

FIFTY-SECOND DAY - MARCH 29, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 2012

PRAYER

The prayer was offered by Senator Hansen.

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 Seiler who was excused; and Senators Ashford, Christensen, Conrad, Fulton, Lautenbaugh, Mello, Sullivan, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1205, line 13, strike "Speaker" and insert "Senator".
The Journal for the fifty-first day was approved as corrected.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1053A. Placed on Select File.

LEGISLATIVE BILL 1054A. Placed on Select File.

LEGISLATIVE BILL 1087A. Placed on Select File.

LEGISLATIVE BILL 1145A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 830. Placed on Final Reading.

LEGISLATIVE BILL 882. Placed on Final Reading.

ST77

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "; and to provide a termination date" has been inserted after "prescribed".

LEGISLATIVE BILL 993. Placed on Final Reading.

LEGISLATIVE BILL 993A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 998A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1161. Title read. Considered.

Committee AM2381, found on page 911, was considered.

Senator Smith withdrew his amendment, AM2401, found on page 917.

Senator Langemeier renewed his amendment, AM2530, found on page 1025, to the committee amendment.

SENATOR GLOOR PRESIDING

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Krist's birthday.

GENERAL FILE

LEGISLATIVE BILL 1161. The Langemeier amendment, AM2530, found on page 1025 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR CARLSON PRESIDING

The Langemeier amendment was adopted with 33 ayes, 2 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Judiciary

Room 1113

Thursday, April 5, 2012 8:30 a.m.

R. L. (Bob) Boozer - Board of Parole

(Signed) Brad Ashford, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1020A. 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 1020, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 817A. 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 817, One Hundred Second Legislature, Second Session, 2012; and to provide an operative date.

RESOLUTION**LEGISLATIVE RESOLUTION 611.** Introduced by Nordquist, 7; Ashford, 20; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, Doug McDermott, a member of the Creighton University men's basketball team, has had an outstanding season and achieved success unparalleled in school history; and

WHEREAS, in the 2011-2012 season, Doug averaged 22.9 points per game, ranking third in NCAA Division I in scoring, averaged 8.2 rebounds, and shot 60 percent from the field and 48.6 percent from three-point range; and

WHEREAS, Doug is one of five players across the country, and the first in Creighton history, to earn consensus All-America honors, which is determined by honors received in four major All-America team selections; and

WHEREAS, of the four major All-America team selections used to determine consensus All-Americans, Doug was selected for first team All-America honors by the Associated Press, the United States Basketball Writers Association, and the National Association of Basketball Coaches and for the second team by The Sporting News; and

WHEREAS, Doug was one of ten players selected to the Wooden All-America team and is a finalist for the Wooden National Player of the Year award; and

WHEREAS, Doug is one of four finalists for the Naismith Men's College Basketball Player of the Year award; and

WHEREAS, Doug was selected as the Missouri Valley Conference Player of the Year for the 2011-2012 season, was selected as the Missouri Valley Conference Tournament's Most Outstanding Player, and also received first team all-conference honors for the second season in a row; and

WHEREAS, Doug led the Creighton University men's basketball team to their first trip to the NCAA Men's Division I Basketball Tournament since 2007, in a season that tied the school record for victories; and

WHEREAS, the success of Doug McDermott and the Creighton University men's basketball team are a source of great pride to Creighton University students, faculty, and alumni, the city of Omaha, and the people of the State of Nebraska.

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

1. That the Legislature recognizes Doug McDermott for his outstanding accomplishments in the 2011-2012 basketball season.

2. That a copy of this resolution be sent to Doug McDermott.

Laid over.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 924. Placed on General File with amendment.
AM2537

- 1 1. On page 2, strike beginning with "up" in line 23
- 2 through line 25 and show as stricken.
- 3 2. On page 3, strike beginning with the first "of" in
- 4 line 1 through "the" in line 2, show as stricken, and insert
- 5 "within the extraterritorial zoning jurisdiction of a city or
- 6 cities of the metropolitan, primary, first, or".
- 7 3. On page 4, line 1, before the semicolon insert
- 8 ", except that blighted and substandard area does not mean an
- 9 area within the extraterritorial zoning jurisdiction of a city
- 10 or village if such extraterritorial zoning jurisdiction overlaps
- 11 with the extraterritorial zoning jurisdiction of any other city or
- 12 village".
- 13 4. On page 9, strike beginning with "up" in line 19
- 14 through "operation" in line 20, show as stricken, and insert
- 15 "within the extraterritorial zoning jurisdiction"; strike beginning
- 16 with "up" in line 21 through the third "of" in line 22 and show
- 17 as stricken; strike beginning with "and" in line 23 through the
- 18 first "of" in line 24, show as stricken, and insert "or"; and in
- 19 line 25 before the period insert ", except that an area within

20 the extraterritorial zoning jurisdiction of a city or village shall
 21 not be designated as a designated blighted and substandard area
 22 if such extraterritorial zoning jurisdiction overlaps with the
 23 extraterritorial zoning jurisdiction of any other city or village".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB821:
 AM2677

(Amendments to Final Reading copy)

- 1 1. Strike beginning with page 18, line 16, through page
 2 19, line 5, and insert the following new subsection:
 3 "(3) Notwithstanding the fact that a criminal
 4 investigation, a criminal prosecution, or both are in progress, all
 5 law enforcement agencies and prosecuting attorneys shall cooperate
 6 with any investigation conducted by the Inspector General and
 7 shall, immediately upon request by the Inspector General, provide
 8 the Inspector General with copies of all law enforcement reports
 9 which are relevant to the Inspector General's investigation. All
 10 law enforcement reports which have been provided to the Inspector
 11 General pursuant to this section are not public records for
 12 purposes of sections 84-712 to 84-712.09 and shall not be subject
 13 to discovery by any other person or entity. Except to the extent
 14 that disclosure of information is otherwise provided for in the
 15 Office of Inspector General of Nebraska Child Welfare Act, the
 16 Inspector General shall maintain the confidentiality of all law
 17 enforcement reports received pursuant to its request under this
 18 section. Law enforcement agencies and prosecuting attorneys shall,
 19 when requested by the Inspector General, collaborate with the
 20 Inspector General regarding all other information relevant to the
 21 Inspector General's investigation. If the Inspector General in
 22 conjunction with the Public Counsel determines it appropriate, the
 1 Inspector General may, when requested to do so by a law enforcement
 2 agency or prosecuting attorney, suspend an investigation by the
 3 office until a criminal investigation or prosecution is completed
 4 or has proceeded to a point that, in the judgment of the Inspector
 5 General, reinstatement of the Inspector General's investigation
 6 will not impede or infringe upon the criminal investigation or
 7 prosecution. Under no circumstance shall the Inspector General
 8 interview any minor who has already been interviewed by a law
 9 enforcement agency, personnel of the Division of Children and
 10 Family Services of the department, or staff of a child advocacy
 11 center in connection with a relevant ongoing investigation of a law
 12 enforcement agency."
 13 2. Strike beginning with page 24, line 24, through page
 14 25, line 4, and insert the following new subsections:
 15 "(2) Except when a report is provided to a guardian ad

16 item or an attorney in the juvenile court pursuant to subsection
 17 (2) of section 34 of this act, the office shall redact confidential
 18 information before distributing a report of an investigation. The
 19 office may disclose confidential information to the Chairperson
 20 of the Health and Human Services Committee of the Legislature
 21 when such disclosure is, in the judgment of the Public Counsel,
 22 desirable to keep the chairperson informed of important events,
 23 issues, and developments in the Nebraska child welfare system.
 24 (3) Records and documents, regardless of physical form,
 25 that are obtained or produced by the office in the course of
 26 an investigation are not public records for purposes of sections
 27 84-712 to 84-712.09. Reports of investigations conducted by the
 1 office are not public records for purposes of sections 84-712 to
 2 84-712.09."

Senator Schumacher filed the following amendment to LB239:
 AM2671 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1161. Senator Langemeier withdrew his amendment
 FA58, found on page 1028.

Senator Smith withdrew his amendment, AM1984, found on page 505.

Committee AM2381, found on page 911 and considered in this days
 Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 2 nays,
 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 11 present
 and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB1161:
 AM2672

(Amendments to Standing Committee amendments, AM2381)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 2, Legislative Bill 1, One Hundred Second
- 3 Legislature, First Special Session, 2011, is amended to read:
- 4 Sec. 2. Sections 2 to 13 of this act and section 3 of
- 5 this act shall be known and may be cited as the Major Oil Pipeline
- 6 Siting Act.
- 7 Sec. 3. The commission shall not withhold any documents
- 8 or records relating to a major oil pipeline from the public unless
- 9 the documents or records are of the type that can be withheld under
- 10 section 84-712.05 or unless federal law provides otherwise.

- 11 2. On page 6, line 14, strike "section" and insert
 12 "sections 2 and".
 13 3. Renumber the remaining sections accordingly.

Senator Langemeier filed the following amendment to LB1161:

FA67

Strike Section 5.

SELECT FILE

LEGISLATIVE BILL 806. ER229, found on page 1085, was adopted.

Senator McCoy refiled then withdrew his amendment, AM2229, found on page 741 and considered on pages 789, 796, 802, 834, and 840.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, AM2331, found on page 832, and replace it with his substitute amendment, AM2678. No objections. So ordered.

AM2678

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new sections:
 2 Sec. 7. Section 13-3102, Revised Statutes Cumulative
 3 Supplement, 2010, is amended to read:
 4 13-3102 For purposes of the Sports Arena Facility
 5 Financing Assistance Act:
 6 (1) Board means a board consisting of the Governor,
 7 the State Treasurer, the chairperson of the Nebraska Investment
 8 Council, the chairperson of the Nebraska State Board of Public
 9 Accountancy, and a professor of economics on the faculty of a
 10 state postsecondary educational institution appointed to a two-year
 11 term on the board by the Coordinating Commission for Postsecondary
 12 Education. For administrative and budget purposes only, the board
 13 shall be considered part of the Department of Revenue;
 14 (2) Bond means a general obligation bond, redevelopment
 15 bond, lease-purchase bond, revenue bond, or combination of any such
 16 bonds;
 17 (3) Eligible sports arena facility means:
 18 (a) Any publicly owned, enclosed, and
 19 temperature-controlled building primarily used for sports
 20 that has a permanent seating capacity of at least three thousand
 21 but no more than seven thousand seats and in which initial
 22 occupancy occurs on or after July 1, 2010. Eligible sports arena
 1 facility includes stadiums, arenas, dressing and locker facilities,
 2 concession areas, parking facilities, and onsite administrative
 3 offices connected with operating the facilities; and
 4 (b) Any racetrack enclosure licensed by the State Racing
 5 Commission in which initial occupancy occurs on or after July 1,
 6 2010, including concession areas, parking facilities, and onsite
 7 administrative offices connected with operating the racetrack.

8 including, but not limited to, expansion of racetrack enclosures
 9 licensed by the commission in 2013;

10 (4) General obligation bond means any bond or refunding
 11 bond issued by a political subdivision and which is payable from
 12 the proceeds of an ad valorem tax;

13 (5) Increase in state sales tax revenue means the amount
 14 of state sales tax revenue collected by a nearby retailer during
 15 the fiscal year for which state assistance is calculated minus the
 16 amount of state sales tax revenue collected by the nearby retailer
 17 in the fiscal year that ended immediately preceding the date of
 18 occupancy of the eligible sports arena facility, except that the
 19 amount of state sales tax revenue of a nearby retailer shall not be
 20 less than zero;

21 (6) Nearby retailer means a retailer as defined in
 22 section 77-2701.32 that is located within six hundred yards of an
 23 eligible sports arena facility, measured from the facility but not
 24 from any parking facility or other structure. The term includes
 25 a subsequent owner of a nearby retailer operating at the same
 26 location;

27 (7) New state sales tax revenue means:

1 (a) For nearby retailers that commenced collecting state
 2 sales tax during the period of time beginning twenty-four months
 3 prior to occupancy of the eligible sports arena facility and
 4 ending twenty-four months after the occupancy of the eligible
 5 sports arena facility, one hundred percent of the state sales tax
 6 revenue collected by the nearby retailer and sourced under sections
 7 77-2703.01 to 77-2703.04 to a location within six hundred yards of
 8 the eligible sports arena facility; and

9 (b) For nearby retailers that commenced collecting state
 10 sales tax prior to twenty-four months prior to occupancy of the
 11 eligible sports arena facility, the increase in state sales tax
 12 revenue collected by the nearby retailer and sourced under sections
 13 77-2703.01 to 77-2703.04 to a location within six hundred yards of
 14 the facility;

15 (8) Political subdivision means any city, village, or
 16 county; and

17 (9) Revenue bond means any bond or refunding bond issued
 18 by a political subdivision which is limited or special rather than
 19 a general obligation bond of the political subdivision and which is
 20 not payable from the proceeds of an ad valorem tax.

21 Sec. 8. If any section in this act or any part of any
 22 section is declared invalid or unconstitutional, the declaration
 23 shall not affect the validity or constitutionality of the remaining
 24 portions.

25 2. On page 2, line 8, after the period insert "If
 26 the use of historic horseracing machines at licensed racetrack
 27 enclosures as regulated by the commission results in a final
 1 order of a court of competent jurisdiction determining that such
 2 activity allows for any Class III gaming as defined in the federal

3 Indian Gaming Regulatory Act with the exception of horseracing,
 4 the authorization of wagering on historic horseracing under this
 5 subdivision and sections 2 to 4 of this act terminates one year
 6 after the date of the final order. All licenses issued pursuant
 7 to this subdivision and the authorization to license and regulate
 8 under this subdivision terminate after four years of continuous use
 9 of historic horseracing machines, starting from the date of the
 10 original order of the commission permitting the use, unless the
 11 commission determines that (a) a racetrack enclosure is constructed
 12 in a county which contains a city of the primary class and (b)
 13 racetrack enclosures at which historic horseracing machines are in
 14 use for four years of continuous use, starting from the date of
 15 the original order of the commission permitting the use, have (i)
 16 a thirty percent increase in the number of days of live horseraces
 17 compared to the number of days of live horseraces in 2011 for
 18 racetrack enclosures located in any county that does not contain
 19 a city of the metropolitan class or a forty percent increase in
 20 the number of days of live horseraces compared to the number of
 21 days of live horseraces in 2011 for racetrack enclosures located
 22 in a county that does contain a city of the metropolitan class or
 23 (ii) a twenty-five percent increase in the purse at the racetrack
 24 enclosure compared to the purse at the racetrack enclosure in
 25 2011."

26 3. On page 4, line 12, strike "equitable treatment
 27 of equine species" and insert "programs which facilitate equine
 1 therapy for youth and veterans and programs which promote equine
 2 and equestrian activities in Nebraska".

3 4. Renumber the remaining section and correct the
 4 repealer accordingly.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Senator Council asked unanimous consent to add her name as cointroducer to LB825. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 members of Minatare FFA; 48 fourth-grade students and teachers from Ackerman Elementary, Omaha; Emma Loeffler, Rose Jarosz, Betty Schuele, Mary Morgan, and Mary Ellen Hutchison from Cedar Rapids; 5 tenth- through twelfth-grade students and teacher from HTRS High School, Humbolt; 56 fourth-grade students and teachers from Avery Elementary, Bellevue; 11 members of Shickley FFA; 20 members of Delta Kappa Gamma Society International Key Women Educators; 40 fourth-grade students and teachers from Belle Ryan Elementary, Omaha; 12 members of Milford FFA; Senator Krist's wife, Peggy, and daughter, Courtney; and Debbie Perkins and Barry Belik.

RECESS

At 11:58 a.m., on a motion by Senator Karpisek, 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 Seiler who was excused; and Senator Conrad who was excused until she arrives.

SELECT FILE

LEGISLATIVE BILL 806. Senator Lautenbaugh asked unanimous consent to withdraw his amendment, AM2678, found in this day's Journal, and replace it with his substitute amendment, AM2687. No objections. So ordered.

AM2687

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 13-3102, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 13-3102 For purposes of the Sports Arena Facility
- 5 Financing Assistance Act:
- 6 (1) Board means a board consisting of the Governor,
- 7 the State Treasurer, the chairperson of the Nebraska Investment
- 8 Council, the chairperson of the Nebraska State Board of Public
- 9 Accountancy, and a professor of economics on the faculty of a
- 10 state postsecondary educational institution appointed to a two-year
- 11 term on the board by the Coordinating Commission for Postsecondary
- 12 Education. For administrative and budget purposes only, the board
- 13 shall be considered part of the Department of Revenue;
- 14 (2) Bond means a general obligation bond, redevelopment
- 15 bond, lease-purchase bond, revenue bond, or combination of any such
- 16 bonds;
- 17 (3) Eligible sports arena facility means:
- 18 (a) Any publicly owned, enclosed, and
- 19 temperature-controlled building primarily used for sports
- 20 that has a permanent seating capacity of at least three thousand
- 21 but no more than seven thousand seats and in which initial
- 22 occupancy occurs on or after July 1, 2010. Eligible sports arena
- 1 facility includes stadiums, arenas, dressing and locker facilities,
- 2 concession areas, parking facilities, and onsite administrative
- 3 offices connected with operating the facilities; and
- 4 (b) Any racetrack enclosure licensed by the State Racing
- 5 Commission in which initial occupancy occurs on or after July 1,

6 2010, including concession areas, parking facilities, and onsite
7 administrative offices connected with operating the racetrack,
8 including, but not limited to, expansion of racetrack enclosures
9 licensed by the commission in 2013;

10 (4) General obligation bond means any bond or refunding
11 bond issued by a political subdivision and which is payable from
12 the proceeds of an ad valorem tax;

13 (5) Increase in state sales tax revenue means the amount
14 of state sales tax revenue collected by a nearby retailer during
15 the fiscal year for which state assistance is calculated minus the
16 amount of state sales tax revenue collected by the nearby retailer
17 in the fiscal year that ended immediately preceding the date of
18 occupancy of the eligible sports arena facility, except that the
19 amount of state sales tax revenue of a nearby retailer shall not be
20 less than zero;

21 (6) Nearby retailer means a retailer as defined in
22 section 77-2701.32 that is located within six hundred yards of an
23 eligible sports arena facility, measured from the facility but not
24 from any parking facility or other structure. The term includes
25 a subsequent owner of a nearby retailer operating at the same
26 location;

27 (7) New state sales tax revenue means:

1 (a) For nearby retailers that commenced collecting state
2 sales tax during the period of time beginning twenty-four months
3 prior to occupancy of the eligible sports arena facility and
4 ending twenty-four months after the occupancy of the eligible
5 sports arena facility, one hundred percent of the state sales tax
6 revenue collected by the nearby retailer and sourced under sections
7 77-2703.01 to 77-2703.04 to a location within six hundred yards of
8 the eligible sports arena facility; and

9 (b) For nearby retailers that commenced collecting state
10 sales tax prior to twenty-four months prior to occupancy of the
11 eligible sports arena facility, the increase in state sales tax
12 revenue collected by the nearby retailer and sourced under sections
13 77-2703.01 to 77-2703.04 to a location within six hundred yards of
14 the facility;

15 (8) Political subdivision means any city, village, or
16 county; and

17 (9) Revenue bond means any bond or refunding bond issued
18 by a political subdivision which is limited or special rather than
19 a general obligation bond of the political subdivision and which is
20 not payable from the proceeds of an ad valorem tax.

21 Sec. 8. If any section in this act or any part of any
22 section is declared invalid or unconstitutional, the declaration
23 shall not affect the validity or constitutionality of the remaining
24 portions.

25 2. On page 2, line 8, after the period insert "If the use
26 of historic horseracing machines at licensed racetrack enclosures
27 as regulated by the commission results in a final order of a court

1 of competent jurisdiction determining that such activity allows for
 2 any additional Class III gaming as defined in the federal Indian
 3 Gaming Regulatory Act with the exception of horseracing or historic
 4 horseracing, the authorization of wagering on historic horseracing
 5 under this subdivision and sections 2 to 4 of this act terminates
 6 one year after the date of the final order. All licenses issued
 7 pursuant to this subdivision and the authorization to license
 8 and regulate under this subdivision terminate after four years of
 9 continuous use of historic horseracing machines, starting from the
 10 date of the original order of the commission permitting the use,
 11 unless the commission determines that (a) a racetrack enclosure
 12 is constructed in a county which contains a city of the primary
 13 class and (b) racetrack enclosures at which historic horseracing
 14 machines are in use for four years of continuous use, starting from
 15 the date of the original order of the commission permitting the
 16 use, have (i) a thirty percent increase in the number of days of
 17 live horseraces compared to the number of days of live horseraces
 18 in 2011 for racetrack enclosures located in any county that does
 19 not contain a city of the metropolitan class or a forty percent
 20 increase in the number of days of live horseraces compared to the
 21 number of days of live horseraces in 2011 for racetrack enclosures
 22 located in a county that does contain a city of the metropolitan
 23 class or (ii) a twenty-five percent increase in the purse at
 24 the racetrack enclosure compared to the purse at the racetrack
 25 enclosure in 2011."

26 3. On page 4, line 12, strike "equitable treatment
 27 of equine species" and insert "programs which facilitate equine
 1 therapy for youth and veterans and programs which promote equine
 2 and equestrian activities in Nebraska".

3 4. Renumber the remaining section and correct the
 4 repealer accordingly.

Senator Karpisek 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 Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Langemeier withdrew his amendment, FA49, found on page 886.

Senator Lautenbaugh withdrew his amendment, AM2359, found on page 1053.

Senator Harms refiled then withdrew his amendment, AM2226, found on pages 742 and 840.

Senator Nelson refiled then withdrew his amendment, AM2223, found on pages 742 and 840.

Senator Fulton refiled then withdrew his amendments, AM2220, AM2221, and AM2222, found on pages 743 and 840.

Senator McCoy refiled then withdrew his amendment, AM2219, found on pages 741 and 840.

Senator Christensen refiled then withdrew his amendment, AM2227, found on page 743 and 840.

Senator Avery refiled then withdrew his amendments, AM2217, AM2216, AM2225, and AM2218, found on pages 742, 743, and 840.

Senator Lautenbaugh offered the following amendment:
AM2681

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 2-1208.01, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 2-1208.01 (1) There is hereby imposed a tax on the gross
- 5 sum wagered by the parimutuel method at each race enclosure during
- 6 a calendar year as follows:
- 7 ~~(a) The first ten million dollars shall not be taxed;~~
- 8 ~~(b)(a) Any amount over ten million dollars but less than~~
- 9 or equal to seventy-three million dollars shall be taxed at the
- 10 rate of two and one-half percent; and
- 11 ~~(c)(b) Any amount in excess of seventy-three million~~
- 12 dollars shall be taxed at the rate of four percent.
- 13 (2)(a) Except as provided in subdivision (2)(b) of this
- 14 section, an amount equal to two percent of the first taxable
- 15 seventy million dollars at each race meeting shall be retained by
- 16 the licensee for capital improvements and for maintenance of the
- 17 premises within the licensed racetrack enclosure and shall be a
- 18 credit against the tax levied in subsection (1) of this section.
- 19 This subdivision includes each race meeting held after January 1,
- 20 2010, within the licensed racetrack enclosure located in Lancaster
- 21 County where the Nebraska State Fair was held prior to 2010.
- 22 (b) For race meetings conducted at the location where
- 1 the Nebraska State Fair is held, an amount equal to two and
- 2 one-half percent of the first taxable seventy million dollars at
- 3 each race meeting shall be retained by the licensee for the purpose
- 4 of maintenance of the premises within the licensed racetrack
- 5 enclosure and maintenance of other buildings, streets, utilities,
- 6 and existing improvements at the location where the Nebraska State
- 7 Fair is held. Such amount shall be a credit against the tax levied
- 8 in subsection (1) of this section.
- 9 (3) A return as required by the Tax Commissioner shall be
- 10 filed for a racetrack enclosure for each month during which wagers
- 11 are accepted at the enclosure. The return shall be filed with and

- 12 the net tax due pursuant to this section shall be paid to the
 13 Department of Revenue on the tenth day of the following month.
 14 2. Renumber the remaining sections and correct the
 15 repealer accordingly.

The Lautenbaugh amendment lost with 2 ayes, 24 nays, 22 present and not voting, and 1 excused and not voting.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Fulton requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Gloor	Krist	McGill	Sullivan
Conrad	Haar, K.	Langemeier	Mello	Wallman
Cook	Hadley	Larson	Nordquist	
Cornett	Harr, B.	Lathrop	Pahls	
Council	Howard	Lautenbaugh	Schilz	
Dubas	Karpisek	Louden	Schumacher	

Voting in the negative, 18:

Adams	Christensen	Hansen	McCoy	Smith
Avery	Coash	Harms	Nelson	Wightman
Brasch	Fischer	Heidemann	Pirsch	
Carlson	Fulton	Lambert	Price	

Present and not voting, 4:

Bloomfield	Campbell	Flood	Janssen
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Excused and not voting, 1:

Seiler

Advanced to Enrollment and Review for Engrossment with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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.

Catherine D. Lang - Director, Department of Economic Development

Aye: 6 Gloor, Langemeier, McCoy, Pahls, Pirsch, Schumacher. Nay: 2. Christensen, Schilz. Absent: 0. Present and not voting: 0.

(Signed) Rich Pahls, Chairperson

SELECT FILE

LEGISLATIVE BILL 806A. Advanced to Enrollment and Review for Engrossment.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 970. ER224, found on page 1055, was adopted.

Senator Cornett withdrew her amendment, FA57, found on page 1016.

Senator Schumacher renewed his amendment, AM2620, found on page 1201.

Senator Schumacher withdrew his amendment.

Senator Conrad moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Conrad requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Cornett	Harms	Lathrop	Schilz
Ashford	Fischer	Harr, B.	Louden	Smith
Avery	Flood	Heidemann	McCoy	Sullivan
Bloomfield	Fulton	Howard	Mello	Wightman
Brasch	Gloor	Janssen	Nelson	
Campbell	Haar, K.	Lambert	Pahls	
Carlson	Hadley	Langemeier	Pirsch	
Coash	Hansen	Larson	Price	

Voting in the negative, 7:

Conrad	Council	Karpisek	Schumacher
Cook	Dubas	McGill	

Present and not voting, 1:

Krist

Excused and not voting, 5:

Christensen	Lautenbaugh	Nordquist	Seiler	Wallman
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Advanced to Enrollment and Review for Engrossment with 36 ayes, 7 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 751. Placed on Final Reading.
LEGISLATIVE BILL 751A. Placed on Final Reading.
LEGISLATIVE BILL 834. Placed on Final Reading.
LEGISLATIVE BILL 842. Placed on Final Reading.
LEGISLATIVE BILL 870. Placed on Final Reading.
LEGISLATIVE BILL 907. Placed on Final Reading.

LEGISLATIVE BILL 916. Placed on Final Reading.

ST83

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1739:
 - a. On page 45, the matter beginning with "(a)" in line 16 through the second comma in line 18 has been struck and shown as stricken; and
 - b. On page 63, line 21, "on or after July 1, 2000," has been struck and shown as stricken.

LEGISLATIVE BILL 933. Placed on Final Reading.

LEGISLATIVE BILL 950. Placed on Final Reading.

ST79

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "natural" in line 1 through line 4 and all amendments thereto have been struck and "the Water Resources Cash Fund; to amend section 61-218, Revised Statutes Supplement, 2011; to state intent; to provide for a transfer of funds; and to repeal the original section." inserted.

LEGISLATIVE BILL 950A. Placed on Final Reading.
LEGISLATIVE BILL 963. Placed on Final Reading.
LEGISLATIVE BILL 983. 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 825A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, One Hundred Second Legislature, Second Session, 2012.

RESOLUTIONS

LEGISLATIVE RESOLUTION 612. Introduced by Langemeier, 23.

WHEREAS, the David City High School speech team won the 2012 Class C-1 State Speech Championship; and

WHEREAS, David City defeated Raymond Central High School 160-126 to win its third state title in four years; and

WHEREAS, the team of Lukas Fricke, Dillon Hicks, Sidnee Pavel, Nolan Pittman, and Kaleb Scheffler took first place in Oral Interpretation of Drama, David City's first state title in that category; and

WHEREAS, Elizabeth Hruska took first place in Extemporaneous, Craig Hruska took first place in Poetry, Emma Mattingly took first place in Serious, and Rachel Fuxa took third place in Humorous; and

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

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

1. That the Legislature congratulates the David City High School speech team on winning the 2012 Class C-1 State Speech Championship.

2. That a copy of this resolution be sent to the David City High School speech team and their coach, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 613. Introduced by Hansen, 42.

WHEREAS, November of 2012 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to

increase in the next twenty years to 420,000 people, or 23 percent of the state's population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the state's population, are 85 years of age and older and that number is expected to increase in the next twenty years to 60,000 people, or 3.3 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's Disease and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's Disease and other forms of dementia living at home; and

WHEREAS, 13 percent of those persons 62 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 160,000 adults in Nebraska providing 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 the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health 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 the 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 of 2012 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 358CA. Senator Carlson renewed his amendment, AM2264, found on page 755.

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Carlson amendment was adopted with 29 ayes, 3 nays, 9 present and not voting, and 8 excused and not voting.

Senator Carlson requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Adams	Coash	Gloor	Karpisek	Price
Avery	Cook	Haar, K.	Langemeier	Schilz
Brasch	Cornett	Harms	Lathrop	Schumacher
Campbell	Dubas	Heidemann	Louden	Smith
Carlson	Fulton	Howard	Nelson	Wightman

Voting in the negative, 14:

Bloomfield	Flood	Janssen	Larson	Pirsch
Council	Hadley	Krist	McCoy	Sullivan
Fischer	Hansen	Lambert	Pahls	

Present and not voting, 2:

McGill	Mello
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Excused and not voting, 8:

Ashford	Conrad	Lautenbaugh	Seiler
Christensen	Harr, B.	Nordquist	Wallman

Advanced to Enrollment and Review for Engrossment with 25 ayes, 14 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 959. Senator Smith withdrew his amendment AM2345, found on page 834.

Senator Smith offered the following amendment:

AM2685

(Amendments to Standing Committee amendments, AM2010)

- 1 1. On page 1, line 13, before the semicolon insert
- 2 "and provided to the employee during the course of his or her
- 3 employment".
- 4 2. On page 2, strike beginning with "only" in line 19
- 5 through "event" in line 21 and insert "for no".

The Smith amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Senator Avery offered the following amendment:

AM2624

(Amendments to Standing Committee amendments, AM2010)

- 1 1. On page 1, line 17, strike "Threats" and insert
- 2 "Documented threats".

SENATOR GLOOR PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Adams	Cook	Hadley	McGill
Avery	Council	Karpisek	

Voting in the negative, 23:

Bloomfield	Cornett	Hansen	Larson	Price
Brasch	Dubas	Heidemann	Lathrop	Schilz
Campbell	Fischer	Janssen	Louden	Wightman
Carlson	Flood	Krist	McCoy	
Coash	Gloor	Lambert	Pahls	

Present and not voting, 10:

Fulton	Harms	Mello	Pirsch	Smith
Haar, K.	Howard	Nelson	Schumacher	Sullivan

Excused and not voting, 9:

Ashford	Conrad	Langemeier	Nordquist	Wallman
Christensen	Harr, B.	Lautenbaugh	Seiler	

The Avery amendment lost with 7 ayes, 23 nays, 10 present and not voting, and 9 excused and not voting.

Senator Council requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 3 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1063A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, One Hundred Second Legislature, Second Session, 2012.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 711. Placed on Final Reading.

LEGISLATIVE BILL 799. Placed on Final Reading.

LEGISLATIVE BILL 824. Placed on Final Reading.

LEGISLATIVE BILL 845. Placed on Final Reading.

LEGISLATIVE BILL 858. Placed on Final Reading.

ST78

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER219, on page 21, line 7, "restate intent" has been struck and "change provisions regarding priority for awarding vending facility contracts to blind persons; to restate intent regarding state contracts for services" inserted.

2. On page 1, line 1, "for services" has been struck; and in line 2 "71-8611," has been inserted after the third comma.

LEGISLATIVE BILL 867. Placed on Final Reading.

LEGISLATIVE BILL 962. Placed on Final Reading.

LEGISLATIVE BILL 1079. Placed on Final Reading.

LEGISLATIVE BILL 1079A. Placed on Final Reading.

LEGISLATIVE BILL 1097. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

SELECT FILE

LEGISLATIVE BILL 1114. ER221, found on page 1037, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1053. ER227, found on page 1054, was adopted.

Senator Loudon withdrew his amendment, AM2589, found on page 1059.

Senator Louden offered the following amendment:
AM2689

1 1. Strike section 10 and insert the following new
2 sections:

3 Sec. 10. (1) The Nebraska Tourism Commission is created.
4 The members of the Travel and Tourism Division Advisory Committee,
5 as such committee existed immediately prior to the operative date
6 of this act, shall be the initial members of the commission and
7 may be reappointed as provided in this section. The terms of
8 initial members of the commission representing entities designated
9 by subdivisions (2)(b), (d), (f), and (h) of this section shall be
10 two years, beginning on the operative date of this act. The terms
11 of initial members representing entities designated by subdivisions
12 (2)(a), (c), (e), (g), and (i) of this section shall be four years,
13 beginning on the operative date of this act. Each successive member
14 shall be appointed by the Governor with the approval of a majority
15 of the members of the Legislature for terms of four years and may
16 be reappointed.

17 (2) The commission shall consist of the following
18 members:

19 (a) One representative from the Game and Parks
20 Commission;

21 (b) One representative from the Nebraska Travel
22 Association;

23 (c) One representative from the Nebraska Hotel and Motel
1 Association;

2 (d) One representative from a tourism attraction that
3 records at least two thousand out-of-state visitors per year;

4 (e) One representative from the Nebraska Association of
5 Convention and Visitors Bureaus;

6 (f) One representative from the Western Nebraska Tourism
7 Coalition;

8 (g) One representative who resides in eastern Nebraska
9 and is employed by a business that derives a majority of its
10 revenue from out-of-state visitors;

11 (h) One representative from the Central Nebraska Tourism
12 Partnership; and

13 (i) One representative of a business that derives a
14 majority of its revenue from out-of-state visitors.

15 Sec. 29. This act becomes operative on July 1, 2012.

16 Sec. 31. Since an emergency exists, this act takes effect
17 when passed and approved according to law.

18 2. On page 6, lines 11 and 25; and page 7, lines 3 and 9,
19 strike "effective date" and insert "operative date".

20 3. Renumber the remaining section accordingly.

Senator Louden moved for a call of the house. The motion prevailed with 18
ayes, 0 nays, and 31 not voting.

The Louden amendment was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1080. ER222, found on page 1055, was adopted.

Senator Cornett renewed her amendment, AM2634, found on page 1167.

Senator Cornett moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Cornett amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1128. ER225, found on page 1055, was adopted.

Senator Schumacher offered the following amendment:
AM2686

- 1 1. Strike original sections 13, 18, and 19 and all
- 2 amendments thereto.
- 3 2. On page 2, line 1, strike "22" and insert "19"; and in
- 4 line 4 strike "13" and insert "12".
- 5 3. On page 5, line 3, strike "16" and insert "15"; in
- 6 line 17 after "sections" insert "44-101 to 44-165"; in line 18
- 7 after "77-918" insert an underscored comma; in line 22 strike
- 8 "taxpayer" and insert "person or entity"; in line 23 strike "tax
- 9 credits" and insert "a vested tax credit against the tax imposed
- 10 by the Nebraska Revenue Act of 1967 or sections 44-101 to 44-165,
- 11 77-907 to 77-918, or 77-3801 to 77-3807 that may be utilized"; and
- 12 in line 25 strike "the taxpayer" and insert "such acquirer".
- 13 4. On page 6, after line 10 insert the following new
- 14 paragraph:
- 15 "Any taxpayer that claims a tax credit shall not be
- 16 required to pay any additional retaliatory tax under section 44-150
- 17 as a result of claiming such tax credit"; in line 23 after
- 18 "utilization" insert "in any fiscal year" and after "of" insert
- 19 "new"; and in line 24 strike "in any fiscal year".
- 20 5. On page 8, line 12, strike "16" and insert "15".
- 21 6. On page 9, line 4, strike "15" and insert "14"; and in
- 22 line 19 strike "16" and insert "15".
- 23 7. On page 11, line 17, strike "(1)"; in line 19 strike
- 1 "Market" and insert "Markets"; in line 20 strike "(a)" and insert

- 2 "(1)"; and in line 25 strike "or".
- 3 8. On page 12, line 1, strike "(b)" and insert "(2)";
- 4 in line 5 strike the period and insert "; or"; strike lines 6
- 5 and 7 and all amendments thereto and insert "(3) The issuer fails
- 6 to invest and satisfy the requirements of subdivision (1)(b) of
- 7 section 10 of this act and maintain such level of investment in
- 8 qualified low-income community investments in Nebraska until the
- 9 last credit allowance date for the qualified equity investment. For
- 10 purposes of this section, an investment shall be considered held
- 11 by an issuer even if the investment has been sold or repaid if
- 12 the issuer reinvests"; in line 18 strike "sections 18 and 20" and
- 13 insert "section 17"; strike beginning with "adjustment" in line 19
- 14 through "or" in line 20; and in line 20 strike "20" and insert
- 15 "17".
- 16 9. On page 14, line 16, strike "20, and 22" and insert
- 17 "17, and 19".
- 18 10. On page 27, line 21, strike "new" and insert "New".
- 19 11. Renumber the remaining sections accordingly.

The Schumacher amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 750. ER223, found on page 1055, was adopted.

Senator Cornett renewed her amendment, AM2628, found on page 1168.

The Cornett amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1145. ER228, found on page 1085, was adopted.

Senator McGill offered the following amendment:
AM2616

(Amendments to Standing Committee amendments, AM2387)

- 1 1. On page 6, strike beginning with "This" in line 6
- 2 through line 21 and insert "It is the intent of the Legislature
- 3 that law enforcement agencies, prosecutors, public defenders,
- 4 judges, juvenile detention center staff, and others involved in
- 5 the juvenile justice system and the criminal justice system and
- 6 other relevant officials be provided mandatory training regarding
- 7 issues in human trafficking. The task force established in section
- 8 2 of this act shall work with such agencies, persons, and staff to
- 9 develop a proper curriculum for the training and to determine how
- 10 the training should be provided. The determination and accompanying
- 11 legislative recommendations shall be made by December 1, 2012. Such

12 training shall focus on:
13 (a) State and federal law regarding human trafficking;
14 (b) Methods used in identifying victims of human
15 trafficking who are United States citizens and foreign nationals,
16 including preliminary interview techniques and appropriate
17 questioning methods;".

The McGill amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1145A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 715. ER230, found on page 1088, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 905. ER232, found on page 1091, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 905A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1057. ER233, found on page 1094, was adopted.

Senator Larson renewed his amendment, AM2294, found on page 1122.

SPEAKER FLOOD PRESIDING

SENATOR GLOOR PRESIDING

The Larson amendment lost with 4 ayes, 26 nays, 7 present and not voting, and 12 excused and not voting.

Senator Larson moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Larson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Coash	Haar, K.	Lambert	Schumacher
Ashford	Cook	Hadley	Langemeier	Sullivan
Avery	Cornett	Harms	Louden	Wightman
Bloomfield	Council	Heidemann	McCoy	
Brasch	Fischer	Howard	Nelson	
Campbell	Flood	Karpisek	Price	
Carlson	Gloor	Krist	Schilz	

Voting in the negative, 2:

Janssen Larson

Present and not voting, 4:

Lathrop Lautenbaugh Mello Pirsch

Excused and not voting, 12:

Christensen	Fulton	McGill	Seiler
Conrad	Hansen	Nordquist	Smith
Dubas	Harr, B.	Pahls	Wallman

Advanced to Enrollment and Review for Engrossment with 31 ayes, 2 nays, 4 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1057A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 670. ER137, found on page 1676, First Session, 2011, was adopted.

Senator Council renewed her motion, MO89, found on page 1205, to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2496.

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 motion to suspend the rules.

Voting in the affirmative, 37:

Adams	Cook	Harms	Larson	Price
Ashford	Cornett	Heidemann	Lathrop	Schilz
Avery	Council	Howard	Lautenbaugh	Schumacher
Bloomfield	Fischer	Janssen	Louden	Sullivan
Brasch	Flood	Karpisek	McCoy	Wightman
Campbell	Gloor	Krist	Mello	
Carlson	Haar, K.	Lambert	Nelson	
Coash	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 12:

Christensen	Fulton	McGill	Seiler
Conrad	Hansen	Nordquist	Smith
Dubas	Harr, B.	Pahls	Wallman

The Council motion to suspend the rules prevailed with 37 ayes, 0 nays, and 12 excused and not voting.

The Chair declared the call raised.

Senator Schilz renewed his amendment, AM2496, found on page 981.

The Schilz amendment was adopted with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1155. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1091. Title read. Considered.

Senator Krist renewed his amendment, AM2559, found on page 1007.

Senator Krist withdrew his amendment.

Senator Fischer moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1091A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1158. Title read. Considered.

Committee AM1936, found on page 600, was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Krist withdrew his amendments, AM1909 and AM2418, found on pages 630 and 928.

Senator Krist renewed his amendment, AM2521, found on page 999.

Senator Hadley renewed his amendment, AM2551, found on page 1002, to the Krist amendment.

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

Senator Bloomfield renewed his amendment, AM2590, found on page 1054, to the Krist amendment.

The Bloomfield amendment was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

The Krist amendment, as amended, was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB928:
AM2667

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 37-448, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 37-448 (1) Subject to rules and regulations adopted and
- 5 promulgated by the commission, the secretary of the commission
- 6 may designate special deer depredation seasons or extensions of
- 7 existing deer hunting seasons by executive order. The secretary
- 8 may designate a depredation season or an extension of an existing
- 9 deer hunting season whenever he or she determines that deer are
- 10 causing excessive property damage. The secretary shall specify the
- 11 number of permits to be issued, the species of deer allowed to be

12 taken, the bag limit for such species including deer for donation
13 in accordance with the deer donation program established pursuant
14 to sections 5 to 14 of this act, the beginning and ending dates for
15 the depredation season or hunting season extension, shooting hours,
16 the length of the depredation season or hunting season extension,
17 and the geographic area in which hunting will be permitted. Hunting
18 during a special depredation season or hunting season extension
19 shall be limited to residents, and the rules and regulations shall
20 allow use of any weapon permissible for use during the regular deer
21 season.

22 (2) The depredation season may commence not less than
23 five days after the first public announcement that the depredation
1 season has been established. Permits shall be issued in an
2 impartial manner at a location determined by the secretary.
3 The commission shall, pursuant to section 37-327, establish and
4 charge a fee of not more than twenty-five dollars for a special
5 depredation season permit. The commission shall use the income from
6 the sale of special depredation season permits for abatement of
7 damage caused by deer. The commission shall also provide for an
8 unlimited number of free permits for the taking of antlerless deer
9 upon request to any person owning or operating at least twenty
10 acres of farm or ranch land within the geographic area in which
11 hunting will be permitted and to any member of the immediate family
12 of any such person as defined in subdivision (2)(a) of section
13 37-455. A free permit shall be valid only within such area and
14 only during the designated deer depredation season. Receipt of a
15 depredation season permit shall not in any way affect a person's
16 eligibility for a regular season permit.

17 Sec. 5. The purpose of sections 5 to 14 of this act is
18 to establish procedures for the administration of a deer donation
19 program and to encourage hunters to harvest deer to donate to a
20 program to feed residents of Nebraska who are in need.

21 Sec. 6. For purposes of sections 5 to 14 of this act:

22 (1) Deer means any wild deer legally taken in Nebraska
23 and deer confiscated as legal evidence if the confiscated carcass
24 is considered by a conservation officer to be in good condition for
25 donation under the program;

26 (2) Field dressed means properly bled and cleaned of the
27 internal organs;

1 (3) Meat processor means any business that is licensed to
2 process meat for retail customers by the Department of Agriculture,
3 the United States Department of Agriculture, or a neighboring
4 state's department that is similar to Nebraska's; and

5 (4) Program means the deer donation program established
6 pursuant to sections 5 to 14 of this act.

7 Sec. 7. Deer is the only species of wildlife covered by
8 the program. To be accepted, the entire field-dressed deer carcass
9 shall be donated, but the hunter may keep the antlers, head, and
10 cape.

11 Sec. 8. On or before July 1, 2012, the commission shall
12 provide each applicant the option on the application for any type
13 of hunting permit authorizing the taking of deer to indicate that
14 the applicant may designate an amount in addition to the permit fee
15 to be credited to the Hunters Helping the Hungry Cash Fund.

16 Sec. 9. (1) The commission shall set a fair market price
17 for the processing cost of deer donated to the program. To set a
18 fair market price, the commission shall consider prices for similar
19 deer processing services paid by retail customers in Nebraska and
20 nearby states and shall establish an annual per-deer processing
21 payment to be made to meat processors to the extent that money is
22 available in the Hunters Helping the Hungry Cash Fund.

23 (2) The commission shall adopt and promulgate rules and
24 regulations necessary to carry out the program.

25 Sec. 10. The commission shall promote the harvesting
26 of deer by hunters and the donation of deer at meat processors
27 participating in the program to the extent that money is available
1 in the Hunters Helping the Hungry Cash Fund.

2 Sec. 11. The commission may enlist as many meat
3 processors as available to participate in the program and shall
4 enter into contracts with meat processors as described in section
5 12 of this act subject to available funding in the Hunters
6 Helping the Hungry Cash Fund. The commission shall provide
7 forms for donation of deer by hunters and posters for meat
8 processors to advertise their participation. The commission shall
9 provide informational and promotional materials to meat processors
10 regarding the program.

11 Sec. 12. (1) To participate in the program, each meat
12 processor shall enter into an annual contract with the commission
13 which details the meat processor's participation.

14 (2) Meat processors shall accept the entire field-dressed
15 carcass of a donated deer according to the terms of their
16 respective contracts with the commission and shall not assess any
17 fees or costs to donors, recipients, or participants. Information
18 from the donor is required for each donated deer and shall be
19 submitted on forms provided by the commission. Payment shall not be
20 made to a meat processor without this information.

21 (3) Meat processors shall accept a donated deer if the
22 meat processor determines the venison is in acceptable condition.

23 (4) Prior to receiving payment, a meat processor shall
24 be required to provide to the commission a record of each donated
25 deer that includes information required by the commission. Payments
26 shall be made to meat processors within forty-five days after
27 submission of a complete and accurate invoice according to the terms
1 of their respective contracts with the commission.

2 (5) The commission shall not be liable for the safety,
3 quality, or condition of deer accepted by meat processors or
4 recipients or consumed by participants in the program.

5 Sec. 13. The commission, at its own discretion, may enter

6 into contracts with other entities for purposes of executing or
 7 expanding the program. The commission may include the offer of
 8 matching grants to pay for deer processing to entities that acquire
 9 funding from sources other than the state to pay for expenses of
 10 the program.

11 Sec. 14. The Hunters Helping the Hungry Cash Fund is
 12 created. The fund shall include amounts designated for the fund
 13 pursuant to section 8 of this act and revenue received from gifts,
 14 grants, bequests, donations, other similar donation arrangements,
 15 or other contributions from public or private sources intended for
 16 the fund. The fund shall be administered by the commission to carry
 17 out the program. The annual expenditures from the fund shall be
 18 limited only by the available balance of the fund. The commission
 19 shall not be obligated to provide payments from the fund or pay any
 20 other expenses in excess of the available balance in the fund. Any
 21 money in the fund available for investment shall be invested by the
 22 state investment officer pursuant to the Nebraska Capital Expansion
 23 Act and the Nebraska State Funds Investment Act.

24 Sec. 15. Sections 2, 4, and 16 of this act become
 25 operative three calendar months after the adjournment of this
 26 legislative session. The other sections of this act become
 27 operative on their effective date.

1 Sec. 17. Original sections 37-201 and 37-448, Revised
 2 Statutes Cumulative Supplement, 2010, are repealed.

3 Sec. 18. Since an emergency exists, this act takes effect
 4 when passed and approved according to law.

5 2. On page 2, line 3, strike "section 2" and insert
 6 "sections 2 and 5 to 14".

7 3. On page 3, strike beginning with "and" in line 15
 8 through "are" in line 16 and insert "is".

9 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM2151, found on page 638, was considered.

Senator Mello withdrew his amendment, AM2404, found on page 950.

Senator Mello renewed his amendment, AM2534, found on page 1004, to the committee amendment.

Senator Mello moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 18 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Avery	Cornett	Haar, K.	Larson	Pirsch
Coash	Dubas	Howard	Lathrop	
Cook	Flood	Karpisek	Nelson	

Voting in the negative, 16:

Adams	Fischer	Janssen	Louden
Bloomfield	Fulton	Lambert	McCoy
Campbell	Gloor	Langemeier	Schilz
Carlson	Hadley	Lautenbaugh	Sullivan

Present and not voting, 9:

Ashford	Council	Heidemann	Price	Wightman
Brasch	Harms	Mello	Schumacher	

Excused and not voting, 11:

Christensen	Harr, B.	Nordquist	Smith
Conrad	Krist	Pahls	Wallman
Hansen	McGill	Seiler	

The Mello amendment lost with 13 ayes, 16 nays, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following motion:

MO91

Unanimous consent to bracket until April 12, 2012.

No objections. So ordered.

AMENDMENT - Print in Journal

Senator Bloomfield filed the following amendment to LB1049:
AM2645

- 1 1. Strike section 3 and all amendments thereto.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Larson and Schilz asked unanimous consent to add their names as cointroducers to LB806. No objections. So ordered.

Senators Price and Schilz asked unanimous consent to add their names as cointroducers to LB670. No objections. So ordered.

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB731. No objections. So ordered.

VISITORS

Visitors to the Chamber were 3 FFA members from North Loup and Scotia; Nicole Ackles and Cilinda Scheideler from Scotia; 53 fourth-grade students and teachers from Pershing Elementary, Lexington; Dave Hogsett from Lamar; 30 members of Americans For Prosperity from across the state; 11 members of Allen FFA; and Senator Howard's daughter, Sara Howard, from Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 8:54 p.m., on a motion by Speaker Flood, the Legislature adjourned until 8:00 a.m., Friday, March 30, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

