

FIFTY-EIGHTH DAY - APRIL 12, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 12, 2010

PRAYER

The prayer was offered by Senator Pirsch.

ROLL CALL

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

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 2010, at 12:05 p.m. were the following: LBs 252, 411, 695e, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829e, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 978, 986, 993, 997, 1047e, 1055, 1065, and 1085.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 507. With Emergency Clause.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-323 and 28-707, Reissue Revised Statutes of Nebraska; to provide for payment for prenatal services in certain situations; to provide a termination date; to change provisions relating to the offense of domestic assault; to change penalties for domestic assault and child abuse as prescribed; to provide operative dates; to repeal the original sections; and to declare an

emergency.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 507A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, One Hundred First Legislature, Second Session, 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, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB563 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 563.

A BILL FOR AN ACT relating to labor; to amend sections 77-2711 and 77-27,119, Reissue Revised Statutes of Nebraska, and section 48-2115, Revised Statutes Supplement, 2009; to adopt the Employee Classification Act; to provide funding for enforcement; to allow the Department of Revenue to disclose information to the Department of Labor as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Adams	Cornett	Gloor	Lathrop	Pirsch
Ashford	Council	Haar	Lautenbaugh	Rogert
Avery	Dierks	Hadley	Louden	Schilz
Campbell	Dubas	Hansen	McGill	Sullivan
Carlson	Fischer	Harms	Mello	Wallman
Christensen	Flood	Howard	Nelson	White
Coash	Fulton	Karpisek	Nordquist	Wightman
Conrad	Gay	Krist	Pahls	
Cook	Giese	Langemeier	Pankonin	

Voting in the negative, 1:

Janssen

Present and not voting, 5:

Heidemann	McCoy	Price	Stuthman	Utter
-----------	-------	-------	----------	-------

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 563A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 44:

Adams	Council	Haar	Langemeier	Pankonin
Ashford	Dierks	Hadley	Lathrop	Pirsch
Avery	Dubas	Hansen	Lautenbaugh	Rogert
Campbell	Fischer	Harms	Louden	Schilz
Carlson	Flood	Heidemann	McGill	Sullivan
Coash	Fulton	Howard	Mello	Wallman
Conrad	Gay	Janssen	Nelson	White
Cook	Giese	Karpisek	Nordquist	Wightman
Cornett	Gloor	Krist	Pahls	

Voting in the negative, 0.

Present and not voting, 5:

Christensen	McCoy	Price	Stuthman	Utter
-------------	-------	-------	----------	-------

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 LB594 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to abortion; to amend sections 28-325, 28-340, and 38-2021, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-326, 28-327, 28-327.01, 28-327.03, and 28-327.04, Revised Statutes Supplement, 2009; to state and restate legislative findings and declarations; to define and redefine terms; to change provisions relating to voluntary and informed consent to an abortion; to prohibit waivers, provide

additional remedies, provide requirements for certain civil actions, provide burdens of proof, provide for tolling statute of limitations, and restrict applicability to criminal and disciplinary actions; to require information regarding certain service agencies to be made available on the Internet; to harmonize provisions; to provide severability; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Flood	Heidemann	McCoy	Rogert
Carlson	Fulton	Janssen	Mello	Schilz
Christensen	Gay	Karpisek	Nelson	Stuthman
Coash	Giese	Krist	Nordquist	Sullivan
Cornett	Gloor	Langemeier	Pahls	Utter
Dierks	Hadley	Lathrop	Pankonin	Wallman
Dubas	Hansen	Lautenbaugh	Pirsch	White
Fischer	Harms	Louden	Price	Wightman

Voting in the negative, 9:

Ashford	Campbell	Cook	Haar	McGill
Avery	Conrad	Council	Howard	

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 701. With Emergency Clause.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1804, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of a fund; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB771 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-201, 28-931, 28-931.01, 28-932, 28-933, and 28-1212.01, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-929, 28-930, 28-1206, 28-1212.04, 28-1354, 29-401, 29-901, 29-901.01, 29-1912, and 43-250, Revised Statutes Supplement, 2009; to change provisions relating to criminal offenses against a pregnant woman, criminal attempt, assault, assault on an officer, offenses by a confined or committed person, deadly weapons, firearms, arrest procedures, bail, conditions of release from custody, jailhouse witnesses, and juveniles in custody; and to repeal the original sections.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB779 with 40 ayes, 1 nay, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 779. With Emergency Clause.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2601, 13-2604, 13-2706, 14-501.01, and 15-801, Reissue Revised Statutes of Nebraska, section 13-503, Revised Statutes Supplement, 2009, section 13-2704, Reissue Revised Statutes of Nebraska, as amended by section 8, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 77-5601, Revised Statutes Cumulative Supplement, 2008, as amended by section 58, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to municipal budgets, the Convention Center Facility Financing Assistance Act, and the Local Civic, Cultural, and Convention Center Financing Act; to provide for transfers of funds; to adopt the Sports Arena Facility Financing Assistance Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

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 779A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 779, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 48:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

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

MESSAGES FROM THE GOVERNOR

April 12, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1048 was received in my office on April 9, 2010.

This bill was signed and delivered to the Secretary of State today, April 12, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

April 12, 2010

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

Dear Mr. President and Members of the Legislature:

I have signed LB1048; however, I am returning LB1048A with a line-item reduction.

LB1048A appropriates \$30,000 from the General Fund for FY2010-11 to the Nebraska Department of Revenue to aid in carrying out the provisions of LB1048. The Nebraska Department of Revenue estimated that the cost to implement LB1048 is minimal. Therefore, I am vetoing the \$30,000 General Fund appropriation to the Nebraska Department of Revenue in LB1048A, as these funds are not necessary to implement the bill.

For these reasons, I respectfully urge you to sustain my veto of LB1048A.

Sincerely,
(Signed) Dave Heineman
Governor

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 817, 1109e, 1109Ae, 801, 842, 849e, 862, 877e, 945, 950e, 1010e, 1094, 1094A, 510, and 510A.

Had I been present, I would have voted "aye" on final passage of LBs 712e, 780, 861, 961, 1048, 1048A, 252, 411, 695e, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829e, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 978, 986, 993, 997, 1047e, 1055, 1065, and 1085.

(Signed) Jeremy Nordquist

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 710. Placed on General File.

(Signed) Tim Gay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 564. Introduced by Gay, 14.

WHEREAS, the Nebraska Innovation Zone Commission was created by the Legislature in 2005 to:

- (1) Define boundaries for the opportunity zone;
 - (2) Focus attention on and increase awareness of the opportunities and needs in a particular region of Nebraska referred to as the opportunity zone;
 - (3) Advocate by proposing solutions to development and infrastructure challenges faced in the opportunity zone;
 - (4) Encourage and support continuity, coordination, and cooperation among national, state, multicommunity, and local economic development initiatives and service providers in the opportunity zone;
 - (5) Serve as an advisory body to the Governor, state agencies, and the Legislature on economic development issues in the opportunity zone;
 - (6) Establish an information clearinghouse on challenges and needs, development services, model initiatives, available resources, and service providers;
 - (7) Foster multicommunity partnerships;
 - (8) Foster regional marketing activities to promote the opportunity zone;
- and
- (9) Study and develop recommendations for uniform county zoning within the opportunity zone; and

WHEREAS, the commission has made great progress in meeting the Legislature's expectations in both form and substance with only minimal funds; and

WHEREAS, the communities involved in the opportunity zone have shown outstanding leadership and collaboration for the sake of progress; and

WHEREAS, the business community has made generous acts of support in partnership with the Governor, the University of Nebraska, the Papio-Missouri River Natural Resources District, the Lower Platte South Natural Resources District, the Nebraska Community College Association, the county boards of the counties of Washington, Sarpy, Cass, Douglas, Saunders, and Lancaster, and others to achieve a sustainable plan that will put this area of Nebraska in a position to be very successful.

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

1. That the Legislature congratulates the Nebraska Innovation Zone Commission and its executive director for great accomplishments in the five-year life of the commission and eagerly awaits its final report.

2. That a copy of this resolution be sent to the Nebraska Innovation Zone Commission.

Laid over.

LEGISLATIVE RESOLUTION 565. Introduced by McCoy, 39.

WHEREAS, twenty-three individuals from legislative district 39 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, these outstanding individuals include Ryan N. Anson, Jacob D. Benes, David H. Boedeker, Michael J. Buck, Brett S. Carroll, Erik R. Christensen, Cody Felger, Dillon Felger, Jonathan R. Hanisch, Alexander E. Howard, Kevin D. Huefner, William D. E. Kamppinen, Garrett K. Kraudy, Sean Kurfman, Cameron Opfer, Ethan Paasch, Benjamin W. Reher, Thomas D. Rhodes, Shawn P. Sanders, Zachary R. Shackelford, David G. Smith, Ethan M. Stohs, and Jonathan N. Williams; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experiences, these individuals have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates all of the outstanding individuals from legislative district 39 on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to the Mid-America Council of the Boy Scouts of America.

Laid over.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB800 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 24-313, 25-2701, 25-2728, 28-416, 29-1816, 29-2258, 29-2269, 43-246, 43-248, 43-253, 43-254, 43-254.01, 43-256, 43-258, 43-272.01, 43-278, 43-285, 43-2,106.01, 43-2,129, 43-415, 43-2404.02, 60-4,108, 79-209, and 79-527, Reissue Revised Statutes of Nebraska, sections 43-245 and 43-250, Revised Statutes Supplement, 2009, and section 29-2262.07, Reissue Revised Statutes of Nebraska, as amended by section 15, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to eliminate juvenile review panels; to provide for sealing of juvenile records, additional penalties for drug-related offenses by minors, sanctions for probation violations or potential violations, a transfer and distribution of funds, and a juvenile offender civil citation pilot program; to change arraignment, temporary custody, evaluation, detention, and placement provisions regarding juveniles; to provide for telephonic and videoconference communications and hearings under the Nebraska Juvenile Code; to provide for the impoundment of or prohibit obtaining a juvenile's operator's license or permit as prescribed; to provide for sanctions on parents or guardians for excessive absenteeism; to provide for expedited appeals from the juvenile court; to change provisions relating to the County Juvenile Services Aid Program, school truancy management and enforcement, and school reporting provisions; to create and provide duties for the Truancy Intervention Task Force; to change and eliminate provisions relating to setting aside adjudications; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, 43-287.06, 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 800A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 800, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

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 LB918 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 918.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5707, 77-5715, 77-5719, 77-5725, and 77-5735, Reissue Revised Statutes of Nebraska; to redefine certain tax incentive terms as prescribed; to provide tax incentives for data centers as prescribed; to provide for applicability; and to repeal the original sections.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 918A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 918, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB931 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 931. With Emergency Clause.

A BILL FOR AN ACT relating to real property; to amend sections 76-2202, 76-2206, 76-2213, 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, 77-5004, and 81-885.01, Reissue Revised Statutes of Nebraska, and section 81-885, Revised Statutes Supplement, 2009; to change and eliminate provisions of the Real Property Appraiser Act and the Nebraska Real Estate License Act; to harmonize provisions; to repeal the

original sections; to outright repeal sections 76-2207, 76-2209, and 76-2211, 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	Cornett	Hadley	Lautenbaugh	Pirsch
Ashford	Council	Hansen	Louden	Price
Avery	Dubas	Harms	McCoy	Rogert
Campbell	Fischer	Heidemann	McGill	Schilz
Carlson	Fulton	Howard	Mello	Sullivan
Christensen	Gay	Janssen	Nelson	Utter
Coash	Giese	Karpisek	Nordquist	Wallman
Conrad	Gloor	Krist	Pahls	White
Cook	Haar	Lathrop	Pankonin	Wightman

Voting in the negative, 4:

Dierks	Flood	Langemeier	Stuthman
--------	-------	------------	----------

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 987.

A BILL FOR AN ACT relating to the Department of Economic Development; to create the Lead-Based Paint Hazard Control Program; to state intent; to provide duties; 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	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Stuthman
Avery	Dubas	Harms	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Wallman
Carlson	Flood	Janssen	Nordquist	White
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Heidemann Nelson Utter

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

LEGISLATIVE BILL 987A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Wallman
Christensen	Fulton	Janssen	Nordquist	White
Coash	Gay	Karpisek	Pahls	Wightman
Conrad	Giese	Krist	Pankonin	
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 1:

Nelson

Present and not voting, 1:

Utter

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 1002.

A BILL FOR AN ACT relating to political subdivisions; to amend section 81-2504, Reissue Revised Statutes of Nebraska; to define terms; to provide for applications for state assistance; to provide for notice and a hearing; to provide powers and duties for the Commission on Indian Affairs; to create a fund; to provide a termination date; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Adams	Dierks	Harms	McCoy	Schilz
Ashford	Dubas	Heidemann	McGill	Stuthman
Avery	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pahls	White
Conrad	Gloor	Langemeier	Pankonin	Wightman
Cook	Haar	Lathrop	Pirsch	
Cornett	Hadley	Lautenbaugh	Price	
Council	Hansen	Louden	Rotert	

Voting in the negative, 1:

Christensen

Present and not voting, 1:

Fulton

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

LEGISLATIVE BILL 1002A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1002, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 47:

Adams	Dierks	Harms	McCoy	Schilz
Ashford	Dubas	Heidemann	McGill	Stuthman
Avery	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pahls	White
Conrad	Gloor	Langemeier	Pankonin	Wightman
Cook	Haar	Lathrop	Pirsch	
Cornett	Hadley	Lautenbaugh	Price	
Council	Hansen	Louden	Rogert	

Voting in the negative, 1:

Christensen

Present and not voting, 1:

Fulton

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

LEGISLATIVE BILL 1014.

A BILL FOR AN ACT relating to schools; to amend sections 79-1018.01 and 79-1035, Reissue Revised Statutes of Nebraska, and section 79-1028.01, Revised Statutes Supplement, 2009; to provide for teacher performance pay; to change local system formula resources and maximum expenditures for purposes of the Tax Equity and Educational Opportunities Support Act; to change provisions relating to distribution of school funds from school lands; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

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

Voting in the affirmative, 45:

Adams	Cornett	Gloor	Langemeier	Pankonin
Ashford	Council	Haar	Lathrop	Pirsch
Avery	Dierks	Hadley	Lautenbaugh	Price
Campbell	Dubas	Hansen	McCoy	Rogert
Carlson	Fischer	Harms	McGill	Schilz
Christensen	Flood	Howard	Mello	Sullivan
Coash	Fulton	Janssen	Nelson	Wallman
Conrad	Gay	Karpisek	Nordquist	White
Cook	Giese	Krist	Pahls	Wightman

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 2:

Heidemann Utter

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 LB1071 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1071. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 79-201, 79-215, 79-2,136, 79-4,108, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, 79-1030, 79-1103, 79-1233, 79-1245, 79-1247, 79-1248, 79-1249, 85-1511, 86-501, 86-505, 86-506, 86-516, 86-520, and 86-5,100, Reissue Revised Statutes of Nebraska, sections 13-509, 79-318, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-1014, 79-1022, 79-1026.01, 79-1027, 79-1031.01, 79-10,110, and 79-1241.01, Revised Statutes Supplement, 2009, and sections 79-1003, 79-1007.23, and 79-1023, Revised Statutes Supplement, 2009, as amended by sections 3, 9, and 11, respectively, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change and eliminate provisions relating to certification of property valuations, attendance age, admissions, evaluation policies and procedures, unified school systems, open enrollment provisions for learning communities, American Recovery and Reinvestment Act of 2009 bonds for school facilities, the Early Childhood Education Grant Program, the Enhancing Excellence in Teaching Program, the Tax Equity and Educational Opportunities Support Act, the Educational Service Units Act, and the Information Technology Infrastructure Act; to provide for

memoranda regarding sharing student data; to define and redefine terms; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1241.02, 79-1243, and 79-1331, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1072 with 38 ayes, 5 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1072. With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1416, 85-1418, 85-1502, 85-1503, 85-1511, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-518 and 13-519, Revised Statutes Supplement, 2009; to redefine terms; to change provisions relating to state aid and tax levy authorization and limits for community colleges; to provide a termination date for membership provisions for the association of community college boards and the Community College Foundation and Equalization Aid Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

MOTION - Return LB420 to Select File

Senator Council moved to return LB420 to Select File for the following specific amendment:

FA78

Strike the enacting clause.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

Senator Council requested a roll call vote on her motion to return.

Voting in the affirmative, 13:

Ashford	Dubas	Lathrop	Mello	White
Cook	Gay	Louden	Nordquist	
Council	Giese	McGill	Rogert	

Voting in the negative, 32:

Adams	Cornett	Hadley	Langemeier	Stuthman
Avery	Dierks	Hansen	Lautenbaugh	Sullivan
Campbell	Fischer	Harms	McCoy	Utter
Carlson	Flood	Heidemann	Nelson	Wightman
Christensen	Fulton	Howard	Pankonin	
Coash	Gloor	Janssen	Price	
Conrad	Haar	Karpisek	Schilz	

Present and not voting, 3:

Krist	Pahls	Pirsch
-------	-------	--------

Excused and not voting, 1:

Wallman

The Council motion to return failed with 13 ayes, 32 nays, 3 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax exemptions for certain nonprofit entities; 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	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Howard	Mello	Sullivan
Carlson	Flood	Janssen	Nelson	Utter
Christensen	Fulton	Karpisek	Nordquist	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	

Voting in the negative, 3:

Council	Heidemann	Pahls
---------	-----------	-------

Present and not voting, 3:

Giese Louden White

Excused and not voting, 1:

Wallman

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 507, 507A, 563, 563A, 594, 701, 771, 779, 779A, 800, 800A, 918, 918A, 931, 987, 987A, 1002, 1002A, 1014, 1071, 1072, and 420.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR543 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR543.

RESOLUTIONS

LEGISLATIVE RESOLUTION 566. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Hadley, 37; Louden, 49; Pirsch, 4; Utter, 33; White, 8.

PURPOSE: The purpose of this resolution is to examine various methods of financing interstate water compacts and agreements, including existing taxes, new taxes, charges, or fees. The enforcement of current funding provisions and potential refunds of current tax provisions will also be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST 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.

LEGISLATIVE RESOLUTION 567. Introduced by Pahls, 31.

WHEREAS, Elizabeth Hruska is a program analyst within the office of the Legislative Fiscal Analyst; and

WHEREAS, Elizabeth Hruska, through her attention to detail and diligence, discovered that the federal government was basing federal medicaid funding under the stimulus program on erroneous unemployment information; and

WHEREAS, Elizabeth Hruska's discovery and her efforts to remedy the problem resulted in an additional \$6.3 million of federal medicaid funding for the State of Nebraska; and

WHEREAS, the Legislature recognizes the outstanding work of its employees.

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

1. That the Legislature commends Elizabeth Hruska for her outstanding work and thanks her for helping the State of Nebraska receive additional federal medicaid funding.

2. That a copy of this resolution be sent to Elizabeth Hruska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator White asked unanimous consent to add his name as cointroducer to LR538. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LR555. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 twelfth-grade students and teacher from Dorchester; 24 fourth-grade students and teacher from Faith Lutheran School, Lincoln; 65 fourth-grade students and teachers from Bell Field Elementary, Fremont; and Lige, Dusty, Amana, Anlynn, Harrison, and Isaac Reed from Minden.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 12:30 p.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Tuesday, April 13, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

