

FIFTY-FOURTH DAY - APRIL 2, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 2012

PRAYER

The prayer was offered by Dr. Fred Richart, First United Methodist Church, Auburn.

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 and Seiler who were excused; and Senators Conrad, Krist, Pahls, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 670. Placed on Final Reading.
ST87

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

1. On page 1, the matter beginning with "juveniles" in line 1 through line 5 has been struck and "crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2011; to include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency." inserted.

LEGISLATIVE BILL 715. Placed on Final Reading.

LEGISLATIVE BILL 750. Placed on Final Reading.
ST88

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

1. In the Cornett amendment, AM2573, on page 1, line 12, "sections 77-1359" has been struck and shown as stricken and "and" has been struck and "this section and section" inserted.

LEGISLATIVE BILL 821. Placed on Final Reading Second.

LEGISLATIVE BILL 905. Placed on Final Reading.

LEGISLATIVE BILL 905A. Placed on Final Reading.

LEGISLATIVE BILL 959. Placed on Final Reading.

LEGISLATIVE BILL 970. Placed on Final Reading.

LEGISLATIVE BILL 1053. Placed on Final Reading.

ST85

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

1. On page 1, line 14 has been struck and "provisions; to provide an operative date; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1057. Placed on Final Reading.

LEGISLATIVE BILL 1057A. Placed on Final Reading.

LEGISLATIVE BILL 1080. Placed on Final Reading.

ST86

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

1. The E & R amendment, ER222, has been struck.

LEGISLATIVE BILL 1114. Placed on Final Reading.

LEGISLATIVE BILL 1128. Placed on Final Reading.

LEGISLATIVE BILL 1128A. Placed on Final Reading.

LEGISLATIVE BILL 1145. Placed on Final Reading.

LEGISLATIVE BILL 1145A. Placed on Final Reading.

LEGISLATIVE RESOLUTION 358CA. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1155. Placed on Select File.

LEGISLATIVE BILL 1091. Placed on Select File with amendment.

ER270

1 1. On page 1, line 5, after "eliminate" insert "a

2 definition and".

3 2. On page 2, line 9, strike "4" and insert "3".

4 3. On page 3, line 5, after the first "the" insert

5 "prepaid wireless"; and in line 15 strike "Nebraska".

LEGISLATIVE BILL 1091A. Placed on Select File.

LEGISLATIVE BILL 1158. Placed on Select File with amendment.
ER271

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-908, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 68-908 (1) The department shall administer the medical
- 6 assistance program.
- 7 (2) The department may (a) enter into contracts
- 8 and interagency agreements, (b) adopt and promulgate rules
- 9 and regulations, (c) adopt fee schedules, (d) apply for and
- 10 implement waivers and managed care plans for services for eligible
- 11 recipients, including services under the Nebraska Behavioral
- 12 Health Services Act, and (e) perform such other activities as
- 13 necessary and appropriate to carry out its duties under the
- 14 Medical Assistance Act. A covered item or service as described
- 15 in section 68-911 that is furnished through a school-based health
- 16 center, furnished by a provider, and furnished under a managed
- 17 care plan pursuant to a waiver does not require prior consultation
- 18 or referral by a patient's primary care physician to be covered.
- 19 Any federally qualified health center providing services as a
- 20 sponsoring facility of a school-based health center shall be
- 21 reimbursed for such services provided at a school-based health
- 22 center at the federally qualified health center reimbursement rate.
- 23 (3) The department shall maintain the confidentiality
- 1 of information regarding applicants for or recipients of medical
- 2 assistance and such information shall only be used for purposes
- 3 related to administration of the medical assistance program and the
- 4 provision of such assistance or as otherwise permitted by federal
- 5 law.
- 6 (4)(a) The department shall prepare an annual summary
- 7 and analysis of the medical assistance program for legislative
- 8 and public review, including, but not limited to, a description
- 9 of eligible recipients, covered services, provider reimbursement,
- 10 program trends and projections, program budget and expenditures,
- 11 the status of implementation of the Medicaid Reform Plan, and
- 12 recommendations for program changes.
- 13 (b) The department shall provide a draft report of such
- 14 summary and analysis to the Medicaid Reform Council no later than
- 15 September 15 of each year. The council shall conduct a public
- 16 meeting no later than October 1 of each year to discuss and receive
- 17 public comment regarding such report. The council shall provide
- 18 any comments and recommendations regarding such report in writing
- 19 to the department no later than November 1 of each year. The
- 20 department shall submit a final report of such summary and analysis
- 21 to the Governor, the Legislature, and the council no later than
- 22 December 1 of each year. Such final report shall include a response

23 to each written recommendation provided by the council.

24 Sec. 2. All contracts and agreements relating to the
25 medical assistance program governing at-risk managed care service
26 delivery for behavioral health services entered into by the
27 department on or after July 1, 2012, shall:

1 (1) Provide a definition and cap on administrative
2 spending that (a) shall not exceed seven percent unless the
3 implementing department includes detailed requirements for
4 tracking administrative spending to ensure (i) that administrative
5 expenditures do not include additional profit and (ii) that any
6 administrative spending is necessary to improve the health status
7 of the population to be served and (b) shall not under any
8 circumstances exceed ten percent;

9 (2) Provide a definition of annual contractor profits and
10 losses and restrict such profits and losses under the contract so
11 that (a) profit shall not exceed three percent per year and (b)
12 losses shall not exceed three percent per year, as a percentage of
13 the aggregate of all income and revenue earned by the contractor
14 and related parties, including parent and subsidiary companies and
15 risk-bearing partners, under the contract;

16 (3) Provide for reinvestment of (a) any profits in excess
17 of the contracted amount, (b) performance contingencies imposed
18 by the department, and (c) any unearned incentive funds, to fund
19 additional behavioral health services for children, families, and
20 adults according to a plan developed with input from stakeholders,
21 including consumers and their family members, the office of
22 consumer affairs within the division, and the regional behavioral
23 health authority and approved by the department. Such plan shall
24 address the behavioral health needs of adults and children,
25 including filling service gaps and providing system improvements;

26 (4) Provide for a minimum medical loss ratio of
27 eighty-five percent of the aggregate of all income and revenue
1 earned by the contractor and related parties under the contract;

2 (5) Provide that contractor incentives, in addition to
3 potential profit, be at least one and one-half percent of the
4 aggregate of all income and revenue earned by the contractor and
5 related parties under the contract;

6 (6) Provide that a minimum of one-quarter percent of the
7 aggregate of all income and revenue earned by the contractor and
8 related parties under the contract be at risk as a penalty if the
9 contractor fails to meet the minimum performance metrics defined in
10 the contract, and such penalties, if charged, shall be accounted
11 for in a manner that shall not reduce or diminish service delivery
12 in any way; and

13 (7) Be reviewed and awarded competitively and in full
14 compliance with the procurement requirements of the State of
15 Nebraska.

16 Sec. 3. Section 71-801, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-801 Sections 71-801 to 71-830 and section 2 of this
 19 act shall be known and may be cited as the Nebraska Behavioral
 20 Health Services Act.

21 Sec. 4. Original section 71-801, Reissue Revised Statutes
 22 of Nebraska, and section 68-908, Revised Statutes Cumulative
 23 Supplement, 2010, are repealed.

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

26 2. On page 1, strike beginning with "section" in line 1
 27 through line 6 and insert "section 71-801, Reissue Revised Statutes
 1 of Nebraska, and section 68-908, Revised Statutes Cumulative
 2 Supplement, 2010; to change provisions relating to the medical
 3 assistance program; to provide requirements for behavioral health
 4 managed care contracts; to harmonize provisions; to repeal the
 5 original sections; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 615. Introduced by McCoy, 39.

WHEREAS, George Conrad is retiring in June 2012 from his position as superintendent of the Douglas County West Community Schools, a position he has held since 2006; and

WHEREAS, during his tenure at Douglas County West Community Schools, Mr. Conrad has worked tirelessly to improve the school's curriculum and finances and has provided steady, consistent leadership to the school; and

WHEREAS, Mr. Conrad has spent a lifelong career in education and educational administration and has served in a variety of roles, including as a teacher, principal, personnel director, and most recently as superintendent; and

WHEREAS, in recognition of his fine service and accomplishments, Mr. Conrad has been named the Citizen of the Year for 2012 by the Western Douglas County Chamber of Commerce.

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

1. That the Legislature congratulates George Conrad on his retirement and thanks him for his dedication to education.

2. That a copy of this resolution be sent to George Conrad.

Laid over.

LEGISLATIVE RESOLUTION 616. Introduced by McCoy, 39.

WHEREAS, Tom Ramsbottom, the athletic director at Elkhorn South High School, was named the State Athletic Administrator of the Year for

2011-12 by the Nebraska State Interscholastic Athletic Administrators Association; and

WHEREAS, Mr. Ramsbottom was nominated for the award by a group of his peers; and

WHEREAS, Mr. Ramsbottom was selected for the award from more than three hundred athletic directors statewide.

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

1. That the Legislature congratulates Tom Ramsbottom for being named the State Athletic Administrator of the Year for 2011-12.

2. That a copy of this resolution be sent to Tom Ramsbottom.

Laid over.

ANNOUNCEMENT

The Chair announced April 1 was Senator Lathrop's birthday.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 711.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Executive Board of the Legislative Council; 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	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Janssen	McGill	Sullivan
Brasch	Flood	Karpisek	Mello	Wallman
Campbell	Fulton	Lambert	Nelson	Wightman
Carlson	Gloor	Langemeier	Nordquist	
Christensen	Haar, K.	Larson	Pirsch	
Coash	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 2:

Hansen Howard

Excused and not voting, 5:

Conrad Cook Krist Pahls Seiler

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 LB751 with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 751. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 37-1284, 37-1285, 60-105, 60-154, 60-166, 60-168, 60-169, 60-180, 60-365, 60-3,198, 60-3,205, 60-486, 60-4,100, 60-4,120.02, 60-4,124, 60-4,125, 60-4,126, 60-4,130.03, 60-4,142, 60-4,167, 60-4,167.01, 60-4,168, 60-4,170, 60-4,184, 60-507, 60-6,179.01, 66-1406.02, and 75-366, Reissue Revised Statutes of Nebraska, sections 37-1283, 43-287, and 71-4603, Revised Statutes Cumulative Supplement, 2010, and sections 18-1739, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-498.01, 60-498.02, 60-4,114, 60-4,116, 60-4,118.06, 60-4,120, 60-4,144, 60-4,146, 60-4,147.02, 60-4,182, 60-601, 60-6,211.05, 75-363, 75-364, and 75-393, Revised Statutes Supplement, 2011; to adopt provisions of federal law; to change provisions relating to handicapped or disabled parking permits, certificates of title, distribution of fees for certificates of title, motor vehicle registration, registration fees for fleet vehicles, mailing requirements of the Department of Motor Vehicles, operation of ignition-interlock-equipped motor vehicles, eligibility for ignition interlock permits, application for and issuance of certain operators' licenses and permits and state identification cards, criminal history record information checks, and commercial driver qualifications; to prohibit texting while driving a commercial motor vehicle; to change the definitions of certain trailers under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to eliminate provisions relating to denial of registration of a motor vehicle or an operator's license to a person with an outstanding warrant for arrest; to change and provide penalties; to provide operative dates; to repeal the original sections; to outright repeal sections 60-3,163 and 60-485, 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	Cornett	Hansen	Larson	Pahls
Avery	Council	Harms	Lathrop	Pirsch
Bloomfield	Dubas	Harr, B.	Lautenbaugh	Price
Brasch	Fischer	Heidemann	Louden	Schumacher
Campbell	Flood	Howard	McCoy	Smith
Carlson	Fulton	Janssen	McGill	Sullivan
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Lambert	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 3:

Cook Krist Seiler

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 751A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 88; to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, One Hundred Second Legislature, Second Session, 2012; to change an appropriation; 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	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

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 799.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-201 and 28-707, Revised Statutes Cumulative Supplement, 2010; to change penalties for child abuse; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 824. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-103.03, 53-103.38, 53-160, and 53-164.01, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define and redefine terms; to change provisions relating to beer, spirits, the gallonage tax, and reports involving the gallonage tax; 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, 37:

Adams	Council	Hansen	Larson	Price
Avery	Dubas	Harr, B.	Lathrop	Schilz
Bloomfield	Fischer	Heidemann	Lautenbaugh	Schumacher
Brasch	Flood	Howard	Louden	Smith
Campbell	Fulton	Janssen	McCoy	Wallman
Coash	Gloor	Karpisek	McGill	
Conrad	Haar, K.	Lambert	Mello	
Cornett	Hadley	Langemeier	Nordquist	

Voting in the negative, 6:

Carlson	Harms	Sullivan
Christensen	Nelson	Wightman

Present and not voting, 3:

Ashford	Pahls	Pirsch
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Excused and not voting, 3:

Cook	Krist	Seiler
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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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB834 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 834.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 38-151, 71-6201, 71-6202, 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213, 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to restate intent; to define and redefine terms; to change provisions relating to the regulation of health professions and changes in scope of practice; to change membership and duties of technical committees; to eliminate a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-6228, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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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 842.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1721, Reissue Revised Statutes of Nebraska; to change a termination date relating to duties of an applicant family; to require the Department of

Health and Human Services to collect certain data regarding aid to dependent children and to provide a report; 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	Larson	Pahls
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	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Lambert	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845. With Emergency Clause.

A BILL FOR AN ACT relating to the Oil Pipeline Reclamation Act; to amend sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011; to state intent; to provide requirements for reclamation; 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	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

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 LB858 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 858.

A BILL FOR AN ACT relating to state contracts; to amend sections 71-5666, 71-5667, 71-5668, 71-8611, 73-501, 73-502, 73-503, 73-504, 73-506, 73-508, and 73-509, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, section 73-507, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions regarding priority for awarding vending facility contracts to blind persons; to restate intent regarding state contracts for services; to define and redefine terms; to provide additional requirements for contracts in excess of fifteen million dollars; to change exceptions from contracting requirements; to provide duties for state agencies and the materiel division of the Department of Administrative Services; to eliminate obsolete provisions; 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	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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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 867. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Supplement, 2011; to change employer contribution provisions under certain county retirement plans; to change provisions relating to the population of affected counties and reporting requirements; 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	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

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 870.

A BILL FOR AN ACT relating to schools; to amend section 79-828, Reissue Revised Statutes of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes Supplement, 2011; to provide duties for the State Board of Education and the State Department of Education; to provide for an accountability system to measure school performance pursuant to the Quality Education Accountability Act; to change provisions for tracking and reporting on individual student achievement and for evaluation of probationary certificated employees; to provide for establishment of career academies; to eliminate requirements for a prior assessment and reporting system and a joint plan for a learning community; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-760, Reissue Revised Statutes of Nebraska, and section 79-760.04, Revised Statutes Supplement, 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	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 882.

A BILL FOR AN ACT relating to insurance; to require certain cancer treatment coverage as prescribed; and to provide a termination 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2701, 2-2701.01, 2-2707, 2-2709, 2-2710, and 77-2704.36, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor permitting and a sales tax exemption for agricultural machinery and equipment; 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	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

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 LB916 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 916. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2322, 23-2323.02, 24-707, 24-710.02, 24-710.05, 48-1401, 79-906, 79-933.01, 79-948, 79-956, 79-980, 79-998, 79-9,104, 79-9,106, 81-2014, 81-2031.03, 81-2032, 84-1309, 84-1312, 84-1324, and 84-1505, Reissue Revised Statutes of Nebraska, sections 23-2309.01, 23-2310.05, 23-2317, 23-2321, 84-1310.01, 84-1311.03, 84-1319, and 84-1323, Revised Statutes Cumulative Supplement, 2010, and sections 14-2111, 23-2301, 23-2308, 23-2308.01, 23-2319.01, 24-701, 79-902, 81-2026, 81-2041, 84-1301, 84-1309.02, 84-1321.01, and 84-1503, Revised Statutes Supplement, 2011; to provide for the use of retirement benefits to pay civil damages for utilities district employees and appointees, police officers, firefighters, county employees, judges, participants in deferred compensation plans, school employees, officers of the Nebraska State Patrol, and state employees as prescribed; to exempt per diems from the definition of compensation; to require an employer to provide certain termination of employment information to the Public Employees Retirement Board; to require repayment of retirement benefits as prescribed; to authorize creation of subfunds; to provide for a cash balance benefit election for certain county and state employees; to change provisions relating to

county and state employer funds; to eliminate certain reporting requirements for school retirement systems as prescribed; to clarify provisions relating to tax-qualification requirements; to change provisions relating to rollover distributions and death benefits; to exclude any person under the age of eighteen years from the definition of school employee; to redefine termination of employment; to provide duties for the Public Employees Retirement Board relating to the determination of de minimus amounts and tax-qualification requirements; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 23-2319.02, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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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 933.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to compulsory attendance; 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	Cornett	Hansen	Lathrop	Pirsch
Ashford	Council	Harms	Lautenbaugh	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Lambert	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman
Conrad	Hadley	Larson	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Brasch	Janssen
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Excused and not voting, 3:

Cook	Krist	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2715.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tax expenditure reporting; to name the Tax Rate Review Committee and provide for a report; 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	Larson	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Howard	McGill	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Carlson	Gloor	Karpisek	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Council Lathrop

Excused and not voting, 3:

Cook Krist Seiler

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 LB963 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 963. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-141, 8-183.05, 8-212, 8-213, 8-214, 8-215, 8-230, 8-1901, 8-2101, 8-2103, 8-2104, 8-2107, 8-2108, and 8-2403, Reissue Revised Statutes of Nebraska, sections 8-157, 8-209, 8-2102, and 8-2106, Revised Statutes Cumulative Supplement, 2010, and sections 8-1,140, 8-355, 8-602, and 21-17,115, Revised Statutes Supplement, 2011; to change provisions relating to loan limits and restrictions; to change provisions relating to branch banking, the pledging of securities by trust companies, and fees charged by the Department of Banking and Finance; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to names of financial institutions; to rename the Interstate Branching By Merger Act of 1997; to change and eliminate provisions relating to interstate branch banking and mergers; to harmonize provisions; to repeal the original sections; to outright repeal section 8-2105, 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	Council	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Smith
Brasch	Flood	Janssen	McGill	Sullivan
Campbell	Fulton	Karpisek	Mello	Wallman
Carlson	Gloor	Krist	Nelson	Wightman
Christensen	Haar, K.	Lambert	Nordquist	
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	
Cornett	Harms	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 2:

Cook Seiler

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 983.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5803, Reissue Revised Statutes of Nebraska; to change provisions relating to a research tax credit; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook Seiler

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 LB1079 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 1079. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 2011; to state findings; to define terms; to provide for grants and funding for such grants for bridge programs as prescribed; to provide for allocations from the Education Innovation Fund; to provide duties for the State Department of Education and the Department of Health and Human Services; to provide a termination 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:

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

Voting in the negative, 4:

Adams Fischer Fulton Heidemann

Present and not voting, 1:

Wightman

Excused and not voting, 2:

Cook Seiler

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 1079A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, One Hundred Second Legislature, Second Session, 2012; 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:

Ashford	Cornett	Harms	Larson	Pahls
Avery	Council	Harr, B.	Lathrop	Pirsch
Bloomfield	Dubas	Heidemann	Lautenbaugh	Price
Brasch	Fischer	Howard	Louden	Schilz
Campbell	Flood	Janssen	McCoy	Schumacher
Carlson	Fulton	Karpisek	McGill	Smith
Christensen	Gloor	Krist	Mello	Sullivan
Coash	Haar, K.	Lambert	Nelson	Wallman
Conrad	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Adams Hansen

Excused and not voting, 2:

Cook Seiler

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 711, 751, 751A, 799, 824, 834, 842, 845, 858, 867, 870, 882, 907, 916, 933, 962, 963, 983, 1079, and 1079A.

SELECT FILE

LEGISLATIVE BILL 1058. ER266, found on page 1274, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001. ER260, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 972. ER261, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1115. ER265, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1020. ER263, found on page 1275, was adopted.

Senator Nordquist offered the following amendment:

AM2700

(Amendments to E & R amendments, ER263)

- 1 1. On page 1, line 8, after "and" insert "competitive".
- 2 2. On page 2, line 6, after "award" insert "competitive";
- 3 in line 8 strike "to any school district that" and insert ". Any
- 4 school district shall be eligible for a competitive grant under
- 5 the Coordinated School Health Program if such school district";
- 6 in line 15 after "(2)" insert "The department shall consider the
- 7 following when selecting the recipients of competitive grants under
- 8 the Coordinated School Health Program:
- 9 (a) Location in an area that has been designated as
- 10 a health profession shortage area pursuant to section 71-5665
- 11 or federal law or as a medically underserved area or population
- 12 pursuant to Nebraska or federal law; or
- 13 (b) The majority of the district's students are eligible
- 14 for free or reduced-price lunches.
- 15 (3); in lines 15 and 18 before "grants" insert
- 16 "competitive"; and strike beginning with the comma in line 19
- 17 through "lunches" in line 26.
- 18 3. On page 3, lines 2, 9, 14, and 15, before "grant"
- 19 insert "competitive".

20 4. On page 3, line 2, strike "(3)" and insert "(4)";
 21 in line 9 strike "(4)" and insert "(5)"; in line 13 strike "(5)"
 22 and insert "(6)"; in line 18 strike "The" through "Education"
 1 and insert "The State Department of Education shall select the
 2 recipients of competitive grants under the Coordinated School
 3 Health Program.
 4 (2) The department"; in line 19 before "grants" insert
 5 "competitive"; and in lines 19 and 20 strike "Nebraska" through
 6 "Act" and insert "Coordinated School Health Program".
 7 5. On page 4, line 3, strike "(2)" and insert "(3)"; and
 8 in line 6 strike "(1)(e)" and insert "(2)(e)".

The Nordquist 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 1113. ER268, found on page 1275, was adopted.

Senator Flood renewed his amendment, AM2026, found on page 1184.

The Flood amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MESSAGE FROM THE GOVERNOR

April 2, 2012

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131e, 968e, and 969e were received in my office on March 27, 2012.

These bills were signed and delivered to the Secretary of State on April 2, 2012.

Sincerely,
 (Signed) Dave Heineman
 Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 2012, at 11:30 a.m. were the following: LBs 711, 751e, 751Ae, 799, 824e, 834, 842, 845e, 858, 867e, 870, 882, 907, 916e, 933, 962, 963e, 983, 1079e, and 1079Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 617. Introduced by Gloor, 35; 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; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lambert, 2; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Wightman, 36.

WHEREAS, Senator Dennis Utter served in the Nebraska Legislature, representing District 33, from January of 2009 until his death in December of 2011; and

WHEREAS, in this capacity Senator Utter proudly wore the state seal lapel pin representing the office of state senator; and

WHEREAS, we, the forty-nine members of the Nebraska Legislature, have shared in the honor of wearing that lapel pin each day during the One Hundred Second Legislature, Second Session, in honor of Senator Utter's work and life and our memories of him.

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

1. That the Legislature returns the lapel pin to Senator Dennis Utter's family with great appreciation for sharing their loved one with the Legislature and with sincere sympathy for their loss.

2. That a copy of this resolution be sent to the family of Senator Dennis Utter.

Laid over.

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 1199:

Stem Cell Research Advisory Committee
Bradley Keller

Rebecca Jane Morris
 Dennis Roop
 Gerald Spangrude

Voting in the affirmative, 35:

Adams	Coash	Harms	Lautenbaugh	Price
Avery	Conrad	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Schumacher
Brasch	Fischer	Janssen	Nelson	Smith
Campbell	Fulton	Krist	Nordquist	Sullivan
Carlson	Gloor	Lambert	Pahls	Wallman
Christensen	Haar, K.	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Council	Hadley	Heidemann	Lathrop
Cornett	Flood	Hansen	Karpisek	Mello

Excused and not voting, 4:

Cook	Langemeier	Louden	Seiler
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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 Pahls moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1221:

Department of Economic Development
 Catherine D. Lang, Director

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 398. Placed on Final Reading.

LEGISLATIVE BILL 719. Placed on Final Reading.

ST92

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

1. On page 27, lines 23 and 24, "his or her" has been struck, the old matter shown as stricken, and "the" inserted.

2. On page 33, line 12, "him or her" has been struck, the old matter shown as stricken, and "the administrator" inserted; and in line 23 "State Records Administrator." has been struck, shown as stricken, and "administrator." inserted.

3. On page 34, line 3, "State Records Administrator," has been struck and the old matter shown as stricken; and in line 4 "administrator." has been inserted after the stricken period.

4. On page 34, lines 7 and 22; and page 35, lines 4 and 5 and 6, "State Records Administrator" has been struck, shown as stricken, and "administrator" inserted.

LEGISLATIVE BILL 721. Placed on Final Reading.

LEGISLATIVE BILL 729. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

LEGISLATIVE BILL 743. Placed on Final Reading.

LEGISLATIVE BILL 761. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

LEGISLATIVE BILL 772. Placed on Final Reading.

LEGISLATIVE BILL 779. Placed on Final Reading.

ST90

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

1. On page 11, line 17, the first "such" has been struck, shown as stricken, and "the transportation services" inserted.

LEGISLATIVE BILL 788. Placed on Final Reading.

LEGISLATIVE BILL 823. Placed on Final Reading.

LEGISLATIVE BILL 896. Placed on Final Reading.

LEGISLATIVE BILL 898. Placed on Final Reading.

LEGISLATIVE BILL 1035. Placed on Final Reading.

LEGISLATIVE BILL 1042. Placed on Final Reading.

LEGISLATIVE BILL 1049. Placed on Final Reading.

LEGISLATIVE BILL 1062. Placed on Final Reading.

LEGISLATIVE BILL 1101. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 536, 985e, 985Ae, 310, 391e, 782, 810, 863, 902e, 965, 995e, 1039, and 1130 .

(Signed) Jeremy Nordquist

VISITORS

Visitors to the Chamber 20 twelfth-grade students and teacher from Lyons-Decatur; 100 fourth-grade students and teachers from Gretna; 15 twelfth-grade students and teachers from Cedar Rapids; 90 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 20 fourth-grade students, teacher, and sponsor from Seymour Elementary, Ralston.

RECESS

At 12:02 p.m., on a motion by Senator Avery, 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 Seiler who were excused; and Senators Conrad, Cornett, Janssen, Lautenbaugh, Mello, Sullivan, and Wightman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 734. Placed on Final Reading.

LEGISLATIVE BILL 737. Placed on Final Reading.

LEGISLATIVE BILL 740. Placed on Final Reading.

LEGISLATIVE BILL 768. Placed on Final Reading.

ST89

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

1. Sections 2 and 3 have been renumbered as sections 3 and 2, respectively.

LEGISLATIVE BILL 795. Placed on Final Reading.

LEGISLATIVE BILL 805. Placed on Final Reading.

LEGISLATIVE BILL 819. Placed on Final Reading.

LEGISLATIVE BILL 851. Placed on Final Reading.

LEGISLATIVE BILL 869. Placed on Final Reading.

LEGISLATIVE BILL 880. Placed on Final Reading.

ST93

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

1. On page 11, line 8, "him or her" has been struck, the old matter shown as stricken, and "the administrator" inserted.

LEGISLATIVE BILL 881. Placed on Final Reading.
LEGISLATIVE BILL 941. Placed on Final Reading.
LEGISLATIVE BILL 1030. Placed on Final Reading.
LEGISLATIVE BILL 1077. Placed on Final Reading.
LEGISLATIVE BILL 1083. Placed on Final Reading.
LEGISLATIVE BILL 1106. Placed on Final Reading.
LEGISLATIVE BILL 1116. Placed on Final Reading.
LEGISLATIVE BILL 1122. Placed on Final Reading.
LEGISLATIVE BILL 1141. Placed on Final Reading.
LEGISLATIVE BILL 1148. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1053A:
 AM2621 is available in the Bill Room.

MOTIONS - Approve Appointments

Senator Pahls renewed his motion, found in this day's Journal, to adopt the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1221:

Department of Economic Development
 Catherine D. Lang, Director

Voting in the affirmative, 32:

Adams	Dubas	Heidemann	McCoy	Price
Ashford	Fischer	Howard	McGill	Schumacher
Avery	Flood	Karpisek	Mello	Wallman
Brasch	Gloor	Krist	Nelson	Wightman
Campbell	Haar, K.	Lambert	Nordquist	
Carlson	Hadley	Lathrop	Pahls	
Conrad	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 3:

Larson	Schilz	Smith
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Present and not voting, 9:

Bloomfield	Coash	Fulton	Harr, B.	Louden
Christensen	Council	Hansen	Janssen	

Excused and not voting, 5:

Cook Cornett Langemeier Seiler Sullivan

The appointment was confirmed with 32 ayes, 3 nays, 9 present and not voting, and 5 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 1280:

Nebraska Arts Council
 Timothy Hart

Voting in the affirmative, 38:

Adams	Fischer	Howard	Lautenbaugh	Price
Ashford	Flood	Janssen	Louden	Schilz
Bloomfield	Fulton	Karpisek	McCoy	Schumacher
Brasch	Gloor	Krist	McGill	Smith
Campbell	Haar, K.	Lambert	Mello	Wallman
Carlson	Hadley	Langemeier	Nelson	Wightman
Coash	Hansen	Larson	Nordquist	
Dubas	Heidemann	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 7:

Avery	Conrad	Harms	Pahls
Christensen	Council	Harr, B.	

Excused and not voting, 4:

Cook	Cornett	Seiler	Sullivan
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1020A. 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 1063A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 998A. ER267, found on page 1279, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 825. Placed on Select File with amendment.
ER272

- 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 6 of this act:
4 (1) Client means an applicant for one or more economic
5 assistance programs or his or her legal representative;
6 (2) Community-based organization means:
7 (a) An area agency on aging established pursuant to the
8 Nebraska Community Aging Services Act;
9 (b) A Nebraska-based community action agency designated
10 under the federal Economic Opportunity Act of 1964, 42 U.S.C. 2701
11 et seq., as such act existed on January 1, 2012;
12 (c) A Nebraska-based center for independent living
13 established under the federal Rehabilitation Act of 1973, 29 U.S.C.
14 701 et seq., as such act existed on January 1, 2012;
15 (d) A Nebraska-based rural health clinic established
16 under the federal Rural Health Clinics Act of 1983, 42 U.S.C. 201
17 et seq., as such act existed on January 1, 2012;
18 (e) A Nebraska-based federally qualified health center
19 and rural health clinic as such terms are defined in the federal
20 Social Security Act, 42 U.S.C. 1395x(aa), as such section existed
21 on January 1, 2012; and
22 (f) Any other organization that demonstrates to the
23 Department of Health and Human Services that it can comply with the
1 requirements of subsection (2) of section 5 of this act;
2 (3) Economic assistance programs includes aid to
3 dependent children; aid to the aged, blind, and disabled;
4 Supplemental Nutrition Assistance Program; medicaid; child care;
5 emergency assistance; energy assistance; social services block
6 grants; and other similar programs administered by the department;
7 and
8 (4) Existing local office means all office locations for
9 economic assistance programs of the Department of Health and Human
10 Services that existed on January 1, 2012.
11 Sec. 2. (1) The Department of Health and Human Services
12 shall staff multiple, integrated access points for economic
13 assistance programs administered by the department in order to
14 assure that Nebraskans who rely on such programs will be able to
15 utilize them effectively.

16 (2) The department shall staff existing local offices
17 that provide access to economic assistance programs throughout the
18 state with caseworkers to provide in-person services to department
19 clients. The department shall provide sufficient numbers and hours
20 of staff to perform the activities described in this section and
21 section 3 of this act.

22 (3) The department shall determine appropriate numbers
23 and hours of staff for each existing local office based on a review
24 of the need in each service area. In determining the appropriate
25 numbers and hours of staff, the department shall, at a minimum,
26 consider: (a) The need for staff to travel to community-based
27 organizations as provided in section 5 of this act; (b) the volume
1 of economic assistance cases in the counties served by the existing
2 local office; (c) the number of community-based organizations in
3 the counties served by the existing local office; (d) the volume
4 of call-center calls originating in the counties served by the
5 existing local office; and (e) the requirements of sections 1 to 5
6 of this act.

7 (4) Caseworkers at existing local offices shall perform
8 the following activities by appointment and on a drop-in basis:

9 (a) Help clients complete assistance and renewal
10 applications;

11 (b) Screen clients for program eligibility;

12 (c) Interview clients for assistance eligibility and
13 assistance renewal eligibility;

14 (d) Determine program eligibility of the client; and

15 (e) Answer client questions in person.

16 (5) Department call centers for economic assistance
17 programs shall take appointments for face-to-face help for clients
18 regarding or relating to such assistance upon request of the
19 client.

20 (6) Each existing local office shall be equipped with a
21 reasonable number of computers, telephones, and scanning equipment
22 for client use.

23 Sec. 3. (1) The Department of Health and Human Services
24 shall provide high-quality services for clients who apply for or
25 receive benefits under public benefit programs administered by the
26 department.

27 (2) The department shall utilize department caseworkers
1 who are located in call centers, dedicated caseworkers, and
2 specialized department employees or units who will provide
3 in-person assistance to specific clients.

4 (3) Upon the request of the client, dedicated caseworkers
5 shall, at a minimum, be utilized for persons with chronic physical
6 or mental disorders and the elderly that require the provision of
7 medical and personal care services on a recurring or continuing
8 basis.

9 (4) Specialized department employees or units shall, at a
10 minimum, be utilized for complex cases, including medicaid waiver

11 cases, medicaid spousal impoverishment cases, disability cases, and
12 other similar cases upon request of the client.

13 (5) The dedicated caseworkers and specialized department
14 employees or units shall be placed in the existing local offices
15 established or reestablished under section 2 of this act and shall
16 be accessible to department caseworkers in call centers.

17 Sec. 4. (1) Community support specialists within the
18 Department of Health and Human Services shall:

19 (a) Act as a liaison between the department and
20 community-based organizations;

21 (b) Facilitate client assistance by community-based
22 organizations;

23 (c) Train community-based organizations in how to help
24 clients access economic assistance programs through the department
25 web site; and

26 (d) Respond to client problems with the application
27 process known as Access Nebraska or its successor.

1 (2) The department shall determine the appropriate
2 numbers and hours of community support specialists but shall, at
3 a minimum, employ eight community support specialists to perform
4 the requirements of subsection (1) of this section. The community
5 support specialists shall receive annual training in:

6 (a) Principles and practices of public administration;

7 (b) Procedure and policy development; and

8 (c) Federal and state laws, rules, regulations, and
9 procedures pertaining to health and human services programs.

10 Sec. 5. (1) The Department of Health and Human Services
11 shall enter into contracts with community-based organizations
12 which allow the department to keep caseworkers present at the
13 community-based organization at the times specified in the
14 contract. A contract under this section shall specify sufficient
15 times to allow caseworkers to:

16 (a) Screen and conduct interviews for assistance
17 eligibility and assistance renewal;

18 (b) Assist clients with assistance applications and
19 renewals;

20 (c) Receive assistance applications and renewals;

21 (d) Answer questions in person;

22 (e) Train and provide technical assistance to staff of
23 community-based organizations; and

24 (f) Conduct face-to-face interviews with clients by
25 appointment and on a drop-in basis.

26 (2) In addition to the requirements specified in
27 subsection (1) of this section, each such contract shall allow the
1 community-based organization to:

2 (a) Provide quality, accurate information relating to
3 economic assistance programs that are targeted at populations known
4 to have low participation rates in or difficulty accessing such
5 assistance programs;

6 (b) Provide quality outreach to clients in the target
7 populations who utilize economic assistance programs;

8 (c) Assist clients in scheduling appointments with
9 caseworkers at a community-based organization facility or local
10 office that provides access to economic assistance programs,
11 whichever the client prefers;

12 (d) Assist with organization of information required for
13 economic assistance application or renewal; and

14 (e) Negotiate fair compensation for services provided to
15 applicants for economic assistance benefits as described in this
16 section.

17 (3) The department shall maintain a sufficient number
18 of contracts to provide access to assistance for all Nebraska
19 citizens in establishing and maintaining eligibility for economic
20 assistance programs. In determining the number of contracts with
21 community-based organizations, the department shall, at a minimum,
22 consider:

23 (a) The geographic distance applicants would be required
24 to travel to meet with a caseworker in person and how to minimize
25 that distance;

26 (b) The volume of economic assistance cases in the
27 service area and how to adequately serve those cases;

1 (c) The number of clients in an area who have difficulty
2 in verbal and written communication due to hearing or vision
3 impairment, language barriers, or literacy challenges and how to
4 accommodate their needs;

5 (d) The community-based organization's ability to serve
6 the need; and

7 (e) The number of existing local offices in the service
8 area.

9 Sec. 6. The Department of Health and Human Services
10 shall fulfill the requirements of sections 1 to 5 of this act
11 by September 1, 2012. The department shall train community-based
12 organizations by September 1, 2012. The department shall report
13 back to the Health and Human Services Committee of the Legislature
14 by September 15, 2012, regarding the implementation of sections
15 1 to 5 of this act, including, but not limited to, the reasons
16 for the department's determinations of the appropriate number of
17 staff and hours pursuant to section 2 of this act and the number
18 of community-based organization contracts pursuant to section 5 of
19 this act.

20 Sec. 7. The purposes of sections 7 to 12 of this act are
21 to:

22 (1) Simplify the management and delivery of public
23 benefits by the Department of Health and Human Services;

24 (2) Make the delivery system for public benefits more
25 efficient and effective; and

26 (3) Coordinate and simplify public benefit programs and
27 systems.

1 Sec. 8. For purposes of sections 7 to 12 of this act:

2 (1) Aid to dependent children program means the program
3 described in section 43-512;

4 (2) Child Care and Development Block Grant means the
5 program established under 42 U.S.C. 9858 et seq.;

6 (3) Child care subsidy program means the program
7 established under section 68-1202;

8 (4) Children's Health Insurance Program means the program
9 established under 42 U.S.C. 1397aa;

10 (5) Department means the Department of Health and Human
11 Services;

12 (6) Medical assistance program means the program
13 established pursuant to the Medical Assistance Act;

14 (7) Renewal means establishment of continued eligibility
15 for a program for an additional period of time;

16 (8) Supplemental Nutrition Assistance Program means the
17 federal program administered under sections 68-1017 to 68-1017.02;
18 and

19 (9) Temporary Assistance for Needy Families program means
20 the program established under 42 U.S.C. 601 et seq.

21 Sec. 9. The policies and requirements in sections 7
22 to 12 of this act shall be implemented in accord with the
23 Temporary Assistance for Needy Families program, the Child Care
24 and Development Block Grant, the Supplemental Nutrition Assistance
25 Program, the medical assistance program, and the Children's Health
26 Insurance Program and any other state or federal programs in which
27 the State of Nebraska participates. The department shall seek any
1 and all state plan amendments or waivers necessary to implement
2 sections 7 to 12 of this act.

3 Sec. 10. The department shall simplify documentation
4 requirements for public benefit programs. The policies to be
5 implemented by the department to effectuate this intent shall
6 include, but not be limited to, selection and utilization of
7 the least burdensome and least redundant verification procedures
8 for recipients that are allowed under federal law for the
9 medical assistance program, the aid to dependent children program,
10 the child care subsidy program, and the Supplemental Nutrition
11 Assistance Program.

12 Sec. 11. The department shall share verification
13 of client information across the public benefit programs it
14 administers, including the medical assistance program, the aid to
15 dependent children program, the child care subsidy program, and
16 the Supplemental Nutrition Assistance Program, in order to permit
17 client information verified in one program to update eligibility
18 information in another program.

19 Sec. 12. The department shall coordinate and simplify
20 public benefit renewals in the medical assistance program, the
21 aid to dependent children program, the child care subsidy program,
22 and the Supplemental Nutrition Assistance Program. The policies to

23 be implemented by the department to effectuate this intent shall
 24 include:
 25 (1) Renewal of all such programs simultaneously to the
 26 greatest extent possible; and
 27 (2) Allow closed cases to be reopened and eligibility to
 1 be established for individuals whose application for assistance was
 2 denied within the previous thirty days or whose case was closed
 3 within the previous thirty days, as allowed under the medical
 4 assistance program, the Children's Health Insurance Program, and
 5 the Supplemental Nutrition Assistance Program.
 6 2. On page 1, strike beginning with "establish" in line
 7 1 through line 4 and insert "define terms; to establish local
 8 offices for access to public benefit programs; to provide duties
 9 for the Department of Health and Human Services; to require
 10 high-quality services for clients; to state intent; and to require
 11 simplified documentation, verification, and renewals for public
 12 benefit programs."

LEGISLATIVE BILL 825A. Placed on Select File.

LEGISLATIVE BILL 872. Placed on Select File with amendment.
 ER273

1 1. On page 1, line 4, after "define" insert "and
 2 redefine".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 722. Placed on Final Reading.
LEGISLATIVE BILL 738. Placed on Final Reading.
LEGISLATIVE BILL 822. Placed on Final Reading.
LEGISLATIVE BILL 865. Placed on Final Reading.
LEGISLATIVE BILL 897. Placed on Final Reading.
LEGISLATIVE BILL 899. Placed on Final Reading.
LEGISLATIVE BILL 936. Placed on Final Reading.
LEGISLATIVE BILL 997. Placed on Final Reading.
LEGISLATIVE BILL 1005. Placed on Final Reading.
LEGISLATIVE BILL 1026. Placed on Final Reading.
LEGISLATIVE BILL 1038. Placed on Final Reading.
LEGISLATIVE BILL 1051. Placed on Final Reading.
LEGISLATIVE BILL 1054. Placed on Final Reading.
LEGISLATIVE BILL 1054A. Placed on Final Reading.

LEGISLATIVE BILL 1087. Placed on Final Reading.

ST91

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

1. In the Standing Committee amendments, AM2364, on page 2, line 17, "member" has been struck and "members" inserted.

LEGISLATIVE BILL 1087A. Placed on Final Reading.

LEGISLATIVE BILL 1121. Placed on Final Reading.

LEGISLATIVE BILL 1126. Placed on Final Reading.

LEGISLATIVE BILL 1140. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Cook filed the following amendment to LB1063:
AM2706

- 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 Children's Health and Treatment Act.
5 Sec. 2. The purpose of the Children's Health and
6 Treatment Act are to:
7 (1) Require that the guidelines and criteria that the
8 Department of Health and Human Services utilizes to determine
9 medical necessity for services under the medical assistance program
10 be adopted and promulgated as rules and regulations pursuant to the
11 Administrative Procedure Act which provides for notice and public
12 comment; and
13 (2) Require that the department collect and report on
14 authorization and denial rates for behavioral health services for
15 children under nineteen years of age.
16 Sec. 3. For purposes of the Children's Health and
17 Treatment Act:
18 (1) Department means the Department of Health and Human
19 Services; and
20 (2) Medical assistance program means the program
21 established pursuant to section 68-903.
22 Sec. 4. The department shall report to the Health
23 and Human Services Committee of the Legislature on utilization
1 controls, including, but not limited to, the rates of initial
2 service authorizations, reauthorizations subsequent to initial
3 service authorizations, and denials for behavioral health services
4 for children under nineteen years of age. The first report
5 shall be due on October 1, 2012, and shall contain such rates
6 of initial service authorizations, reauthorizations subsequent to
7 initial service authorizations, and denials for behavioral health
8 services for children under nineteen years of age for the first
9 three quarters of 2012. Thereafter, on January 1, April 1, and
10 July 1 of each year, the department shall report such rates
11 of initial service authorizations, reauthorizations subsequent to
12 initial service authorizations, and denials for behavioral health

13 services for children under nineteen years of age for the previous
14 calendar quarter.
15 Sec. 5. The department shall adopt and promulgate rules
16 and regulations to carry out the Children's Health and Treatment
17 Act. On and after January 1, 2013, the department shall not
18 apply clinical criteria or guidelines, medical necessity criteria,
19 or other similar criteria to determine medical necessity for
20 children under nineteen years of age that have not been adopted and
21 promulgated as rules and regulations pursuant to the Administrative
22 Procedure Act.

RESOLUTION

LEGISLATIVE RESOLUTION 618. Introduced by Mello, 5; Conrad, 46; Cook, 13; Council, 11; Dubas, 34; K. Haar, 21; Harms, 48; B. Harr, 8; Howard, 9; Lambert, 2; Lathrop, 12; McGill, 26; Nordquist, 7; 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, 2012, 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, SECOND SESSION:

1. That the Legislature designates April 28, 2012, 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.

SELECT FILE

LEGISLATIVE BILL 357. ER89, found on page 1189, First Session, 2011, was adopted.

Senator Fischer withdrew her amendment, AM1237, found on page 1286, First Session, 2011.

Senator Cornett withdrew her amendment, AM1305, found on page 1392, First Session, 2011.

The Utter amendment, AM1430, found on page 1500, First Session, 2011, was withdrawn.

Senator Schumacher withdrew his amendment, AM1441, found on page 1545, First Session, 2011.

Senator Ashford renewed the Ashford et al. amendment, AM2447, found on page 944.

Senator Mello withdrew his amendment, AM2538, found on page 1004.

Senator Mello offered the following amendment to the Ashford et al. amendment:

AM2710

(Amendments to AM2447)

- 1 1. On page 3, after line 27, insert the following new
- 2 subsection:
- 3 "~~(4)~~ 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 in a city of the metropolitan
- 6 class unless (a) the proceeds from the first one-quarter percent
- 7 of such tax rate or tax rate increase that is in excess of one
- 8 and one-half percent will be used for a municipal project to reduce
- 9 overflows from a combined sewer system pursuant to a long-term
- 10 control plan approved by the Department of Environmental Quality
- 11 for a period of twenty-five years after imposition of the tax or
- 12 increase, until the project is completed, or until termination of
- 13 the tax, whichever is earlier, and (b) other funding sources for
- 14 the project will be reduced by a similar amount for such period.".
- 15 2. On page 4, line 1, strike "~~(4)~~" and insert "~~(5)~~" and
- 16 strike "~~and (3)~~" and insert "to (4)"; and in line 4 strike "~~(5)~~"
- 17 and insert "~~(6)~~".

SENATOR CARLSON PRESIDING

Pending.

MESSAGES FROM THE GOVERNOR

April 2, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 42, 735, 861, and 1018 were received in my office on March 27, 2012.

These bills were signed and delivered to the Secretary of State on April 2, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 2, 2012

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 LB1072e with certain line-item reductions.

I have no objection to sections of this miscellaneous claims bill other than section 1 which proposes payments totaling \$2,499,342.98 to pay fifty claims submitted by subcontractors of the Boys and Girls Home corporation. These subcontractors were not directly engaged in any contract with the State of Nebraska.

The State has satisfied its obligations under Neb. Rev. Stat. § 43-290 and under its contract with Boys and Girls Home, Inc. As the State is not an insurer of private contracts, I object to this attempt to make the taxpayers responsible for debts incurred by a private organization. Furthermore, paying these claims as LB 1072 proposes would violate the Nebraska Constitution.

Article III, Section 18 of the Nebraska Constitution prohibits special legislation, stating that "The Legislature shall not pass local or special laws in any of the following cases, that is to say: ...Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever..."

On two occasions, the Nebraska Supreme Court held that appropriations similar to those set forth in section 1 of LB 1072 amounted to unconstitutional legislation and voided the legislative efforts to make payments to partially reimburse the impacted individuals. Similar to the current situation, assertions were made that an appropriation needed to be made due to the negligent actions of a state agency and its employees in managing the situation.

In the early 1900s, the Nebraska Legislature concluded that while the State had no legal obligation to provide money for the reimbursement of creditors of the failed Commonwealth Savings Company, it had a moral obligation to do so and appropriated money for this purpose. Then, LB 272A was passed and enacted in 1990 to appropriate money for reimbursement of Commonwealth's creditors. The bill's constitutionality was challenged in court.

The Nebraska Supreme Court ruled in the case of *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991), that no moral obligation to pay these creditors existed and that the bill's appropriation amounted to unconstitutional special legislation.

The court explained that "a moral obligation attaches when there is a law [which] is passed notifying and warning the taxpayer and the citizen generally that the state...will undertake the burden of such damages." 467 N.W.2d at 847. Citing to the legal arguments made on behalf of the taxpayer that filed the lawsuit, the court also noted that the legislative appropriations "in response to what are deemed to be moral obligations, invite open-ended appeals from those claiming injury where there is an arguable connection between that injury and state governmental activity." *Id.*

The court further ruled that a legislative act violates Neb. Const. art. III, §18, as special legislation...by creating a permanently closed class. Since the court ruled that there was no moral obligation on the part of the State to reimburse the creditors, and because creditors of Commonwealth constituted a closed class, the LB 272A appropriation was found to be special legislation and ruled unconstitutional.

The Commonwealth creditors then sought reimbursement via the state claims process, eventually filing miscellaneous claims with the State Claims Board. When the Legislature then passed its 1993 claims bill, it included appropriations for these miscellaneous claims.

That bill's constitutionality was quickly challenged in court. The Nebraska Supreme Court determined that the claims bill was an attempt to circumvent the court's *Haman* ruling, and again found the Legislature's action to be unconstitutional special legislation.

The court decided that "the Legislature is empowered to make appropriations to meet the legal obligations of the state... The Legislature is not empowered to make appropriations for purely charitable purposes." *Henry v. Rocky*, 246 Neb. 398, 518 NW 2d 658, 663 (1994).

While I appreciate, respect, and share your concerns about the subcontractors of the Boys and Girls Home corporation, those concerns and sympathy do not provide an adequate legal basis for the appropriation of taxpayer money authorized in LB 1072. The present circumstances are similar to the facts presented to the Nebraska Supreme Court in the *Haman* and the *Henry* cases. The bill's proposal to pay these miscellaneous claims violates the Nebraska Constitution. This component of LB 1072 is unwise and improper.

For these reasons, I urge you to sustain my line-item vetoes of LB 1072.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 357. The Mello amendment, AM2710, found in this day's Journal, to the Ashford et al. amendment, was renewed.

SENATOR FISCHER PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Mello requested a roll call vote on his amendment.

The Mello amendment lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1020A. Placed on Select File.

LEGISLATIVE BILL 1063A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 972. Placed on Final Reading.**LEGISLATIVE BILL 1001.** Placed on Final Reading.**LEGISLATIVE BILL 1058.** Placed on Final Reading.**LEGISLATIVE BILL 1115.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 619.** Introduced by Avery, 28.

WHEREAS, the first Nebraska Legislature enacted a law on June 14, 1867, to provide a new location for the seat of the government of Nebraska and stipulated the new capital city, once located, would be named after President Abraham Lincoln; and

WHEREAS, in 1903, Lancaster County Senator John H. McClay introduced a bill which created the Abraham Lincoln Centennial Memorial Association of Nebraska to oversee the creation of a monument to celebrate the one-hundredth anniversary of Abraham Lincoln's birth on February 12, 1909; and

WHEREAS, on May 12, 1908, the thirty-first Nebraska Legislature passed House Roll No. 36 which appropriated \$20,000 for the erection of a memorial statue to Abraham Lincoln on the capitol grounds; and

WHEREAS, the Abraham Lincoln Centennial Memorial Association of Nebraska chose noted American sculptor Daniel Chester French and architect Henry Bacon to create the monument. After completing the Lincoln Monument in Nebraska they went on to create the Lincoln Memorial on the National Mall in Washington D.C.; and

WHEREAS, the unveiling and dedication of this public monument to Abraham Lincoln in the capital city bearing his name was held on September 2, 1912, with thousands of Nebraskans in attendance; and

WHEREAS, the Office of the Nebraska Capitol Commission is celebrating the 100th anniversary of the Lincoln Monument with a rededication ceremony at the Nebraska State Capitol on September 2, 2012.

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

1. That the Legislature recognizes Nebraska's Lincoln Monument as a major work of twentieth-century public art and commends the Office of the Nebraska Capitol Commission for recognizing this nationally significant monument.

2. That a copy of this resolution be sent to the Office of the Nebraska Capitol Commission.

Laid over.

SELECT FILE

LEGISLATIVE BILL 357. Senator Ashford asked unanimous consent to withdraw the Ashford et al. amendment, AM2447, found on page 944 and considered in this day's Journal, and replace it with his substitute amendment, AM2712. No objections. So ordered.

AM2712

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. Section 77-27,142, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-27,142 (1) Any incorporated municipality by ordinance
6 of its governing body is hereby authorized to impose a sales and
7 use tax of one-half percent, one percent, ~~or one and one-half~~
8 percent, one and three-quarters percent, or two percent upon the
9 same transactions that are sourced under the provisions of sections
10 77-2703.01 to 77-2703.04 within such incorporated municipality on
11 which the State of Nebraska is authorized to impose a tax pursuant
12 to the Nebraska Revenue Act of 1967, as amended from time to time.
13 No sales and use tax shall be imposed pursuant to this section
14 until an election has been held and a majority of the qualified
15 electors have approved such tax pursuant to sections 77-27,142.01
16 and 77-27,142.02.

17 (2)(a) Any incorporated municipality that proposes to
18 impose a municipal sales and use tax at a rate greater than one
19 and one-half percent or increase a municipal sales and use tax
20 to a rate greater than one and one-half percent shall submit the
21 question of such tax or increase at a primary or general election
22 held within the incorporated municipality. The question shall be
23 submitted upon an affirmative vote by at least seventy percent
1 of all of the members of the governing body of the incorporated
2 municipality.

3 (b) Any rate greater than one and one-half percent shall
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds
6 from the first one-quarter percent of the rate greater than one and
7 one-half percent shall be used to reduce other taxes, the proceeds
8 from the next one-eighth percent of the rate greater than one and
9 one-half percent shall be used for public infrastructure projects,
10 and the proceeds from the next one-eighth percent of the rate
11 greater than one and one-half percent shall be used for purposes of
12 the interlocal agreement or joint public agency agreement described
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen
15 percent of the proceeds from the rate in excess of one and one-half
16 percent may be used for non-public infrastructure project of
17 an interlocal agreement or joint public agency agreement with
18 another political subdivision within the municipality or the
19 county in which the municipality is located, and the remaining

20 proceeds shall be used for public infrastructure projects or
21 voter-approved infrastructure related to an economic development
22 program as defined in section 18-2705; and

23 (iii) In any incorporated municipality other than a city
24 of the metropolitan or primary class, the proceeds from the rate
25 in excess of one and one-half percent shall be used for public
26 infrastructure projects or voter-approved infrastructure related to
27 an economic development program as defined in section 18-2705.

1 For purposes of this section, public infrastructure
2 project means and includes, but is not limited to, any of the
3 following projects, or any combination thereof: Public highways and
4 bridges and municipal roads, streets, bridges, and sidewalks; solid
5 waste management facilities; wastewater, storm water, and water
6 treatment works and systems, water distribution facilities, and
7 water resources projects, including, but not limited to, pumping
8 stations, transmission lines, and mains and their appurtenances;
9 hazardous waste disposal systems; resource recovery systems;
10 airports; port facilities; buildings and capital equipment used
11 in the operation of municipal government; convention and tourism
12 facilities; redevelopment projects as defined in section 18-2103;
13 mass transit and other transportation systems, including parking
14 facilities; and equipment necessary for the provision of municipal
15 services.

16 (c) Any rate greater than one and one-half percent shall
17 terminate no more than ten years after its effective date or, if
18 bonds are issued and the local option sales and use tax revenue is
19 pledged for payment of such bonds, upon payment of such bonds and
20 any refunding bonds, whichever date is later, except as provided in
21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and
23 one-half percent is stated in the ballot question as being imposed
24 for the purpose of the interlocal agreement or joint public agency
25 agreement described in subdivision (2)(b)(ii) or subsection (3) of
26 this section, and such portion is at least one-eighth percent,
27 there shall be no termination date for the rate representing such
1 portion rounded to the next higher one-quarter or one-half percent.

2 (e) Sections 13-518 to 13-522 apply to the revenue from
3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed
5 at a rate greater than one and one-half percent or increased to a
6 rate greater than one and one-half percent unless the municipality
7 is a party to an interlocal agreement pursuant to the Interlocal
8 Cooperation Act or a joint public agency agreement pursuant to the
9 Joint Public Agency Act with a political subdivision within the
10 municipality or the county in which the municipality is located
11 creating a separate legal or administrative entity relating to a
12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)
14 of this section, such interlocal agreement or joint public

15 agency agreement shall contain provisions, including benchmarks,
16 relating to the long-term development of unified governance
17 of public infrastructure projects with respect to the parties.
18 The Legislature may provide additional requirements for such
19 agreements, including benchmarks, but such additional requirements
20 shall not apply to any debt outstanding at the time the
21 Legislature enacts such additional requirements. The separate legal
22 or administrative entity created shall not be one that was in
23 existence for one calendar year preceding the submission of the
24 question of such tax or increase at a primary or general election
25 held within the incorporated municipality.

26 (c) Any other public agency as defined in section 13-803
27 may be a party to such interlocal cooperation agreement or joint
1 public agency agreement.

2 (d) A municipality is not required to use all of the
3 additional revenue generated by a sales and use tax imposed at a
4 rate greater than one and one-half percent or increased to a rate
5 greater than one and one-half percent under this subsection for the
6 purposes of the interlocal cooperation agreement or joint public
7 agency agreement set forth in this subsection.

8 (4) The provisions of subsections (2) and (3) of this
9 section do not apply to the first one and one-half percent of a
10 sales and use tax imposed by a municipality.

11 (5) Notwithstanding any provision of any municipal
12 charter, any incorporated municipality or interlocal agency or
13 joint public agency pursuant to an agreement as provided in
14 subsection (3) of this section may issue bonds in one or more
15 series for any municipal purpose and pay the principal of
16 and interest on any such bonds by pledging receipts from the
17 increase in the municipal sales and use taxes authorized by such
18 municipality. Any municipality which has or may issue bonds under
19 this section may dedicate a portion of its property tax levy
20 authority as provided in section 77-3442 to meet debt service
21 obligations under the bonds. For purposes of this subsection, bond
22 means any evidence of indebtedness, including, but not limited to,
23 bonds, notes including notes issued pending long-term financing
24 arrangements, warrants, debentures, obligations under a loan
25 agreement or a lease-purchase agreement, or any similar instrument
26 or obligation.

27 (2) A city of the metropolitan class is hereby authorized
1 to increase any city sales and use tax existing on January 1,
2 1978, imposed pursuant to this section by an amount not to exceed
3 one half of one percent if the question of such tax increase
4 is submitted to the voters of such city and the voters by a
5 majority vote approve such increase. The question of such increase
6 shall be submitted to the voters at the primary or general
7 election in 1980 if the city council shall submit a certified
8 copy of a resolution to that effect to the election commissioner
9 not later than forty one days prior to the primary or general

10 election. Notwithstanding the provisions of section 77-27,143, if
 11 the increase is approved by the voters at the primary or general
 12 election in 1980, the election commissioner shall file a certified
 13 copy of the election results with the Tax Commissioner on or before
 14 the last day of the month in which the election is held. If the
 15 increase is not approved by the voters at the primary or general
 16 election in 1980, no tax increased pursuant to this section shall
 17 remain in effect after December 31, 1980.

18 (3) A city of the primary class is hereby authorized
 19 to increase any city sales and use tax existing on January 1,
 20 1985, imposed pursuant to this section by an amount not to exceed
 21 one half of one percent if the question of such tax increase
 22 is submitted to the voters of such city and the voters by a
 23 majority vote approve such increase. The question of such increase
 24 shall be submitted to the voters at the next primary or general
 25 election or at a special election if the city council shall submit
 26 a certified copy of a resolution proposing the tax increase to
 27 the election commissioner within a reasonable time prior to the
 1 primary, general, or special election. If the increase is approved
 2 by the voters at the primary, general, or special election, the
 3 election commissioner shall file a certified copy of the election
 4 results with the Tax Commissioner on or before the last day of the
 5 month in which the election is held. If the voters of a city of
 6 the primary class have not approved such an increase by December
 7 31, 1987, the question of such an increase shall not be submitted
 8 thereafter to the voters and there shall be no increase in the city
 9 sales and use tax.

10 (4) A city of the first or second class or village is
 11 hereby authorized to increase any city sales and use tax existing
 12 on January 1, 1986, imposed pursuant to this section by an amount
 13 not to exceed one half of one percent if the question of such tax
 14 increase is submitted to the voters of such city or village and
 15 the voters by a majority vote approve such increase. The question
 16 of such increase shall be submitted to the voters at any primary
 17 or general election or at a special election if the city council
 18 or village board shall submit a certified copy of a resolution
 19 proposing the tax increase to the election commissioner or county
 20 clerk within a reasonable time prior to the primary, general, or
 21 special election. If the increase is approved by the voters at the
 22 primary, general, or special election, the election commissioner
 23 shall file a certified copy of the election results with the Tax
 24 Commissioner on or before the last day of the month in which the
 25 election is held.

26 Sec. 2. Section 77-27,142.01, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 77-27,142.01 (1) The governing body of any incorporated
 2 municipality may submit the question of changing any terms
 3 and conditions of a sales and use tax previously authorized
 4 under section 77-27,142. Except as otherwise provided by section

5 ~~77-27,142, the~~ The question of modification shall be submitted to
 6 the voters at any primary or general election or at a special
 7 election if the governing body submits a certified copy of the
 8 resolution proposing modification to the election commissioner or
 9 county clerk within the time prior to the primary, general, or
 10 special election prescribed in section 77-27,142.02.

11 (2) If the change imposes a sales and use tax at a
 12 rate greater than one and one-half percent or increases the sales
 13 and use tax to a rate greater than one and one-half percent, the
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or
 16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole
 20 or in part, from the revenue collected, along with any savings or
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
 23 collected and, if bonds will be issued with some or all of the
 24 revenue pledged for payment of such bonds, a statement that the
 25 revenue will be collected until the payment in full of such bonds
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
 1 the purposes of the interlocal agreement or joint public agency
 2 agreement as provided in subdivision (2)(b)(i) or subsection (3)
 3 of section 77-27,142; (ii) a statement of the overall purpose
 4 of the agreement which is the long-term development of unified
 5 governance of public infrastructure projects, if applicable; and
 6 (iii) the name of any other political subdivision which is a party
 7 to the agreement.

8 This subsection does not apply to the first one and
 9 one-half percent of a sales and use tax imposed by a municipality.

10 Sec. 3. Section 77-27,142.02, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 77-27,142.02 Except as otherwise provided by subsection
 13 (2) of section 77-27,142, after February 14, 1978, the power
 14 granted by section 77-27,142 shall not be exercised unless and
 15 until the question has been submitted at a primary, general, or
 16 special election held within the incorporated municipality and in
 17 which all qualified electors shall be entitled to vote on such
 18 question. The officials of the incorporated municipality shall
 19 order the submission of the question by submitting a certified copy
 20 of the resolution proposing the tax to the election commissioner
 21 or county clerk by March 1 for a primary election, by September 1
 22 for a general election, or at least fifty days before a special
 23 election. ~~The~~ Except as otherwise provided by subsection (2)
 24 of section 77-27,142.01, the question may include any terms and
 25 conditions set forth in the resolution proposing the tax, such as
 26 a termination date or the specific project or program for which

27 the revenue received from such tax will be allocated, and shall
 1 include the following language: Shall the governing body of the
 2 incorporated municipality impose a sales and use tax upon the
 3 same transactions within such municipality on which the State of
 4 Nebraska is authorized to impose a tax? If a majority of the votes
 5 cast upon such question shall be in favor of such tax, then the
 6 governing body of such incorporated municipality shall be empowered
 7 as provided by section 77-27,142 and shall forthwith proceed to
 8 impose a tax pursuant to the Local Option Revenue Act. If a
 9 majority of those voting on the question shall be opposed to such
 10 tax, then the governing body of the incorporated municipality shall
 11 not impose such a tax.
 12 Sec. 4. Original sections 77-27,142, 77-27,142.01, and
 13 77-27,142.02, Reissue Revised Statutes of Nebraska, are repealed.

SENATOR CARLSON PRESIDING

Senator Ashford moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Ashford amendment was adopted with 32 ayes, 10 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Mello withdrew his amendment, AM2494, found on page 972.

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

Voting in the affirmative, 29:

Adams	Conrad	Hadley	Lautenbaugh	Schumacher
Ashford	Cornett	Harms	McGill	Smith
Avery	Council	Harr, B.	Nelson	Sullivan
Campbell	Flood	Krist	Nordquist	Wallman
Carlson	Gloor	Lambert	Pahls	Wightman
Coash	Haar, K.	Lathrop	Schilz	

Voting in the negative, 14:

Bloomfield	Fischer	Heidemann	Langemeier	Mello
Brasch	Fulton	Janssen	Louden	Price
Christensen	Hansen	Karpisek	McCoy	

Present and not voting, 4:

Dubas	Howard	Larson	Pirsch
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Excused and not voting, 2:

Cook Seiler

Advanced to Enrollment and Review for Engrossment with 29 ayes, 14 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Return LB806 to Select File

Senator Lathrop moved to return LB806 to Select File for the following specific amendment:

AM2708

- 1 1. In the Lautenbaugh amendment, AM2687, strike section 7
- 2 and renumber the remaining section.
- 3 2. In the E and R amendments, ER229, on page 5, line 20;
- 4 and page 6, lines 2 and 3, strike "equitable treatment of equine
- 5 species" and insert "programs which facilitate equine therapy for
- 6 youth and veterans and programs which promote equine and equestrian
- 7 activities in Nebraska".

The Lathrop motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 806. The Lathrop specific amendment, AM2708, found in this day's Journal, 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.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Senator Pirsch renewed his amendment, AM2603, found on page 1079.

The Pirsch amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator B. Harr renewed his amendment, AM2439, found on page 940.

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

The B. Harr amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator B. Harr withdrew his amendment, AM2636, found on page 1167.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 817A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 979. Title read. Considered.

Committee AM1907, found on page 539, 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 793. Title read. Considered.

Committee AM2056, found on page 573, was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 793A. Title read. Considered.

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

LEGISLATIVE BILL 1082. Title read. Considered.

Committee AM2105, found on page 695, was considered.

Senator Lambert withdrew his amendment, AM2646, found on page 1180.

Senator Karpisek offered the following amendment to the committee amendment:

AM2695 is available in the Bill Room.

The Karpisek amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 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.

MOTION - Print in Journal

Senator Lathrop filed the following motion to LB1072:
MO96

That the line-item vetoes contained in Section 1 becomes law notwithstanding the objections of the Governor.

RESOLUTION

LEGISLATIVE RESOLUTION 620. Introduced by Hansen, 42.

WHEREAS, Hiram Hisanori Kano was born in Tokyo, Japan, in 1889; and

WHEREAS, when William Jennings Bryan traveled to Japan, the Kano family, as part of the Imperial family, hosted his visit; and

WHEREAS, the visitor from the west sparked in young Kano an intense desire to travel to the United States and especially to Bryan's home state of Nebraska; and

WHEREAS, in 1916, Hiram Kano traveled to America where his skills could be put to good use in helping the many young Japanese who were emigrating to the United States to farm; and

WHEREAS, Hiram Kano earned a Master's Degree in Agricultural Economics at the University of Nebraska; and

WHEREAS, on December 16, 1919, Mr. Kano left his farm in southeast Nebraska and met with a number of legislators at the Nebraska State Capitol because a bill had been introduced that would have prohibited aliens from owning, inheriting, or leasing land in Nebraska; and

WHEREAS, Hiram Kano testified before the Judiciary Committee of the Legislature, providing statistics on the number of Japanese people living and farming in Nebraska; and

WHEREAS, the anti-Japanese bills failed in 1919, but anti-Oriental feelings continued to grow and California passed a law forbidding the lease of farmland to Japanese farmers; and

WHEREAS, Hiram Kano was a quiet and persevering warrior in the battle against the evil of racism and a champion of his people in the struggle for justice and peace as he fought for the dignity of every human being; and

WHEREAS, in 1936, Hiram Kano was ordained a priest and continued his tireless ministry along the Platte River encouraging the Japanese people even as the State of Nebraska and the nation withheld from them the basic rights we now take for granted; and

WHEREAS, on December 7, 1941, the Imperial Japanese Navy attacked Pearl Harbor; and

WHEREAS, American reaction against Japanese immigrants was swift and harsh, and Father Kano was arrested by agents of the FBI in North Platte; and

WHEREAS, Father Kano spent time in five different prison camps and continued to minister to his people in the camps; and

WHEREAS, Father Kano, through what he called the Internment University, helped hundreds of Japanese-Americans learn to speak, read, and write English; and

WHEREAS, because of the passage of the federal Immigration and Nationality Act of 1952, Father Kano became a naturalized citizen; and

WHEREAS, Father Hiram Kano died three months short of his 100th birthday, on October 24, 1988.

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

1. That the Legislature extends its gratitude to Father Hiram Hisanori Kano for his work with the Japanese-Americans in the Platte River valley.

2. That the Legislature commemorates St. George's Mission in North Platte and St. Mary's Mission in Mitchell.

3. That a copy of this resolution be sent to the children of Father Kano.

Laid over.

VISITORS

Visitors to the Chamber were 20 fourth-grade students, teacher, and sponsors from Fullerton.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 6:37 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2012.

Patrick J. O'Donnell
Clerk of the Legislature