

SIXTIETH DAY - APRIL 18, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 18, 2012

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2012, at 2:14 p.m. were the following: LBs 14, 599e, 599Ae, 928e, 928Ae, 1125e, and 1161e.

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

MESSAGES FROM THE GOVERNOR

April 11, 2012

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40e, 66, 66A, 209, 209A, 426, 541e, 541Ae, 576, 727e, 745, 804, 817, 817A, 820e, 820Ae, 821e 821Ae, 825, 825A, 862e, 887, 950, 950Ae, 993, 993A, 998e, 998Ae, 1053e, 1053Ae, 1063, 1090, 1090A, 1091, 1091A, 1097, 1113, 1128, 1128A, 1145, 1145A, 1155, 1158e, 1160e, and 1160Ae were received in my office on April 5, 2012.

These bills were signed and delivered to the Secretary of State on April 11, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2012

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

Dear Mr. President and Members of the Legislature:

I have signed LB 825 and LB 825A, which were received in my office on April 5, 2012, and delivered to the Secretary of State today, despite my concerns about the lack of adequate funding provided in LB 825A to completely implement the provisions of LB 825.

LB 825 provides for increased DHHS presence across the state to facilitate original benefit applications and renewals, eligibility determination, client interviews, response to client concerns, and answer client questions concerning the public benefit programs administered the Department of Health and Human Services.

The appropriations contained in LB 825A fall short of the amounts necessary to accomplish all that is envisioned and have been promised with the passage of LB 825. LB 825A provides funding for an additional 68 full time staff at an annual cost of \$3.0 million, well short of the 109 full time staff and appropriations of nearly \$7.0 million necessary on an annual basis to fulfill the requirements contained in LB 825.

Section 5 of LB 825 requires the department to contract with community-based organizations to allow DHHS caseworkers on-site to provide face-to-face services such as conducting client interviews, assist clients with the application process, and training or providing technical assistance to the community-based organization's staff so that the staff of the local organization would be available to provide client services as well. The department is required to maintain a sufficient number of these contracts to provide access to assistance for all Nebraska citizens in establishing and maintaining eligibility for economic assistance programs. These contracts will have a significant cost, yet no funds for this purpose are included in the A-bill, resulting in no means to implement these provisions of LB 825.

I have signed LB 825 and LB 825A into law, but the department will be instructed to only implement provisions of LB 825 to the extent that appropriations have been provided in LB 825A.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment
Fiscal and Staffing Summary - LB 825

LB825 Requirements	LB 825 Reference	DHHS Fiscal Note		LB 825A	
		#FTE	Cost (includes benefits and operational costs where applicable)	#FTE	Cost (includes benefits and operational costs where applicable)
Staff local offices to provide in-person services, travel to community based organizations, screen, interview and determine eligibility. Provide in-person assistance to specific clients on a recurring or continuing basis.	Sec.'s 2-3	92 FTE (56 SSW + 28 Case Aides + 8 Supervisors)	\$5,131,042	60 FTE (36 SSW + 18 Case Aides + 6 Supervisors)	\$2,609,760
Caseworkers shall be available to clients in the Customer Service Centers	Sec. 2 (5)	8 FTE (2 SSW per CSC x 4 CSCs)	\$475,414		
Community Support Specialists shall be available to act as a liaison between the department and the community-based organizations, provide client assistance at the organizations, train organizations, respond to application problems, be available to clients by appointment or drop-in basis	Sec. 4	8 FTE (Community Support Specialists)	\$546,712	8 FTE (Community Support Specialists)	\$390,240
Enter into a sufficient number of contracts with Community Based Organizations and ensure compliance of LB825 and corresponding reports	Sec.'s 5-6	1 FTE (Program Specialist/ Contract Manager)	\$75,867		\$0
Community Based Organizations shall provide quality information, outreach, assist clients in scheduling appointments, assist with organization of information pertinent to completion of application for benefits.	Sec. 5		\$720,000(\$10/ application completed, estimated 300 applications/ month x 12 months x 20 organizations)		\$0
Computers, printers, scanners, phones for client access (kiosks)			\$36,820		\$0
Totals:		109 FTE	\$6,985,855	68 FTE	\$3,000,000
General Fund			\$4,103,562		\$1,650,000
Federal Fund			\$2,882,293		\$1,350,000

April 11, 2012

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

Dear Mr. President and Members of the Legislature:

I have signed LB 862e; however, I am returning LB 862Ae with certain line-item reductions.

LB 862Ae appropriates \$367,505 of General Funds and \$18,755 of Cash Funds in FY 2012-2013 and the same amounts in FY 2013-2014 to finance a two percent salary increase starting July 1, 2012, for judges of the Supreme, Appellate, District, Juvenile, County, and Workers' Compensation Courts.

During floor debate on LB 862e, Senator Coash, the sponsor of LB 862e, noted that ". . . vacancy savings as a result of the turnover, over the past year, will cover this . . . it is covered in the current budget of the Supreme Court. These salary increases will be covered over the first year. Going forward certainly it's an increased expense for the state." My review of the current accounting reports of the Supreme Court confirm Senator Coash's explanation of LB 862e.

On June 30, 2011, over \$1.2 million General Fund appropriations to the Supreme Court for judges' salaries and benefits remained unspent and were carried over into the current 2011-2013 budget biennium. Based upon March 31, 2012, accounting reports, it is now estimated that these unspent General Fund appropriations will grow to over \$2.3 million by the end of the current FY 2011-2012, and will be more than enough to finance the \$367,505 additional General Fund cost of LB 862e in FY 2012-2013. Furthermore, the Supreme Court possess the ability to shift appropriation, as needed, from one salary program to another, providing the Court an additional tool to fund the salary increase.

As a result, additional General Fund appropriations are not needed by the Supreme Court from the Legislature to increase judges' salaries on July 1, 2012. I have line-item reduced the additional \$367,505 of General Fund appropriations for FY 2012-2013 in the current budget biennium. It is unnecessary.

I have not line-item reduced the increase in salary limitations necessary for the increases in judges' salaries and have not reduced the second year \$367,505 General Fund appropriation in FY 2013-2014 for the continuing cost of this salary increase.

The Workers' Compensation Court salary and benefit appropriations are not excessive and have not been line-item reduced.

For these reasons, I urge you to sustain my line-item reductions to LB 862e.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 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 LB 357 without my signature and with my objections.

LB 357 authorizes local governments to enact a 33% increase in the local option sales tax. I take exception with arguments of proponents that this legislation is about nothing more than local government control. Local control is a value that I cherish; however, LB 357 is a state authorization of a sales tax increase.

State law authorizes cities to tax. State law authorizes how much cities are allowed to tax. LB 357 authorizes cities to tax up to 33% more in sales tax than they already are imposing. That is an excessive burden upon Nebraskans at this time in our current economy.

LB 357 is stated to have protections because residents of a local community would have the right to vote on this tax increase. Current law already requires cities to conduct a public vote in order to add any local option sales tax. Thus, the bill offers no new safeguard in that respect.

LB 357 is stated to have protections because the bill purportedly limits the use of new proceeds from the sales tax increase. On this issue, the bill is flawed in several respects.

First, the definitions in the bill leave large loopholes for uses of any new tax proceeds. The bill appears to require new taxes to be spent primarily on "public infrastructure projects" but these are defined very broadly to mean almost any public project. The specific definition in the bill "includes, but is not limited to" a long list of spending authorities; therefore, the list is illustrative but not definitive.

Next, for the City of Lincoln, local officials argue that LB 357 authorizes up to 15% of the new tax increase to be used for operating expenses or to lower

property taxes. The plain language of the bill, however, does not allow for those uses. Instead, the bill authorizes the expenditure of up to 15% of the proceeds from the sales tax increase to be expended on private infrastructure projects. Either the bill is defectively drafted or it improperly authorizes the expenditure of public funds for private purposes.

Proponents have also made a point to note that the new tax increases authorized in this bill will terminate after 10 years. There is, however, no termination date for some of these new tax dollars whenever they are used to finance certain interlocal or joint public agency agreements or when the new tax dollars are pledged for the payment of any bonds or refunding bonds.

Also, while LB 357 deals primarily with increasing local option sales taxes, it also authorizes a city to issue bonds "for any municipal purpose" without a separate vote of the people and to pay off the bonds with the increased sales taxes or with a dedicated portion of the property tax levy.

Finally, the bill states that the non-earmarked sales tax increase proceeds can be used solely for public infrastructure or economic development purposes. However, cities may easily create a shell game with these funds by shifting existing expenditures made for public infrastructure to other operating expenditures and using the new sales tax increase funds to cover or replace their existing costs. LB 357 simply allows a city to substitute these funds for any existing expenditure made on public infrastructure and use the freed up funds for any other spending.

No matter how this bill is viewed, it is clearly a new state law authorization for local governments to tax our citizens more than they are being taxed now.

Above the building in which we are privileged to work each day as public servants, stands a statue of The Sower. We often say that he is "sowing the seeds of prosperity" over our beloved State.

Prosperity does not happen by accident. Working together, throughout the past eight years, we have purposefully and methodically labored to lower the tax burden and to modernize our approach toward a shared vision of long-term economic vitality. This bill will damage Nebraska's competitiveness in national rankings which do take into consideration local taxes as well as state taxes when assessing our total tax burden. The large new tax increase authorized by LB 357 will only make Nebraska's ranking worse.

For these reasons, I respectfully urge you to sustain my veto of LB 357.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 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 LB 1020 and 1020A without my signature and with my objections.

LB 1020 would authorize the use of Education Innovation Funds for grants to establish school-based health centers. The lottery proceeds of this Fund are constitutionally limited to use for education purposes. The establishment of health center facilities, even if located at or near a school, is for health care and not education. LB 1020 expands the scope of use for these funds beyond education.

School districts are currently allowed to operate school-based health centers in cooperation with sponsoring facilities within their communities. As local support is an essential component for the sustainability of these facilities, it should remain a local responsibility to establish and fund them.

For these reasons, I urge you to sustain my veto of LB 1020 and LB 1020A.

Sincerely,
(Signed) Dave Heineman
Governor

April 13, 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 LB 599 and LB 599A without my signature and with my objections.

The issue presented by LB 599 is not the importance of prenatal care to the development of a child. We all agree that expectant mothers should seek out and utilized prenatal care as the benefits of such care are without question. Most Nebraskans pay for prenatal care themselves. Nothing in current law prohibits health centers, hospitals, clinics, private donors, or other benefactors across the state from assisting those in need of care, regardless of their immigration status.

The issue presented by LB 599 is whether or not over \$2.5 million in tax dollars from hard-working Nebraskans should be used each year to pay for prenatal services for women who broke the immigration laws, became pregnant, and are in Nebraska at the time of their pregnancies. This issue should not be confused with providing prenatal services to low-income women who are citizens or are otherwise lawfully present in Nebraska. Taxpayers already fund these services through the Medicaid program for women up to 185 percent of the federal poverty level.

Many Nebraskans are working overtime or working a second job to support their family. These are the families that work hard, follow the rules, and exhibit the virtue of self reliance that make our state great. They are to be commended and we must be mindful that they are watching how elected officials spend their hard-earned dollars.

If a hard-working, law-abiding family is one dollar above 185 percent of the federal poverty level, the mother will not be eligible for prenatal care through the Medicaid program. Yet, LB 599 would utilize that family's state and federal tax dollars to provide free prenatal care to illegal immigrants who are knowingly and willingly breaking both the immigration and employment laws. This is wrong and fundamentally unfair.

Another concern with this legislation is that it will result in Nebraska becoming a sanctuary for illegal immigrants. Nebraska would become the only state in the Midwest providing these taxpayer-funded benefits to illegal immigrants. None of our neighboring states of Iowa, Missouri, Kansas, Colorado, Wyoming, or South Dakota are providing these taxpayer-funded benefits to illegal immigrants. The federal rules, 42 C.F.R. 457.320, for the Children's Health Insurance Program (CHIP) prohibit a state from imposing a durational residency requirement on applicants for benefits. An illegal immigrant from any bordering city or town could establish residency in Nebraska in the morning and apply for benefits provided under LB 599 in the afternoon.

Further objections to the bill arise from its defective provisions that will lead to unintended consequences. First, subsection (2) of section 4 states, that this new benefit:

"shall be implemented through the creation of a separate program as allowed under Title XXI of the federal Social Security Act, as amended, and 42 C.F.R. 457.10, solely for the unborn children of mothers who are ineligible for coverage under [the Medicaid program]."

This provision is an improper delegation of legislative power to the federal government. If, in the future, the federal government changes the criteria for eligibility, the program created by LB 599 will change, which would be an unlawful delegation of legislative power in violation of Article III, Section 1 of the Nebraska Constitution.

Also, the same subsection requires that the new benefits meet the requirements of 42 C.F.R. 457.10, which includes by reference a list of benefits that are to be provided under a separate child health program. Those benefits include "prenatal care *and pre-pregnancy family planning services and supplies*." While subsection (3) of LB 599 may be intended to limit the benefits authorized in subsection (2), the plain language of the bill does not allow for such a limitation.

The proponents of LB 599 would lead you to believe that it is a pro-life bill. I disagree. I am pro-life and I am proud of my record as Governor on pro-life issues.

Earlier in the session, this Legislature voted to adopt an amendment to other legislation, LB 540, to prohibit taxpayer dollars from being used to support any medical provider that performs or promotes elective abortions. LB 599 contains no similar restriction on using taxpayer dollars to pay vendors that perform or promote abortions.

I have grave concerns about this bill incorporating a federal law mandate to provide pre-pregnancy family planning services and supplies without there being any restriction that would prevent such funding from ending up in the hands of entities such as Planned Parenthood, or other doctors, hospitals, and clinics that perform and promote abortions.

I oppose providing taxpayer benefits to illegal immigrants. I oppose providing taxpayer funding to vendors that perform or promote abortions.

For these reasons, I respectfully urge you to sustain my vetoes of LB 599 and LB 599A.

Sincerely,
(Signed) Dave Heineman
Governor

April 16, 2012

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 793, 793A, 979, and 1082e were received in my office on April 10, 2012.

These bills were signed and delivered to the Secretary of State on April 16, 2012.

Sincerely,

(Signed) Dave Heineman
Governor

April 17, 2012

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 928e, 928Ae, 1125e, and 1161e were received in my office on April 11, 2012.

These bills were signed and delivered to the Secretary of State on April 17, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

REPORT

The following report was received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska
Traffic Stop Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 17, 2012, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Borgeson, Robert A.
United Transportation Union
Cutshall & Nowka
Friends of Nebraska Racing, Inc.
Kevil, G. Bruce
Builders & Contractors, Inc., Associated

RESOLUTION**LEGISLATIVE RESOLUTION 631.** Read. Considered.

LR631 was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

MOTION - Approve Appointment

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1526:

Division of Children and Family Services
Thomas Pristow, Director

Voting in the affirmative, 34:

Adams	Cook	Harms	Lautenbaugh	Schumacher
Avery	Fischer	Heidemann	McCoy	Seiler
Bloomfield	Flood	Krist	McGill	Smith
Brasch	Fulton	Lambert	Nelson	Sullivan
Campbell	Gloor	Langemeier	Pahls	Wallman
Carlson	Hadley	Larson	Pirsch	Wightman
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 5:

Conrad	Council	Howard	Karpisek	Louden
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Present and not voting, 10:

Ashford	Cornett	Haar, K.	Janssen	Nordquist
Christensen	Dubas	Harr, B.	Mello	Price

The appointment was confirmed with 34 ayes, 5 nays, and 10 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 807. With Emergency Clause.

A BILL FOR AN ACT relating to firearms; to amend sections 29-820, 69-2435, 69-2436, 69-2439, and 69-2443, Reissue Revised Statutes of Nebraska, and section 69-2433, Revised Statutes Supplement, 2011; to change provisions relating to the disposition of firearms seized or held by a law enforcement agency; to change application requirements for concealed handgun permits as prescribed; to change provisions relating to revocation

of concealed handgun permits for certain violations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 48:

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

Voting in the negative, 1:

Council

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB807.

SPEAKER FLOOD PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR631.

MOTION - Override Veto on LB806

Senator Lautenbaugh renewed his motion, MO104, found on page 1524, that LB806 becomes law notwithstanding the objections of the Governor.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 28:

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

Voting in the negative, 20:

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

Present and not voting, 1:

Lautenbaugh

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB806

Senator Lautenbaugh offered the following motion to LB806:
MO110

Reconsider the vote on the motion that the bill becomes law notwithstanding the objections of the Governor.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 29:

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

Voting in the negative, 20:

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

Not voting, 0.

The Lautenbaugh motion to reconsider failed with 29 ayes, 20 nays, and 0 not voting.

The Chair declared the call raised.

MOTION - Override Veto on LB357

Senator Ashford offered the following motion to LB357:
MO109

Becomes law notwithstanding the objections of the Governor.

SENATOR LANGEMEIER PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2012, at 9:40 a.m. was the following:
LB807e.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 642. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, David Van Metre has been selected as a 2012 inductee into the Nebraska High School Sports Hall of Fame due to his generous contribution, which includes new weight training and cardiovascular equipment to seven high schools and eleven middle schools in the Omaha Public School district and to the North and South Omaha Boys and Girls Clubs; and

WHEREAS, the Nebraska High School Sports Hall of Fame Foundation is a nonprofit organization that was started in June 1992. The mission of the organization is to recognize exceptional athletic achievement as well as significant contributions made to high school sports in Nebraska; and

WHEREAS, induction may include coaches, administrators, officials, community members, and student athletes in order to acknowledge the

potential impact a support system and leadership role may provide within the arena of high school sports; and

WHEREAS, David Van Metre's contributions to community and youth athletics have also been recognized through being named the Nebraska Baseball Coaches Association Man of the Year and the University of Nebraska at Omaha Maverick Club Man of the Year; and

WHEREAS, David Van Metre's countless contributions to Omaha Public Schools have been recognized through his induction into the Central High School Hall of Fame and Omaha Public Schools Hall of Fame, as well as receiving a Benson High Centennial Award and being named a South High Packer Great; and

WHEREAS, David Van Metre has consistently promoted community and philanthropic initiatives to assist Omaha Public Schools in promoting opportunity and equality through excellence in high school athletics in the Omaha metropolitan area.

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

1. That the Legislature congratulates David Van Metre on his induction into the Nebraska High School Sports Hall of Fame and thanks him for his ongoing contributions to high school athletics.

2. That a copy of this resolution be sent to David Van Metre and to the South Omaha Neighborhood Alliance.

Laid over.

LEGISLATIVE RESOLUTION 643. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, the South Omaha Neighborhood Alliance (SONA) recently named the recipients of its 2012 Project of Merit Award and 2012 Volunteer of the Year Award; and

WHEREAS, these awards are annually presented to recognize service and contributions to the South Omaha community; and

WHEREAS, the winner of the SONA 2012 Project of Merit Award is the Hanscom Park Dog Park, in recognition of the newly created, community-inspired dog park that was recently built in historic Hanscom Park. This community collaboration among the Hanscom Park Neighborhood Association, the city of Omaha, the philanthropic community, and South Omaha residents provided an avenue for community action to address an ongoing need for South Omaha pet owners while revitalizing an existing community park; and

WHEREAS, the winner of the SONA 2012 Volunteer of the Year Award is Oscar Duran, in recognition of his dedication to the Deer Park Neighborhood Association through the creation of the Cultivating Community Leaders program, which engages and educates South Omaha's youth through service learning and community and neighborhood development projects; and

WHEREAS, the SONA 2012 Project of Merit Award and 2012 Volunteer of the Year Award will be presented at the annual South Omaha Neighborhood Alliance banquet on June 7, 2012, at the Salvation Army Kroc Center in South Omaha.

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

1. That the Legislature congratulates the Hanscom Park Dog Park on receiving the SONA 2012 Project of Merit Award and Oscar Duran on receiving the SONA 2012 Volunteer of the Year Award.

2. That a copy of this resolution be sent to the Hanscom Park Neighborhood Association and Oscar Duran.

Laid over.

LEGISLATIVE RESOLUTION 644. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Brasch, 16; Fischer, 43; Hadley, 37; Loudon, 49; Pirsch, 4; Schumacher, 22.

PURPOSE: To examine alternative sources of county revenue if the inheritance tax is repealed.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

2012 Resolution calling for an Interim Study

LR644	Interim study to examine alternative sources of county revenue if the inheritance tax is repealed	Revenue
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(Signed) John Wightman, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were former Senator Marian Price from Lincoln; 70 fourth-grade students, teachers, and sponsors from West Dodge Station Elementary, Elkhorn; Bonnie and Jack Fitzgerald from Omaha; and 50

fourth-grade students and teachers from Hillrise Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Conrad and Janssen who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 18, 2012

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 807e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Override Veto on LB357

Senator Ashford renewed his motion, MO109, found in this day's Journal, that LB357 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

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

Voting in the negative, 17:

Bloomfield	Fischer	Janssen	Nelson	Smith
Brasch	Fulton	Karpisek	Pirsch	
Christensen	Hansen	Langemeier	Price	
Dubas	Heidemann	McCoy	Seiler	

Present and not voting, 2:

Gloor	Mello
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB357 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB357, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 357, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Mike Flood
President of the Legislature

MOTION - Override Veto on LB1020

Senator Nordquist offered the following motion to LB1020:
MO107

Becomes law notwithstanding the objections of the Governor.

Senator Nordquist moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 27:

Ashford	Dubas	Karpisek	McGill	Smith
Campbell	Fulton	Krist	Mello	Sullivan
Coash	Gloor	Langemeier	Nordquist	Wallman
Conrad	Haar, K.	Larson	Pirsch	
Cook	Harr, B.	Lathrop	Schumacher	
Cornett	Howard	Lautenbaugh	Seiler	

Voting in the negative, 21:

Adams	Christensen	Harms	McCoy	Wightman
Avery	Fischer	Heidemann	Nelson	
Bloomfield	Flood	Janssen	Pahls	
Brasch	Hadley	Lambert	Price	
Carlson	Hansen	Louden	Schilz	

Present and not voting, 1:

Council

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Reconsider Action on LB1020

Senator Council offered the following motion to LB1020:
MO114

Reconsider the vote on the motion that the bill becomes law notwithstanding the objections of the Governor.

SENATOR LANGEMEIER PRESIDING**SPEAKER FLOOD PRESIDING**

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

Senator Council requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 27:

Ashford	Council	Howard	McGill	Smith
Campbell	Dubas	Karpisek	Mello	Sullivan
Coash	Fulton	Krist	Nordquist	Wallman
Conrad	Gloor	Larson	Pirsch	
Cook	Haar, K.	Lathrop	Schumacher	
Cornett	Harr, B.	Lautenbaugh	Seiler	

Voting in the negative, 22:

Adams	Christensen	Harms	Louden	Schilz
Avery	Fischer	Heidemann	McCoy	Wightman
Bloomfield	Flood	Janssen	Nelson	
Brasch	Hadley	Lambert	Pahls	
Carlson	Hansen	Langemeier	Price	

Not voting, 0.

The Council motion to reconsider failed with 27 ayes, 22 nays, and 0 not voting.

The Chair declared the call raised.

MOTION - Override Veto on LB599

Senator Campbell offered the following motion to LB599:
MO105

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Adams	Coash	Flood	Howard	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Schumacher
Campbell	Cornett	Hadley	Lathrop	Sullivan
Carlson	Council	Harms	Louden	Wallman
Christensen	Dubas	Harr, B.	McGill	Wightman

Voting in the negative, 16:

Bloomfield	Hansen	Langemeier	Pirsch
Brasch	Heidemann	Larson	Price
Fischer	Janssen	McCoy	Seiler
Fulton	Lambert	Nelson	Smith

Present and not voting, 3:

Lautenbaugh	Pahls	Schilz
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB599A

Senator Campbell offered the following motion to LB599A:
MO106

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Lautenbaugh	Wallman
Avery	Cornett	Harms	Louden	Wightman
Campbell	Council	Harr, B.	McGill	
Carlson	Dubas	Howard	Mello	
Christensen	Flood	Karpisek	Nordquist	
Coash	Gloor	Krist	Schumacher	

Voting in the negative, 14:

Bloomfield	Hansen	Langemeier	Pahls	Schilz
Brasch	Janssen	Larson	Pirsch	Seiler
Fischer	Lambert	McCoy	Price	

Present and not voting, 4:

Fulton	Heidemann	Nelson	Smith
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

PRESIDENT SHEEHY PRESIDING

COMMUNICATIONS

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB806 and LB806A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB1020 and LB1020Ae, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol

Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB599 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB599, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 599, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATIONS

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB599Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB599Ae, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 599Ae, having been returned by the Governor with his

objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATION

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB862Ae for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

RESOLUTIONS

LEGISLATIVE RESOLUTION 636. Read. Considered.

LEGISLATIVE RESOLUTION 637. Read. Considered.

LEGISLATIVE RESOLUTION 638. Read. Considered.

LEGISLATIVE RESOLUTION 639. Read. Considered.

LEGISLATIVE RESOLUTION 640. Read. Considered.

LEGISLATIVE RESOLUTION 641. Read. Considered.

LRs 636, 637, 638, 639, 640, and 641 were adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 630, 632, 633, 634, and 635 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 630, 632, 633, 634, 635, 636, 637, 638, 639, 640, and 641.

PRESIDENT SHEEHY PRESIDING**MOTION - Suspend Rules**

Senator Mello offered the following motion to LR642:
MO112

Suspend the rules, Rule 4, Section 6, to permit consideration of LR642.

The Mello motion to suspend the rules prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 642. Read. Considered.

LR642 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Senator Mello offered the following motion to LR643:
MO113

Suspend the rules, Rule 4, Section 6, to permit consideration of LR643.

The Mello motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 643. Read. Considered.

LR643 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 642 and 643.

MOTION - Presentation of Service Awards

Senator Pahls moved that we proceed to the presentation of the Legislative service awards.

The motion prevailed.

MOTION - Disposition of Bills

Senator Cornett moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Fischer moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Printing of Journal, Session Laws, and Indexes

Senator Loudon moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

MOTION - Delivery of Journal and Session Laws

Senator Howard moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Heidemann moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were 12 students and teachers from UNL School of Journalism, Lincoln; and 100 fourth-grade students, teachers, and sponsors from Field Club Elementary, Omaha.

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

MOTION - Adjourn Sine Die

Senator Langemeier moved that the One Hundred Second Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:39 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

