60-6,348, 60-6,349, 66-712, 66-738, 66-1405, and 77-1330, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2010; to allow operation of low-speed vehicles on highways as prescribed; to define and redefine terms; to require titling and registration for low-speed vehicles; to provide powers for counties; to change and eliminate provisions relating to the use of alternative fuels; to change provisions relating to motor vehicle titling and registration; to provide for additional registration fees; to change and provide fees relating to the use of alternative fuels; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, and 66-695, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 289A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 345.** With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska; to adopt the Small Business Innovation Act; to reduce the tax credit limits under the Community Development Assistance Act as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pankonin	

Voting in the negative, 2:

Schumacher    Smith

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 345A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pankonin	

Voting in the negative, 2:

Schumacher    Smith

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB387 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 387.**

A BILL FOR AN ACT relating to economic development; to adopt the Business Innovation Act; to eliminate funds and economic development acts and programs; to state intent regarding funding; to provide a termination date; to provide an operative date; and to outright repeal sections 2-5415, 2-5417, 2-5418, 2-5421, 2-5422, 2-5423, 2-5424, 81-1295, 81-1296,

81-1297, 81-1298, 81-1299, 81-12,100, 81-12,101, 81-12,102, 81-12,103, 81-12,104, 81-12,105, 81-12,126, 81-12,127, and 81-12,128, Reissue Revised Statutes of Nebraska, and sections 2-5413, 2-5414, 2-5416, 2-5419, 2-5420, 81-12,105.01, and 81-12,125, Revised Statutes Cumulative Supplement, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 387A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 387, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB389 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 389.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-27,187.02, Reissue Revised Statutes of Nebraska; to adopt the Angel Investment Tax Credit Act; to provide income tax credits; to provide funding; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:



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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 389A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Adams	Cook	Harms	Lautenbaugh	Price
Ashford	Cornett	Harr, B.	Louden	Schilz
Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	
Conrad	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Fischer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTION - Return LB590 to Select File**

Senator Cornett moved to return LB590 to Select File for her specific amendment, AM1418, found on page 1499.

The Cornett motion to return prevailed with 46 ayes, 0 nays, and 3 present and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 590.** The Cornett specific amendment, AM1418, found on page 1499, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 628.**

A BILL FOR AN ACT relating to personal property; to amend sections 23-3104, 23-3107, and 23-3115, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of surplus personal property under the County Purchasing Act; to provide for the donation of motor vehicles by certain political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cook	Hansen	Lautenbaugh	Schilz
Ashford	Cornett	Harms	Louden	Schumacher
Avery	Council	Harr, B.	McCoy	Smith
Brasch	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 1:

Bloomfield

Present and not voting, 5:

Fulton	Janssen	Krist	Nelson	Price
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 684.**

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.13, Reissue Revised Statutes of Nebraska; to change provisions relating to an advisory committee for travel and tourism; to authorize the Department of Economic Development to hire a consultant as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Hansen	Lautenbaugh	Price
Ashford	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Langemeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 684A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB673 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 673.**

A BILL FOR AN ACT relating to family law; to amend sections 42-371, 43-2920, 43-2922, and 43-2929, Reissue Revised Statutes of Nebraska; to change provisions relating to release of judgment and subordination of support order liens; to define and redefine terms; to provide intent and procedures for child custody, child support, parenting time, and visitation proceedings involving a military parent; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **COMMITTEE REPORT Enrollment and Review**

#### **Correctly Enrolled**

The following bill was correctly enrolled: LB256.

(Signed) Tyson Larson, Chairperson

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 106, 226, 252, 256, 289, 289A, 345, 345A, 387, 387A, 389, 389A, 628, 684, 684A, and 673.

#### **MOTION - Reconsider Action on LB200**

Senator Ashford renewed his motion, MO48, found on page 1601, to reconsider the vote on final passage of LB200.

#### **SENATOR GLOOR PRESIDING**

Senator Ashford requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 30:

Adams	Coash	Gloor	Krist	Pahls
Ashford	Conrad	Haar, K.	Larson	Pirsch
Avery	Cook	Hadley	Lathrop	Price
Brasch	Cornett	Harr, B.	McGill	Smith
Campbell	Council	Howard	Mello	Sullivan
Carlson	Dubas	Karpisek	Nordquist	Wallman

Voting in the negative, 18:

Bloomfield	Fulton	Janssen	McCoy	Utter
Christensen	Hansen	Langemeier	Nelson	Wightman
Fischer	Harms	Lautenbaugh	Pankonin	
Flood	Heidemann	Louden	Schumacher	

Present and not voting, 1:

Schilz

The Ashford motion to reconsider prevailed with 30 ayes, 18 nays, and 1 present and not voting.

### BILLS ON FINAL READING

The following bill was put upon final passage:

#### LEGISLATIVE BILL 200.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Adams	Coash	Gloor	Krist	Pahls
Ashford	Conrad	Haar, K.	Larson	Pirsch
Avery	Cook	Hadley	Lathrop	Price
Brasch	Cornett	Harr, B.	McGill	Smith
Campbell	Council	Howard	Mello	Sullivan
Carlson	Dubas	Karpisek	Nordquist	Wallman

Voting in the negative, 16:

Bloomfield	Fulton	Janssen	Pankonin
Christensen	Hansen	Langemeier	Schumacher
Fischer	Harms	McCoy	Utter
Flood	Heidemann	Nelson	Wightman

Present and not voting, 3:

Lautenbaugh	Louden	Schilz
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 200A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Adams	Cook	Hadley	Larson	Pahls
Ashford	Cornett	Harms	Lathrop	Pankonin
Avery	Council	Harr, B.	Lautenbaugh	Pirsch
Brasch	Dubas	Heidemann	Louden	Price
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Coash	Gloor	Krist	Nelson	Wallman
Conrad	Haar, K.	Langemeier	Nordquist	Wightman

Voting in the negative, 4:

Christensen	Hansen	McCoy	Utter
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Present and not voting, 5:

Bloomfield	Fischer	Janssen	Schilz	Schumacher
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**GENERAL FILE**

**LEGISLATIVE BILL 700.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 701.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 702.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 521.** ER132, found on page 1605, was adopted.

Senator K. Haar offered the following amendment:

FA26

Strike the enacting clause.

Pending.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2011, at 10:10 a.m. were the following: LBs 106, 226, 252e, 256, 289, 289A, 345e, 345Ae, 387, 387A, 389e, 389Ae, 628, 684, 684A, and 673.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 328.** Introduced by Mello, 5; Nordquist, 7.

WHEREAS, the South Omaha Neighborhood Alliance (SONA) recently named the recipients of its 2011 Project of Merit Award and 2011 Volunteer of the Year Award; and

WHEREAS, these awards are annually presented to recognize service and contributions to the South Omaha community; and

WHEREAS, the winner of the SONA 2011 Project of Merit Award is the Omaha South High Alumni Association, in recognition of the association's ongoing community commitment through student scholarships, teacher support and recognition, and the development of the Collin Field and Sports Complex and HP Smith Field; and

WHEREAS, the winner of the SONA 2011 Volunteer of the Year Award is Gary Kastrick, in recognition of his South Omaha history project and his dedication to preserving the artifacts and memories of Nebraska's "Magic City"; and

WHEREAS, these awards will be presented and winners recognized at the 2011 SONA banquet on June 2, 2011.

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



1. That the Legislature congratulates the Omaha South High Alumni Association on receiving the SONA 2011 Project of Merit Award and Gary Kastrick on receiving the SONA 2011 Volunteer of the Year Award.

2. That a copy of this resolution be sent to the Omaha South High Alumni Association and Gary Kastrick.

Laid over.

**LEGISLATIVE RESOLUTION 329.** Introduced by Schumacher, 22.

WHEREAS, Clarkson, Nebraska, located in Colfax County, is celebrating its 125th anniversary; and

WHEREAS, brave and strong people originating primarily in Czechoslovakia journeyed to the plains of Nebraska to homestead new land and seek the fruits of freedom and liberty; and

WHEREAS, these people began construction of the community of Clarkson at a location in anticipation of the coming of the railroad; and

WHEREAS, in true pioneer spirit, when the railroad chose an alternative route, they did likewise. They filed a new plat in 1886 and moved the community, including entire buildings, in time to greet the first train two months later; and

WHEREAS, Clarkson continues to take pride in its rich Czechoslovakian heritage, and the Clarkson Historical Society has been deemed to hold one of the best collections of Czech immigrant historical memorabilia in the United States; and

WHEREAS, Clarkson will culminate its quasiquicentennial celebration in conjunction with its 49th annual Czech Festival to be held June 17-19, 2011.

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

1. That the Legislature recognizes Clarkson's community spirit and congratulates the community of Clarkson on its quasiquicentennial celebration.

2. That a copy of this resolution be sent to the Clarkson City Council.

Laid over.

**LEGISLATIVE RESOLUTION 330.** Introduced by Hadley, 37.

WHEREAS, Natalie Wozniak of Kearney, Nebraska, earned a perfect score of 36 on her ACT college entrance exam; and

WHEREAS, Natalie was one of only sixteen graduating seniors in the State of Nebraska to earn a perfect score on the ACT; and

WHEREAS, last year nearly one million five hundred thousand graduating seniors took the ACT, and less than one-tenth of one percent earned a perfect score; 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, FIRST SESSION:

1. That the Legislature congratulates Natalie Wozniak on earning a perfect score of 36 on her ACT.

2. That a copy of this resolution to sent to Natalie Wozniak.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB521. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 27 fifth- and sixth-grade students, teachers, and sponsors from Lawrence/Nelson School, Lawrence; 66 fourth-grade students, teachers, and sponsors from Rumsey Station Elementary, Papillion; 32 fourth-grade students and teacher from Sunny Slope Elementary, Omaha; Tim, Patty, Cooper, Spencer, Tucker, and Gunnar Knaak from Plainview; Senator Krist's niece, Teresa Malmberg, from Papillion; and 49 fourth-grade students, teachers, and sponsors from Hickory Hills, Papillion.

### **RECESS**

At 11:57 a.m., on a motion by Senator Pirsch, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Dubas, Larson, Lathrop, Lautenbaugh, Schilz, Wallman, and Wightman who were excused until they arrive.

### **SELECT FILE**

**LEGISLATIVE BILL 521.** Senator K. Haar renewed his amendment, FA26, found in this day's Journal.

Senator K. Haar withdrew his amendment.

The Presiding Officer called for a machine vote on the advancement of the bill.

Senator Krist moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review for Engrossment with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORTS

#### Redistricting

**LEGISLATIVE BILL 704.** Placed on General File with amendment.  
AM1492

- 1 1. On page 4, strike line 20 and insert "CON11-1804-1,
- 2 CON11-1804-1A, CON11-1804-2, and CON11-1804-3, filed".

**LEGISLATIVE BILL 703.** Placed on General File with amendment.  
AM1493

- 1 1. On page 4, line 2, strike "LEG11-2, LEG11-2A"
- 2 and insert "LEG11-43002E-2, LEG11-43002E-2A"; in line 10 strike
- 3 "LEG11-43, LEG11-43A" and insert "LEG11-43002E-43"; and in line
- 4 11 strike "LEG11-47, LEG11-47A" and insert "LEG11-43002E-47" and
- 5 strike "LEG11-49" and insert "LEG11-43002E-49".

(Signed) Chris Langemeier, Chairperson

### COMMITTEE REPORT

#### Enrollment and Review

**LEGISLATIVE BILL 675.** Placed on Final Reading.  
ST41

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER133, on page 1, line 9, "to provide an operative date;" has been inserted after the semicolon.
2. In the Standing Committee amendments, AM1380, on page 13, lines 15 and 17, "effective" has been struck and "operative" inserted.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 152.** Placed on Select File with amendment.  
ER136

- 1 1. In the Standing Committee amendments, AM1449:
- 2 a. On page 12, line 1, strike "this" and insert "the";
- 3 b. On page 13, line 14, strike "a"; and in line 27 strike

4 "the" and insert "each"; and  
 5 c. On page 14, line 2, strike "the" and insert "each".  
 6 2. On page 1, strike lines 2 through 4 and insert  
 7 "amend sections 48-120 and 48-120.04, Reissue Revised Statutes  
 8 of Nebraska; to provide for a Trauma Diagnostic Related Group  
 9 inpatient hospital fee schedule; to define terms; to harmonize  
 10 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 670.** Placed on Select File with amendment.  
 ER137

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 29-2262.06, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:  
 5 29-2262.06 (1) Except as otherwise provided in this  
 6 section, whenever a district court or county court sentences  
 7 an adult offender to probation, the court shall require the  
 8 probationer to pay a one-time administrative enrollment fee and  
 9 thereafter a monthly probation programming fee. A juvenile court  
 10 in the disposition of a juvenile who is placed upon probation may  
 11 also order, as a condition of probation, the juvenile to be a  
 12 participant in non-probation-based programs or services, and the  
 13 court shall order payment of fees as provided in this section.  
 14 (2) Participants in non-probation-based programs or  
 15 services in which probation personnel or probation resources  
 16 are utilized pursuant to an interlocal agreement authorized by  
 17 subdivision (16) of section 29-2252 and in which all or a portion  
 18 of the costs of such probation personnel or such probation  
 19 resources are covered by funds provided pursuant to section  
 20 29-2262.07 shall pay the one-time administrative enrollment fee  
 21 described in subdivision (3)(a) of this section and the monthly  
 22 probation programming fee described in subdivision (3)(c) of  
 23 this section. In addition, the provisions of subsections (4),  
 1 (7), and (10) of this section applicable to probationers apply  
 2 to participants in non-probation-based programs or services.  
 3 Any participant in a non-probation-based program or service who  
 4 defaults on the payment of any such fees may, at the discretion  
 5 of the court, be subject to removal from such non-probation-based  
 6 program or service. This subdivision does not preclude a court or  
 7 other governmental entity from charging additional local fees for  
 8 participation in such non-probation-based programs and services or  
 9 other similar non-probation-based programs and services.  
 10 (3) The court shall establish the administrative  
 11 enrollment fee and monthly probation programming fees as follows:  
 12 (a) Adult probationers placed on either probation or  
 13 intensive supervision probation and adult and juvenile participants  
 14 in non-probation-based programs or services shall pay a one-time  
 15 administrative enrollment fee of thirty dollars. The fee shall be

16 paid in a lump sum upon the beginning of probation supervision or  
17 participation in a non-probation-based program or service;

18 (b) Adult probationers placed on probation shall pay a  
19 monthly probation programming fee of twenty-five dollars, not later  
20 than the tenth day of each month, for the duration of probation;  
21 and

22 (c) Adult probationers placed on intensive  
23 supervision probation and adult and juvenile participants in  
24 non-probation-based programs or services shall pay a monthly  
25 probation programming fee of thirty-five dollars, not later than  
26 the tenth day of each month, for the duration of probation or  
27 participation in a non-probation-based program or service.

1 (4) The court shall waive payment of the monthly  
2 probation programming fees in whole or in part if after a hearing  
3 a determination is made that such payment would constitute an  
4 undue hardship on the offender due to limited income, employment or  
5 school status, or physical or mental handicap. Such waiver shall be  
6 in effect only during the period of time that the probationer or  
7 participant in a non-probation-based program or service is unable  
8 to pay his or her monthly probation programming fee.

9 (5) If a probationer defaults in the payment of monthly  
10 probation programming fees or any installment thereof, the court  
11 may revoke his or her probation for nonpayment, except that  
12 probation shall not be revoked nor shall the offender be imprisoned  
13 for such nonpayment if the probationer is financially unable to  
14 make the payment, if he or she so states to the court in writing  
15 under oath, and if the court so finds after a hearing.

16 (6) If the court determines that the default in payment  
17 described in subsection (5) of this section was not attributable to  
18 a deliberate refusal to obey the order of the court or to failure  
19 on the probationer's part to make a good faith effort to obtain the  
20 funds required for payment, the court may enter an order allowing  
21 the probationer additional time for payment, reducing the amount  
22 of each installment, or revoking the fees or the unpaid portion in  
23 whole or in part.

24 (7) No probationer or participant in a  
25 non-probation-based program or service shall be required to pay  
26 more than one monthly probation programming fee per month. This  
27 subsection does not preclude local fees as provided in subsection

1 (2) of this section.

2 (8) The imposition of monthly probation programming fees  
3 in this section shall be considered separate and apart from the  
4 fees described in subdivisions (2)(m) and (o) of section 29-2262.

5 (9) Any adult probationer received for supervision  
6 pursuant to section 29-2637 or the Interstate Compact for  
7 Adult Offender Supervision shall be assessed both a one-time  
8 administrative enrollment fee and monthly probation programming  
9 fees during the period of time the probationer is actively  
10 supervised by Nebraska probation authorities.

11 (10) The probationer or participant in a  
12 non-probation-based program or service shall pay the fees described  
13 in this section to the clerk of the court. The clerk of the court  
14 shall remit all fees so collected to the State Treasurer for credit  
15 to the Probation Program Cash Fund.

16 Sec. 2. Section 43-286, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-286 (1) When any juvenile is adjudicated to be a  
19 juvenile described in subdivision (1), (2), or (4) of section  
20 43-247:

21 (a) The court may continue the dispositional portion of  
22 the hearing, from time to time upon such terms and conditions  
23 as the court may prescribe, including an order of restitution of  
24 medical expenses incurred or any property stolen or damaged or an  
25 order requiring the juvenile to participate in community service  
26 programs, if such order is in the interest of the juvenile's  
27 reformation or rehabilitation, and, subject to the further order of  
1 the court, may:

2 (i) Place the juvenile on probation subject to the  
3 supervision of a probation officer; and under any conditions deemed  
4 by the court to insure that the juvenile will lead a law-abiding  
5 life or deemed by the court to be reasonably related to the  
6 rehabilitation of the juvenile, including, but not limited to, the  
7 following:

8 (A) To obtain employment, attend school, or pursue a  
9 prescribed secular course of study or vocational training and  
10 to obey the rules where such education or training is provided,  
11 including obtaining satisfactory grades or progress;

12 (B) To remain within the jurisdiction of the juvenile  
13 court, report to the court or probation officer as directed, notify  
14 the court or the probation officer of any change in the juvenile's  
15 address or juvenile's employment or school program, permit the  
16 probation officer or a law enforcement officer to visit the home,  
17 school, or place of employment, submit to any searches requested by  
18 a law enforcement or probation officer, submit to day reporting,  
19 and agree to waive extradition if found in another jurisdiction;

20 (C) To participate in, follow all rules of, and  
21 successfully complete any drug court program or problem solving  
22 court program, including sanctions imposed;

23 (D) To refrain from the use of alcohol or drugs and  
24 submit to testing to determine the presence of alcohol or drugs;

25 (E) To participate in any evaluations, offender  
26 assessment screens, and rehabilitative treatment;

27 (F) To perform community service under the direction of  
1 his or her probation officer;

2 (G) To be placed on house arrest or curfew monitored by  
3 tracker or electronic surveillance device or system and to pay the  
4 cost of such device or system if the juvenile has the financial  
5 ability to pay;

6 (H) To pay for all costs imposed by the court if the  
7 juvenile has the financial ability to pay;

8 (I) To comply with any sanctions imposed by the court  
9 which are to take effect upon the violation of a condition of  
10 probation by the juvenile; and

11 (J) To pay restitution for any property stolen or damaged  
12 or for any medical expenses incurred if the juvenile has the  
13 financial ability to pay;

14 (ii) Permit the juvenile to remain in his or her own home  
15 or be placed in a suitable family home, subject to the supervision  
16 of the probation officer with any conditions deemed appropriate by the  
17 court as allowed in subdivision (1)(a)(i) of this section; or

18 (iii) Cause the juvenile to be placed in a suitable  
19 family home or institution, subject to the supervision of the  
20 probation officer with any conditions deemed appropriate by the  
21 court as allowed in subdivision (1)(a)(i) of this section. If the  
22 court has committed the juvenile to the care and custody of the  
23 Department of Health and Human Services, the department shall pay  
24 the costs of the suitable family home or institution which are not  
25 otherwise paid by the juvenile's parents.

26 Under ~~subdivision (1)(a)~~ subdivisions (1)(a)(ii) and  
27 (1)(a)(iii) of this section, upon a determination by the court that  
1 there are no parental, private, or other public funds available for  
2 the care, custody, and maintenance of a juvenile, the court may  
3 order a reasonable sum for the care, custody, and maintenance of  
4 the juvenile to be paid out of a fund which shall be appropriated  
5 annually by the county where the petition is filed until a suitable  
6 provision may be made for the juvenile without such payment; or

7 (b) The court may commit such juvenile to the Office  
8 of Juvenile Services, but a juvenile under the age of twelve  
9 years shall not be placed at the Youth Rehabilitation and  
10 Treatment Center-Geneva or the Youth Rehabilitation and Treatment  
11 Center-Kearney unless he or she has violated the terms of probation  
12 or has committed an additional offense and the court finds that the  
13 interests of the juvenile and the welfare of the community demand  
14 his or her commitment. This minimum age provision shall not apply  
15 if the act in question is murder or manslaughter.

16 (2) When any juvenile is found by the court to be a  
17 juvenile described in subdivision (3)(b) of section 43-247, the  
18 court may enter such order as it is empowered to enter under  
19 subdivision (1)(a) of this section or enter an order committing or  
20 placing the juvenile to the care and custody of the Department of  
21 Health and Human Services.

22 (3) Beginning July 15, 1998, when any juvenile is  
23 adjudicated to be a juvenile described in subdivision (1), (2),  
24 (3)(b), or (4) of section 43-247 because of a nonviolent act or  
25 acts and the juvenile has not previously been adjudicated to be  
26 such a juvenile because of a violent act or acts, the court may,  
27 with the agreement of the victim, order the juvenile to attend

1 juvenile offender and victim mediation with a mediator or at an  
2 approved center selected from the roster made available pursuant to  
3 section 25-2908.

4 (4)(a) When a juvenile is placed on probation or under  
5 the supervision of the court and it is alleged that the juvenile is  
6 again a juvenile described in subdivision (1), (2), (3)(b), or (4)  
7 of section 43-247, a petition may be filed and the same procedure  
8 followed and rights given at a hearing on the original petition. If  
9 an adjudication is made that the allegations of the petition are  
10 true, the court may make any disposition authorized by this section  
11 for such adjudications.

12 (b) When a juvenile is placed on probation or under  
13 the supervision of the court for conduct under subdivision (1),  
14 (2), (3)(b), or (4) of section 43-247 and it is alleged that the  
15 juvenile has violated a term of probation or supervision or that  
16 the juvenile has violated an order of the court, a motion to revoke  
17 probation or supervision or to change the disposition may be filed  
18 and proceedings held as follows:

19 (i) The motion shall set forth specific factual  
20 allegations of the alleged violations and a copy of such motion  
21 shall be served on all persons required to be served by sections  
22 43-262 to 43-267;

23 (ii) The juvenile shall be entitled to a hearing before  
24 the court to determine the validity of the allegations. At such  
25 hearing the juvenile shall be entitled to those rights relating  
26 to counsel provided by section 43-272 and those rights relating  
27 to detention provided by sections 43-254 to 43-256. The juvenile  
1 shall also be entitled to speak and present documents, witnesses,  
2 or other evidence on his or her own behalf. He or she may confront  
3 persons who have given adverse information concerning the alleged  
4 violations, may cross-examine such persons, and may show that he  
5 or she did not violate the conditions of his or her probation or,  
6 if he or she did, that mitigating circumstances suggest that the  
7 violation does not warrant revocation. The revocation hearing shall  
8 be held within a reasonable time after the juvenile is taken into  
9 custody;

10 (iii) The hearing shall be conducted in an informal  
11 manner and shall be flexible enough to consider evidence, including  
12 letters, affidavits, and other material, that would not be  
13 admissible in an adversarial criminal trial;

14 (iv) The juvenile shall be given a preliminary hearing  
15 in all cases when the juvenile is confined, detained, or otherwise  
16 significantly deprived of his or her liberty as a result of his or  
17 her alleged violation of probation. Such preliminary hearing shall  
18 be held before an impartial person other than his or her probation  
19 officer or any person directly involved with the case. If, as a  
20 result of such preliminary hearing, probable cause is found to  
21 exist, the juvenile shall be entitled to a hearing before the court  
22 in accordance with this subsection;



23 (v) If the juvenile is found by the court to have  
24 violated the terms of his or her probation, the court may modify  
25 the terms and conditions of the probation order, extend the period  
26 of probation, or enter any order of disposition that could have  
27 been made at the time the original order of probation was entered;

1 and

2 (vi) In cases when the court revokes probation, it shall  
3 enter a written statement as to the evidence relied on and the  
4 reasons for revocation.

5 Sec. 3. Original sections 29-2262.06 and 43-286, Reissue  
6 Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

### MESSAGE FROM THE GOVERNOR

May 18, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 135, 165, 170, 286, 406, 413, 423, 424, 453, 454, 455, 458, 480, 494e, 502, 525, 525A, 542, 550, 573, 591, 641, and 687e were received in my office on May 12, 2011.

These bills were signed and delivered to the Secretary of State on May 18, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### SELECT FILE

**LEGISLATIVE BILL 669.** ER131, found on page 1546, was adopted.

Senator Coash renewed his amendment, AM1448, found on page 1559.

The Coash amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Ashford renewed his amendment, AM1471, found on page 1627.

The Ashford amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Fulton renewed his amendment, AM1452, found on page 1628.

The Fulton amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 642.** ER134, found on page 1605, was adopted.

Senator Cornett renewed the Cornett-Pankonin amendment, AM1468, found on page 1612.

The Cornett-Pankonin amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 699.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 331.** Introduced by Campbell, 25.

WHEREAS, Jerry Baugh, who served in the United States Army in Vietnam, has continued to serve his country by helping veterans for forty years through his work at the Lincoln Regional Office of the United States Department of Veterans Affairs; and

WHEREAS, Jerry has served as congressional liaison to Nebraska's United States Senators and Representatives, receiving recognition of his excellent and timely work from members upon their retirement from Congress; and

WHEREAS, during his career, Jerry has been entrusted with many special duties, which currently include serving as attorney fee coordinator, manager of the Veterans on Active Duty Project, point of contact for the Committee on Waivers, manager of the Incarcerated Veterans Project, liaison with the Pension Management Center, trainer for personal hearings, manager of the Social Security Match Project, and manager of the Supplemental Social Security Income Inquiry Project; and

WHEREAS, the Lincoln Regional Office includes all 93 counties in Nebraska, has a potential clientele of approximately 159,500 veterans, oversees a program that awards over \$136 million annually in compensation and pension benefits, and serves veterans and beneficiaries as far as 500 miles from Lincoln; and

WHEREAS, the Lincoln Regional Office is comprised of several teams, and as the senior authorizer for all work completed by his team, Jerry reviews all cases before they are sent to the Veterans Affairs national office in Washington, D.C.; and

WHEREAS, during Jerry Baugh's forty years with the United States Department of Veterans Affairs, the Lincoln Regional Office has consistently ranked in the top three regional offices nationally and is currently first in the nation for work production and efficiency.

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

1. That the Legislature congratulates Jerry Baugh on his forty years of service with the United States Department of Veterans Affairs.

2. That a copy of this resolution be sent to Jerry Baugh.

Laid over.

## **PRESIDENT SHEEHY PRESIDING**

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 200 and 200A.

### **GENERAL FILE**

**LEGISLATIVE BILL 400.** Title read. Considered.

Committee AM1446, found on page 1549, was considered.

Senator Christensen offered the following amendment to the committee amendment:

AM1501

(Amendments to Standing Committee amendments, AM1446)

- 1 1. On page 2, strike beginning with "through" in line 10
- 2 through line 11, show the old matter as stricken, and insert "
- 3 except that such levy shall not continue for more than eight fiscal
- 4 years beginning with the first fiscal year immediately following
- 5 the imposition of such levy.".
- 6 2. On page 7, strike beginning with "through" in line 10
- 7 through line 11, show the old matter as stricken, and insert "
- 8 except that such levy shall not continue for more than eight fiscal
- 9 years beginning with the first fiscal year immediately following
- 10 the imposition of such levy.".

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Christensen amendment lost with 4 ayes, 36 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 690.** Title read. Considered.

Committee AM1429, found on page 1563, was considered.

### **SENATOR LANGEMEIER PRESIDING**

Senator Schilz moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 30 ayes, 7 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 18, 2011, at 3:45 p.m. were the following: LBs 200 and 200A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

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

Senator Flood filed the following amendment to LB667:  
AM1466 is available in the Bill Room.

**GENERAL FILE**

**LEGISLATIVE BILL 690.** Senator McGill offered the following amendment:

AM1490

1 1. Insert the following new sections:

2 Section 1. Section 4-110, Revised Statutes Cumulative  
3 Supplement, 2010, is amended to read:

4 4-110 Verification of lawful presence in the United  
5 States pursuant to section 4-108 is not required for:

6 (1) Any purpose for which lawful presence in the United  
7 States is not restricted by law, ordinance, or regulation;

8 (2) Assistance for health care services and products,  
9 not related to an organ transplant procedure, that are necessary  
10 for the treatment of an emergency medical condition, including  
11 emergency labor and delivery, manifesting itself by acute symptoms  
12 of sufficient severity, including severe pain, such that the  
13 absence of immediate medical attention could reasonably be expected  
14 to result in (a) placing the patient's health in serious jeopardy,  
15 (b) serious impairment to bodily functions, or (c) serious  
16 dysfunction of any bodily organ or part;

17 (3) Short-term, noncash, in-kind emergency disaster  
18 relief;

19 (4) Public health assistance for immunizations with  
20 respect to diseases and for testing and treatment of symptoms  
21 of communicable diseases, whether or not such symptoms are caused  
22 by a communicable disease; or

23 (5) Programs, services, or assistance necessary for the  
1 protection of life or safety, such as soup kitchens, crisis  
2 counseling and intervention, and short-term shelter, which (a)  
3 deliver in-kind services at the community level, including those  
4 which deliver such services through public or private, nonprofit  
5 agencies and (b) do not condition the provision of assistance, the  
6 amount of assistance provided, or the cost of assistance provided  
7 on the income or resources of the recipient.

8 The Legislature finds that unborn children do not have  
9 immigration status and therefore are not within the scope of section  
10 4-108. Prenatal care services that are available pursuant to  
11 section 68-915 and section 5 of this act to unborn children, whose  
12 eligibility is independent of the mother's eligibility status,  
13 shall not be deemed to be tied to the immigration status of the  
14 mother and therefore are not included in the restrictions imposed by  
15 section 4-108.

16 Sec. 3. Section 68-901, Revised Statutes Cumulative  
17 Supplement, 2010, is amended to read:

18 68-901 Sections 68-901 to 68-969 and section 5 of this  
19 act shall be known and may be cited as the Medical Assistance Act.

20 Sec. 4. Section 68-915, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

- 22 68-915 The following persons shall be eligible for  
23 medical assistance:
- 24 (1) Dependent children as defined in section 43-504;
- 25 (2) Aged, blind, and disabled persons as defined in  
26 sections 68-1002 to 68-1005;
- 27 (3) Children under nineteen years of age who are eligible  
1 under section 1905(a)(i) of the federal Social Security Act;
- 2 (4) Persons who are presumptively eligible as allowed  
3 under sections 1920 and 1920B of the federal Social Security Act;
- 4 (5) Children under nineteen years of age with a family  
5 income equal to or less than two hundred percent of the Office  
6 of Management and Budget income poverty guideline, as allowed  
7 under Title XIX and Title XXI of the federal Social Security Act,  
8 without regard to resources, and pregnant women with a family  
9 income equal to or less than one hundred eighty-five percent of  
10 the Office of Management and Budget income poverty guideline,  
11 as allowed under Title XIX and Title XXI of the federal Social  
12 Security Act, without regard to resources. Children described  
13 in this subdivision and subdivision (6) of this section shall  
14 remain eligible for six consecutive months from the date of  
15 initial eligibility prior to redetermination of eligibility. The  
16 department may review eligibility monthly thereafter pursuant to  
17 rules and regulations adopted and promulgated by the department.  
18 The department may determine upon such review that a child is  
19 ineligible for medical assistance if such child no longer meets  
20 eligibility standards established by the department;
- 21 (6) For purposes of Title XIX of the federal Social  
22 Security Act as provided in subdivision (5) of this section,  
23 children with a family income as follows:
- 24 (a) Equal to or less than one hundred fifty percent of  
25 the Office of Management and Budget income poverty guideline with  
26 eligible children one year of age or younger;
- 27 (b) Equal to or less than one hundred thirty-three  
1 percent of the Office of Management and Budget income poverty  
2 guideline with eligible children over one year of age and under six  
3 years of age; or
- 4 (c) Equal to or less than one hundred percent of the  
5 Office of Management and Budget income poverty guideline with  
6 eligible children six years of age or older and less than nineteen  
7 years of age;
- 8 (7) Persons who are medically needy caretaker relatives  
9 as allowed under 42 U.S.C. 1396d(a)(ii);
- 10 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),  
11 disabled persons as defined in section 68-1005 with a family income  
12 of less than two hundred fifty percent of the Office of Management  
13 and Budget income poverty guideline and who, but for earnings in  
14 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),  
15 would be considered to be receiving federal Supplemental Security  
16 Income. The department shall apply for a waiver to disregard any

17 unearned income that is contingent upon a trial work period in  
 18 applying the Supplemental Security Income standard. Such disabled  
 19 persons shall be subject to payment of premiums as a percentage of  
 20 family income beginning at not less than two hundred percent of  
 21 the Office of Management and Budget income poverty guideline. Such  
 22 premiums shall be graduated based on family income and shall not be  
 23 less than two percent or more than ten percent of family income;  
 24 ~~and~~

25 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),  
 26 persons who:

27 (a) Have been screened for breast and cervical cancer  
 1 under the Centers for Disease Control and Prevention breast and  
 2 cervical cancer early detection program established under Title XV  
 3 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,  
 4 in accordance with the requirements of section 1504 of such act, 42  
 5 U.S.C. 300n, and who need treatment for breast or cervical cancer,  
 6 including precancerous and cancerous conditions of the breast or  
 7 cervix;

8 (b) Are not otherwise covered under creditable coverage  
 9 as defined in section 2701(c) of the federal Public Health Service  
 10 Act, 42 U.S.C. 300gg(c);

11 (c) Have not attained sixty-five years of age; and

12 (d) Are not eligible for medical assistance under any  
 13 mandatory categorically needy eligibility group; ~~and-~~

14 (10) Persons receiving services described in section 5 of  
 15 this act.

16 Eligibility shall be determined under this section  
 17 using an income budgetary methodology that determines children's  
 18 eligibility at no greater than two hundred percent of the Office  
 19 of Management and Budget income poverty guideline and adult  
 20 eligibility using adult income standards no greater than the  
 21 applicable categorical eligibility standards established pursuant  
 22 to state or federal law. The department shall determine eligibility  
 23 under this section pursuant to such income budgetary methodology  
 24 and subdivision (1)(q) of section 68-1713.

25 Sec. 5. (1) Prenatal care and pregnancy-related services  
 26 described in subsection (2) of this section provided to a pregnant  
 27 woman under the age of eighteen years who has an income equal  
 1 to or less than one hundred eighty-five percent of the Office of  
 2 Management and Budget income poverty guideline but who does not  
 3 otherwise qualify for medical assistance under section 68-915 are  
 4 eligible for reimbursement under the Medical Assistance Act.

5 (2) The services provided pursuant to this section shall  
 6 be prenatal care and pregnancy-related services connected to the  
 7 health of the unborn child, including: (a) Professional fees for  
 8 labor and delivery, including live birth, fetal death, miscarriage,  
 9 and ectopic pregnancy; (b) pharmaceuticals and prescription  
 10 vitamins; (c) outpatient hospital care; (d) radiology, ultrasound,  
 11 and other necessary imaging; (e) necessary laboratory testing; (f)

12 hospital costs related to labor and delivery; (g) services related  
13 to conditions that could complicate the pregnancy, including those  
14 for diagnosis or treatment of illness or medical conditions that  
15 threaten the carrying of the unborn child to full term or the  
16 safe delivery of the unborn child; and (h) other pregnancy-related  
17 services approved by the department. Services not covered under  
18 this subsection include medical issues separate to the mother and  
19 unrelated to pregnancy.

20 (3) Such coverage shall be implemented through the  
21 creation of a separate program as allowed under Title XXI of  
22 the federal Social Security Act, as amended, and 42 C.F.R. 457.10,  
23 solely for the unborn children of mothers who are ineligible for  
24 coverage under Title XIX of the federal Social Security Act. All  
25 other aspects of the medical assistance program relating to the  
26 State Child Health Insurance Program remain a medicaid expansion  
27 program as defined in 42 C.F.R. 457.10.

1 (4) The department shall receive the state and federal  
2 funds appropriated or provided for benefits provided pursuant to  
3 this section. Within thirty days after the effective date of this  
4 act, the department shall submit a state plan amendment or waiver  
5 for approval by the federal Centers for Medicare and Medicaid  
6 Services to provide coverage under the medical assistance plan to  
7 persons eligible under this section.

8 (5) Eligibility shall be determined under this section  
9 using an income budgetary methodology that determines children's  
10 eligibility at no greater than one hundred eighty-five percent of  
11 the Office of Management and Budget income poverty guideline.

12 2. Amend the repealer, renumber the remaining sections,  
13 and correct internal references accordingly.

Senator Brasch requested a ruling of the Chair on whether the McGill amendment is germane to the bill.

The Chair ruled the McGill amendment is not germane to the bill.

Senator McGill challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator McGill moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator McGill requested a roll call vote on the motion to overrule the Chair.



Voting in the affirmative, 16:

Ashford	Cornett	Haar, K.	Mello
Campbell	Council	Harr, B.	Nordquist
Conrad	Dubas	Howard	Schumacher
Cook	Gloor	McGill	Wallman

Voting in the negative, 28:

Adams	Coash	Harms	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	Louden	Smith
Bloomfield	Flood	Karpisek	McCoy	Sullivan
Brasch	Fulton	Krist	Nelson	Utter
Carlson	Hadley	Langemeier	Pirsch	
Christensen	Hansen	Larson	Price	

Excused and not voting, 5:

Janssen	Lathrop	Pahls	Pankonin	Wightman
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The McGill motion to overrule the Chair failed with 16 ayes, 28 nays, and 5 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator K. Haar offered the following amendment:

AM1510

- 1 1. On page 4, strike lines 17 through 21 and insert the
- 2 following new subdivision:
- 3 "(3) Consent means a notarized written statement that
- 4 does not mention the procedure sought, signed by a parent or
- 5 legal guardian of the pregnant woman or an alternate person as
- 6 described in section 4 of this act, declaring that the affiant has
- 7 been informed that the pregnant woman intends to seek a medical
- 8 procedure and that the affiant consents to the medical procedure;".

## SENATOR CARLSON PRESIDING

Senator K. Haar withdrew his amendment.

Senator Council offered the following amendment:

FA27

Delete lines 20 through 24 beginning with the word "If" on line 20 on page 7, and by deleting lines 2 through 4 on line 8.

Senator Council withdrew her amendment.

Senator Schumacher offered the following amendment:

FA28

On page 4, line 19, strike "if" and insert "of".

Senator Schumacher withdrew his amendment.

Senator Council offered the following amendment:

FA29

On page 7, line 19, strike beginning with "If" to the end of line 24; and on page 8, strike lines 2 through 4.

Senator Council moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Conrad	Council	Howard
Campbell	Cook	Haar, K.	Karpisek

Voting in the negative, 24:

Adams	Dubas	Hadley	Langemeier	Schilz
Bloomfield	Fischer	Hansen	Louden	Schumacher
Brasch	Flood	Harms	McCoy	Sullivan
Carlson	Fulton	Heidemann	Nordquist	Utter
Christensen	Gloor	Krist	Pirsch	

Present and not voting, 9:

Ashford	Cornett	McGill	Nelson	Wallman
Coash	Harr, B.	Mello	Smith	

Excused and not voting, 8:

Janssen	Lathrop	Pahls	Price
Larson	Lautenbaugh	Pankonin	Wightman

The Council amendment lost with 8 ayes, 24 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

Voting in the affirmative, 33:

Adams	Dubas	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Mello	Smith
Brasch	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Utter
Christensen	Gloor	Langemeier	Pirsch	Wallman
Coash	Hadley	Larson	Price	
Cornett	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 7:

Avery	Conrad	Council	Howard
Campbell	Cook	Haar, K.	

Present and not voting, 3:

Ashford	Louden	McGill
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Excused and not voting, 6:

Harr, B.	Lathrop	Pankonin
Janssen	Pahls	Wightman

Advanced to Enrollment and Review Initial with 33 ayes, 7 nays, 3 present and not voting, and 6 excused and not voting.

### AMENDMENT - Print in Journal

Senator Harms filed the following amendment to LB703:  
AM1494

(Amendments to Standing Committee amendments, AM1493)

- 1 1. On page 1, strike beginning with "in" in line
- 2 2 through line 5 and insert "and strike lines 8 through 11
- 3 and insert LEG11-32, LEG11-32A, LEG11-48006-33, LEG11-48006-34,
- 4 LEG11-48006-34A, LEG11-48006-35, LEG11-48006-36, LEG11-48006-36A,
- 5 LEG11-48006-37, LEG11-48006-37A, LEG11-48006-38, LEG11-38A,
- 6 LEG11-39, LEG11-48006-40, LEG11-48006-41, LEG11-42, LEG11-48006-43,
- 7 LEG11-48006-44, LEG11-45, LEG11-46, LEG11-48006-47, LEG11-48, and
- 8 LEG11-48006-49, filed'."

### VISITORS

Visitors to the Chamber were 42 seventh- and eighth-grade students, teachers, and sponsors from Harvard; 60 fourth-grade students and teachers from Manchester Elementary, Omaha; 44 fourth-grade students and teachers from Stanton; and 72 fourth-grade students and teachers from Dudley

Elementary, Gothenburg.

The Doctor of the Day was Dr. Michael Schooff from Papillion.

**ADJOURNMENT**

At 9:20 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Thursday, May 19, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-SECOND DAY - MAY 19, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 19, 2011

**PRAYER**

The prayer was offered by Reverend Robert Hall, Cathedral of Love, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett, Fulton, Heidemann, Karpisek, Langemeier, Lautenbaugh, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 700.** Placed on Select File.

**LEGISLATIVE BILL 701.** Placed on Select File.

**LEGISLATIVE BILL 702.** Placed on Select File.

**LEGISLATIVE BILL 400.** Placed on Select File with amendment.

ER138

- 1 1. On page 1, strike beginning with "the" in line
- 2 1 through line 10 and insert "natural resources districts; to
- 3 amend sections 2-3225 and 77-3442, Revised Statutes Cumulative
- 4 Supplement, 2010; to change tax levy authority as prescribed; and
- 5 to repeal the original sections."

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 521.** Placed on Final Reading.**LEGISLATIVE BILL 590.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**MOTION - Approve Appointment**

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1628:

Nebraska Accountability and Disclosure Commission

Timothy M. Schulz

Voting in the affirmative, 36:

Avery	Cook	Harms	Mello	Smith
Bloomfield	Council	Howard	Nelson	Sullivan
Brasch	Dubas	Janssen	Nordquist	Utter
Campbell	Fischer	Krist	Pahls	Wallman
Carlson	Flood	Larson	Pirsch	
Christensen	Gloor	Lathrop	Price	
Coash	Haar, K.	Louden	Schilz	
Conrad	Hadley	McGill	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Hansen	McCoy
Ashford	Harr, B.	Pankonin

Excused and not voting, 7:

Cornett	Heidemann	Langemeier	Wightman
Fulton	Karpisek	Lautenbaugh	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**MOTION - Ombudsman Appointment**

Senator Nelson moved the reappointment, found on page 1611, of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB151 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 151.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-125, 48-145.01, 48-153, 48-155, 48-156, 48-167, 48-170, 48-175.01, 48-177, 48-178, 48-180, 48-182, 48-185, 48-191, and 48-1,110, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate powers and duties of the Nebraska Workers' Compensation Court and judges of the compensation court; to change provisions relating to hearings and appeals; to eliminate review by a three-judge panel; to authorize modification of awards and orders; to provide for applicability of changes; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 48-179, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Haar, K.	Larson	Pankonin
Ashford	Cook	Hadley	Lathrop	Pirsch
Avery	Cornett	Hansen	Louden	Price
Bloomfield	Council	Harms	McCoy	Schilz
Brasch	Dubas	Harr, B.	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Krist	Nordquist	Utter
Coash	Gloor	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann    Karpisek    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB589 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 589.** With Emergency Clause.

A BILL FOR AN ACT relating to state highways; to amend sections 13-901, 13-910, 39-1359, and 81-8,219, Reissue Revised Statutes of Nebraska; to allow for temporary use of the state highway system for special events held by a county, city, or village as prescribed; to provide liability and duties for the county, city, or village; to provide for applicability of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Haar, K.	Larson	Pankonin
Ashford	Cook	Hadley	Lathrop	Pirsch
Avery	Cornett	Hansen	Louden	Price
Bloomfield	Council	Harms	McCoy	Schilz
Brasch	Dubas	Harr, B.	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Krist	Nordquist	Utter
Coash	Gloor	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann    Karpisek    Lautenbaugh    Wightman



A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 617.** With Emergency Clause.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 84-907, 84-907.09, and 84-920, Reissue Revised Statutes of Nebraska; to provide and change requirements and duties relating to adoption and promulgation of rules and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Conrad	Haar, K.	Larson	Pankonin
Ashford	Cook	Hadley	Lathrop	Pirsch
Avery	Cornett	Hansen	Louden	Price
Bloomfield	Council	Harms	McCoy	Schilz
Brasch	Dubas	Harr, B.	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Krist	Nordquist	Utter
Coash	Gloor	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann    Karpisek    Lautenbaugh    Wightman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 151, 589, and 617.

**SENATOR CARLSON PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 667.** ER135, found on page 1604, was adopted.

Senator Flood renewed his amendment, AM1466, found on page 1684.

The Flood amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 667A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 152.** ER136, found on page 1675, was adopted.

Senator Lathrop offered the following amendment:  
AM1503 is available in the Bill Room.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 629.** Title read. Considered.

Committee AM1465, found on page 1610, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Sullivan withdrew her amendment, AM238, found on page 440.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 19, 2011, at 9:40 a.m. were the following: LBs 151e, 589e, and 617e.

(Signed) Kim Miranda  
Clerk of the Legislature's Office

**VISITORS**

Visitors to the Chamber were 60 fourth-grade students and teachers from Engleman School, Grand Island; Aaron Kloke from Lincoln; Nicholas Schreiner from Seward; and 41 fourth-grade students, teachers, and sponsors from Stolley Park Elementary, Grand Island.

**RECESS**

At 11:43 a.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Krist, and Wightman who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 642.** Placed on Final Reading.

**LEGISLATIVE BILL 669.** Placed on Final Reading.

ST42

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM1471, on page 1, lines 7 and 16, an underscored comma has been inserted after "board".

2. In the E & R amendments, ER131:

a. Sections 21 to 29 have been renumbered as sections 23 to 31, respectively; and

b. On page 22, line 3, "29-404, 29-1603," has been inserted after the first comma; and in line 8 "certain filing requirements," has been inserted after the first comma.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Thursday, May 31, 2011 1:00 p.m.

Dean Cerny (cancel)

Sammy Reagan (cancel)

Thursday, May 26, 2011 8:30 a.m.

Dean Cerny (reschedule)  
Sammy Reagan (reschedule)

(Signed) Deb Fischer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 704.** Title read. Considered.

Committee AM1492, found on page 1675, was considered.

**SENATOR COASH PRESIDING**

Senator Langemeier moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The committee amendment was adopted with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 690.** Placed on Select File with amendment. ER139 is available in the Bill Room.

**LEGISLATIVE BILL 629.** Placed on Select File with amendment. ER140

- 1 1. On page 1, strike beginning with "Hazardous" in line 1
- 2 through "Recovery" in line 2 and insert "Oil Pipeline Reclamation".

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 704.** Senator Mello offered the following amendment:

AM1508

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new section:
- 3 Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504 (1) Based on the ~~2000~~2010 Census of Population

6 by the United States Department of Commerce, Bureau of the Census,  
7 the State of Nebraska is hereby divided into three districts for  
8 electing Representatives in the Congress of the United States, and  
9 each district shall be entitled to elect one representative. The  
10 limits and designations of the three districts shall be as follows:

11 (1) The first district shall contain the counties of  
12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,  
13 Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,  
14 Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of  
15 Sarpy County not included in the second district, and that part  
16 of Cedar County beginning at the intersection of the Cedar Dixon  
17 County line and the northern boundary of Precinct 7, follow such  
18 boundary west to the intersection of a north-south line extending  
19 north from 574th Avenue, south along such line to 574th Avenue,  
20 south on 574th Avenue to 886th Road, west on 886th Road to State  
21 Highway 57, north on State Highway 57 to 887th Road, west on 887th  
22 Road to the intersection of a north-south line extending north from  
23 570th Avenue, south along such line to 570th Avenue, south on 570th  
1 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on  
2 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,  
3 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd  
4 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue  
5 and continuing south along a north-south line extending south from  
6 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,  
7 west on 870th Road to 564th Avenue, south on 564th Avenue to the  
8 Cedar-Wayne County line, east along the Cedar-Wayne County line to  
9 the Cedar-Dixon County line, and north along the Cedar-Dixon County  
10 line to the point of beginning;

11 (2) The second district shall contain Douglas County and  
12 that part of Sarpy County beginning at the intersection of the  
13 Douglas-Sarpy County line and South 156th Street, south on South  
14 156th Street to Giles Road, east on Giles Road to South 132nd  
15 Street, south on South 132nd Street to State Highway 370, east  
16 on State Highway 370 to the western boundary of the Papillion-La  
17 Vista Public School District, follow such boundary south to Schram  
18 Road, east on Schram Road to the intersection of a north-south  
19 line extending north from South 120th Street, south along such  
20 line to the intersection of an east-west line extending west from  
21 Maass Road, east along such line to South 114th Street, north  
22 on South 114th Street to Schram Road, east on Schram Road to  
23 the southern corporate limits of the city of Papillion, follow  
24 the southern corporate limits of the city of Papillion east to  
25 State Highway 370, east on State Highway 370 to South 72nd Street,  
26 south on South 72nd Street to Capehart Road, east on Capehart Road  
27 to South 60th Street, south on South 60th Street and continuing  
1 south along a north-south line extending south from South 60th  
2 Street to Platteview Road, east on Platteview Road to Dyson Hollow  
3 Road, north on Dyson Hollow Road to the southern boundary of the  
4 Bellevue Public School District, follow such boundary east to U.S.

5 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,  
 6 east along the Sarpy-Cass County line to the Nebraska-Iowa state  
 7 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy  
 8 County line, and west along the Douglas-Sarpy County line to the  
 9 point of beginning; and

10 (3) The third district shall contain the counties of  
 11 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,  
 12 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,  
 13 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,  
 14 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,  
 15 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,  
 16 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 17 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 18 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 19 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 20 part of Cedar County not included in the first district.

21 (2) The numbers and boundaries of the districts are  
 22 designated and established by a map identified and labeled as  
 23 map CON1-05003, filed with the Clerk of the Legislature, and  
 24 incorporated by reference as part of this legislative bill.

25 (3)(a) The Clerk of the Legislature shall transfer  
 26 possession of the map referred to in subsection (2) of this  
 27 section to the Secretary of State on the effective date of this  
 1 act.

2 (b) When questions of interpretation of district  
 3 boundaries arise, the map referred to in subsection (2) of this  
 4 section in possession of the Secretary of State shall serve as  
 5 the indication of the legislative intent in drawing the district  
 6 boundaries.

7 (c) Each election commissioner or county clerk shall  
 8 obtain copies of the map referred to in subsection (2) of this  
 9 section for the election commissioner's or clerk's county from the  
 10 Secretary of State.

11 (d) The Secretary of State shall also have available for  
 12 viewing on his or her web site the map referred to in subsection  
 13 (2) of this section identifying the boundaries for the districts.

## SENATOR SULLIVAN PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 30  
 ayes, 0 nays, and 19 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Dubas	Karpisek	Mello
Conrad	Haar, K.	Lathrop	Nordquist
Cook	Harr, B.	Louden	Sullivan
Council	Howard	McGill	Wallman

Voting in the negative, 30:

Adams	Coash	Hansen	Larson	Price
Bloomfield	Fischer	Harms	Lautenbaugh	Schilz
Brasch	Flood	Heidemann	McCoy	Schumacher
Campbell	Fulton	Janssen	Nelson	Smith
Carlson	Gloor	Krist	Pankonin	Utter
Christensen	Hadley	Langemeier	Pirsch	Wightman

Excused and not voting, 3:

Ashford	Cornett	Pahls
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The Mello amendment lost with 16 ayes, 30 nays, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB704:  
AM1517

(Amendments to Standing Committee amendments, AM1492)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 1. Strike original section 1 and all amendments thereto
- 4 and insert the following new section:
- 5 Section 1. Section 32-504, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 32-504 (1) Based on the ~~2000~~ 2010 Census of Population
- 8 by the United States Department of Commerce, Bureau of the Census,
- 9 the State of Nebraska is hereby divided into three districts for
- 10 electing Representatives in the Congress of the United States, and
- 11 each district shall be entitled to elect one representative. ~~The~~
- 12 ~~limits and designations of the three districts shall be as follows:~~
- 13 ~~(1) The first district shall contain the counties of~~
- 14 ~~Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,~~
- 15 ~~Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,~~
- 16 ~~Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of~~

17 Sarpy County not included in the second district, and that part  
 18 of Cedar County beginning at the intersection of the Cedar Dixon  
 19 County line and the northern boundary of Precinct 7, follow such  
 20 boundary west to the intersection of a north-south line extending  
 21 north from 574th Avenue, south along such line to 574th Avenue,  
 22 south on 574th Avenue to 886th Road, west on 886th Road to State  
 1 Highway 57, north on State Highway 57 to 887th Road, west on 887th  
 2 Road to the intersection of a north-south line extending north from  
 3 570th Avenue, south along such line to 570th Avenue, south on 570th  
 4 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on  
 5 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,  
 6 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd  
 7 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue  
 8 and continuing south along a north-south line extending south from  
 9 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,  
 10 west on 870th Road to 564th Avenue, south on 564th Avenue to the  
 11 Cedar-Wayne County line, east along the Cedar-Wayne County line to  
 12 the Cedar-Dixon County line, and north along the Cedar-Dixon County  
 13 line to the point of beginning;

14 (2) The second district shall contain Douglas County and  
 15 that part of Sarpy County beginning at the intersection of the  
 16 Douglas-Sarpy County line and South 156th Street, south on South  
 17 156th Street to Giles Road, east on Giles Road to South 132nd  
 18 Street, south on South 132nd Street to State Highway 370, east  
 19 on State Highway 370 to the western boundary of the Papillion-La  
 20 Vista Public School District, follow such boundary south to Schram  
 21 Road, east on Schram Road to the intersection of a north-south  
 22 line extending north from South 120th Street, south along such  
 23 line to the intersection of an east-west line extending west from  
 24 Maass Road, east along such line to South 114th Street, north  
 25 on South 114th Street to Schram Road, east on Schram Road to  
 26 the southern corporate limits of the city of Papillion, follow  
 27 the southern corporate limits of the city of Papillion east to  
 1 State Highway 370, east on State Highway 370 to South 72nd Street,  
 2 south on South 72nd Street to Capehart Road, east on Capehart Road  
 3 to South 60th Street, south on South 60th Street and continuing  
 4 south along a north-south line extending south from South 60th  
 5 Street to Platteview Road, east on Platteview Road to Dyson Hollow  
 6 Road, north on Dyson Hollow Road to the southern boundary of the  
 7 Bellevue Public School District, follow such boundary east to U.S.  
 8 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,  
 9 east along the Sarpy-Cass County line to the Nebraska-Iowa state  
 10 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy  
 11 County line, and west along the Douglas-Sarpy County line to the  
 12 point of beginning; and

13 (3) The third district shall contain the counties of  
 14 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,  
 15 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,  
 16 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,



17 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,  
 18 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,  
 19 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 20 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 21 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 22 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 23 part of Cedar County not included in the first district.

24 (2) The numbers and boundaries of the districts are  
 25 designated and established by a map identified and labeled as  
 26 map CON1-32001, filed with the Clerk of the Legislature, and  
 27 incorporated by reference as part of this legislative bill.

1 (3)(a) The Clerk of the Legislature shall transfer  
 2 possession of the map referred to in subsection (2) of this  
 3 section to the Secretary of State on the effective date of this  
 4 act.

5 (b) When questions of interpretation of district  
 6 boundaries arise, the map referred to in subsection (2) of this  
 7 section in possession of the Secretary of State shall serve as  
 8 the indication of the legislative intent in drawing the district  
 9 boundaries.

10 (c) Each election commissioner or county clerk shall  
 11 obtain copies of the map referred to in subsection (2) of this  
 12 section for the election commissioner's or clerk's county from the  
 13 Secretary of State.

14 (d) The Secretary of State shall also have available for  
 15 viewing on his or her web site the map referred to in subsection  
 16 (2) of this section identifying the boundaries for the districts.

Senator Flood filed the following amendment to LB667:  
 AM1514

(Amendments to AM1466)

1 1. On page 58, line 19, after "under" insert "subdivision  
 2 (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of  
 3 section 28-394,".

4 2. On page 78, line 16, after "Fund" insert "if such  
 5 funds are available and".

Senator Mello filed the following amendment to LB704:  
 AM1509

1 1. Strike original section 1 and all amendments thereto  
 2 and insert the following new section:  
 3 Section 1. Section 32-504, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-504 (1) Based on the 2000-2010 Census of Population  
 6 by the United States Department of Commerce, Bureau of the Census,  
 7 the State of Nebraska is hereby divided into three districts for  
 8 electing Representatives in the Congress of the United States, and  
 9 each district shall be entitled to elect one representative. ~~The~~  
 10 limits and designations of the three districts shall be as follows:

11 (1) The first district shall contain the counties of  
 12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,  
 13 Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,  
 14 Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of  
 15 Sarpy County not included in the second district, and that part  
 16 of Cedar County beginning at the intersection of the Cedar Dixon  
 17 County line and the northern boundary of Precinct 7, follow such  
 18 boundary west to the intersection of a north-south line extending  
 19 north from 574th Avenue, south along such line to 574th Avenue,  
 20 south on 574th Avenue to 886th Road, west on 886th Road to State  
 21 Highway 57, north on State Highway 57 to 887th Road, west on 887th  
 22 Road to the intersection of a north-south line extending north from  
 23 570th Avenue, south along such line to 570th Avenue, south on 570th  
 1 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on  
 2 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,  
 3 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd  
 4 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue  
 5 and continuing south along a north-south line extending south from  
 6 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,  
 7 west on 870th Road to 564th Avenue, south on 564th Avenue to the  
 8 Cedar Wayne County line, east along the Cedar Wayne County line to  
 9 the Cedar Dixon County line, and north along the Cedar Dixon County  
 10 line to the point of beginning;

11 (2) The second district shall contain Douglas County and  
 12 that part of Sarpy County beginning at the intersection of the  
 13 Douglas-Sarpy County line and South 156th Street, south on South  
 14 156th Street to Giles Road, east on Giles Road to South 132nd  
 15 Street, south on South 132nd Street to State Highway 370, east  
 16 on State Highway 370 to the western boundary of the Papillion La  
 17 Vista Public School District, follow such boundary south to Schram  
 18 Road, east on Schram Road to the intersection of a north-south  
 19 line extending north from South 120th Street, south along such  
 20 line to the intersection of an east-west line extending west from  
 21 Maass Road, east along such line to South 114th Street, north  
 22 on South 114th Street to Schram Road, east on Schram Road to  
 23 the southern corporate limits of the city of Papillion, follow  
 24 the southern corporate limits of the city of Papillion east to  
 25 State Highway 370, east on State Highway 370 to South 72nd Street,  
 26 south on South 72nd Street to Capehart Road, east on Capehart Road  
 27 to South 60th Street, south on South 60th Street and continuing  
 1 south along a north-south line extending south from South 60th  
 2 Street to Platteview Road, east on Platteview Road to Dyson Hollow  
 3 Road, north on Dyson Hollow Road to the southern boundary of the  
 4 Bellevue Public School District, follow such boundary east to U.S.  
 5 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,  
 6 east along the Sarpy-Cass County line to the Nebraska-Iowa state  
 7 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy  
 8 County line, and west along the Douglas-Sarpy County line to the  
 9 point of beginning; and

10 (3) ~~The third district shall contain the counties of~~  
 11 ~~Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,~~  
 12 ~~Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,~~  
 13 ~~Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,~~  
 14 ~~Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,~~  
 15 ~~Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,~~  
 16 ~~Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,~~  
 17 ~~Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,~~  
 18 ~~Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box~~  
 19 ~~Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that~~  
 20 ~~part of Cedar County not included in the first district.~~

21 (2) The numbers and boundaries of the districts are  
 22 designated and established by a map identified and labeled as  
 23 map CON1-46001, filed with the Clerk of the Legislature, and  
 24 incorporated by reference as part of this legislative bill.

25 (3)(a) The Clerk of the Legislature shall transfer  
 26 possession of the map referred to in subsection (2) of this  
 27 section to the Secretary of State on the effective date of this  
 1 act.

2 (b) When questions of interpretation of district  
 3 boundaries arise, the map referred to in subsection (2) of this  
 4 section in possession of the Secretary of State shall serve as  
 5 the indication of the legislative intent in drawing the district  
 6 boundaries.

7 (c) Each election commissioner or county clerk shall  
 8 obtain copies of the map referred to in subsection (2) of this  
 9 section for the election commissioner's or clerk's county from the  
 10 Secretary of State.

11 (d) The Secretary of State shall also have available for  
 12 viewing on his or her web site the map referred to in subsection  
 13 (2) of this section identifying the boundaries for the districts.

## RESOLUTION

**LEGISLATIVE RESOLUTION 332.** Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; K. Haar, 21; McCoy, 39; Schilz, 47; Smith, 14.

PURPOSE: The purpose of this interim study is to determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates. Such a study should include, but not be limited to, an examination of the following:

- (1) Loss of property tax receipts to a county due to reclassification of land;
- (2) Loss of productive cropland;
- (3) The ability of the Nebraska Environmental Trust to fund easements through the grant process;
- (4) The ability of the Nebraska Environmental Trust to hold land in fee or obtain easements;
- (5) The right of a county to refuse approval of such easements;

(6) The right of affected political subdivisions to receive notice prior to the granting of such easements;

(7) Limiting the easement to a set amount of time; and

(8) Limiting the tax benefits that landowners can realize by entering into easements.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 703.** Title read. Considered.

Committee AM1493, found on page 1675, was considered.

Senator Harms renewed his amendment, AM1494, found on page 1691, to the committee amendment.

### SENATOR COASH PRESIDING

Senator Harms moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Harms requested a roll call vote on his amendment to the committee amendment.

Voting in the affirmative, 12:

Avery	Council	Harms	Nordquist
Conrad	Fischer	Howard	Wallman
Cook	Haar, K.	Louden	Wightman

Voting in the negative, 28:

Adams	Flood	Heidemann	Lautenbaugh	Schilz
Campbell	Fulton	Janssen	McCoy	Smith
Carlson	Gloor	Karpisek	McGill	Sullivan
Christensen	Hadley	Krist	Nelson	Utter
Coash	Hansen	Langemeier	Pankonin	
Dubas	Harr, B.	Larson	Price	

Present and not voting, 6:

Bloomfield	Lathrop	Pirsch
Brasch	Mello	Schumacher

Excused and not voting, 3:

Ashford	Cornett	Pahls
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The Harms amendment lost with 12 ayes, 28 nays, 6 present and not voting, and 3 excused and not voting.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

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

Senator Lathrop filed the following amendment to LB397:  
AM1528 is available in the Bill Room.

#### **VISITORS**

Visitors to the Chamber were Amanda Furlich and Senator Bloomfield's wife and son, Dee Boeckenhauer and Mark Bloomfield; Senator Coash's father-in-law, Bernie Niewohner, from West Point; 17 fourth-grade students, teacher, and sponsors from Axtell; and 50 fourth-grade students, teachers, and sponsors from Holy Cross School, Omaha.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

#### **ADJOURNMENT**

At 9:02 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:30 a.m., Friday, May 20, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-THIRD DAY - MAY 20, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, May 20, 2011

**PRAYER**

The prayer was offered by Senator Sullivan.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Council and K. Haar who were excused; and Senator Heidemann who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-second day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 19, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Hammer, Mike L.

Hammer, Mike L. (Withdrawn 05/12/2011)

**REPORTS**

The following reports were received by the Legislature:

**Administrative Services, Department of**

Public Official Bonds

**Natural Resources, Department of**

Preliminary Report of the Republican River Basin Water Sustainability

**Retirement Systems, Public Employees**

County Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2013

County Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for Fiscal Year Ending June 30, 2012

State Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2013

State Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2012

**Roads, Nebraska Department of**

Forty-First Annual Report of the Board of Examiners for County Highway and City Street Superintendents for the period January 1, 2010 to December 1, 2010

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 699.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change boundaries of the Supreme Court judicial districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:



Adams	Conrad	Hansen	Lautenbaugh	Pirsch
Ashford	Cook	Harms	Louden	Price
Avery	Cornett	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Schumacher
Brasch	Fischer	Janssen	Mello	Smith
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Utter
Christensen	Gloor	Langemeier	Pahls	Wallman
Coash	Hadley	Larson	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council      Haar, K.      Heidemann      Lathrop

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB675 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 675.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-106, 60-498.02, 60-4,129, 60-601, 60-697, 60-698, 60-6,197.02, 60-6,197.03, 60-6,198, and 83-1,135, Reissue Revised Statutes of Nebraska; to change penalties for Class W misdemeanors; to change provisions relating to the duty to stop in the event of an accident, employment driving permits, and driving under the influence of alcohol or drugs; to change and provide penalties; to provide requirements for parole eligibility; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harr, B.	McCoy	Schumacher
Ashford	Cornett	Howard	McGill	Smith
Avery	Dubas	Janssen	Mello	Sullivan
Bloomfield	Fischer	Karpisek	Nelson	Utter
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Fulton	Langemeier	Pahls	Wightman
Carlson	Gloor	Larson	Pankonin	
Christensen	Hadley	Lathrop	Pirsch	
Coash	Hansen	Lautenbaugh	Price	
Conrad	Harms	Louden	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Council      Haar, K.      Heidemann

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 490.**

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-607, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change restrictions on keno; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Hansen	Lathrop	Pirsch
Ashford	Cook	Harms	Lautenbaugh	Price
Avery	Cornett	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Fischer	Janssen	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Louden      Schumacher

Excused and not voting, 3:

Council        Haar, K.        Heidemann

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 142.**

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend section 32-1608, Reissue Revised Statutes of Nebraska; to change a contribution limit as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Conrad	Hansen	Lathrop	Pirsch
Ashford	Cook	Harms	Lautenbaugh	Price
Avery	Cornett	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Schumacher
Brasch	Fischer	Janssen	Mello	Smith
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Utter
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Hadley	Larson	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Louden        Wallman

Excused and not voting, 3:

Council        Haar, K.        Heidemann

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 699, 675, 490, and 142.

**MOTION - Return LB667 to Select File**

Senator Flood moved to return LB667 to Select File for his specific amendment, AM1514, found on page 1705.

The Flood motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 667.** The Flood specific amendment, AM1514, found on page 1705, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 700.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 701.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 702.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 400.** ER138, found on page 1693, was adopted.

Senator Cornett offered the following amendment:  
AM1512

(Amendments to Standing Committee amendments, AM1446)

- 1 1. On page 10, line 18, after "levies" insert "(a)";
- 2 in line 23 after the comma insert "(b)"; in line 24 after the
- 3 last comma insert "(c)" and strike "bonded indebtedness", show as
- 4 stricken, and insert "bonds as defined in section 10-134"; and in
- 5 line 27 before "for" insert "(d)".

The Cornett amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 152.** Placed on Final Reading.

ST44

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER136, on page 1, line 8, "Trauma Diagnostic Related Group" has been struck and "trauma services" inserted.

(Signed) Tyson Larson, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 397A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 397, One Hundred Second Legislature, First Session, 2011.

**SELECT FILE**

**LEGISLATIVE BILL 397.** ER128, found on page 1473, was adopted.

Senator Lathrop renewed his amendment, AM1528, found on page 1709.

**SENATOR COASH PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Lathrop offered the following amendment to his amendment: AM1534

(Amendments to AM1528)

- 1 1. On page 4, line 8, after "school" insert "district,
- 2 educational service unit, or community college".
- 3 2. On page 7, line 14, after "disputes" insert "where the
- 4 matter at issue is the comparability of wages, benefits, and terms
- 5 and conditions of employment".
- 6 3. On page 8, line 6, before "Except" insert "(1)"; in
- 7 line 16 after "commission" insert "except as provided in subsection
- 8 (2) of this section"; and in line 17 before "If" insert "(2)".
- 9 4. On page 9, after line 1 insert
- 10 "(3) Subsection (2) of this section does not apply
- 11 to public employers subject to the State Employees Collective
- 12 Bargaining Act."; in line 19 strike "petitioner" and insert
- 13 "respondent"; in line 23 after "offer" insert "and file a
- 14 subsequent pleading indicating the result"; and in line 27 after

15 the period insert "This subsection does not apply to public  
 16 employers subject to the State Employees Collective Bargaining  
 17 Act.".

18 5. On page 21, line 1, strike "shall" and insert "may".

19 6. On page 7, strike beginning with "as" in line 7  
 20 through "benefit" in line 8 and insert ". For fringe benefits,  
 21 prevalent shall be the midpoint between the arithmetic mean and  
 22 the arithmetic median as long as a majority of the array members  
 1 provide the benefit".

2 7. On page 28, strike beginning with "subject" in line  
 3 12 through "value" in line 13 and insert "hourly rate value of the  
 4 bargaining unit's members or classification".

5 8. On page 29, line 7; page 35, line 2; and page 54, line  
 6 27, after "which" insert "the sum of the".

7 9. On page 32, line 15, after "the" insert "year  
 8 preceding the"; and in line 19 after "79-1022" insert "for the  
 9 contract year in question".

10 10. On page 34, line 7, strike beginning with "subject"  
 11 through "compensation" and insert "total compensation of the  
 12 members of the bargaining unit or classification".

13 11. On page 54, strike beginning with "subject" in line 5  
 14 through "compensation" in line 6 and insert "total compensation of  
 15 the members of the bargaining unit or classification".

16 12. On page 55, line 12, strike "and"; in line 13 strike  
 17 the period and insert "; and

18 (iv) Nothing in subdivision (2)(c) of this section shall  
 19 prevent parties from stipulating to an array member that does not  
 20 otherwise meet the criteria in such subdivision, and nothing in  
 21 such subdivision shall prevent parties from stipulating to less  
 22 than seven or more than nine array members.".

The Lathrop amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Heidemann offered the following amendment to the Lathrop amendment:

AM1538

(Amendments to AM1528)

- 1 1. On page 29, line 6; page 34, line 27, and page
- 2 35, line 1; and page 54, line 26, strike "quarters immediately
- 3 preceding" and insert "nearest quarters in time, excluding the
- 4 immediately preceding quarter, to".

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

Pending.

**COMMITTEE REPORT**  
Revenue

**LEGISLATIVE BILL 40.** Placed on General File with amendment.  
AM1519

- 1 1. On page 4, line 17, strike "October 1, 2011" and
- 2 insert "July 1, 2012".

(Signed) Abbie Cornett, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 20, 2011, at 11:30 a.m. were the following: LBs 699e, 675, 490, and 142.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 667.** Placed on Final Reading.  
ST43

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Flood amendment, AM1466:
  - a. On page 30, line 2, an underscored comma has been inserted after "arrest"; and in line 8 an underscored comma has been inserted after "director"; and
  - b. On page 33, line 7, an underscored comma has been inserted after "person"; and in line 8 the comma has been struck.
2. In the E & R amendments, ER135, on page 2, line 3, "60-497.01," has been inserted after the third comma.

**LEGISLATIVE BILL 667A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 704.** Placed on Select File with amendment.  
ER141

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504 (1) Based on the ~~2000~~ 2010 Census of Population
- 6 by the United States Department of Commerce, Bureau of the Census,

7 the State of Nebraska is hereby divided into three districts for  
 8 electing Representatives in the Congress of the United States, and  
 9 each district shall be entitled to elect one representative. The  
 10 limits and designations of the three districts shall be as follows:

11 (1) The first district shall contain the counties of  
 12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,  
 13 Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,  
 14 Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of  
 15 Sarpy County not included in the second district, and that part  
 16 of Cedar County beginning at the intersection of the Cedar Dixon  
 17 County line and the northern boundary of Precinct 7, follow such  
 18 boundary west to the intersection of a north-south line extending  
 19 north from 574th Avenue, south along such line to 574th Avenue,  
 20 south on 574th Avenue to 886th Road, west on 886th Road to State  
 21 Highway 57, north on State Highway 57 to 887th Road, west on 887th  
 22 Road to the intersection of a north-south line extending north from  
 23 570th Avenue, south along such line to 570th Avenue, south on 570th  
 1 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on  
 2 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,  
 3 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd  
 4 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue  
 5 and continuing south along a north-south line extending south from  
 6 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,  
 7 west on 870th Road to 564th Avenue, south on 564th Avenue to the  
 8 Cedar-Wayne County line, east along the Cedar-Wayne County line to  
 9 the Cedar-Dixon County line, and north along the Cedar-Dixon County  
 10 line to the point of beginning;

11 (2) The second district shall contain Douglas County and  
 12 that part of Sarpy County beginning at the intersection of the  
 13 Douglas-Sarpy County line and South 156th Street, south on South  
 14 156th Street to Giles Road, east on Giles Road to South 132nd  
 15 Street, south on South 132nd Street to State Highway 370, east  
 16 on State Highway 370 to the western boundary of the Papillion-La  
 17 Vista Public School District, follow such boundary south to Schram  
 18 Road, east on Schram Road to the intersection of a north-south  
 19 line extending north from South 120th Street, south along such  
 20 line to the intersection of an east-west line extending west from  
 21 Maass Road, east along such line to South 114th Street, north  
 22 on South 114th Street to Schram Road, east on Schram Road to  
 23 the southern corporate limits of the city of Papillion, follow  
 24 the southern corporate limits of the city of Papillion east to  
 25 State Highway 370, east on State Highway 370 to South 72nd Street,  
 26 south on South 72nd Street to Capehart Road, east on Capehart Road  
 27 to South 60th Street, south on South 60th Street and continuing  
 1 south along a north-south line extending south from South 60th  
 2 Street to Platteview Road, east on Platteview Road to Dyson Hollow  
 3 Road, north on Dyson Hollow Road to the southern boundary of the  
 4 Bellevue Public School District, follow such boundary east to U.S.  
 5 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,



6 east along the Sarpy-Cass County line to the Nebraska-Iowa state  
 7 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy  
 8 County line, and west along the Douglas-Sarpy County line to the  
 9 point of beginning; and

10 (3) The third district shall contain the counties of  
 11 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,  
 12 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,  
 13 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,  
 14 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,  
 15 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,  
 16 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 17 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 18 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 19 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 20 part of Cedar County not included in the first district.

21 (2) The numbers and boundaries of the districts are  
 22 designated and established by maps identified and labeled as maps  
 23 CON11-18004-1, CON11-18004-1A, CON11-18004-2, and CON11-18004-3,  
 24 filed with the Clerk of the Legislature, and incorporated by  
 25 reference as part of this legislative bill.

26 (3)(a) The Clerk of the Legislature shall transfer  
 27 possession of the maps referred to in subsection (2) of this  
 1 section to the Secretary of State on the effective date of this  
 2 act.

3 (b) When questions of interpretation of district  
 4 boundaries arise, the maps referred to in subsection (2) of this  
 5 section in possession of the Secretary of State shall serve as  
 6 the indication of the legislative intent in drawing the district  
 7 boundaries.

8 (c) Each election commissioner or county clerk shall  
 9 obtain copies of the maps referred to in subsection (2) of this  
 10 section for the election commissioner's or clerk's county from the  
 11 Secretary of State.

12 (d) The Secretary of State shall also have available for  
 13 viewing on his or her web site the maps referred to in subsection  
 14 (2) of this section identifying the boundaries for the districts.

15 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 32-505 ~~The descriptions of districts in~~ For purposes  
 18 of section 32-504, the Legislature adopts the official population  
 19 figures and maps ~~are taken from the 2000-2010 Census Redistricting~~  
 20 (Public Law 94-171) TIGER/Line files Shapefiles published by the  
 21 United States Department of Commerce, Bureau of the Census.

22 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 23 Revised Statutes of Nebraska, are repealed.

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

(Signed) Tyson Larson, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 390A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to amend sections 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011; and section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Second Legislature, First Session, 2011; to change appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency.

**COMMITTEE REPORT**

## Judiciary

The Judiciary 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.

Miguel "Mike" Gomez - Board of Parole

Aye: 5 Senators Ashford, Coash, B. Harr, Larson, McGill. Nay: 0. Absent: 3 Senators Council, Lathrop, Lautenbaugh. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 333.** Introduced by Conrad, 46; Ashford, 20; Avery, 28; Campbell, 25; Cook, 13; Council, 11; Dubas, 34; Gloor, 35; Harms, 48; Howard, 9; McGill, 26; Mello, 5; Nordquist, 7; Pankonin, 2; Wallman, 30.

WHEREAS, the Nebraska Appleseed Center for Law in the Public Interest was incorporated March 15, 1996; and

WHEREAS, Nebraska Appleseed celebrated its fifteen-year anniversary of sowing the seeds of justice in Nebraska on March 15, 2011; and

WHEREAS, Nebraska Appleseed advocates on behalf of low-income families, children in foster care, immigrants, and people who lack access to health care; and

WHEREAS, Nebraska Appleseed uses targeted litigation, public policy advocacy, and community education and engagement to promote equal justice and full opportunity for all Nebraskans; and

WHEREAS, Nebraska Appleseed seeks to build a Nebraska where all people have a real chance to achieve the American dream; and

WHEREAS, Nebraska Appleseed works to ensure that all Nebraskans have access to quality, affordable health care; and

WHEREAS, Nebraska Appleseed promotes strong, vibrant, integrated, and engaged communities; and

WHEREAS, Nebraska Appleseed champions a child welfare system that provides safety, stability, and a strong future for Nebraska's children; and

WHEREAS, Nebraska Appleseed energizes Nebraskans' civic participation and empowers people to become more effective advocates for their own rights; and

WHEREAS, Nebraska Appleseed thrives under the leadership of its present Board of Directors, which includes Steve Achelpohl, Clark Bellin, Beatty Brasch, Terrence Ferguson, E. Susan Gourley, Janice Gradwohl, Matt Johnson, Taylor Keen, Forrest Krutter, Herb Friedman, Max Larsen, Jose Miguel Lemus, D. Milo Mumgaard, Othello Meadows, III, Tom Pansing, Thomas Schleich, Jim Seacrest, Allen Overcash, DiAnna Schimek, John Smolsky, Don Witt, Megan Sebastian Wright, Patricia Zieg, and Arthur Zygielbaum; and

WHEREAS, Nebraska Appleseed's past members of the Board of Directors have played an important role in the organization's first fifteen years. These past members include Andre Barry, Paul Bryant, Fritz Cassman, Robert Crosby, William Ditrack, David Domina, Lourdes Gouveia, Taylor Greer, William Hoppner, Vard Johnson, Connie Kearney, Melody Loughry, Dianne Lozier, Raneta Mack, Sam Mehr, Michael Mullin, Ronald Palagi, Charles Piper, Mary Pipher, Rod Rehm, Herb Schimek, Sonya Smith, Elaine Spire, Cassia Spohn, Bruce Vosburg, Georgine Wagoner, Jim Wolf, and Bob Wolfson; and

WHEREAS, Nebraska Appleseed was founded by the following incorporators: D. Milo Mumgaard, Jeff Kirkpatrick, and Kathryn Bellman; and

WHEREAS, the Legislature recognizes Nebraska Appleseed's contributions to the State of Nebraska.

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

1. That the Legislature congratulates the Nebraska Appleseed Center for Law in the Public Interest on celebrating fifteen years of advocacy for equal justice and full opportunity in Nebraska.

2. That a copy of this resolution be sent to the Nebraska Appleseed Center for Law in the Public Interest.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 397.** Senator Krist offered the following amendment to the Lathrop amendment:

AM1539

(Amendments to AM1528)

- 1 1. In the Lathrop amendment, AM1534, strike amendment 5
- 2 and renumber the remaining amendments.
- 3 2. In AM1528, on page 21, line 1, after "utilities"
- 4 insert "with annual revenue of five hundred million dollars or
- 5 more"; and in line 2 before the first "public" insert "comparable"
- 6 and after the period insert "Arrays for public utilities with
- 7 annual revenue of less than five hundred million dollars may
- 8 include both comparable public and privately owned utilities.".

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

The Lathrop amendment, AM1528, found on page 1709 and considered in this day's Journal, as amended, was renewed.

The Lathrop amendment, as amended, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**EASE**

The Legislature was at ease from 1:46 p.m. until 2:07 p.m.

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 390.** Placed on General File with amendment. AM1537 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Carlson asked unanimous consent to add his name as cointroducer to LB400. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 70 fourth-grade students from Newell Elementary, Grand Island; Bob Schmill; Marilyn Buhl from York and Dion and Rob Buhl from Osceola; 70 fourth-grade students, teachers, and sponsors from Cather Elementary, Omaha; and 40 fourth-grade students and

teachers from Sandoz Elementary, Omaha.

The Doctor of the Day was Dr. Kathleen Dylla from Omaha.

**ADJOURNMENT**

At 2:07 p.m., on a motion by Senator Ashford, the Legislature adjourned until 10:00 a.m., Monday, May 23, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-FOURTH DAY - MAY 23, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 23, 2011

**PRAYER**

The prayer was offered by Senator Cook.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Janssen, Lautenbaugh, Smith, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 703.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**REFERENCE COMMITTEE REPORT**

2011 Resolutions calling for an Interim Study

- LR85 Interim study to determine how insurance laws should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act  
Banking, Commerce and Insurance
- LR138 Interim study to find a solution to the exit of insurers from the health insurance marketplace for stand-alone health insurance policies for children  
Banking, Commerce and Insurance
- LR174 Interim study to examine what impediments exist in state statute to attracting national agricultural and business conventions and trade

- shows to facilities in Nebraska, including review of the Motor Vehicle Industry Regulation Act  
Transportation and Telecommunications
- LR197 Interim study to examine issues relating to the implementation of an all-payer claims database in Nebraska  
Health and Human Services and Banking, Commerce and Insurance
- LR198 Interim study to examine the governance and coordination of postsecondary education in Nebraska  
Education
- LR200 Interim study to determine whether insurance laws should be amended to provide that insurance providing coverage to an operator of a motor vehicle not owned by the operator shall be primary to any insurance or self-insurance providing coverage to the motor vehicle  
Banking, Commerce and Insurance
- LR202 Interim study to examine public assistance programs with income-based eligibility criteria and the program rules that contribute or detract from asset building and economic stability for participating families  
Health and Human Services
- LR203 Interim study to examine issues surrounding vacant residential and commercial properties  
Urban Affairs
- LR205 Interim study to examine the potential establishment of a statewide electronics recycling program  
Natural Resources
- LR206 Interim study to examine funding streams available to adult education programs to better transition adults into postsecondary education through bridge programs  
Appropriations and Education
- LR207 Interim study to examine the formation and governance of sanitary and improvement districts  
Urban Affairs
- LR208 Interim study to determine the best manner in which to license certified applied behavioral analysts  
Health and Human Services
- LR209 Interim study to examine all of the building codes in Nebraska  
Urban Affairs
- LR210 Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board  
Nebraska Retirement Systems
- LR211 Interim study to examine the offering of elementary and secondary courses and high school diplomas through electronic means  
Education
- LR212 Interim study to review the operations and usefulness of the Nebraska Regulation of Health Professions Act  
Health and Human Services



- LR214 Interim study to examine issues surrounding graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement  
Judiciary
- LR215 Interim study to examine issues relating to defined benefit plans of political subdivisions  
Nebraska Retirement Systems and Business and Labor
- LR216 Interim study to examine public employee contracts entered into pursuant to collective bargaining and benefits for public officials, including wages, pension, retirement, and health insurance benefits  
Business and Labor and Nebraska Retirement Systems
- LR217 Interim study to examine issues pertaining to creating a regional transportation commission or authority for purposes of helping to fund political subdivisions' transportation infrastructure projects  
Revenue and Transportation and Telecommunications
- LR219 Interim study to examine insurance coverage of services to treat individuals with autism  
Banking, Commerce and Insurance
- LR220 Interim study to examine issues pertaining to the imposition of occupation taxes by local governments  
Revenue
- LR221 Interim study to examine issues pertaining to Nebraska's property tax homestead exemption program  
Revenue
- LR222 Interim study to examine issues pertaining to changing and adjusting individual and corporate income tax rate brackets  
Revenue
- LR223 Interim study to examine issues pertaining to Nebraska's special capital gains income tax deduction, the dividend income tax deduction, and issues pertaining to codification of the economic substance doctrine  
Revenue
- LR224 Interim study to examine issues surrounding use of energy financing contracts, also known as energy savings performance contracts by state agencies and political subdivisions  
Government, Military and Veterans Affairs
- LR225 Interim study to examine issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) lighting systems  
Urban Affairs
- LR226 Interim study to examine the feasibility of implementing a pilot program to incentivize individuals to move to rural counties which have experienced population loss  
Revenue and Education
- LR227 Interim study to examine adopting a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code  
Urban Affairs

- LR228 Interim study to examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney  
Judiciary and Health and Human Services
- LR229 Interim study to examine the feasibility of requiring all law enforcement personnel and law enforcement personnel designated to investigate alleged child abuse and neglect situations, to complete continuing education courses on an annual basis  
Judiciary
- LR230 Interim study to examine issues relating to development and implementation of a biobased product program for government procurement  
Government, Military and Veterans Affairs
- LR231 Interim study to examine any aspect of the state tax structure and tax policy  
Revenue
- LR232 Interim study to examine the fiscal impact of tax increment financing on taxpayers and governments throughout the state  
Revenue
- LR233 Interim study to review the scope of the agricultural exemption from the One-Call Notification System Act  
Transportation and Telecommunications
- LR234 Interim study to examine policy options and develop a long-term plan to support infrastructure development for the use of natural gas as a transportation fuel  
Revenue
- LR235 Interim study to determine whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Association Act (2008)  
Banking, Commerce and Insurance
- LR236 Interim study to examine maintenance payments for foster children by the Dept. of Health and Human Services and their subcontracting agencies  
Health and Human Services
- LR237 Interim study to examine issues surrounding the potential consolidation of the Dept. of Labor and the Dept. of Economic Development into a newly created Dept. of Economic and Workforce Development  
Business and Labor
- LR238 Interim study to examine whether Nebraska should update its statutory provisions regarding the regulation and business organization of firms and individuals rendering professional services  
Banking, Commerce and Insurance
- LR239 Interim study to examine public school finance, particularly the Tax Equity and Educational Opportunities Support Act (TEEOSA)  
Education
- LR240 Interim study to examine issues surrounding direct repair programs operated by insurers  
Banking, Commerce and Insurance

- LR241 Interim study to examine issues surrounding the Nebraska Redevelopment Act  
Urban Affairs
- LR242 Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee  
Transportation and Telecommunications
- LR243 Interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking  
Judiciary
- LR244 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee  
Government, Military and Veterans Affairs
- LR245 Interim study to examine how technology may be used in elections to make the process more efficient and user-friendly for voters  
Government, Military and Veterans Affairs
- LR246 Interim study to review an interagency agreement between the Dept. of Health and Human Services and the Dept. of Revenue for the purpose of examining possible tax form revisions for identification of children eligible for the medical assistance program and medicaid  
Health and Human Services
- LR247 Interim study to examine development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products  
Natural Resources
- LR248 Interim study to examine the accessibility of health care providers for persons on medicaid  
Appropriations and Health and Human Services
- LR249 Interim study to examine the impact of recidivism rates of persons convicted of driving under the influence  
Judiciary
- LR250 Interim study to examine human trafficking in Nebraska  
Judiciary
- LR251 Interim study to examine immigration-related marriage fraud  
Judiciary
- LR252 Interim study to examine the impact of illegal immigration on the state's budget  
Appropriations
- LR253 Interim study to investigate the merits and costs of drug testing recipients and applicants of cash assistance benefits offered under the Welfare Reform Act  
Health and Human Services
- LR254 Interim study to examine the Adam Walsh Child Protection and Safety Act of 2006 and Nebraska's Sex Offender Registration Act  
Judiciary
- LR255 Interim study to examine issues within the jurisdiction of the Judiciary Committee  
Judiciary

- LR257 Interim study to examine the flood control needs of Omaha and the greater Omaha metropolitan area  
Natural Resources
- LR258 Interim study to examine the availability of technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions  
Health and Human Services and Banking, Commerce and Insurance
- LR260 Interim study to examine statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking  
Natural Resources
- LR261 Interim study to examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay"  
Natural Resources
- LR262 Interim study to examine the effects of imposing an earning cap on the calculation of a final pensionable salary for school employees  
Nebraska Retirement Systems
- LR263 Interim study to examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector  
Revenue and Urban Affairs
- LR264 Interim study to examine ways to encourage recycling and the use of recycling materials in manufacturing by Nebraska businesses, and possible changes to existing tax incentives and grant programs  
Revenue
- LR265 Interim study to examine the feasibility of implementing a Career Readiness Certificate program  
Education
- LR266 Interim study to examine the feasibility of creating regional skills alliances, in which employers, government agencies, educational institutions, and labor unions pool resources to train workers for emerging region-wide job opportunities  
Business and Labor
- LR267 Interim study to examine issues relating to regulatory flexibility policies  
Government, Military and Veterans Affairs
- LR268 Interim study to examine the potential for privatization of the State of Nebraska's property management system  
Government, Military and Veterans Affairs
- LR269 Interim study to examine the use of strategic plans and performance benchmarks by state agencies  
Appropriations
- LR270 Interim study to examine the current state of health insurance coverage in the State of Nebraska to meet health insurance needs of Nebraskans  
Health and Human Services and Banking, Commerce and Insurance
- LR271 Interim study to analyze the Nebraska Advantage Act  
Revenue

- LR272 Interim study to examine the fiscal impact that the criminal law has on counties, especially new criminal offenses and procedures  
Appropriations and Judiciary
- LR273 Interim study to examine the criteria for developing integrated management plans required under the Nebraska Ground Water Management and Protection Act  
Natural Resources
- LR274 Interim study to examine the statutory protections for guide dogs  
Agriculture
- LR275 Interim study to examine Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody  
Judiciary and Health and Human Services
- LR276 Interim study to examine the methods and level of effort of the Division of Weights and Measures of the Dept. of Agriculture to monitor and enforce fuel dispenser labeling requirements relating to ethanol-blended fuel products  
Agriculture
- LR277 Interim study to review the Dept. of Agriculture's inspection program under the Commercial Dog and Cat Operator Inspection Act  
Agriculture
- LR278 Interim study to examine the implications of the emerging livestock disease traceability framework governing movements of animals in interstate commerce described in the Animal Disease Traceability Comprehensive Report  
Agriculture
- LR279 Interim study to examine issues relating to the compensation and benefits of the commissioners of the Nebraska Liquor Control Commission  
General Affairs
- LR280 Interim study to examine whether insurance laws should be amended to protect homeowners from home improvement or home repair contractor fraud as it relates to insurance claims  
Banking, Commerce and Insurance
- LR281 Interim study to conduct research and provide recommendations on how Nebraska is currently providing home and community-based health care services to Nebraska seniors  
Health and Human Services
- LR282 Interim study to provide for review, assessment, and recommendations relating to the implementation of the Nebraska Health Care Funding Act  
Appropriations and Health and Human Services
- LR283 Interim study to examine Nebraska's judicial system, specifically issues affecting judicial effectiveness and independence  
Judiciary
- LR284 Interim study to examine current law with respect to the changing of surnames as a result of marriage  
Judiciary

- LR285 Interim study to examine the nursing shortage in Nebraska  
Appropriations and Health and Human Services
- LR286 Interim study to examine the Legislature's use of resources from designated cash funds for purposes of funding legislation independent of the budget process  
Appropriations
- LR287 Interim study to analyze the in transit system in Nebraska for motor vehicle dealer sales and private transactions  
Transportation and Telecommunications
- LR288 Interim study to examine issues relating to standing for foster parents in removal proceedings  
Judiciary and Health and Human Services
- LR289 Interim study of new approaches to address the undocumented immigrant population that have been initiated at both the state and local level around the country since the Judiciary Committee completed its report in December 2008  
Judiciary
- LR290 Interim study to examine the procedures of the Dept. of Health and Human Services relating to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption  
Judiciary and Health and Human Services
- LR291 Interim study to evaluate methods of reporting and preventing hospital-acquired infections (HAIs)  
Health and Human Services
- LR292 Interim study to examine cellular phone related safety issues in construction and school zones  
Transportation and Telecommunications
- LR293 Interim study to continue the work of the select committee appointed pursuant to LR467, 2010, to conduct research regarding the federal Patient Protection and Affordable Care Act  
Health and Human Services
- LR294 Interim study to examine the formation and mission of outdoor outfitters and guides in the State of Nebraska  
Natural Resources
- LR295 Interim study to compile research relating to food safety, animal welfare, resource stewardship, and farm economy welfare, associated with restrictions of livestock husbandry practices promoted by animal welfare advocacy groups  
Agriculture
- LR296 Interim study to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers  
Agriculture
- LR297 Interim study to review the report of the Dept. of Agriculture pursuant to LB305, identifying authorities and resources necessary to carry out a cooperative program of state meat and poultry inspection  
Agriculture

- LR298 Interim study to examine the usage of models of collaborative management of multiagency services provided to children and families in Nebraska and other states  
Judiciary and Health and Human Services
- LR299 Interim study to examine issues regarding gaming revenue that leaves Nebraska  
General Affairs
- LR300 Interim study to examine issues relating to horseracing  
General Affairs
- LR301 Interim study to examine issues relating to alcohol impact zones  
General Affairs
- LR302 Interim study to examine issues under the jurisdiction of the General Affairs Committee  
General Affairs
- LR303 Interim study to examine issues relating to whether Nebraska State Patrol inspectors of violations under the Nebraska Liquor Control Act should be under the Nebraska Liquor Control Commission's jurisdiction  
General Affairs
- LR304 Interim study to examine legislative intent under the Nebr. Ground Water Management and Protection Act regarding water use on "commingled acres"  
Natural Resources
- LR305 Interim study to examine the public benefits and supportive services available to older foster youth transitioning or "aging" out of the foster care system  
Health and Human Services
- LR306 Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system  
Health and Human Services
- LR307 Interim study to examine the process of decreasing the number of county commissioners  
Government, Military and Veterans Affairs
- LR308 Interim study to examine the intent of LB102, 2011, regarding vehicle loads  
Transportation and Telecommunications
- LR309 Interim study to examine ways to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas  
Natural Resources
- LR310 Interim study to examine the intent of LB692, 2011, regarding the reimbursement of expenses by the Dept. of Administrative Services  
Government, Military and Veterans Affairs
- LR311 Interim study to examine the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market  
Appropriations

- LR312 Interim study to examine the intent of LB392, 2011, including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species  
Natural Resources
- LR313 Interim study to examine the intent of LR9CA, 2011, regarding agricultural and horticultural land valuation  
Revenue
- LR314 Interim study to examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska  
Natural Resources
- LR315 Interim study to examine simulcast horseracing in Nebraska  
General Affairs
- LR316 Interim study to examine the timing issues relating to the construction, permitting, and coordination processes of state and federal agencies regarding roads and transportation projects  
Transportation and Telecommunications
- LR317 Interim study to examine the funding formulas for the federally qualified health centers (FQHCs)  
Appropriations
- LR319 Interim study to examine the tax exemptions that pertain to the horseracing industry in Nebraska  
Revenue
- LR320 Interim study to examine the funding of public elementary and secondary education  
Education
- LR321 Interim study to examine the experiences of child victims and child witnesses with respect to their interaction with the criminal justice system  
Judiciary
- LR322 Interim study to examine issues relating to the operation of the Nebraska Tractor Testing Laboratory  
Agriculture
- LR323 Interim study to examine combined sewer overflow projects affecting municipalities  
Revenue
- LR324 Interim study to examine ways for the State of Nebraska to help facilitate an increase in the export of Nebraska's agricultural products  
Agriculture
- LR332 Interim study to determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates  
Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board



**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR213 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR213.

**GENERAL FILE**

**LEGISLATIVE BILL 397A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB669 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 669.** With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend sections 20-159, 24-502, 24-507, 24-515, 25-508.01, 25-509.01, 25-510.02, 25-511.02, 25-512.01, 25-513.01, 25-514.01, 25-2221, 25-2406, 25-2705, 25-2805, 29-404, 29-1603, 29-2259, and 42-361, Reissue Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01, 25-507.01, 32-524, and 43-258, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to funding for court-appointed interpreters, service of process, court offices, demand for jury trials, Small Claims Court proceedings, certain filing requirements, clerks of the district court, proceedings for dissolution of marriage, and evaluation and placement of juveniles; to eliminate provisions relating to divisions of the county court; to provide for agreements for sharing staff and providing services between county courts and district courts; to provide for judicial hearing officers for juvenile courts; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 24-512, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Utter
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pankonin	

Voting in the negative, 0.

Excused and not voting, 2:

Smith                      Sullivan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 642.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2010; to authorize the Department of Revenue to enter into certain contracts for products and services; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Adams	Cornett	Harr, B.	Louden	Pirsch
Ashford	Council	Howard	McCoy	Schilz
Brasch	Dubas	Karpisek	McGill	Utter
Campbell	Fischer	Krist	Mello	Wallman
Carlson	Gloor	Langemeier	Nelson	Wightman
Coash	Hadley	Larson	Nordquist	
Conrad	Hansen	Lathrop	Pahls	
Cook	Harms	Lautenbaugh	Pankonin	

Voting in the negative, 4:

Christensen    Fulton                    Heidemann    Schumacher

Present and not voting, 6:

Avery                    Flood                    Janssen  
Bloomfield    Haar, K.                Price

Excused and not voting, 2:

Smith                    Sullivan

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB590 with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 590.**

A BILL FOR AN ACT relating to tobacco; to amend sections 59-1520, 59-1523, 69-502, 69-2702, 69-2703, 69-2705, 69-2706, 69-2707, 69-2708, 69-2709, 69-2710, 69-2711, 71-7606, 77-2601, 77-2602, 77-2602.03, 77-2603, 77-2604, 77-2605, 77-2607, 77-2608, 77-2610, 77-2612, 77-2613, 77-2614, 77-2615, 77-2615.01, 77-2620, and 77-2622, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate provisions relating to licenses, disciplinary actions relating to licenses, the Master Settlement Agreement, manufacturer certifications, powers and duties, bonds, cigarette stamps, stamping agents, escrow deposits, reporting, a directory, and taxation; to define and redefine terms; to provide additional uses for dedicated revenue under the Nebraska Health Care Funding Act; to provide for an agreement with Indian tribes regarding cigarette sales, taxation, and distribution as prescribed; to provide and change penalties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nelson	Wallman
Christensen	Gloor	Krist	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pankonin	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 590A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 590, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Hansen	Lathrop	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nelson	Wallman
Christensen	Gloor	Krist	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pankonin	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 521.**

A BILL FOR AN ACT relating to abortion; to amend section 28-335, Reissue Revised Statutes of Nebraska; to require the physical presence of the physician who performs, induces, or attempts to perform an abortion as prescribed; to provide a penalty; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Adams	Fischer	Heidemann	Louden	Price
Bloomfield	Flood	Janssen	McCoy	Schilz
Brasch	Fulton	Karpisek	Mello	Schumacher
Carlson	Gloor	Krist	Nelson	Sullivan
Christensen	Hadley	Langemeier	Nordquist	Utter
Coash	Hansen	Larson	Pahls	Wallman
Cornett	Harms	Lathrop	Pankonin	
Dubas	Harr, B.	Lautenbaugh	Pirsch	

Voting in the negative, 9:

Ashford	Campbell	Cook	Haar, K.	McGill
Avery	Conrad	Council	Howard	

Present and not voting, 1:

Wightman

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 669, 642, 590, 590A, and 521.

**SELECT FILE**

**LEGISLATIVE BILL 704.** ER141, found on page 1719, was adopted.

Senator Karpisek renewed his amendment, AM1517, found on page 1703.

**SENATOR GLOOR PRESIDING**

Senator Nelson moved the previous question. The question is, "Shall the debate now close?"

Senator Nelson moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

**SPEAKER FLOOD PRESIDING**

Senator Nelson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Adams	Coash	Harms	McCoy	Schumacher
Ashford	Cornett	Heidemann	Nelson	Sullivan
Bloomfield	Fischer	Janssen	Pahls	Utter
Brasch	Flood	Krist	Pankonin	Wightman
Campbell	Fulton	Langemeier	Pirsch	
Carlson	Gloor	Larson	Price	
Christensen	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 15:

Avery	Council	Hansen	Lathrop	Mello
Conrad	Dubas	Harr, B.	Louden	Nordquist
Cook	Haar, K.	Howard	McGill	Wallman

Present and not voting, 1:

Karpisek

Excused and not voting, 1:

Smith

The motion to cease debate prevailed with 32 ayes, 15 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Karpisek moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Avery	Council	Howard	Mello
Conrad	Dubas	Lathrop	Nordquist
Cook	Haar, K.	Louden	Schumacher
Cornett	Harr, B.	McGill	Wallman

Voting in the negative, 28:

Adams	Coash	Harms	Lautenbaugh	Price
Ashford	Fischer	Heidemann	McCoy	Schilz
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Gloor	Krist	Pahls	Wightman
Carlson	Hadley	Langemeier	Pankonin	
Christensen	Hansen	Larson	Pirsch	

Present and not voting, 3:

Bloomfield	Karpisek	Sullivan
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Excused and not voting, 2:

Fulton	Smith
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The Karpisek amendment lost with 16 ayes, 28 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## VISITORS

Visitors to the Chamber were 31 fifth-grade students, teachers, and sponsors from Christ the King, Omaha; 23 fourth-grade students, teacher, and sponsors from Blessed Sacrament School, Lincoln; Senator Hadley's wife, sister, and brother-in-law, Marilyn Hadley, from Kearney, and Jane and Tom Gwin, from Denver, Colorado; and former Senator Pat Engel from South Sioux City.

## RECESS

At 11:57 a.m., on a motion by Senator Gloor, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Loudon, Pankonin, Pirsch, Schilz, Smith, and Wightman who were excused until they arrive.

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 669 and 642.

(Signed) Kate Sullivan

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 23, 2011, at 10:40 a.m. were the following: LBs 669e, 642e, 590, 590A, and 521.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 397A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 397.** Placed on Final Reading.

ST45

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM1534:
  - a. On page 1, line 19, the first "7" has been struck and "24" inserted and "the first" has been inserted after "with"; and
  - b. On page 2, line 18, "this" has been inserted after "in".
2. In the Lathrop amendment, AM1528:
  - a. On page 5, line 3, "of" has been inserted after "not";
  - b. On page 20, line 15, "this" has been inserted after "in";
  - c. On page 21, line 9, an underscored comma has been inserted after "class";



d. On page 23, line 24, "(2)(c)(iii)(B) of this section" has been inserted after "subdivision";

e. On page 25, line 6, an underscored comma has been inserted after "delivery"; and

f. On page 55, line 10, "half" has been struck and "one-half" inserted.

3. In the E & R amendments, ER128, on page 65, line 18, "48-804," has been inserted after the second comma and "48-815," has been struck; in line 19 "79-824, 79-828," has been struck; and the matter beginning with "collective" in line 24 through line 27 has been struck and "and change collective-bargaining provisions; to provide for applicability of provisions;" inserted.

**LEGISLATIVE BILL 400.** Placed on Final Reading.

ST46

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 10 and all amendments thereto have been struck and "property tax; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority for natural resources districts and exceptions from levy limits as prescribed; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 700.** Placed on Final Reading.

**LEGISLATIVE BILL 701.** Placed on Final Reading.

**LEGISLATIVE BILL 702.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

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

Senator Krist filed the following amendment to LB703:

AM1552

- 1 On page 4, strikes lines 2 through 11 and all
- 2 amendments thereto and insert "labeled as maps LEG2-10002 and all
- 3 corresponding maps filed".

### **SELECT FILE**

**LEGISLATIVE BILL 704.** Senator Karpisek offered the following motion:

MO49

Reconsider the vote taken on AM1517.

**SENATOR DUBAS PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

**AMENDMENT - Print in Journal**

Senator Pahls filed the following amendment to LB40:  
AM1545

- 1 1. Insert the following new sections:
- 2 Section 1. Section 77-2701, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
- 5 77-27,236 and section 4 of this act shall be known and may be cited
- 6 as the Nebraska Revenue Act of 1967.
- 7 Sec. 2. Section 77-2701.04, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 77-2701.04 For purposes of sections 77-2701.04 to 77-2713
- 10 and section 4 of this act, unless the context otherwise requires,
- 11 the definitions found in sections 77-2701.05 to 77-2701.53 shall be
- 12 used.
- 13 Sec. 4. Through June 30, 2016, sales and use taxes shall
- 14 not be imposed on the gross receipts from the sale of and the
- 15 storage, use, or other consumption in this state of prepared food
- 16 or meals for human consumption.
- 17 2. Renumber the remaining sections and correct the
- 18 repealer accordingly.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 334.** Introduced by Dubas, 34.

WHEREAS, Jacob Swanson of Doniphan, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jacob has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Swanson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Swanson.

Laid over.

**LEGISLATIVE RESOLUTION 335.** Introduced by Dubas, 34.

WHEREAS, Jeremy Swanek of Doniphan, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jeremy has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jeremy, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jeremy Swanek on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jeremy Swanek.

Laid over.

**LEGISLATIVE RESOLUTION 336.** Introduced by Dubas, 34.

WHEREAS, Ross Hockensmith of Doniphan, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ross has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ross, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ross Hockensmith on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ross Hockensmith.

Laid over.

**LEGISLATIVE RESOLUTION 337.** Introduced by Campbell, 25; Avery, 28; Coash, 27; Conrad, 46; Fulton, 29; K. Haar, 21; McGill, 26; Wallman, 30.

WHEREAS, Bill Kloefkorn was named State Poet by proclamation of Governor Charles Thone on September 11, 1982; and

WHEREAS, he was born August 12, 1932, in Kansas, taught English at Nebraska Wesleyan University in Lincoln, retiring from that full-time position in 1997, wrote thirty-one books, among them poetry, including "Uncertain the Final Run to Winter" and "Loup River Psalter", short fiction, including "Shadow Boxer", and memoirs, including "This Death by Drowning", and assisted in starting the Nebraska Poets-in-the-Schools program, enriching the education of Nebraska school children; and

WHEREAS, his poetry has been published in periodicals and newspapers throughout the United States, including on poetry Internet web sites, and shared across the country through the readings he gave and workshops he conducted at colleges and universities; and

WHEREAS, he liked to tell people that he won first place in the 1978 Nebraska Hog-Calling Championship; and

WHEREAS, he was called "a great poet" and "an even better teacher"; and

WHEREAS, he is quoted at the Nebraska Wesleyan Alumni Association web site as having said that, "Poems should not be simplistic, nor should they be sermons. Poetry is for those who want to use their own minds to find answers. It can challenge without being elitist or obscure"; and

WHEREAS, in his poem "Hands," he wrote, "beside you someone whose hand you'd recognize in any degree of darkness holding your hand, wristbone connected to the armbone, and though you don't know how this world began or how it might end, you know the pathway that leads to repose"; and

WHEREAS, Bill Kloefkorn died in Lincoln on May 19, 2011, leaving behind his wife, Eloise, four children, eleven grandchildren, two great-

grandchildren, and many friends, colleagues, admirers, former students, and lovers of poetry.

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

1. That the Legislature expresses its sympathy to Eloise Kloefkorn and the family of Bill Kloefkorn on their loss.

2. That the Legislature recognizes Bill Kloefkorn's contributions to Nebraska and the United States through a lifetime of writing, teaching, mentoring, encouraging, and befriending his fellow human beings.

3. That a copy of this resolution be sent to the family of Bill Kloefkorn.

Laid over.

**LEGISLATIVE RESOLUTION 338.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22.

**PURPOSE:** The purpose of this resolution is to examine the boundaries and taxing authority of transit authorities.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 704.** The Karpisek motion, MO49, found in this day's Journal, to reconsider the vote taken on AM1517, was renewed.

Senator Karpisek moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Karpisek requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 16:

Avery	Council	Karpisek	Mello
Conrad	Haar, K.	Lathrop	Nordquist
Cook	Harr, B.	Louden	Schumacher
Cornett	Howard	McGill	Wallman

Voting in the negative, 31:

Adams	Coash	Hansen	Lautenbaugh	Sullivan
Ashford	Dubas	Harms	McCoy	Utter
Bloomfield	Fischer	Heidemann	Nelson	Wightman
Brasch	Flood	Janssen	Pahls	
Campbell	Fulton	Krist	Pankonin	
Carlson	Gloor	Langemeier	Price	
Christensen	Hadley	Larson	Schilz	

Excused and not voting, 2:

Pirsch                      Smith

The Karpisek motion to reconsider failed with 16 ayes, 31 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Mello withdrew his amendment, AM1509, found on page 1705.

Senator Mello offered the following amendment:

AM1540

(Amendments to E & R amendments, ER141)

1. On page 3, strike line 23 and insert "CON1-46001 and
- 2 all corresponding maps.".

### **SENATOR ADAMS PRESIDING**

### **SPEAKER FLOOD PRESIDING**

Senator Mello moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Mello requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Ashford	Cook	Harr, B.	Lathrop	Nordquist
Avery	Council	Howard	Louden	Wallman
Conrad	Haar, K.	Karpisek	Mello	

Voting in the negative, 30:

Adams	Coash	Hadley	Langemeier	Pankonin
Bloomfield	Dubas	Hansen	Larson	Schilz
Brasch	Fischer	Harms	Lautenbaugh	Schumacher
Campbell	Flood	Heidemann	McCoy	Sullivan
Carlson	Fulton	Janssen	Nelson	Utter
Christensen	Gloor	Krist	Pahls	Wightman

Present and not voting, 3:

Cornett            McGill            Price

Excused and not voting, 2:

Pirsch            Smith

The Mello amendment lost with 14 ayes, 30 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following amendment:  
AM1549

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and insert "CON11-18005 and
- 2 all corresponding maps.".

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, AM1549, found in this day's Journal, and replace it with his substitute amendment, AM1564. No objections. So ordered.

AM1564

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and insert "CON11-18005-1,
- 2 CON11-18005-1A, CON11-18005-2, CON11-18005-3, and CON11-18005-3A.".

Senator Langemeier offered the following motion:  
MO53

Invoke cloture pursuant to Rule 7, Section 10.

Senator Langemeier moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Langemeier requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Adams	Coash	Hansen	Lautenbaugh	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Nelson	Smith
Brasch	Flood	Janssen	Pahls	Utter
Campbell	Fulton	Krist	Pankonin	Wightman
Carlson	Gloor	Langemeier	Pirsch	
Christensen	Hadley	Larson	Price	

Voting in the negative, 15:

Avery	Council	Harr, B.	Lathrop	Nordquist
Conrad	Dubas	Howard	McGill	Sullivan
Cook	Haar, K.	Karpisek	Mello	Wallman

Present and not voting, 1:

Louden

The Langemeier motion to invoke cloture prevailed with 33 ayes, 15 nays, and 1 present and not voting.

Senator Mello requested a record vote on the Lautenbaugh amendment.

Voting in the affirmative, 36:

Adams	Cornett	Harms	McCoy	Smith
Ashford	Dubas	Heidemann	Nelson	Sullivan
Bloomfield	Fischer	Janssen	Pahls	Utter
Brasch	Flood	Karpisek	Pankonin	Wightman
Campbell	Fulton	Krist	Pirsch	
Carlson	Gloor	Langemeier	Price	
Christensen	Hadley	Larson	Schilz	
Coash	Hansen	Lautenbaugh	Schumacher	

Voting in the negative, 10:

Conrad	Council	Harr, B.	McGill	Nordquist
Cook	Haar, K.	Howard	Mello	Wallman

Present and not voting, 3:

Avery            Lathrop            Louden

The Lautenbaugh amendment was adopted with 36 ayes, 10 nays, and 3 present and not voting.

Senator Mello requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Coash	Hansen	Lautenbaugh	Schilz
Ashford	Dubas	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Nelson	Smith
Brasch	Flood	Janssen	Pahls	Sullivan
Campbell	Fulton	Krist	Pankonin	Utter
Carlson	Gloor	Langemeier	Pirsch	Wightman
Christensen	Hadley	Larson	Price	



Voting in the negative, 14:

Avery	Cornett	Harr, B.	Lathrop	Nordquist
Conrad	Council	Howard	McGill	Wallman
Cook	Haar, K.	Karpisek	Mello	

Present and not voting, 1:

Louden

Advanced to Enrollment and Review for Engrossment with 34 ayes, 14 nays, and 1 present and not voting.

The Chair declared the call raised.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 339.** Introduced by Hadley, 37.

WHEREAS, Geraldine Stirtz, coordinator of the Office for Service-Learning at the University of Nebraska at Kearney, received the 2011 Excellence in National Service Award; and

WHEREAS, this award from the Nebraska Volunteer Service Commission was presented to Ms. Stirtz by Sally Ganem, Nebraska's first lady, during the First Lady's Outstanding Community Service Awards Luncheon in Lincoln; and

WHEREAS, Ms. Stirtz has been coordinator for the Office for Service-Learning since 1990. As coordinator, she recruits and oversees the AmeriCorps program on campus. AmeriCorps is often described as the "domestic Peace Corps"; and

WHEREAS, Ms. Stirtz has also been an integral part of the Midwest Consortium for Service-Learning in Higher Education, providing leadership and grant-writing skills that produced financial support for the programs; and

WHEREAS, Ms. Stirtz created an online graduate credit course for instructors to learn and apply service-learning in their own classrooms. In addition, she has coordinated and conducted professional development for faculty at the University of Nebraska at Kearney to bring service-learning into their coursework; and

WHEREAS, Ms. Stirtz has also served on the board of the Kearney Concert Association and has been a part of the Axtell Oratorio Society for many years. Both organizations use volunteers to bring music and entertainment to central Nebraska. She has also worked with United Way of the Kearney Area to use Service-Learning Pro, a tracking system for volunteer hours that is also being used on the campus of the University of Nebraska at Kearney to assist instructors in helping students track their volunteer hours; and

WHEREAS, Ms. Stirtz is a tireless advocate for volunteerism and service on the campus of the University of Nebraska at Kearney and in the surrounding community.

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

1. That the Legislature congratulates Geraldine Stirtz on receiving the 2011 Excellence in National Service Award.
2. That a copy of this resolution be sent to Geraldine Stirtz.

Laid over.

**LEGISLATIVE RESOLUTION 340.** Introduced by Fulton, 29; Heidemann, 1.

WHEREAS, the Auburn Volunteer Fire Department is celebrating its 100th anniversary in 2011; and

WHEREAS, the Auburn Volunteer Fire Department has a storied history of volunteer service to Auburn and its neighboring communities; and

WHEREAS, in June 1911, the community of Auburn founded a volunteer fire department which continues to serve and protect the city today; and

WHEREAS, the 39-member department stands ready to assist the community in whatever situation arises.

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

1. That the Legislature congratulates the Auburn Volunteer Fire Department on its 100th anniversary.
2. That the Legislature expresses its thanks to the members of the Auburn Volunteer Fire Department for their good work over the last century.
3. That a copy of this resolution be sent to the Auburn Volunteer Fire Department.

Laid over.

**LEGISLATIVE RESOLUTION 341.** Introduced by Fulton, 29; Campbell, 25.

WHEREAS, Erin and Emma Cooney, twin sisters and eighth graders at Lux Middle School in Lincoln, Nebraska, have distinguished themselves in the field of math; and

WHEREAS, Erin and Emma Cooney's outstanding accomplishments in the area of math qualified them for the national MATHCOUNTS competition in Washington, D.C.; and

WHEREAS, the Legislature recognizes the outstanding accomplishments of the youth of our state.

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

1. That the Legislature recognizes Erin and Emma Cooney for their outstanding accomplishments in the field of math.
2. That a copy of this resolution be sent to Erin and Emma Cooney and Bill Bucher, principal of Lux Middle School.

Laid over.

**LEGISLATIVE RESOLUTION 342.** Introduced by Fulton, 29.

WHEREAS, David Smith, president of Union College in Lincoln, Nebraska, will be leaving the Seventh-day Adventist college after thirteen years of outstanding service; and

WHEREAS, under his leadership, Union College doubled its enrollment to over 1,000 students and paid down years worth of debt; and

WHEREAS, during his tenure, Union College established two new academic programs, including the Master of Physician Assistant Studies and the international rescue and relief bachelor degree program; and

WHEREAS, the Legislature recognizes the outstanding service of the citizens of the State of Nebraska.

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

1. That the Legislature recognizes David Smith for his outstanding service as president of Union College.
2. That a copy of this resolution be sent to David Smith.

Laid over.

**LEGISLATIVE RESOLUTION 343.** Introduced by Fulton, 29; Brasch, 16; Hansen, 42; Harms, 48; McCoy, 39.

WHEREAS, a parent's duty to direct the upbringing of their children remains fundamental to the maintenance of the fabric of our society and the future of the good life here in the State of Nebraska; and

WHEREAS, parents who elect to educate their children at home invest thousands of hours each year in the intellectual, physical, and spiritual development of their children; and

WHEREAS, studies have demonstrated that students educated at home excel academically, enter college in high numbers, and continue their education beyond college frequently; and

WHEREAS, students educated at home have demonstrated a high propensity for civic involvement by voting at high rates and also by investing in their churches, unions, neighborhood associations, and professional organizations at high rates; and

WHEREAS, over six thousand students receive instruction at home each year here in the State of Nebraska; and

WHEREAS, many home-educated students have distinguished themselves in their communities across the State of Nebraska, including Miss America Teresa Scanlan.

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

1. That the Legislature recognizes the outstanding dedication of parents who home school their children in the State of Nebraska.

2. That a copy of this resolution be sent to the Nebraska Christian Home Educators Association and the Home School Legal Defense Association.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 629.** ER140, found on page 1700, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 390.** Title read. Considered.

Committee AM1537, found on page 1724, was considered.

### SENATOR GLOOR PRESIDING

Senator Ashford offered the following amendment to the committee amendment:

AM1542

(Amendments to Standing Committee amendments, AM1537)

1	1. Insert the following new sections:		
2	Sec. 29. Section 19, Legislative Bill 374, One Hundred		
3	Second Legislature, First Session, 2011, is amended to read:		
4	Sec. 19. AGENCY NO. 5 - SUPREME COURT		
5	Program No. 52 - Operations		
6		FY2011-12	FY2012-13
7	GENERAL FUND	26,990,554	27,400,012
8	CASH FUND est.	2,340,144	2,347,925
9	FEDERAL FUND est.	766,455	769,107
10	PROGRAM TOTAL	30,097,153	30,517,044
11	SALARY LIMIT	19,140,180	19,522,984

12 The Department of Administrative Services shall monitor  
13 the appropriations and expenditures for this program according to  
14 the following program classifications:

- 15 No. 34 - Court Administration
- 16 No. 40 - State Law Library
- 17 No. 396 - County Court System
- 18 No. 399 - District Court Reporters
- 19 No. 405 - Court of Appeals

20 The unexpended General Fund appropriation balance  
21 existing on June 30, 2011, is hereby reapportioned.

22 The budget division of the Department of Administrative  
 1 Services shall administratively transfer General Fund  
 2 appropriations among Programs 52, ~~and 67, and 435~~ within Agency 5,  
 3 upon written certification by the State Court Administrator that  
 4 the Supreme Court has determined that such transfer is necessary  
 5 for the efficient functioning of statewide court operations and the  
 6 proper administration of justice. The Salary Limit for Agency 5,  
 7 Programs 52, ~~and 67, and 435~~, may be administratively increased  
 8 for any transfers made to Programs 52, ~~and 67, and 435~~ pursuant  
 9 to this section.

10 There is included in the appropriation to this program  
 11 for FY2011-12 \$270,000 Cash Funds for dispute resolution state  
 12 aid, which shall only be used for such purpose except as  
 13 otherwise directed by the Supreme Court. There is included in  
 14 the appropriation to this program for FY2012-13 \$270,000 Cash Funds  
 15 for dispute resolution state aid, which shall only be used for such  
 16 purpose except as otherwise directed by the Supreme Court.

17 There is included in the appropriation to this program  
 18 for FY2011-12 \$450,000 Cash Funds for parenting plan mediation for  
 19 indigent and lower-income persons involved in Parenting Act cases,  
 20 as state aid, which shall only be used for such purpose except  
 21 as otherwise directed by the Supreme Court. There is included in  
 22 the appropriation to this program for FY2012-13 \$450,000 Cash Funds  
 23 for parenting plan mediation for indigent and lower-income persons  
 24 involved in Parenting Act cases, as state aid, which shall only be  
 25 used for such purpose except as otherwise directed by the Supreme  
 26 Court.

27 Cash Fund expenditures for this program shall not be  
 1 limited to the amounts shown.

2 Sec. 30. Section 20, Legislative Bill 374, One Hundred  
 3 Second Legislature, First Session, 2011, is amended to read:

4 Sec. 20. AGENCY NO. 5 - SUPREME COURT

	FY2011-12	FY2012-13
6		
7 GENERAL FUND	20,438,228	20,755,789
8 CASH FUND est.	947,332	947,332
9 FEDERAL FUND est.	208,798	208,798
10 PROGRAM TOTAL	21,594,358	21,911,919
11 SALARY LIMIT	14,696,308	14,990,235

12 The Department of Administrative Services shall monitor  
 13 the appropriations and expenditures for this program according to  
 14 the following program classifications:

15 No. 397 - Statewide Probation

16 No. 398 - Intensive Supervision Probation

17 The unexpended General Fund appropriation balance  
 18 existing on June 30, 2011, is hereby reappropriated.

19 The budget division of the Department of Administrative  
 20 Services shall administratively transfer General Fund  
 21 appropriations among Programs 52, ~~and 67, and 435~~ within Agency 5,

22 upon written certification by the State Court Administrator that  
 23 the Supreme Court has determined that such transfer is necessary  
 24 for the efficient functioning of statewide court operations and the  
 25 proper administration of justice. The Salary Limit for Agency 5,  
 26 Programs 52; and 67, ~~and 435~~, may be administratively increased  
 27 for any transfers made to Programs 52; and 67, ~~and 435~~ pursuant  
 1 to this section.

2 Cash Fund expenditures for this program shall not be  
 3 limited to the amounts shown.

4 Sec. 31. Section 22, Legislative Bill 374, One Hundred  
 5 Second Legislature, First Session, 2011, is amended to read:

6 Sec. 22. AGENCY NO. 5 - SUPREME COURT

7 Program No. 420 - State Specialized Court Operations

	FY2011-12	FY2012-13
8 <u>GENERAL FUND</u>	2,060,526	2,060,521
9 <u>CASH FUND est.</u>	168,965	190,215
10 <del>CASH FUND est.</del>	2,229,491	2,250,736
11 PROGRAM TOTAL	2,229,491	2,250,736
12 SALARY LIMIT	1,027,472	1,048,022

14 The supervision and management of the State Specialized  
 15 Courts shall be under the direct jurisdiction of the Supreme  
 16 Court and the State Court Administrator. Any contractual funds  
 17 received from the Community Corrections program, under the Nebraska  
 18 Commission on Law Enforcement and Criminal Justice, to support  
 19 the cost of operating the State Specialized Courts shall only be  
 20 credited and expended directly from the Probation Program Cash  
 21 Fund.

22 Cash Fund expenditures for this program shall not be  
 23 limited to the amounts shown.

24 Sec. 32. Section 23, Legislative Bill 374, One Hundred  
 25 Second Legislature, First Session, 2011, is amended to read:

26 Sec. 23. AGENCY NO. 5 - SUPREME COURT

27 Program No. 435 - Probation Community Corrections

	FY2011-12	FY2012-13
2 <u>GENERAL FUND</u>	959,073	973,559
3 <del>CASH FUND est.</del>	8,333,836	8,353,812
4 <u>GENERAL FUND</u>	4,071,208	4,085,694
5 <u>CASH FUND est.</u>	5,221,701	5,241,677
6 PROGRAM TOTAL	9,292,909	9,327,371
7 SALARY LIMIT	1,673,312	1,706,778

8 The unexpended General Fund appropriation balance  
 9 existing on June 30, 2011, is hereby reappropriated.

10 Cash Fund expenditures for this program shall not be  
 11 limited to the amounts shown.

12 Sec. 33. Section 240, Legislative Bill 374, One Hundred  
 13 Second Legislature, First Session, 2011, is amended to read:

14 Sec. 240. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW  
 15 ENFORCEMENT AND CRIMINAL JUSTICE

16	Program No. 220 - Community Corrections Council Office		
17		FY2011-12	FY2012-13
18	<del>GENERAL FUND</del>	<del>5,484,959</del>	<del>5,488,959</del>
19	<u>GENERAL FUND</u>	<u>281,298</u>	<u>285,298</u>
20	CASH FUND	405,917	406,951
21	<del>PROGRAM TOTAL</del>	<del>5,890,876</del>	<del>5,895,910</del>
22	<u>PROGRAM TOTAL</u>	<u>687,215</u>	<u>692,249</u>
23	SALARY LIMIT	218,643	223,016

24 The unexpended General Fund appropriation balance  
25 existing on June 30, 2011, is hereby reappropriated.

26 Sec. 34. Section 7, Legislative Bill 376, One Hundred  
27 Second Legislature, First Session, 2011, is amended to read:

1 Sec. 7. AGENCY NO. 5 - SUPREME COURT

2 Program No. 5 - Retired Judges' Salaries

3		FY2011-12	FY2012-13
4	GENERAL FUND	47,436	47,436
5	PROGRAM TOTAL	47,436	47,436
6	SALARY LIMIT	44,832	44,832

7 The unexpended General Fund appropriation balance  
8 existing on June 30, 2011, is hereby reappropriated.

9 The unexpended General Fund appropriation balance  
10 existing on June 30, 2012, is hereby reappropriated.

11 The budget division of the Department of Administrative  
12 Services shall administratively transfer General Fund  
13 appropriations among Programs 3, 4, 5, 6, 7, 52, ~~and 67, and~~  
14 ~~435~~ within Agency 5, upon written certification by the State  
15 Court Administrator that the Nebraska Supreme Court has determined  
16 that such transfer is necessary for the efficient functioning  
17 of statewide court operations and the proper administration of  
18 justice. The Salary Limit for Agency 5, Programs 5, 52, ~~and 67, and~~  
19 ~~435~~, may be administratively increased for any transfers made to  
20 Programs 5, 52, ~~and 67, and 435~~ pursuant to this section.

21 2. On page 40, line 13, strike "30" and insert "36"; in  
22 line 14 strike "effect" and insert "effective"; in line 24 strike  
23 the first "and"; and in line 25 before "are" insert "and sections  
24 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second  
25 Legislature, First Session, 2011; and section 7, Legislative Bill  
26 376, One Hundred Second Legislature, First Session, 2011,".

27 3. Renumber the remaining sections accordingly.

The Ashford amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Ashford filed the following amendment to LB390:  
AM1541

(Amendments to Standing Committee amendments, AM1537)

- 1 1. Insert the following new section:
- 2 Sec. 28. Section 83-4,131, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-4,131 Personnel of the Nebraska Commission on Law
- 5 Enforcement and Criminal Justice shall visit and inspect each
- 6 criminal detention facility and juvenile detention facility in the
- 7 state, except correctional facilities accredited by a nationally
- 8 recognized correctional association pursuant to subsection (2) of
- 9 section 83-4,126, for the purpose of determining the conditions of
- 10 confinement, the treatment of persons confined in the facilities,
- 11 and whether such facilities comply with the minimum standards
- 12 established by the Jail Standards Board. A written report of
- 13 each inspection shall be made within thirty days following such
- 14 inspection to the appropriate governing body responsible for
- 15 the criminal detention facility or juvenile detention facility
- 16 involved. The report shall specify those areas in which the
- 17 facility does not comply with the required minimum standards.
- 18 2. On page 8, line 15, strike "(15)" and insert "(17)".
- 19 3. On page 12, line 18, strike "as provided in section
- 20 79-2262.07" and show as stricken; and in line 23 strike "as
- 21 provided in section 83-1,107.02" and show as stricken.
- 22 4. Amend the operative date and repealer sections so that
- 1 the section added by this amendment becomes operative July 1, 2011.
- 2 5. Renumber the remaining sections and correct internal
- 3 references accordingly.

Senator Karpisek filed the following amendment to LB704:  
AM1548

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and insert "CON1-32005 and
- 2 all corresponding maps.".

Senator B. Harr filed the following amendment to LB704:  
AM1546

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and insert "CON11-12003 and
- 2 all corresponding maps.".

Senator Karpisek filed the following amendment to LB704:  
AM1547

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and insert "CON1-32004 and
- 2 all corresponding maps.".



**EASE**

The Legislature was at ease from 5:59 p.m. until 6:03 p.m.

**GENERAL FILE**

**LEGISLATIVE BILL 390A.** Senator Flood offered the following motion:

MO54

Indefinitely postpone.

The Flood motion to indefinitely postpone prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 690.** ER139, found on page 1700, was adopted.

Senator Conrad offered the following motion:

MO50

Recommit to Committee.

Senator Conrad withdrew her motion to recommit to committee.

Senator Brasch offered the following amendment:

AM1520

(Amendments to E & R amendments, ER139)

- 1 1. On page 3, line 18, strike "minor female" and insert
- 2 "pregnant woman"; and strike lines 20 through 24 and insert the
- 3 following new subdivision:
- 4 "(3) Consent means a declaration acknowledged before a
- 5 notary public and signed by a parent or legal guardian of the
- 6 pregnant woman or an alternate person as described in section 4
- 7 of this act declaring that the principal has been informed that
- 8 the pregnant woman intends to undergo a procedure pursuant to
- 9 subdivision (1) of section 71-6901 and that the principal consents
- 10 to the procedure;".
- 11 2. On page 4, line 12, after "woman" insert "(a)"; in
- 12 line 14 strike "for which" and insert "(b) that"; and strike
- 13 beginning with "an" in line 19 through "age" in line 20 and insert
- 14 "a woman who is not emancipated and".
- 15 3. On page 5, line 26; and page 7, line 18, before the
- 16 comma insert "as defined in section 28-351".
- 17 4. On page 6, strike beginning with "If" in line 15
- 18 through line 20.
- 19 5. On page 9, line 25, strike "interests", show as
- 20 stricken, and insert "interest".
- 21 6. On page 14, line 3, strike "minor" and insert
- 22 "pregnant woman".

Senator Brasch asked unanimous consent to withdraw her amendment, AM1520, found in this day's Journal, and replace it with her substitute amendment, AM1571. No objections. So ordered.

AM1571

(Amendments to E & R amendments, ER139)

- 1 1. On page 3, line 18, strike "minor female" and insert
- 2 "pregnant woman"; and strike lines 20 through 24 and insert the
- 3 following new subdivision:
- 4 "(3) Consent means a declaration acknowledged before a
- 5 notary public and signed by a parent or legal guardian of the
- 6 pregnant woman or an alternate person as described in section 4
- 7 of this act declaring that the principal has been informed that
- 8 the pregnant woman intends to undergo a procedure pursuant to
- 9 subdivision (1) of section 71-6901 and that the principal consents
- 10 to the procedure;".
- 11 2. On page 5, line 26; and page 7, line 18, before the
- 12 comma insert "as defined in section 28-351".
- 13 3. On page 9, line 25, strike "interests", show as
- 14 stricken, and insert "interest".
- 15 4. On page 14, line 3, strike "minor" and insert
- 16 "pregnant woman"; and in line 5 after "indicating" insert "only".

The Brasch amendment was adopted with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

Senator Cook offered the following amendment:

AM1529

(Amendments to E & R amendments, ER139)

- 1 1. On page 9, line 26, strike "seven calendar days", show
- 2 as stricken, and insert "forty-eight hours"; and in line 27 after
- 3 "filed" insert "Saturdays, Sundays, and legal holidays excluded.
- 4 This time requirement may be extended upon the request of the
- 5 pregnant woman".

Pending.

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

Senator Krist filed the following amendment to LB703:

AM1567

- 1 1. On page 4, strike lines 2 through 11 and all
- 2 amendments thereto and insert "labeled as maps LEG2-10003 and
- 3 all corresponding maps, filed".

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 344.** Introduced by Council, 11; Ashford, 20; Cook, 13; B. Harr, 8; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the Omaha North Vikings won the 2011 Class A Girls' State Track Championship; and

WHEREAS, the win gave Omaha North its second straight team championship; and

WHEREAS, Omaha North senior LaQue Moen-Davis became just the eighth female in state history to win four all-class gold medals in the same event; and

WHEREAS, Omaha North senior Breunna McCarty set a record for the fastest time in state history in the 100-meter dash; and

WHEREAS, Omaha North received the Gregg McBride Award for leading the grand championship scoring.

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

1. That the Legislature congratulates the Omaha North Vikings on winning the 2011 Class A Girls' State Track Championship.

2. That a copy of this resolution be sent to the Vikings and their head coach, Eric Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 345.** Introduced by Council, 11; Ashford, 20; Cook, 13; B. Harr, 8; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the Omaha Central Eagles won the 2011 Class A Boys' State Track Championship; and

WHEREAS, the win gave Omaha Central its second straight team championship; and

WHEREAS, Omaha Central won six gold medals and finished with eighty points; and

WHEREAS, Omaha Central received the Gregg McBride Award for leading in the grand championship scoring; and

WHEREAS, Omaha Central's Ted Lampkin became the first boy in nineteen years to win four all-class gold medals; and

WHEREAS, twins Devin and Dennis Barfield each ran on the winning 400-meter and 1,600-meter relays to join Lampkin as multiple gold medalists.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2011 Class A Boys' State Track Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Elliott Evans.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 690.** The Cook amendment, AM1529, found in this day's Journal, was renewed.

Senator Cook moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Cook amendment lost with 8 ayes, 30 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment:  
AM1507

(Amendments to E & R amendments, ER139)

- 1 1. On page 7, line 21, strike "without the consent of a
- 2 parent or a guardian".

Senator B. Harr withdrew his amendment.

Senator B. Harr offered the following amendment:  
AM1573

(Amendments to E & R amendments, ER139)

- 1 1. Insert the following new sections:
- 2 Sec. 14. A declaration under sections 71-6901 to 71-6908
- 3 and sections 4, 5, 11, 13, and 14 of this act shall be confidential
- 4 except as would be required in any court proceedings under such
- 5 sections.
- 6 Sec. 15. Section 64-113, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 64-113 (1) Whenever charges of malfeasance in office are
- 9 preferred to the Secretary of State against any notary public in
- 10 this state, or whenever the Secretary of State has reasonable cause
- 11 to believe any notary public in this state is guilty of acts
- 12 of malfeasance in office, the Secretary of State may appoint any
- 13 disinterested person, not related by consanguinity to either the
- 14 notary public or person preferring the charges, and authorized by
- 15 law to take testimony of witnesses by deposition, to notify such
- 16 notary public to appear before him or her on a day and at an hour
- 17 certain, after at least ten days from the day of service of such
- 18 notice. Such appointee may summon witnesses, in the manner provided
- 19 by section 64-108, to appear at the time specified in the notice,
- 20 and he or she may take the testimony of such witnesses in writing,
- 21 in the same manner as is by law provided for taking depositions,
- 22 and certify the same to the Secretary of State. The notary public

1 may appear, at such time and place, and cross-examine witnesses  
 2 and produce witnesses in his or her behalf, which cross-examination  
 3 and testimony shall be likewise certified to the Secretary of  
 4 State. Upon the receipt of such examination, duly certified in the  
 5 manner prescribed for taking depositions to be used in suits in  
 6 the district courts of this state, the Secretary of State shall  
 7 examine the same, and if therefrom he or she is satisfied that the  
 8 charges are substantially proved, he or she may remove the person  
 9 charged from the office of notary public or temporarily revoke  
 10 such person's commission. Within fifteen days after such removal or  
 11 revocation and notice thereof, such notary public shall deposit,  
 12 with the Secretary of State, the commission as notary public and  
 13 notarial seal. The commission shall be canceled or temporarily  
 14 revoked by the Secretary of State. A person so removed from office  
 15 shall be forever disqualified from holding the office of notary  
 16 public. A person whose commission is temporarily revoked shall be  
 17 returned his or her commission and seal upon completion of the  
 18 revocation period and passing the examination described in section  
 19 64-101.01. The fees for taking such testimony shall be paid by the  
 20 state at the same rate as fees for taking depositions by notaries  
 21 public. The failure of the notary public to deposit his or her  
 22 commission and seal with the Secretary of State as required by  
 23 this section shall subject him or her to a penalty of one thousand  
 24 dollars, to be recovered in the name of the state.

25 (2) For purposes of this section, malfeasance in office  
 26 means, while serving as a notary public, (a) failure to follow  
 27 the requirements and procedures for notarial acts provided for  
 1 in Chapter 64, articles 1 and 2, ~~or (b)~~ (b) violating the  
 2 confidentiality provisions of section 14 of this act, or (c) being  
 3 convicted of a felony or other crime involving fraud or dishonesty.

4 2. On page 1, line 18; page 2, line 7; page 6, line 9;  
 5 page 12, lines 9 and 13 and 14; page 13, line 12; page 14, lines  
 6 1 and 7; and page 15, lines 7 and 10, strike "and 13" and insert  
 7 "13, and 14".

8 3. Renumber the remaining sections and correct the  
 9 repealer section accordingly.

Senator B. Harr moved for a call of the house. The motion prevailed with 28  
 ayes, 3 nays, and 18 not voting.

The B. Harr amendment was adopted with 41 ayes, 0 nays, 2 present and not  
 voting, and 6 excused and not voting.

Senator Council requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 35 ayes, 4 nays,  
 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**VISITORS**

Visitors to the Chamber were Greg Plooster from Malcolm and Becca Monroe and Alli Lester from Lincoln; and Janna Buttrick from Lincoln.

**ADJOURNMENT**

At 9:11 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Tuesday, May 24, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-FIFTH DAY - MAY 24, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 24, 2011

**PRAYER**

The prayer was offered by Reverend Charlotte Abram, Omaha TRI Community United Methodist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Cornett, Larson, Lautenbaugh, Price, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fourth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 390.** Placed on Select File with amendment. ER142 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

**MOTION - Print in Journal**

Senator Flood filed the following motion:

Suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 57, 80, 85, 139, 249, 296, 299, 336, 353, 359, 372, 430, 445, 528, 570, 618, 663, 668, and 697.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR256 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR256.

**SELECT FILE**

**LEGISLATIVE BILL 397A.** Senator Heidemann offered the following motion:

MO55

Indefinitely postpone.

The Heidemann motion to indefinitely postpone prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB152 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 152.**

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-120 and 48-120.04, Reissue Revised Statutes of Nebraska; to provide for a trauma services inpatient hospital fee schedule; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:



Adams	Cook	Hansen	Louden	Schumacher
Ashford	Cornett	Harms	McCoy	Smith
Avery	Council	Harr, B.	McGill	Sullivan
Bloomfield	Dubas	Heidemann	Mello	Utter
Brasch	Fischer	Howard	Nelson	Wallman
Campbell	Flood	Janssen	Nordquist	Wightman
Carlson	Fulton	Karpisek	Pahls	
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Larson           Lautenbaugh   Price

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB667 with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 667.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-306, 28-394, 29-215, 29-1917, 37-1238.01, 37-1254.01, 37-1254.02, 37-1254.03, 37-1254.05, 37-1254.07, 37-1254.08, 37-1295, 53-180, 53-180.05, 60-497.01, 60-498.01, 60-498.02, 60-498.03, 60-498.04, 60-4,115, 60-4,118.06, 60-4,129, 60-4,164, 60-601, 60-6,197, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,197.09, 60-6,198, and 60-6,211.05, Reissue Revised Statutes of Nebraska, and sections 28-101, 29-2259.01, and 37-1201, Revised Statutes Cumulative Supplement, 2010; to prohibit transportation of certain minors by a person under the influence of alcohol or drugs; to change provisions relating to motor vehicle homicide, operating a motorboat, personal watercraft, or motor vehicle under the influence, the Probation Cash Fund, regulation of vessels, procuring alcohol for a minor or a mentally incompetent person, administrative license revocation, ignition interlock permits and devices, and employment driving permits; to change fees; to create a fund; to provide for a public education campaign; to provide, change, and eliminate penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cook	Hansen	Louden	Schumacher
Ashford	Cornett	Harms	McCoy	Smith
Avery	Council	Harr, B.	McGill	Sullivan
Bloomfield	Dubas	Heidemann	Mello	Utter
Brasch	Fischer	Howard	Nelson	Wallman
Campbell	Flood	Janssen	Nordquist	Wightman
Carlson	Fulton	Karpisek	Pahls	
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Larson            Lautenbaugh    Price

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 667A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, One Hundred Second Legislature, First Session, 2011.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Cook	Hansen	Louden	Schumacher
Ashford	Cornett	Harms	McCoy	Smith
Avery	Council	Harr, B.	McGill	Sullivan
Bloomfield	Dubas	Heidemann	Mello	Utter
Brasch	Fischer	Howard	Nelson	Wallman
Campbell	Flood	Janssen	Nordquist	Wightman
Carlson	Fulton	Karpisek	Pahls	
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Larson           Lautenbaugh   Price

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 152, 667, and 667A.

### SELECT FILE

**LEGISLATIVE BILL 703.** Senator Krist withdrew his amendment, AM1552, found on page 1745.

Senator Krist renewed his amendment, AM1567, found on page 1762.

Senator Krist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Krist requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Bloomfield	Christensen	Karpisek	Louden	Schilz
Carlson	Harms	Krist	Pirsch	Wallman

Voting in the negative, 25:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Dubas	Heidemann	Lautenbaugh	Schumacher
Avery	Flood	Howard	McCoy	Smith
Campbell	Gloor	Janssen	Nelson	Sullivan
Conrad	Haar, K.	Langemeier	Pahls	Wightman

Present and not voting, 13:

Brasch	Council	Hadley	Mello	Utter
Coash	Fischer	Harr, B.	Nordquist	
Cornett	Fulton	McGill	Pankonin	

Excused and not voting, 1:

Larson

The Krist amendment lost with 10 ayes, 25 nays, 13 present and not voting,

and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2011, at 9:35 a.m. were the following: LBs 152, 667, and 667A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 629.** Placed on Final Reading.

**LEGISLATIVE BILL 704.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### REFERENCE COMMITTEE REPORT

#### 2011 Resolutions calling for an Interim Study

LR338 Interim study to examine the boundaries and taxing authority of transit authorities  
Urban Affairs

(Signed) John Wightman, Chairperson  
Executive Board

### SELECT FILE

**LEGISLATIVE BILL 390.** ER142, found in this day's Journal, was adopted.

Senator Ashford withdrew his amendment, AM1541, found on page 1760.

Senator Ashford offered the following amendment:  
AM1572

(Amendments to E & R amendments, ER142)

- 1 1. Insert the following new section:
- 2 Sec. 28. Section 83-4,131, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-4,131 Personnel of the Nebraska Commission on Law
- 5 Enforcement and Criminal Justice shall visit and inspect each
- 6 criminal detention facility and juvenile detention facility in the

7 state, except correctional facilities accredited by a nationally  
 8 recognized correctional association pursuant to subsection (2) of  
 9 section 83-4,126, for the purpose of determining the conditions of  
 10 confinement, the treatment of persons confined in the facilities,  
 11 and whether such facilities comply with the minimum standards  
 12 established by the Jail Standards Board. A written report of  
 13 each inspection shall be made within thirty days following such  
 14 inspection to the appropriate governing body responsible for  
 15 the criminal detention facility or juvenile detention facility  
 16 involved. The report shall specify those areas in which the  
 17 facility does not comply with the required minimum standards.

18 2. On page 8, line 16, strike "(15)" and insert "(17)".

19 3. On page 12, line 20, strike "as provided in section  
 20 79-2262.07" and show as stricken; and in line 25 strike "as  
 21 provided in section 83-1,107.02" and show as stricken.

22 4. Amend the operative date and repealer sections so that  
 1 the section added by this amendment becomes operative July 1, 2011.

2 5. Renumber the remaining sections and correct internal  
 3 references accordingly.

The Ashford amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to Enrollment and Review for Engrossment.

### **MOTION - Return LB704 to Select File**

Senator Council moved to return LB704 to Select File for the B. Harr specific amendment, AM1546, found on page 1760.

### **SENATOR LANGEMEIER PRESIDING**

### **PRESIDENT SHEEHY PRESIDING**

Senator Council requested a roll call vote, in reverse order, on her motion to return.

Voting in the affirmative, 17:

Avery	Council	Howard	McGill	Wallman
Conrad	Dubas	Karpisek	Mello	
Cook	Haar, K.	Krist	Nordquist	
Cornett	Harr, B.	Lathrop	Schumacher	

Voting in the negative, 31:

Adams	Coash	Harms	Nelson	Sullivan
Ashford	Fischer	Heidemann	Pahls	Utter
Bloomfield	Flood	Janssen	Pankonin	Wightman
Brasch	Fulton	Langemeier	Pirsch	
Campbell	Gloor	Larson	Price	
Carlson	Hadley	Lautenbaugh	Schilz	
Christensen	Hansen	McCoy	Smith	

Present and not voting, 1:

Louden

The Council motion to return failed with 17 ayes, 31 nays, and 1 present and not voting.

### **WITHDRAW - Amendment to LB704**

Senator Karpisek withdrew his amendment, AM1547, found on page 1760, to LB704.

### **MOTIONS - Return LB704 to Select File**

Senator Karpisek moved to return LB704 to Select File for his specific amendment, AM1548, found on page 1760.

Senator Karpisek requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Avery	Council	Karpisek	Mello	Wallman
Bloomfield	Dubas	Krist	Nordquist	
Conrad	Haar, K.	Lathrop	Pankonin	
Cook	Harr, B.	Louden	Schumacher	
Cornett	Howard	McGill	Sullivan	

Voting in the negative, 27:

Adams	Fischer	Harms	McCoy	Smith
Ashford	Flood	Heidemann	Nelson	Utter
Brasch	Fulton	Janssen	Pahls	Wightman
Campbell	Gloor	Langemeier	Pirsch	
Carlson	Hadley	Larson	Price	
Christensen	Hansen	Lautenbaugh	Schilz	

Excused and not voting, 1:

Coash

The Karpisek motion to return failed with 21 ayes, 27 nays, and 1 excused

and not voting.

Senator Wallman moved to return LB704 to Select File for the following specific amendment:

AM1575

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and all amendments thereto
- 2 and insert "CON11-30001 and CON11-30001-1A.".

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 346.** Introduced by K. Haar, 21.

WHEREAS, Daniel James Crosby of Troop 51, Lincoln, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Daniel started his scouting career in 1999 as a Tiger Cub in Cub Scouts with Pack 13 at Campbell Elementary School in Lincoln. In 2004, he joined Troop 756 where he continued to excel in leadership, service, and outdoor skills. In 2011, Troop 756 and Troop 31 combined to form Troop 51. Daniel is the first Eagle Scout from this new troop; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Daniel has learned, been tested on, and been recognized for various scouting skills. Daniel held the troop positions of Assistant Senior Patrol Leader and Patrol Leader and is also an Ordeal member of the Order of the Arrow; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Daniel earned 28 merit badges. For his Eagle Scout community service project, Daniel led the scouts of Troop 756 in welding and installing a new fire ring at Pawnee State Recreation Area; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on March 3, 2011, Daniel James Crosby was named an Eagle Scout and will be recognized at a Court of Honor on June 12, 2011. Through his hard work and perseverance, Daniel will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel James Crosby and his parents, Mark and Tammy Crosby, on Daniel achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daniel James Crosby.

Laid over.

**LEGISLATIVE RESOLUTION 347.** Introduced by K. Haar, 21.

WHEREAS, Willis Moreland has made a significant contribution to teachers' knowledge about Nebraska state government by sponsoring the Robert A. Taft Institute of Government at the University of Nebraska-Lincoln for many years; and

WHEREAS, Willis Moreland was born on May 29, 1923, at Jefferson City, Missouri, and served in the United States Navy in both the Pacific and Atlantic from 1943 to 1946; and

WHEREAS, Willis Moreland was a teacher and professor of political science who received his Master's Degree at the University of Nebraska and taught at Milford, Iowa; David City, Nebraska; Syracuse University; and the University of Nebraska-Lincoln; and

WHEREAS, Willis Moreland became involved with the Robert A. Taft Institute of Government and contacted Dick Marvel, who had taught at Nebraska Wesleyan University and was also a State Senator at the time, to participate with him at the Taft Institute where the primary emphasis was on government and how it operates—the practical aspects of government taught by the people currently involved in government—and Willis was involved with the Taft Institute until his retirement in 1988.

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

1. That Legislature recognizes Willis Moreland for his significant contribution to Nebraska through his work at the Taft Institute.
2. That a copy of this resolution be sent to Willis Moreland and his family.

Laid over.

**LEGISLATIVE RESOLUTION 348.** Introduced by Harms, 48.

WHEREAS, Aubree Worden, a senior at Scottsbluff High School, had a remarkable performance at the 2011 Class B Girls' State Track and Field Meet; and

WHEREAS, Ms. Worden won the gold medal in both the 3200-meter run and the 1600-meter run and set new state records in both races; and

WHEREAS, Ms. Worden finished her high school career as one of the greatest female prep distance runners from western Nebraska; 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, FIRST SESSION:



1. That the Legislature congratulates Aubree Worden on her outstanding performance at the 2011 Class B Girls' State Track and Field Meet.
2. That a copy of this resolution be sent to Aubree Worden.

Laid over.

### **VISITORS**

Visitors to the Chamber were 53 fourth-grade students and teachers from Carriage Hill Elementary, Papillion; and 45 fourth-grade students, teachers, and sponsor from Swanson Elementary, Omaha.

### **RECESS**

At 12:03 p.m., on a motion by Speaker Flood, the Legislature recessed until 2:00 p.m.

### **AFTER RECESS**

The Legislature reconvened at 2:00 p.m., Senator Carlson presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Janssen, and Larson who were excused until they arrive.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 349.** Introduced by Price, 3.

WHEREAS, Jesse Craton Edwards passed away on May 10, 2011, at the age of 83; and

WHEREAS, Mr. Edwards was a national pioneering leader of physician assistant programs; and

WHEREAS, Mr. Edwards was the cofounder of the Physician Assistant Program at the University of Nebraska Medical Center in Omaha; and

WHEREAS, Mr. Edwards had a distinguished 23-year career in the United States Air Force working as a health care provider and in medical administration; and

WHEREAS, Mr. Edwards served in Washington, D.C., with the Air Force Surgeon General's office where he was a member of a select group of manpower specialists and played a significant role in establishing the first-ever scientific approach to determining the manpower specialty mix for Air Force medical treatment facilities; and

WHEREAS, Mr. Edwards served as President of the Physician Assistant Education Association from 1988 to 1989; and

WHEREAS, Mr. Edwards developed and implemented the use of the first computerized test item bank specifically intended to assist physician assistant students in self-evaluation efforts and was used by almost all

physician assistant programs for the purpose of evaluating student cognitive clinical knowledge; and

WHEREAS, Mr. Edwards served as a consultant to several emerging physician assistant programs and to the ARC-PA; and

WHEREAS, Mr. Edwards designed and implemented a distance learning program for the Master of Physician Assistant Studies degree in 1992; and

WHEREAS, Mr. Edwards was a well-known advocate for military physician assistants; and

WHEREAS, Mr. Edwards was recognized for his contributions to Air Force physician assistants in the creation of the Jesse Edwards Outstanding Company Grade Physician Assistant of the Year Award; and

WHEREAS, Mr. Edwards is an honorary member of the American Academy of Physician Assistants, the Nebraska Academy of Physician Assistants, the Society of Air Force Physician Assistants, and the Society of Army Physician Assistants; and

WHEREAS, Mr. Edwards received the Outstanding Service Award of the School of Allied Health Professions, the University of Nebraska Medical Center Distinguished Teaching Award, and the University of Nebraska Medical Center Certificate of Outstanding Professional Achievement; and

WHEREAS, Mr. Edwards received a Lifetime Achievement Award from the Veterans Caucus of the American Academy of Physician Assistants and was made an Admiral in the Great Navy of State of Nebraska; and

WHEREAS, Mr. Edwards received the Presidential Award from the Physician Assistant Education Association; and

WHEREAS, Jesse Craton Edwards is survived by his wife, Sharon Lynn Edwards; five children: Bonnie and Greg Shearer, Jesse and Naomi Edwards, Patty and Tim Wessling, Joyce and Jason Beaty, and Jennifer and James Valentine; twelve grandchildren; and one great-grandson.

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

1. That the Legislature honors Jesse Craton Edwards for his personal accomplishments and service to the physician assistant profession.

2. That the Legislature extends its sympathy and condolences to the family of Jesse Craton Edwards.

3. That a copy of this resolution be sent to the family of Jesse Craton Edwards.

Laid over.

### **MOTION - Return LB704 to Select File**

The Wallman motion, found in this day's Journal, to return LB704 to Select File for his specific amendment, AM1575, found in this day's Journal, was renewed.

The Wallman motion to return prevailed with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 704.** The Wallman specific amendment, AM1575, found in this day's Journal, was considered.

Pending.

**EASE**

The Legislature was at ease from 2:31 p.m. until 2:57 p.m.

**SELECT FILE**

**LEGISLATIVE BILL 704.** Senator Wallman withdrew his specific amendment AM1575, found in this day's Journal.

Readvanced to Final Reading.

**MOTION - Return LB704 to Select File**

Senator Langemeier moved to return LB704 to Select File for the following specific amendment:

AM1579

(Amendments to Final Reading copy)

- 1 1. On page 4, strike line 20; and in line 21
- 2 strike "CON11-18005-3A" and insert "CON11-30001-1, CON11-30001A,
- 3 CON11-30001-2, CON11-30001-3, CON11-30001-3A".

The Langemeier motion to return prevailed with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 704.** The Langemeier specific amendment, AM1579, found in this day's Journal, was adopted with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 350.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Fischer, 43; Hadley, 37; Loudon, 49; Pankonin, 2; Pirsch, 4; Utter, 33.

**PURPOSE:** The purpose of this resolution is to examine issues pertaining to the process and procedures used to value and equalize real property. The issues to be addressed by this study shall include, but not be limited to:

(1) Whether the comparable sales guidelines in section 77-1371 should be changed or stricken;

(2) An examination of how to affect intercounty equalization; and

(3) Review the equalization responsibilities of the Department of Revenue and the Tax Equalization and Review Commission.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### MESSAGE FROM THE GOVERNOR

May 24, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 345e, 345Ae, 387, 387A, 389e, and 389Ae were received in my office on May 18, 2011.

These bills were signed and delivered to the Secretary of State on May 24, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### EASE

The Legislature was at ease from 3:05 p.m. until 4:12 p.m.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 390.** Placed on Final Reading.  
ST48

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM1572, on page 1, line 20, "79-2262.07" has been struck and "29-2262.07" inserted.

2. In the E & R amendments, ER142:

a. On page 46, line 3, "29" has been struck and "28" inserted; in line 4 "37, and 38" has been struck and "35, 38, and 39" inserted; and in line 13 "and" has been struck and "and 83-4,131," has been inserted after the last comma; and

b. On page 47, line 1, "83-4,131," has been inserted before "and".

**LEGISLATIVE BILL 690.** Placed on Final Reading.

ST47

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM1573:

a. Sections 14 and 15 have been renumbered as sections 15 and 2, respectively;

b. Amendment 2 has been struck;

c. On page 1, line 3, "4, 5, 11, 13, and 14" has been struck and "5, 6, 12, 14, and 15" inserted; and

d. On page 3, line 2, "14" has been struck and "15" inserted.

2. In the Brasch amendment, AM1571, on page 1, line 6, "4" as been struck and "5" inserted.

3. In the E & R amendments, ER139:

a. On page 1, line 18; page 2, line 7; page 6, line 9; page 12, lines 8 and 9 and 13 and 14; page 13, line 12; page 14, lines 1 and 6 and 7; and page 15, lines 7 and 10, "4, 5, 11, and 13" has been struck and "5, 6, 12, 14, and 15" inserted; and

b. On page 5, line 15, "4" has been struck and "5" inserted.

4. On page 1, line 1, "64-113," has been inserted after "sections"; and in line 6 "provide for confidentiality of declarations; to redefine malfeasance in office for notaries public; to" has been inserted after the first "to".

**LEGISLATIVE BILL 703.** Placed on Final Reading.

**LEGISLATIVE BILL 704.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Nebraska Retirement Systems

**LEGISLATIVE BILL 246.** Indefinitely postponed.

**LEGISLATIVE BILL 486.** Indefinitely postponed.

**LEGISLATIVE BILL 510.** Indefinitely postponed.

**LEGISLATIVE BILL 532.** Indefinitely postponed.

(Signed) Jeremy Nordquist, Chairperson

**REFERENCE COMMITTEE REPORT**2011 Resolutions calling for an Interim Study

LR350 Interim study to examine issues pertaining to the process and procedures used to value and equalize real property Revenue

(Signed) John Wightman, Chairperson  
Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 351.** Introduced by Council, 11; Cook, 13.

WHEREAS, for more than 130 years, Juneteenth National Freedom Day has been the oldest and only African-American holiday observed in the United States; and

WHEREAS, Juneteenth is also known as Emancipation Day, Emancipation Celebration, Freedom Day, and Jun-Jun; and

WHEREAS, Juneteenth commemorates the strong survival instinct of African Americans who were first brought to this country stacked in the bottom of slave ships in a month-long journey across the Atlantic Ocean, known as the Middle Passage; and

WHEREAS, approximately 11.5 million African Americans survived the voyage to the New World. The number that died is likely greater; and

WHEREAS, events in the history of the United States which led to the Civil War centered around sectional differences between the North and the South that were based on the economic and social divergence caused by the existence of slavery; and

WHEREAS, President Abraham Lincoln was inaugurated as President of the United States in 1861, and he believed and stated that the paramount objective of the Civil War was to save the Union rather than save or destroy slavery; and

WHEREAS, President Lincoln also stated his wish was that all men everywhere could be free, thus adding to a growing anticipation by slaves that their ultimate liberty was at hand; and

WHEREAS, in 1862, the first clear signs that the end of slavery was imminent came when laws abolishing slavery in the territories of Nebraska, Oklahoma, Colorado, and New Mexico were passed; and

WHEREAS, in September of that same year, President Lincoln warned the eleven rebellious Confederate States that if they did not return to the Union by January 1, 1863, he would declare their slaves forever free via the celebrated Emancipation Proclamation; and

WHEREAS, enforcement of the Emancipation Proclamation only occurred in Confederate States once under Union Army control; and

WHEREAS, Congress subsequently passed the Thirteenth Amendment to the Constitution on January 31, 1865, abolishing slavery throughout the

United States and its territories. However, news of this action reached the states at different times. It was not until June 19, 1865, that the message of freedom reached the slaves in Texas, Oklahoma, Louisiana, Arkansas, and California; and

WHEREAS, spontaneous celebration erupted throughout the country when African Americans learned of their freedom. Juneteenth National Freedom Day illuminates the fact that slaves celebrated the abolishment of slavery with excitement and great joy. It is a reminder to all Americans of the status and importance of Americans of African descent as American citizens; and

WHEREAS, Juneteenth has been an unofficial holiday observed and celebrated by thousands of African Americans and other cultures in various communities throughout the United States and around the world; and

WHEREAS, the following twenty-two states and the District of Columbia observe Juneteenth as an official state holiday: Alaska, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Vermont, Washington, and Wyoming. The following states have passed resolutions: Colorado, Idaho, Oregon, and Virginia.

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

1. That the Legislature recognizes June 19, 2011, as Juneteenth National Freedom Day and encourages celebration of this day to honor and reflect on the significant roles that African Americans have played in the history of the United States.

2. That the Legislature acknowledges how African Americans have enriched society through their steadfast commitment to promoting freedom, brotherhood, and equality.

3. That a copy of this resolution be sent to Willie Williams.

Laid over.

## MESSAGES FROM THE GOVERNOR

May 24, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 200 and LB 200A without my signature and with my objections.

LB 200 would provide \$150,000 in each year of the next biennium to increase access to healthy foods in low-income and high-poverty areas.

According to the United States Department of Agriculture (USDA), there are already nineteen federal programs currently available to support the development of projects that address access to healthy foods. Examples of assistance currently available include \$10 million through the Farmers Market Promotion Program and \$16 million through the Community Economic Development program. The Nebraska Cooperative Development Center also has announced the availability of grants to develop new retail food cooperatives in rural areas.

I support efforts to make healthy food more available; however, the financing provided in LB 200 duplicates assistance currently available through federal and other sources to support the development of sustainable healthy food programs.

For these reasons, I respectfully urge you to sustain my veto of LB 200 and LB 200A.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 24, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 256 without my signature and with my objections.

The legislation proposes to change the terms of the commissioners of the Nebraska State Racing Commission. I do not object to those provisions. However, LB 256 would also authorize horse racing tracks to contract with other racetracks to conduct live races. The bill would allow a racetrack located in Lancaster County to contract out all of its live races until January 1, 2027, so that no live racing would be required at this track. Finally, the bill would allow a racetrack that contracts for live races to qualify for a simulcast license and conduct parimutuel wagering.

Article III, Section 24 of the Nebraska Constitution permits the Legislature to enact laws which allow parimutuel wagering "within a licensed racetrack enclosure." In the absence of any specific plans to replace the track in Lancaster County after the 2012 season, I presume the intent of LB 256 is to allow the track in Lancaster County to maintain a simulcast license in order



to conduct parimutuel wagering without having any physical racetrack enclosure. I asked the Attorney General for his formal legal opinion on this bill and he has concluded that, in the absence of running a live race, LB 256 would be unconstitutional as contrary to Article III, Section 24.

This legislation not only contradicts the spirit of the Constitution by circumventing the requirement that licensees host live horse races in order to conduct parimutuel wagering, but also expands gambling beyond what has currently been authorized by the voters in our Constitution. That fact, coupled with the legal expenses that our taxpayers will have to incur to defend against a likely legal court battle on this bill, compel my veto of LB 256.

For these reasons, I respectfully urge you to sustain my veto of LB 256.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 24, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 106, 226, 252e, 289, 289A, 628, 673, 684, and 684A were received in my office on May 18, 2011.

Engrossed Legislative Bills 151e, 589e, and 617e were received in my office on May 19, 2011.

These bills were signed and delivered to the Secretary of State on May 24, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **MOTIONS - Print in Journal**

Senator Karpisek filed the following motion to LB256:  
MO56

Becomes law notwithstanding the objections of the Governor.

Senator Council filed the following motion to LB200:  
MO57

Becomes law notwithstanding the objections of the Governor.

Senator Council filed the following motion to LB200A:  
MO58

Becomes law notwithstanding the objections of the Governor.

### **VISITORS**

Visitors to the Chamber were 19 students and teachers from OPS Migrant Education Program, Omaha; and Ray, Felicia, Steve, and Megan Keiser from Wayne.

The Doctor of the Day was Dr. Pamela Malley from Papillion.

### **ADJOURNMENT**

At 4:18 p.m., on a motion by Senator Hansen, the Legislature adjourned until 1:30 p.m., Wednesday, May 25, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-SIXTH DAY - MAY 25, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**EIGHTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 25, 2011

**PRAYER**

The prayer was offered by Senator Christensen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fifth day was approved.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 427.** Placed on General File with amendment. AM1576 is available in the Bill Room.

(Signed) Tom Carlson, Chairperson

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 152, 667, and 667A.

(Signed) Scott Price

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 700.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Louden	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Bloomfield	Dubas	Heidemann	Mello	Sullivan
Brasch	Fischer	Howard	Nelson	Utter
Campbell	Flood	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	Wightman
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	
Conrad	Hadley	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Krist           Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 701.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Louden	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Bloomfield	Dubas	Heidemann	Mello	Sullivan
Brasch	Fischer	Howard	Nelson	Utter
Campbell	Flood	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	Wightman
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	
Conrad	Hadley	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Krist                      Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 702.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311 and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Louden	Schilz
Ashford	Cornett	Harms	McCoy	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Bloomfield	Dubas	Heidemann	Mello	Sullivan
Brasch	Fischer	Howard	Nelson	Utter
Campbell	Flood	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	Wightman
Christensen	Gloor	Langemeier	Pankonin	
Coash	Haar, K.	Larson	Pirsch	
Conrad	Hadley	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Krist                   Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB397 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 397.**

A BILL FOR AN ACT relating to labor; to amend sections 48-801, 48-801.01, 48-802, 48-804, 48-809, 48-811, 48-813, 48-816, 48-817, 48-818, 48-824, 48-838, 79-852, 79-2116, 81-1369, 81-1371, 81-1372, 81-1373, 81-1375, 81-1378, 81-1379, 81-1381, 81-1382, 81-1383, 81-1384, 81-1385, 81-1386, and 81-1387, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Industrial Relations Act and the State Employees Collective Bargaining Act; to provide and change collective-bargaining provisions; to provide for applicability of provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 48-811.02, 81-1374, 81-1380, 81-1389, and 81-1390, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Hansen	Lautenbaugh	Price
Ashford	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB400 with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 400.**

A BILL FOR AN ACT relating to property tax; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority for natural resources districts and exceptions from levy limits as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cornett	Harms	Louden	Schilz
Ashford	Council	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Karpisek	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	
Cook	Hansen	Lautenbaugh	Price	

Voting in the negative, 1:

Christensen

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR259 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR259.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 700, 701, 702, 397, and 400.

**SENATOR LANGEMEIER PRESIDING****MOTION - Override Veto on LB256**

Senator Karpisek renewed his motion, MO56, found on page 1785, that LB256 becomes law notwithstanding the objections of the Governor.

**SENATOR FISCHER PRESIDING**

Senator Harms moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

**SPEAKER FLOOD PRESIDING**

Senator Karpisek moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Campbell	Gloor	Karpisek	Mello	Wallman
Conrad	Haar, K.	Larson	Nordquist	
Cook	Hadley	Lathrop	Schilz	
Council	Harr, B.	Lautenbaugh	Schumacher	
Dubas	Howard	McGill	Sullivan	

Voting in the negative, 23:



Adams	Carlson	Hansen	Nelson	Smith
Ashford	Christensen	Harms	Pahls	Utter
Avery	Fischer	Heidemann	Pankonin	Wightman
Bloomfield	Flood	Langemeier	Pirsch	
Brasch	Fulton	McCoy	Price	

Present and not voting, 3:

Coash	Janssen	Louden
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Excused and not voting, 2:

Cornett	Krist
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 2011, at 2:12 p.m. were the following: LBs 700e, 701e, 702e, 397, and 400.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 352.** Introduced by Wallman, 30; Cook, 13; Council, 11.

WHEREAS, on May 22, 2011, a massive tornado ripped through the city of Joplin, Missouri; and

WHEREAS, the tornado tore a path through the city that was six miles long and three-quarters of a mile wide. Winds from the storm reached close to two hundred miles per hour; and

WHEREAS, major parts of the city were leveled. Officials have estimated that two thousand buildings were damaged, and many churches, schools, businesses, and homes were destroyed; and

WHEREAS, more than one hundred twenty people were killed by the tornado, making it the single deadliest tornado in the United States since officials began keeping records. Hundreds more were injured; and

WHEREAS, the residents of Joplin have shown tremendous strength in pulling together to deal with this tragedy.

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

1. That the Legislature extends its sympathy and condolences to the residents of Joplin, Missouri, for their loss during this tragic storm.
2. That a copy of this resolution be sent to the city council of Joplin, Missouri.

Laid over.

**LEGISLATIVE RESOLUTION 353.** Introduced by Bloomfield, 17.

WHEREAS, Carroll, Nebraska, located in Wayne County, was settled in October 1886, when the Northeast Nebraska Railroad Company constructed twenty-one miles of track northeast connecting Wayne to Randolph; and

WHEREAS, a railroad manager chose the site of Carroll because of its proximity to Deer Creek; and

WHEREAS, Carroll was originally named Manning after J.R. Manning, an early settler. Later, the site was renamed after Charles Carroll, signer of the Declaration of Independence; and

WHEREAS, Carroll experienced its peak population between 1916 and 1920, when there were more than 30 businesses and a population of more than 500 located in Carroll; and

WHEREAS, there are currently 238 people living in Carroll who are proudly preparing for their 125th anniversary celebration; and

WHEREAS, Carroll is planning a three-day celebration of its 125th anniversary, which will be held July 1 to July 3, 2011.

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

1. That the Legislature congratulates the village of Carroll, Nebraska, on its 125th anniversary.
2. That a copy of this resolution be sent to the Carroll Village Board.

Laid over.

**LEGISLATIVE RESOLUTION 354.** Introduced by Bloomfield, 17.

WHEREAS, Marcile Thomas has announced her retirement as the administrator of the Providence Medical Center; and

WHEREAS, Marcile Thomas was employed at the Wayne Hospital in June of 1965 and has served as administrator at Providence Medical Center since 1977; and

WHEREAS, Marcile Thomas is a veteran of more than forty years in the health care field; and

WHEREAS, Marcile Thomas spearheaded many hospital projects, including the addition of a doctor's clinic, a therapy wing, an education wing, a wellness center, a 10,000-square-foot outpatient addition, the physical therapy outreach clinic in Laurel, and the creation of the MRI room at Providence Medical Center; and

WHEREAS, Marcile Thomas recently finalized the plans for another \$3.5 million addition that will include a new physical therapy wing, complete with a wellness center; and

WHEREAS, Providence Medical Center is a quality health care facility with excellent health care workers and physicians due in large part to the leadership, determination, and dedication of Marcile Thomas.

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

1. That the Legislature congratulates Marcile Thomas on her retirement as the administrator of the Providence Medical Center after more than forty years in the health care field.
2. That a copy of this resolution be sent to Marcile Thomas.

Laid over.

**LEGISLATIVE RESOLUTION 355.** Introduced by Smith, 14; Cornett, 45; Pankonin, 2; Price, 3.

WHEREAS, the Papillion-La Vista South High School baseball team won the 2011 Class A State Baseball Championship; and

WHEREAS, the Papillion-La Vista South Titans defeated Millard West to achieve back-to-back championship seasons; and

WHEREAS, for eight years, head coach Bill Lynam has served as a mentor and a leader for Titan team members; 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, FIRST SESSION:

1. That the Legislature congratulates the Papillion-La Vista South High School baseball team on winning the 2011 Class A State Baseball Championship.
2. That head coach Bill Lynam be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the team.
3. That a copy of this resolution be sent to the Titans baseball team and their coach, Bill Lynam.

Laid over.

### **MOTION - Override Veto on LB200**

Senator Council renewed her motion, MO57, found on page 1785, that LB200 becomes law notwithstanding the objections of the Governor

Senator Council moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Council requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 20:

Adams	Carlson	Council	Harr, B.	McGill
Ashford	Coash	Dubas	Howard	Mello
Avery	Conrad	Haar, K.	Karpisek	Nordquist
Campbell	Cook	Hadley	Lathrop	Wallman

Voting in the negative, 19:

Bloomfield	Hansen	Larson	Pankonin	Smith
Fischer	Harms	Louden	Price	Utter
Flood	Heidemann	McCoy	Schilz	Wightman
Fulton	Janssen	Nelson	Schumacher	

Present and not voting, 5:

Brasch	Christensen	Gloor	Pirsch	Sullivan
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Excused and not voting, 5:

Cornett	Krist	Langemeier	Lautenbaugh	Pahls
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

### **COMMITTEE REPORT**

#### General Affairs

The General Affairs 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.

Helen Abbott Feller - State Racing Commission

Aye: 7 Senators Bloomfield, Brasch, Coash, Karpisek, Larson, McGill, Schumacher. Nay: 0. Absent: 1 Senator Krist. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

**COMMUNICATION**

May 25, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB256, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

**COMMUNICATION**

May 25, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB200 and LB200A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

**PRESIDENT SHEEHY PRESIDING****RESOLUTIONS****LEGISLATIVE RESOLUTION 141.** Read. Considered.

LR141 was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 204.** Read. Considered.

LR204 was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 141 and 204.

**VISITORS**

Visitors to the Chamber were Heather and Stephanie Campbell from Tucson, Arizona and Susie Campbell from Lincoln; and Senator Wightman's wife, brother, and sister-in-law, Jan Wightman from Lexington and Rod and Marla Wightman from West Virginia.

**ADJOURNMENT**

At 4:41 p.m., on a motion by Senator Price, the Legislature adjourned until 11:00 a.m., Thursday, May 26, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-SEVENTH DAY - MAY 26, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 26, 2011

**PRAYER**

The prayer was offered by Pastor Brett Klingenberg, First Mennonite Church, Beatrice.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-sixth day was approved.

**MESSAGE FROM THE GOVERNOR**

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 142, 490, 675, and 699e were received in my office on May 20, 2011.

Engrossed Legislative Bills 521, 590, 590A, 642e, and 669e were received in my office on May 23, 2011.

Engrossed Legislative Bills 152, 667, and 667A were received in my office on May 24, 2011.

Engrossed Legislative Bills 397, 400, 700e, 701e, and 702e were received in my office on May 25, 2011.

These bills were signed and delivered to the Secretary of State on May 26, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### COMMITTEE REPORT

#### Transportation and Telecommunications

The Transportation and Telecommunications 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.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board  
Sammy Reagan - Nebraska Motor Vehicle Industry Licensing Board

Aye: 5 Senators Campbell, Dubas, Fischer, Hadley, Loudon. Nay: 0.  
Absent: 3 Senators Janssen, Lautenbaugh, Price. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

### COMMITTEE REPORTS

#### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 344.** Placed on General File with amendment.  
AM1577

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. The Legislature finds that there is redundancy
- 4 in services currently being provided by governmental subdivisions
- 5 in counties which contain a city of the metropolitan class and
- 6 that an interjurisdictional planning commission should be created
- 7 to review and plan for the merger of governmental services within
- 8 such counties. Within ninety days after the effective date of this
- 9 act, an interjurisdictional planning commission shall be created
- 10 for each such county to study issues relating to the merger of
- 11 governmental services of the county and municipalities and to
- 12 develop a plan for merger of some or all of such services. The plan
- 13 shall be developed and approved by the commission by July 1, 2012.
- 14 The membership of a commission shall include:
- 15 (1) Two members selected by the mayor of the city of the
- 16 metropolitan class;
- 17 (2) Two members selected by the city council of the city
- 18 of the metropolitan class;
- 19 (3) Four members selected by the county board of the
- 20 county containing the city of the metropolitan class; and



21 (4) One member from each of the other municipalities  
 22 within the county containing the city of the metropolitan class.

(Signed) Bill Avery, Chairperson

Executive Board

**LEGISLATIVE BILL 576.** Placed on General File with amendment.  
 AM1555

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 49-707, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 49-707 The Revisor of Statutes shall cause the  
 6 supplements and reissued volumes to be copyrighted under the  
 7 copyright laws of the United States for the benefit of the people  
 8 of Nebraska.  
 9 The supplements and reissued or replacement volumes shall  
 10 be sold and distributed by the Supreme Court at such price as shall  
 11 be prescribed by the Executive Board of the Legislative Council,  
 12 which price shall be sufficient to recover all costs of publication  
 13 and distribution.  
 14 The Supreme Court may sell for one dollar per volume  
 15 any compilation or revision of the statutes of Nebraska that has  
 16 been superseded by a later official revision, compilation, or  
 17 replacement volume. The Supreme Court may dispose of any unsold  
 18 superseded volumes in any manner it deems proper.  
 19 All money received by the Supreme Court from the sale  
 20 of the supplements and reissued or replacement volumes shall be  
 21 paid into the state treasury to the credit of the ~~General Nebraska~~  
 22 Statutes Cash Fund or the Nebraska Statutes Distribution Cash Fund,  
 23 as appropriate. That portion of the money received that represents  
 1 the costs of publication shall be credited to the Nebraska Statutes  
 2 Cash Fund, and that portion of the money received that represents  
 3 the costs of distribution shall be credited to the Nebraska  
 4 Statutes Distribution Cash Fund. The court shall take receipts for  
 5 all such money paid into the ~~state treasury.~~ funds.  
 6 Supplements and reissued volumes shall be furnished and  
 7 delivered free of charge in the same number and to the same parties  
 8 as are designated in section 49-617.  
 9 Sec. 2. The Nebraska Statutes Cash Fund is created. The  
 10 fund shall consist of funds received pursuant to section 49-707.  
 11 The fund shall be used by the Revisor of Statutes to perform the  
 12 duties required by subdivision (4) of section 49-702 and section  
 13 49-704, except that transfers may be made from the fund to the  
 14 General Fund at the direction of the Legislature. Any money in  
 15 the Nebraska Statutes Cash Fund available for investment shall be  
 16 invested by the state investment officer pursuant to the Nebraska  
 17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 The Nebraska Statutes Distribution Cash Fund is created.  
 19 The fund shall consist of funds received pursuant to section  
 20 49-707. The fund shall be used by the Supreme Court to perform the  
 21 duties required by such section. Any money in the fund available  
 22 for investment shall be invested by the state investment officer  
 23 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 24 State Funds Investment Act.  
 25 Sec. 3. Original section 49-707, Reissue Revised Statutes  
 26 of Nebraska, is repealed.

(Signed) John Wightman, Chairperson

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 25, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Husch Blackwell, LLP  
 Visiting Nurse Association

### BILLS ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB390 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 390.** With Emergency Clause.

A BILL FOR AN ACT relating to state agencies; to amend sections 29-2252, 29-2255, 29-2261, 29-2521.02, 47-621, 47-622, 47-624, 47-624.01, 47-627, 47-628, 47-629, 47-632, 47-634, 81-8,239.01, 81-1403, 81-1404, 81-1423, 81-1425, 83-1,102, 83-1,107.02, 83-4,126, 83-4,131, and 84-1410, Reissue Revised Statutes of Nebraska; sections 29-2262.07, 81-1447, 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; sections 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011; and section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011; to eliminate the Community Corrections Council, the Probation and Parole Services Study Act, and sentencing guidelines; to create and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to change

provisions relating to the Probation Program Cash Fund; to change powers, duties, and provisions relating to the Nebraska Commission on Law Enforcement and Criminal Justice, the Office of Violence Prevention, the Jail Standards Board, and the Nebraska Law Enforcement Training Center; to change and eliminate provisions relating to the Nebraska Crime Victim's Reparations Act and the Community Trust; to change provisions relating to closed sessions of public bodies; to eliminate obsolete provisions; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Second Legislature, First Session, 2011; to change appropriations; to provide operative dates; to repeal the original sections; to outright repeal sections 47-623, 47-625, 47-630, 47-631, 47-635, 47-636, 47-637, 47-638, and 47-639, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Adams	Cook	Harms	Louden	Schilz
Ashford	Cornett	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Council            Karpisek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 629.** With Emergency Clause.

A BILL FOR AN ACT relating to pipelines; to adopt the Oil Pipeline Reclamation Act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?" "

Voting in the affirmative, 47:

Adams	Cook	Harms	Louden	Schilz
Ashford	Cornett	Harr, B.	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Bloomfield	Fischer	Howard	Mello	Sullivan
Brasch	Flood	Janssen	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Council            Karpisek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB690 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 690.**

A BILL FOR AN ACT relating to abortion; to amend sections 64-113, 71-6901, 71-6902, 71-6903, 71-6904, 71-6905, 71-6906, 71-6907, and 71-6908, Reissue Revised Statutes of Nebraska, and section 38-2021, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to consent and parental notification; to provide and change penalties; to require reports; to provide for confidentiality of declarations; to redefine malfeasance in office for notaries public; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" "

Voting in the affirmative, 41:

Adams	Dubas	Heidemann	Mello	Smith
Ashford	Fischer	Howard	Nelson	Sullivan
Avery	Flood	Janssen	Nordquist	Utter
Bloomfield	Fulton	Krist	Pahls	Wallman
Brasch	Gloor	Langemeier	Pankonin	Wightman
Carlson	Hadley	Larson	Pirsch	
Christensen	Hansen	Lathrop	Price	
Coash	Harms	Lautenbaugh	Schilz	
Cornett	Harr, B.	McCoy	Schumacher	

Voting in the negative, 6:

Campbell	Cook	Louden
Conrad	Haar, K.	McGill

Excused and not voting, 2:

Council	Karpisek
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 703.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Adams	Dubas	Harr, B.	McCoy	Schilz
Ashford	Flood	Heidemann	McGill	Schumacher
Avery	Fulton	Howard	Nelson	Smith
Brasch	Gloor	Janssen	Nordquist	Sullivan
Campbell	Haar, K.	Langemeier	Pahls	Utter
Carlson	Hadley	Larson	Pankonin	Wallman
Christensen	Hansen	Lathrop	Pirsch	Wightman
Coash	Harms	Lautenbaugh	Price	

Voting in the negative, 7:

Bloomfield	Cook	Fischer	Louden
Conrad	Cornett	Krist	

Present and not voting, 1:

Mello

Excused and not voting, 2:

Council          Karpisek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 704.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Adams	Dubas	Heidemann	Pahls	Utter
Ashford	Fischer	Janssen	Pankonin	Wallman
Brasch	Flood	Langemeier	Pirsch	Wightman
Campbell	Fulton	Larson	Price	
Carlson	Gloor	Lautenbaugh	Schilz	
Christensen	Hadley	McCoy	Smith	
Coash	Hansen	Nelson	Sullivan	

Voting in the negative, 15:

Avery	Cook	Harr, B.	Lathrop	Mello
Bloomfield	Cornett	Howard	Louden	Nordquist
Conrad	Haar, K.	Krist	McGill	Schumacher

Present and not voting, 1:

Harms

Excused and not voting, 2:

Council      Karpisek

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Adams	Dubas	Harms	Nelson	Sullivan
Ashford	Fischer	Heidemann	Pahls	Utter
Brasch	Flood	Janssen	Pankonin	Wallman
Campbell	Fulton	Langemeier	Pirsch	Wightman
Carlson	Gloor	Larson	Price	
Christensen	Hadley	Lautenbaugh	Schilz	
Coash	Hansen	McCoy	Smith	

Voting in the negative, 15:

Avery	Cook	Harr, B.	Lathrop	Mello
Bloomfield	Cornett	Howard	Louden	Nordquist
Conrad	Haar, K.	Krist	McGill	Schumacher

Excused and not voting, 2:

Council      Karpisek

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

### **COMMITTEE REPORT** **Enrollment and Review**

#### **Correctly Enrolled**

The following bill was correctly enrolled: LB704.

(Signed) Tyson Larson, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 390, 629, 690, 703, and 704.

**MOTIONS - Approve Appointments**

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1722:

Board of Parole

Miguel "Mike" Gomez

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Larson	Pahls
Ashford	Cook	Hansen	Lathrop	Pankonin
Avery	Cornett	Harms	Lautenbaugh	Pirsch
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Price            Utter

Excused and not voting, 2:

Council            Karpisek

The appointment was confirmed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Senator Krist moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1796:

State Racing Commission

Helen Abbott Feller

Voting in the affirmative, 41:

Adams	Cook	Harr, B.	McCoy	Smith
Avery	Dubas	Howard	Mello	Sullivan
Bloomfield	Fischer	Janssen	Nelson	Utter
Brasch	Fulton	Krist	Nordquist	Wallman
Campbell	Gloor	Langemeier	Pankonin	Wightman
Carlson	Haar, K.	Larson	Pirsch	
Christensen	Hadley	Lathrop	Price	
Coash	Hansen	Lautenbaugh	Schilz	
Conrad	Harms	Louden	Schumacher	



Voting in the negative, 0.

Present and not voting, 6:

Ashford	Flood	McGill
Cornett	Heidemann	Pahls

Excused and not voting, 2:

Council	Karpisek
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The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Nebraska Motor Vehicle Industry Licensing Board  
 Dean Cerny  
 Sammy Reagan

Voting in the affirmative, 43:

Adams	Cook	Hansen	Louden	Schilz
Avery	Cornett	Harms	McCoy	Schumacher
Bloomfield	Dubas	Harr, B.	Mello	Smith
Brasch	Fischer	Heidemann	Nelson	Sullivan
Campbell	Flood	Janssen	Nordquist	Utter
Carlson	Fulton	Langemeier	Pahls	Wallman
Christensen	Gloor	Larson	Pankonin	Wightman
Coash	Haar, K.	Lathrop	Pirsch	
Conrad	Hadley	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Howard	Krist	McGill
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Excused and not voting, 2:

Council	Karpisek
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The appointments were confirmed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 333.** Read. Considered.

**LEGISLATIVE RESOLUTION 334.** Read. Considered.

**LEGISLATIVE RESOLUTION 335.** Read. Considered.

**LEGISLATIVE RESOLUTION 336.** Read. Considered.

**LEGISLATIVE RESOLUTION 337.** Read. Considered.

**LEGISLATIVE RESOLUTION 339.** Read. Considered.

**LEGISLATIVE RESOLUTION 340.** Read. Considered.

**LEGISLATIVE RESOLUTION 341.** Read. Considered.

**LEGISLATIVE RESOLUTION 342.** Read. Considered.

**LEGISLATIVE RESOLUTION 343.** Read. Considered.

**LEGISLATIVE RESOLUTION 344.** Read. Considered.

**LEGISLATIVE RESOLUTION 345.** Read. Considered.

**LEGISLATIVE RESOLUTION 346.** Read. Considered.

**LEGISLATIVE RESOLUTION 347.** Read. Considered.

**LEGISLATIVE RESOLUTION 348.** Read. Considered.

**LEGISLATIVE RESOLUTION 349.** Read. Considered.

**LEGISLATIVE RESOLUTION 351.** Read. Considered.

**LEGISLATIVE RESOLUTION 352.** Read. Considered.

**LEGISLATIVE RESOLUTION 353.** Read. Considered.

**LEGISLATIVE RESOLUTION 354.** Read. Considered.

**LEGISLATIVE RESOLUTION 355.** Read. Considered.

LRs 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 351, 352, 353, 354, and 355 were adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**SPEAKER FLOOD PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 325, 326, 327, 328, 329, 330, and 331 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 325, 326, 327, 328, 329, 330, 331, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 351, 352, 353, 354, and 355.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 26, 2011, at 11:53 a.m. were the following: LBs 390e, 629e, 690, 703e, and 704.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**UNANIMOUS CONSENT - Add Cointroducer**

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB50. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Bonnie and John Patrick "Jack" Fitzgerald from Omaha.

**PRESIDENT SHEEHY PRESIDING****RECESS**

At 12:01 p.m., on a motion by Senator Pahls, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Council and Pahls who were excused.

**MESSAGES FROM THE GOVERNOR**

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 390e and 629e were received in my office on May 26, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 690 was received in my office on May 26, 2011.

I signed this bill and delivered it to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 498.** Placed on General File with amendment.  
AM1581

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 46-683.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-683.01 If during construction or operation a
- 6 permitholder determines (1) that an additional amount of water is
- 7 or will be required for the proposed use set forth in a permit

8 issued pursuant to section 46-683 or (2) that there is a need  
9 to amend any condition set forth in the permit, the permitholder  
10 may file an application to amend the permit. Following a hearing  
11 conducted in the manner prescribed by section 46-680, the director  
12 shall issue a written order containing specific findings of fact  
13 either granting or denying the proposed amendment in accordance  
14 with the public interest considerations enumerated in section  
15 46-683. An application to amend a permit shall not be approved  
16 if the amendment would increase the daily peak withdrawal or the  
17 annual volume by more than twenty-five percent from the amounts  
18 approved in the original permit, except for an amendment to  
19 increase the maximum daily volumetric flow rate or annual volume  
20 to levels authorized under a permit issued by the Department of  
21 Environmental Quality pursuant to the Environmental Protection Act  
22 as authorized under section 81-1531.02.

23 Sec. 2. Original section 46-683.01, Reissue Revised  
1 Statutes of Nebraska, is repealed.

(Signed) Chris Langemeier, Chairperson

### **MOTION - Request Return of LB703 From Governor**

Speaker Flood offered the following motion to LB703:  
MO59

Request the Governor to return the bill to the Legislature for further action  
pursuant to Rule 7, Section 7(e).

The Flood motion prevailed with 41 ayes, 3 nays, 3 present and not voting,  
and 2 excused and not voting.

### **COMMUNICATION**

May 26, 2011

The Honorable David Heineman  
Governor-State of Nebraska  
State Capitol Building  
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of  
LB703 to the Legislature for further consideration.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**MESSAGE FROM THE GOVERNOR**

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
2018 State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

After passage by the Legislature, engrossed Legislative Bill 703e was received in my office at 11:53 a.m., today. Pursuant to the Legislature's formal request to return this bill for further action, I am returning LB 703e without having given any consideration to, or taken any action upon, this bill.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Reconsider Final Passage of LB703**

Senator Langemeier offered the following motion to LB703:  
MO60

Reconsider the vote on final passage with the emergency clause attached.

The Langemeier motion to reconsider prevailed with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 703.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Adams	Dubas	Harr, B.	McGill	Smith
Ashford	Flood	Heidemann	Nelson	Sullivan
Avery	Fulton	Howard	Nordquist	Utter
Brasch	Gloor	Janssen	Pankonin	Wallman
Campbell	Haar, K.	Langemeier	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Christensen	Hansen	Lautenbaugh	Schilz	
Coash	Harms	McCoy	Schumacher	

Voting in the negative, 9:

Bloomfield	Cook	Fischer	Krist	Louden
Conrad	Cornett	Karpisek	Lathrop	

Present and not voting, 1:

Mello

Excused and not voting, 2:

Council      Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB703.

### **MOTION - Request Return of LB704 From Governor**

Speaker Flood offered the following motion to LB704:

MO61

Request the Governor to return the bill to the Legislature for further action pursuant to Rule 7, Section 7(e).

The Flood motion prevailed with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

**COMMUNICATION**

May 26, 2011

The Honorable David Heineman  
Governor-State of Nebraska  
State Capitol Building  
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of LB704 to the Legislature for further consideration.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**MESSAGE FROM THE GOVERNOR**

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
2018 State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

After passage by the Legislature, reengrossed Legislative Bill 704 was received in my office at 11:53 a.m., today. Pursuant to the Legislature's formal request to return this bill for further action, I am returning LB 704 without having given any consideration to, or taken any action upon, this bill.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Reconsider Final Passage of LB704**

Senator Langemeier offered the following motion to LB704:  
MO62

Reconsider the vote on final passage with the emergency clause attached.

The Langemeier motion to reconsider prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.



**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 704.** With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Adams	Coash	Hadley	Larson	Schilz
Ashford	Cornett	Hansen	Lautenbaugh	Schumacher
Bloomfield	Dubas	Harms	McCoy	Smith
Brasch	Fischer	Heidemann	Nelson	Sullivan
Campbell	Flood	Janssen	Pankonin	Utter
Carlson	Fulton	Krist	Pirsch	Wallman
Christensen	Gloor	Langemeier	Price	Wightman

Voting in the negative, 11:

Conrad	Harr, B.	Lathrop	Mello
Cook	Howard	Louden	Nordquist
Haar, K.	Karpisek	McGill	

Present and not voting, 1:

Avery

Excused and not voting, 2:

Council      Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB704.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 26, 2011, at 2:22 p.m. were the following: LBs 703e and 704e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Notify Governor**

Senator Louden moved that a committee of five be appointed to notify the Governor that the One Hundred Second Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Brasch, Smith, Hansen, Avery, and Sullivan to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

**MESSAGE FROM THE GOVERNOR**

May 26, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 703e and reengrossed Legislative Bill 704e were received in my office on May 26, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Suspend Rules**

Senator Flood renewed his motion, found on page 1767, to suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 57, 80, 85, 139, 249, 296, 299, 336, 353, 359, 372, 430, 445, 528, 570, 618, 663, 668, and 697.

The Flood motion prevailed with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**MOTION - Journal, Session Laws, and Indexes**

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

**VISITOR**

The Doctor of the Day was Dr. Susan Keasling from Omaha.

**MOTION - Adjourn Sine Die**

Senator Wightman moved that the Journal for the Eighty-Seventh Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred Second Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 2:51 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature

