

**SIXTY-FIFTH DAY - APRIL 18, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 18, 2011

**PRAYER**

The prayer was offered by Reverend Dr. Selwyn Bachus, Salem Baptist Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Carlson, Coash, Cornett, Council, Lautenbaugh, and McGill who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**MESSAGE FROM THE GOVERNOR**

April 14, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 543e was received in my office on April 8, 2011.

I signed this bill and delivered it to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMUNICATION**

Received a copy of House Joint Memorial no. 1 from the state of Idaho relating to support for a proposed Parental Rights Amendment to the United States Constitution.

**GENERAL FILE**

**LEGISLATIVE BILL 382.** Title read. Considered.

Committee AM1101, found on page 1095, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 464.** Title read. Considered.

Committee AM1130, found on page 1096, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289.** Title read. Considered.

Committee AM416, found on page 627, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 176.** Placed on Final Reading.

**LEGISLATIVE BILL 229.** Placed on Final Reading.

ST22

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

1. In the Langemeier amendment, AM1188, on page 9, line 14, "and" has been struck.

**LEGISLATIVE BILL 229A.** Placed on Final Reading.

**LEGISLATIVE BILL 235.** Placed on Final Reading.

ST21

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

1. In the Standing Committee amendment, AM952:

a. On page 13, the matter beginning with "(22)" in line 9 through line 11 has been struck and the old matter shown as stricken;

b. On page 15, line 16, "(22) General fund operating expenditures means: (a) For state aid calculated for school fiscal years 2010-11 and 2011-12," has been inserted after the stricken comma; and

c. On page 16, line 26, paragraphing has been inserted before "(b)" and "for" has been struck and "For" inserted.

**LEGISLATIVE BILL 279.** Placed on Final Reading.

**LEGISLATIVE BILL 283.** Placed on Final Reading.

**LEGISLATIVE BILL 297.** Placed on Final Reading.

ST20

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

1. On page 1, line 4, "13-2705," has been inserted after the third comma; and in line 7 "; to change limits on grant requests" has been inserted after "centers".

**LEGISLATIVE BILL 388.** Placed on Final Reading.

ST23

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

1. On page 1, line 2, "58-708," has been inserted after the third comma; in line 4 "a fund" has been struck and "funds; to provide for assistance to political subdivisions" inserted; in line 5 "and" has been struck and "; to provide for recapture of unused allocated funds; to" inserted.

**LEGISLATIVE BILL 388A.** Placed on Final Reading.

**LEGISLATIVE BILL 479.** Placed on Final Reading.

ST25

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

1. On page 1, line 1, "minors" has been struck and "public health and safety" inserted; and in line 2 "minor" has been struck and "person eighteen years of age" inserted.

**LEGISLATIVE BILL 524.** Placed on Final Reading.

**LEGISLATIVE BILL 600.** Placed on Final Reading.

ST24

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

1. In the E & R amendments, ER79, on page 10, line 5, "if" has been struck; in line 6 "The" has been struck and "If the" inserted; and in line 11 "In" has been struck and "If, in" inserted.

**LEGISLATIVE BILL 600A.** Placed on Final Reading.

**LEGISLATIVE BILL 628.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### **MOTION - Print in Journal**

Senator Christensen filed the following motion to LB606:

MO31

Reconsider the vote taken on AM1032.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 164.** Introduced by Coash, 27.

WHEREAS, Ms. Jan Pitsch was an active volunteer who worked hard to maintain and improve landscape planting areas in the Country Club neighborhood of Lincoln, Nebraska; and

WHEREAS, after her death in 2008, Ms. Jan Pitsch left a gift to the Lincoln Community Foundation to fund initial landscaping improvements for the landscape planting areas and for the roundabout median at the intersection of 33rd Street and Sheridan Boulevard, to fund an endowment of seventy thousand dollars to provide for the perpetual landscaping care of those areas, and to fund no-kill dog shelters and programs; and

WHEREAS, the Lincoln Parks and Recreation Department, representatives of the Lincoln Community Foundation and the Country Club Neighborhood Association, and members of the Jan Pitsch Family dedicated a small piece of green space along Sheridan Boulevard as Jan Pitsch Green on April 14, 2011.

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

1. That the Legislature thanks the late Ms. Jan Pitsch and her family for their generosity to the Lincoln community.

2. That the Legislature commends the Lincoln Parks and Recreation Department's dedication of the Jan Pitsch Green on April 14, 2011, in Lincoln, Nebraska.

3. That a copy of this resolution be sent to the family of Ms. Jan Pitsch.

Laid over.

**CONFLICT OF INTEREST STATEMENT**

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

**GENERAL FILE**

**LEGISLATIVE BILL 665.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 535.** Title read. Considered.

Committee AM454, found on page 767, was considered.

Senator Christensen renewed his amendment, AM1066, found on page 1192, to the committee amendment.

The Christensen amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 549.** Placed on General File with amendment.  
AM1121

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) Every Nebraska youth should be encouraged to reach
- 5 his or her full potential, but that many youth require guidance and
- 6 support to reach their goals and make positive changes in their
- 7 lives;
- 8 (b) Conserving and developing natural resources and
- 9 enhancing and maintaining environmentally important land and water
- 10 through the employment of Nebraska's at-risk youth is beneficial
- 11 not only to the youth by providing them with education and
- 12 employment opportunities but also to the state's economy and
- 13 environment; and

14 (c) The Nebraska Youth Conservation Program will offer  
15 Nebraska a unique opportunity to meet the goals of increasing  
16 understanding and appreciation of the environment and helping  
17 at-risk youth become productive adults.

18 (2) It is the intent of the Legislature:

19 (a) That Nebraska Youth Conservation Program participants  
20 complete their participation in the program having learned good  
21 work habits, positive attitudes, and broadened professional  
22 horizons;

23 (b) That the program combine academic, environmental, and  
1 job skills training with personal growth opportunities in order to  
2 develop productive youth who can make substantial contributions as  
3 Nebraska workers and citizens; and

4 (c) To ensure that the Game and Parks Commission  
5 coordinate and collaborate with partners from other state and  
6 federal government agencies, political subdivisions, postsecondary  
7 educational institutions, and community organizations and enter  
8 into agreements with such partners for the benefit of the program,  
9 as appropriate.

10 Sec. 2. For purposes of sections 1 to 7 of this act:

11 (1) At-risk youth means a youth who has a barrier  
12 to successful employment, demonstrates low income by living in  
13 a household with income that falls below the federal poverty  
14 guidelines or by receiving public assistance, has been impacted  
15 directly by substance abuse or physical abuse, has had negative  
16 contact with law enforcement, or is not experiencing success in  
17 school and is in jeopardy of dropping out; and

18 (2) Commission means the Game and Parks Commission.

19 Sec. 3. (1) The Nebraska Youth Conservation Program is  
20 created. The purpose of the program is to employ Nebraska's at-risk  
21 youth on projects which contribute to conserving or developing  
22 natural resources and enhancing and maintaining environmentally  
23 important land and water under the jurisdiction of the commission.  
24 The program shall combine academic, environmental, and job skills  
25 training with personal growth opportunities for the participants.  
26 The commission may administer and maintain the program, directly  
27 or by means of contractual arrangement with an experienced service  
1 provider or the Department of Labor.

2 (2) Participants shall be at-risk youth who are at least  
3 sixteen years of age and not older than twenty-one years of age,  
4 unemployed, and residents of Nebraska. Special effort shall be  
5 made to select applicants residing in rural and urban high-poverty  
6 areas, as determined by the most recent federal census data.

7 (3) Participants shall be paid not less than the minimum  
8 wage described in section 48-1203. Participation in the program  
9 shall be for a period of six weeks for each participant.  
10 Participants and program supervisory personnel may be provided  
11 meals during the six-week work period. Protective clothing items

12 shall be provided to participants and supervisory personnel as work  
13 conditions warrant.

14 (4) Participants in the Nebraska Youth Conservation  
15 Program may be considered temporary employees. This subsection does  
16 not apply to crew chiefs and other administrative and supervisory  
17 personnel of the program, all of whom may be employees of the  
18 commission or employees of an entity hired by or under contract  
19 with the commission or the Department of Labor to administer the  
20 program. The program shall not result in displacement of current  
21 employees or cause a reduction in current employees' hours or wages  
22 and shall be in compliance with applicable federal and state labor  
23 and education laws.

24 (5) The commission may coordinate with federal, state,  
25 and local programs that provide job training and placement services  
26 and education opportunities for participants after completing the  
27 program.

1 Sec. 4. The commission may adopt and promulgate rules and  
2 regulations to carry out the Nebraska Youth Conservation Program,  
3 which rules and regulations may include, but need not be limited  
4 to, the application process, the selection process, projects to  
5 which participants in the program shall be assigned, and any other  
6 matters the commission deems necessary.

7 Sec. 5. On or before December 1, 2012, the commission  
8 shall report to the Legislature on the Nebraska Youth Conservation  
9 Program. The report shall include, at a minimum, the number and  
10 ages of the participants, the areas in which they reside, the rate  
11 of compensation of participants, the number and type of projects in  
12 which participants engaged, the significance of those projects to  
13 the environment and the economy of the state, and any other matters  
14 the commission deems significant for inclusion in the report.

15 Sec. 6. The Nebraska Youth Conservation Program  
16 Fund is created. The fund shall consist of appropriations by  
17 the Legislature and any gifts, grants, bequests, and other  
18 contributions to the fund for purposes of the Nebraska Youth  
19 Conservation Program. The fund shall be used by the commission  
20 to carry out the program. Any money in the fund available for  
21 investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24 Sec. 7. Within five days after the effective date of this  
25 act, the State Treasurer shall transfer \$994,400 from the State  
26 Settlement Cash Fund to the Nebraska Youth Conservation Program  
27 Fund.

1 Sec. 8. Section 59-1608.04, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 59-1608.04 The State Settlement Cash Fund is created.  
4 The fund shall be maintained by the Department of Justice and  
5 administered by the Attorney General. Except as otherwise provided  
6 by law, the fund shall consist of all recoveries received pursuant

7 to the Consumer Protection Act, including any money, funds,  
 8 securities, or other things of value in the nature of civil  
 9 damages or other payment, except criminal penalties, whether such  
 10 recovery is by way of verdict, judgment, compromise, or settlement  
 11 in or out of court, or other final disposition of any case or  
 12 controversy, or any other payments received on behalf of the state  
 13 by the Department of Justice and administered by the Attorney  
 14 General for the benefit of the state or the general welfare of its  
 15 citizens, but excluding all funds held in a trust capacity where  
 16 specific benefits accrue to specific individuals, organizations, or  
 17 governments. ~~All money in the fund shall be subject to legislative  
 18 review and shall be appropriated and expended for any allowable  
 19 legal purposes as determined by the Legislature. The fund shall  
 20 only be appropriated to a separate and distinct budget program  
 21 and such appropriations shall only be expended from a separate  
 22 and distinct budget subprogram and shall not be commingled with  
 23 any other revenue or expenditure. Transfers may be made from  
 24 the fund to the General Fund and the State DNA Sample and Data  
 25 Base Fund at the direction of the Legislature. The fund may be  
 26 expended for any allowable legal purposes as determined by the  
 27 Attorney General.~~ To provide necessary financial accountability and  
 1 management oversight, revenue from individual settlement agreements  
 2 or other separate sources credited to the State Settlement Cash  
 3 Fund may be tracked and accounted for within the state accounting  
 4 system through the use of separate and distinct funds, subfunds, or  
 5 any other available accounting mechanism specifically approved by  
 6 the Accounting Administrator for use by the Department of Justice.  
 7 Any money in the fund available for investment shall be invested  
 8 by the state investment officer pursuant to the Nebraska Capital  
 9 Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 9. The Revisor of Statutes shall assign sections 1  
 11 to 6 of this act within Chapter 37, article 9.

12 Sec. 10. Original section 59-1608.04, Reissue Revised  
 13 Statutes of Nebraska, is repealed.

14 Sec. 11. Since an emergency exists, this act takes effect  
 15 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 382A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.



**VISITORS**

Visitors to the Chamber were 34 fourth-grade students from Wildewood Elementary, Ralston; 38 fourth-grade students and teachers from Seymour Elementary, Ralston; 3 tenth- through twelfth-grade students and teacher from Western Nebraska Community College - Upward Bound, Scottsbluff-Gering; 17 twelfth-grade students and teachers from Cedar Rapids; and 17 fourth-grade students and teachers from Walthill.

**RECESS**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Christensen, Conrad, McGill, and Nordquist who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Louden filed the following amendment to LB84:  
AM1228

(Amendments to AM1216)

1 1. Strike sections 6 and 7 and insert the following new  
2 sections:  
3 Sec. 6. Section 66-489, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-489 (1) At the time of filing the return required by  
6 section 66-488, such producer, supplier, distributor, wholesaler,  
7 or importer shall, in addition to the tax imposed pursuant  
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in  
9 addition to the other taxes provided for by law, pay a tax of  
10 ~~seven and one-half~~ twelve and one-half cents per gallon upon all  
11 motor fuels as shown by such return, except that there shall be  
12 no tax on the motor fuels reported if (a) the required taxes on  
13 the motor fuels have been paid, (b) the motor fuels have been sold  
14 to a licensed exporter exclusively for resale or use in another  
15 state, (c) the motor fuels have been sold from a Nebraska barge  
16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel  
17 facility, including motor fuels stored offsite in bulk, by a  
18 licensed producer or supplier to a licensed distributor, (d) the  
19 motor fuels have been sold by a licensed distributor or licensed  
20 importer to a licensed distributor or to a licensed wholesaler

21 and the seller acquired ownership of the motor fuels directly from  
22 a licensed producer or supplier at or from a refinery, barge,  
1 barge line, pipeline terminal, or ethanol or biodiesel facility,  
2 including motor fuels stored offsite in bulk, in this state or  
3 was the first importer of such fuel into this state, or (e)  
4 as otherwise provided in this section. Such producer, supplier,  
5 distributor, wholesaler, or importer shall remit such tax to the  
6 department.

7 (2) As part of filing the return required by section  
8 66-488, each producer of ethanol shall, in addition to other  
9 taxes imposed by the motor fuel laws, pay an excise tax of one  
10 and one-quarter cents per gallon through December 31, 2004, and  
11 commencing January 1, 2010, and two and one-half cents per gallon  
12 commencing January 1, 2005, through December 31, 2009, on natural  
13 gasoline purchased for use as a denaturant by the producer at  
14 an ethanol facility. All taxes, interest, and penalties collected  
15 under this subsection shall be remitted to the State Treasurer  
16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that  
17 commencing January 1, 2005, through December 31, 2009, one and  
18 one-quarter cents per gallon of such excise tax shall be credited  
19 to the Ethanol Production Incentive Cash Fund. For fiscal years  
20 2007-08 through 2011-12, if the total receipts from the excise  
21 tax authorized in this subsection and designated for deposit in  
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty  
23 thousand dollars, the State Treasurer shall deposit amounts in  
24 excess of five hundred fifty thousand dollars in the Ethanol  
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents  
27 or fuel expanders shall be exempt from the taxes imposed by this  
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and  
2 66-4,146, when the fuels are used for buses equipped to carry  
3 more than seven persons for hire and engaged entirely in the  
4 transportation of passengers for hire within municipalities or  
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry  
7 more than seven persons for hire and engaged entirely in the  
8 transportation of passengers for hire within municipalities, or  
9 within a radius of six miles thereof, in lieu of the excise tax  
10 provided for in this section, shall pay an equalization fee of a  
11 sum equal to twice the amount of the registration fee applicable to  
12 such vehicle under the laws of this state. Such equalization fee  
13 shall be paid in the same manner as the registration fee and be  
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as  
16 permitting motor fuels to be sold tax exempt. The department  
17 shall refund tax paid on motor fuels used in buses deemed exempt by  
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant  
20 by a producer at an ethanol facility as defined in section 66-1333

21 shall be exempt from the motor fuels tax imposed by subsection (1)  
22 of this section as well as the tax imposed pursuant to sections  
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered  
25 into between the State of Nebraska and the governing body of any  
26 federally recognized Indian tribe within the State of Nebraska,  
27 motor fuels purchased on a Nebraska Indian reservation where the  
1 purchaser is a Native American who resides on the reservation shall  
2 be exempt from the motor fuels tax imposed by this section as  
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,  
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States  
6 Government or its agencies shall be exempt from the motor fuels  
7 tax imposed by this section as well as the tax imposed pursuant to  
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on  
10 the motor fuels reported if (a) the diesel fuel has been indelibly  
11 dyed and chemically marked in accordance with regulations issued by  
12 the Secretary of the Treasury of the United States under 26 U.S.C.  
13 4082 or (b) the diesel fuel contains a concentration of sulphur  
14 in excess of five-hundredths percent by weight or fails to meet  
15 a cetane index minimum of forty and has been indelibly dyed in  
16 accordance with regulations promulgated by the Administrator of the  
17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~  
19 ~~846, this legislative bill~~ apply for tax periods beginning on and  
20 after ~~July 1, 2009.~~ January 1, 2012.

21 (9) The tax revenue from the increase in the tax rate  
22 provided by this legislative bill shall be remitted to the State  
23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise  
27 tax of ~~seven and one-half~~ twelve and one-half cents per gallon,  
1 increased by the amounts imposed or determined under sections  
2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all  
3 motor fuels used in this state and due the State of Nebraska under  
4 section 66-489. Users of motor fuels subject to taxation under  
5 this section shall be allowed the same exemptions, deductions,  
6 and rights of reimbursement as are authorized and permitted by  
7 Chapter 66, article 4, other than any commissions provided under  
8 such article. For purposes of this section and section 66-4,106,  
9 use shall mean the purchase or consumption of motor fuels in this  
10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~  
11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~  
12 ~~1, 2009.~~ January 1, 2012. The tax revenue from the increase in the  
13 tax rate provided by this legislative bill shall be remitted to the  
14 State Treasurer for credit to the State Highway Capital Improvement  
15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to  
19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of  
20 ~~seven and one-half~~ twelve and one-half cents per gallon or gallon  
21 equivalent is levied and imposed on all compressed fuel sold  
22 for use in registered motor vehicles. The changes made to this  
23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for  
24 tax periods beginning on and after ~~July 1, 2009.~~ January 1, 2012.  
25 The tax revenue from the increase in the tax rate provided by  
26 this legislative bill shall be remitted to the State Treasurer for  
27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on January 1, 2012.

2 Sec. 10. Original sections 66-489, 66-4,105, and

3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

### GENERAL FILE

**LEGISLATIVE BILL 449.** Title read. Considered.

Committee AM867, found on page 907, was considered.

Senator Nelson offered the following amendment to the committee amendment:

AM1213

(Amendments to Standing Committee amendments, AM867)

1 1. Insert the following new section:

2 Sec. 6. Section 32-617, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 32-617 (1) Petitions for nomination for partisan and  
5 nonpartisan offices shall conform to the requirements of section  
6 32-628. Petitions shall state the office to be filled and the name  
7 and address of the candidate. Petitions for partisan office shall  
8 also indicate the party affiliation of the candidate. A person  
9 registered with a political party as of March 1 in the year of the  
10 general election shall not be eligible for nomination by petition  
11 for a partisan office. Petitions shall be signed by registered  
12 voters residing in the district or political subdivision in which  
13 the officer is to be elected and shall be filed with the filing  
14 officer in the same manner as provided for candidate filing forms  
15 in section 32-607. Petition signers and petition circulators shall  
16 conform to the requirements of sections 32-629 and 32-630. No  
17 petition for nomination shall be filed unless there is attached  
18 thereto a receipt showing the payment of the filing fee required  
19 pursuant to section 32-608. Such petitions shall be filed by  
20 September 1 in the year of the general election.

21 (2) The filing officer shall verify the signatures  
22 according to section 32-631. Within three days after the signatures  
1 on a petition for nomination have been verified pursuant to such

2 section and the filing officer has determined that pursuant to  
 3 section 32-618 a sufficient number of registered voters signed  
 4 the petitions, the filing officer shall notify the candidate so  
 5 nominated by registered or certified mail, and the candidate shall,  
 6 within five days after the date of receiving such notification,  
 7 file with such officer his or her acceptance of the nomination or  
 8 his or her name will not be printed on the ballot.

9 (3) A candidate placed on the ballot by petition shall  
 10 be termed a candidate by petition. The words BY PETITION shall  
 11 be printed upon the ballot after the name of each candidate by  
 12 petition.

13 2. On page 1, line 13, strike beginning with "and"  
 14 through the second "to", show as stricken, and insert "or".

15 3. Renumber the remaining sections and correct the  
 16 repealer accordingly.

Senator Nelson withdrew his amendment.

The committee amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB84:  
 AM1229

(Amendments to AM1216)

1 1. Strike section 6 and insert the following new section:

2 Sec. 6. Section 77-4602, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 77-4602 (1) Within fifteen days after the end of each  
 5 month, the Tax Commissioner shall provide a public statement of  
 6 actual General Fund net receipts and a comparison of such actual  
 7 net receipts to the monthly estimate certified pursuant to section  
 8 77-4601.

9 (2) Within fifteen days after the end of each fiscal  
 10 year, the public statement shall also include a summary of actual  
 11 General Fund net receipts and estimated General Fund net receipts  
 12 for the fiscal year.

13 (3) If the actual General Fund net receipts for the  
 14 fiscal year as reported in subsection (2) of this section exceed  
 15 estimated receipts for the fiscal year, the Tax Commissioner shall  
 16 immediately certify to the director such excess amount. The State  
 17 Treasurer shall immediately transfer an amount equal to one-half of  
 18 such excess amount from the General Fund to the Cash Reserve Fund  
 19 and one-half of such excess amount from the General Fund to the  
 20 State Highway Capital Improvement Fund upon certification by the

21 director of such excess amount.

22 2. On page 1, line 17; and page 2, lines 6 and 11, strike  
1 "77-27,132" and insert "77-4602".

2 3. On page 3, line 22, strike "77-27,132" and insert  
3 "77-4602".

Senator Mello filed the following amendment to LB84:  
AM1230

(Amendments to AM1216)

1 1. Insert the following new sections:

2 Sec. 7. Sections 7 to 11 of this act shall be known and  
3 may be cited as the Property Tax Relief Act.

4 Sec. 8. The purpose of the Property Tax Relief Act is  
5 to provide property tax relief for property taxes levied against  
6 homesteads.

7 Sec. 9. For purposes of the Property Tax Relief Act,  
8 homestead has the same meaning as in section 77-3502.

9 Sec. 10. The Property Tax Relief Cash Fund is created.  
10 Any money in the fund available for investment shall be invested  
11 by the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 11. For tax year 2013 and each tax year thereafter,  
14 all homesteads in this state shall be assessed for taxation  
15 the same as other property, except that there shall be exempt  
16 from taxation of homesteads an amount equal to thirteen thousand  
17 dollars. For tax year 2013, an owner shall file an application  
18 for the homestead exemption provided in this section pursuant to  
19 section 77-3512. For tax year 2014 and subsequent tax years, if an  
20 owner has been granted the homestead exemption, no reapplication  
21 need be filed for succeeding years, in which case the county  
22 assessor shall determine whether the claimant qualifies for the  
1 homestead exemption in such succeeding years as though a claim  
2 were made. The provisions of sections 77-3501 to 77-3529 apply to  
3 the homestead exemption. Reimbursement to counties under section  
4 77-3523 for the homestead exemption shall be made from the Property  
5 Tax Relief Cash Fund.

6 2. On page 1, strike beginning with "The" in line 16  
7 through line 18.

8 3. On page 2, lines 6 and 10 and 11, strike "pursuant to  
9 section 77-27,132".

10 4. On page 3, line 14, before the first "of" insert  
11 "credit to the Property Tax Relief Cash Fund all"; and strike  
12 beginning with the comma in line 17 through "Fund" in line 19.

13 5. Renumber the remaining section accordingly.

Senator Mello filed the following amendment to LB84:  
AM1231

(Amendments to AM1216)

- 1 1. On page 1, strike beginning with "The" in line 16
- 2 through line 18.
- 3 2. On page 2, lines 6 and 10 and 11, strike "pursuant to
- 4 section 77-27,132".
- 5 3. On page 3, strike beginning with "one-quarter" in line
- 6 16 through "Fund" in line 19 and insert "four percent, credit such
- 7 amounts to the Tax Equity and Educational Opportunities Fund".

### GENERAL FILE

**LEGISLATIVE RESOLUTION 40CA.** Senator Council renewed the McGill amendment, AM1069, found on page 1034 and considered on page 1050, to the Pirsch amendment.

### SENATOR COASH PRESIDING

Senator McGill withdrew her amendment.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 382.** Placed on Select File with amendment.  
ER90

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through "for" in line 4 and insert "section 79-988.01,
- 3 Reissue Revised Statutes of Nebraska, and sections 79-958, 79-966,
- 4 79-9,113, and 81-2017, Revised Statutes Cumulative Supplement,
- 5 2010; to change contribution and deposit requirements for employees
- 6 and employers for school retirement systems and".

**LEGISLATIVE BILL 464.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 165.** Introduced by Schumacher, 22.

WHEREAS, Jerett Sueper, the son of Randy and Deb Sueper and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to

demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jerett has learned, been tested on, and been recognized for various scouting skills; and

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

WHEREAS, Jerett's community service project consisted of installing two benches at the Holy Family Cemetery; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jerett, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jerett Sueper on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jerett Sueper.

Laid over.

**LEGISLATIVE RESOLUTION 166.** Introduced by Schumacher, 22.

WHEREAS, Zach McPhillips, the son of Gene and Maureen McPhillips and a member of Troop 155, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Zach's community service project consisted of refurbishing the flag pole at the Humphrey Park and installing lights so that the flag could be flown at all times; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zach, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.



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

1. That the Legislature congratulates Zach McPhillips on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Zach McPhillips.

Laid over.

**LEGISLATIVE RESOLUTION 167.** Introduced by Schumacher, 22.

WHEREAS, Brandon Werner, the son of Gene and Sue Werner and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Brandon's community service project consisted of rebuilding the floor of the Lindsay Park gazebo; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brandon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brandon Werner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brandon Werner.

Laid over.

**LEGISLATIVE RESOLUTION 168.** Introduced by Schumacher, 22.

WHEREAS, Shawn Korth, the son of Gary and Jeanette Korth and a member of Troop 175, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to

demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Shawn has learned, been tested on, and been recognized for various scouting skills; and

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

WHEREAS, Shawn's community service project consisted of refinishing the monument in the St. Bernard Cemetery; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Shawn, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Shawn Korth on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Shawn Korth.

Laid over.

**LEGISLATIVE RESOLUTION 169.** Introduced by Heidemann, 1.

WHEREAS, Jack Munford, Jr., the son of Jack Sr. and Diana Munford of Falls City, Nebraska, and a member of Troop 396, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

WHEREAS, Jack is a member of the Tribe of Mic-O-Say, which is the honor camping society of Camp Geiger; and

WHEREAS, Jack's community service project consisted of a landscaping project at the First United Methodist Church in Falls City; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Munford Jr. on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jack Munford Jr.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 305A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundred Second Legislature, First Session, 2011.

### **AMENDMENT - Print in Journal**

Senator Conrad filed the following amendment to LB84:  
AM1236

(Amendments to AM1216)

1 1. Strike sections 6 and 7.

2 2. On page 1, strike beginning with "The" in line 16  
3 through line 18 and insert "It is the intent of the Legislature  
4 to appropriate up to sixty-five million dollars to the fund each  
5 fiscal year beginning with fiscal year 2013-14 and ending with  
6 fiscal year 2032-33.".

7 3. On page 2, lines 6 and 10 and 11, strike "pursuant to  
8 section 77-27,132".

### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 40CA.** Senator Council renewed her amendment, AM1095, found on page 1058, to the Pirsch amendment.

Senator Council withdrew her amendment.

Senator Council offered the following amendment to the Pirsch amendment:  
FA18

Amend AM886

On page 1, line 7, after the period insert "The citizens of Nebraska also have a fundamental right to eat cows, pigs, chickens and sheep."

Senator Council moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Council amendment lost with 5 ayes, 27 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Pirsch renewed his amendment, AM886, found on page 995 and considered on page 1034.

### **SPEAKER FLOOD PRESIDING**

The Pirsch amendment was adopted with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 6 nays, 6 present and not voting, and 5 excused and not voting.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 155, 156, 157, 158, 159, and 160 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 155, 156, 157, 158, 159, and 160.

### **VISITORS**

Visitors to the Chamber were members of Youth and Adults in Action from Nebraska City; Nancy McCabe from Omaha; 42 fourth-grade students, teachers, and sponsors from Bel Air Elementary, Norfolk; Lonnie and Eden Moore from Mead; 22 seventh- and eighth-grade students and teachers from Deshler Lutheran School, Deshler; and Bruce and Kveta Hanson from Stanton.

### **ADJOURNMENT**

At 4:38 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 19, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature