

SIXTY-SEVENTH DAY - APRIL 20, 2011

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION**

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 20, 2011

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Cook, Cornett, Karpisek, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

SELECT FILE

LEGISLATIVE BILL 84. Senator Conrad renewed her motion, MO32, found on page 1227 and considered on page 1240, to bracket until January 5, 2012.

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Conrad motion to bracket failed with 11 ayes, 28 nays, 6 present and not voting, and 4 excused and not voting.

Pending.

MOTION - Print in Journal

Senator Larson filed the following motion to LR121:
MO33
Withdraw resolution.

BILL ON FIRST READING

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

LEGISLATIVE BILL 575A. Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, One Hundred Second Legislature, First Session, 2011.

SELECT FILE

LEGISLATIVE BILL 84. Senator Nordquist offered the following amendment:

AM1268

(Amendments to AM1216)

- 1 1. On page 3, line 19, after the period insert "The total
- 2 amount credited to the two funds pursuant to this subdivision in
- 3 any fiscal year shall not exceed ten million dollars.".

SPEAKER FLOOD PRESIDING

Senator Fischer offered the following motion:

MO34

Invoke cloture pursuant to Rule 7, Section 10.

Senator Fischer moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Fischer requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 39:

Adams	Coash	Hansen	Larson	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Pahls	Utter
Carlson	Gloor	Krist	Pankonin	Wallman
Christensen	Hadley	Langemeier	Pirsch	

Voting in the negative, 9:

Conrad	Council	Howard	McGill	Nordquist
Cook	Haar, K.	Lathrop	Mello	

Excused and not voting, 1:

Wightman

The Fischer motion to invoke cloture prevailed with 39 ayes, 9 nays, and 1 excused and not voting.

Senator Nordquist requested a roll call vote on his amendment, AM1268, to the Fischer amendment.

Voting in the affirmative, 10:

Conrad	Council	Howard	McGill	Nordquist
Cook	Haar, K.	Lathrop	Mello	Wallman

Voting in the negative, 38:

Adams	Coash	Hansen	Larson	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Pahls	Utter
Carlson	Gloor	Krist	Pankonin	
Christensen	Hadley	Langemeier	Pirsch	

Excused and not voting, 1:

Wightman

The Nordquist amendment lost with 10 ayes, 38 nays, and 1 excused and not voting.

Senator Fischer requested a roll call vote on her amendment, AM1216.

Voting in the affirmative, 39:

Adams	Coash	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Nelson	Sullivan
Carlson	Gloor	Krist	Pahls	Utter
Christensen	Hadley	Langemeier	Pankonin	

Voting in the negative, 9:

Conrad	Council	Howard	Mello	Wallman
Cook	Haar, K.	Louden	Nordquist	

Excused and not voting, 1:

Wightman

The Fischer amendment was adopted with 39 ayes, 9 nays, and 1 excused and not voting.

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

Voting in the affirmative, 36:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Cornett	Harr, B.	McCoy	Smith
Avery	Fischer	Heidemann	Nelson	Sullivan
Bloomfield	Flood	Janssen	Pahls	Utter
Brasch	Fulton	Karpisek	Pankonin	
Campbell	Gloor	Krist	Pirsch	
Carlson	Hadley	Langemeier	Price	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 12:

Conrad	Dubas	Lathrop	Mello
Cook	Haar, K.	Louden	Nordquist
Council	Howard	McGill	Wallman

Excused and not voting, 1:

Wightman

Advanced to Enrollment and Review for Engrossment with 36 ayes, 12 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 177. ER83, found on page 1128, was adopted.

Senator Campbell withdrew her amendment, AM1124, found on page 1133.

Senator Campbell renewed her amendment, AM1215, found on page 1206.

The Campbell amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 54. Senator Mello renewed his amendment, AM1187, found on page 1192.

The Mello amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 637. ER85, found on page 1131, was adopted.

Senator Adams renewed his amendment, AM1191, found on page 1196.

The Adams amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 637A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 648. Senator Christensen withdrew his amendments, AM1164 and AM1165, found on pages 1178 and 1179.

Senator Christensen renewed his amendment, AM1201, found on page 1195.

SENATOR GLOOR PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB84:
AM1273

(Amendments to AM1216)

- 1 1. On page 3, line 19, after the period insert "The total
- 2 amount credited to the two funds pursuant to this subdivision in
- 3 any fiscal year shall not exceed fifteen million dollars.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB575. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group of constituents from Seward; 44 fourth-grade students and teachers from Hayward Elementary, Nebraska City; Senator Utter's daughter-in-law, granddaughters, and daughter, Ann Utter, from West Point, Rachel Utter from Omaha, and Chloe and Denise Ott from Leavenworth, Kansas; 48 fourth-grade students, teachers, and sponsors from Central City; Senator Carlson's wife, Margo Carlson, and Janet Greenquist, Pam Sandy, and Connie Dahlin from Holdrege and Cheryl Porter from Omaha; 60 fourth-grade students from Wayne; Senator Hadley's wife, Marilyn Hadley, from Kearney and Kay Horner and Jo Erickson from Lincoln; Senator Sullivan's daughter and granddaughter, Mollie and Clara Morrow, from Omaha; and Senator Smith's wife, Ruth Smith, from Papillion and Cindy Rupp and Sue Magee from Omaha.

RECESS

At 11:45 a.m., on a motion by Senator Howard, 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 Lautenbaugh and Wightman who were excused; and Senator Bloomfield who was excused until he arrives.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,297 and 60-6,298, Reissue Revised Statutes of Nebraska; to provide and change exceptions to vehicle limits for towing disabled or wrecked vehicles; to provide liability and operation requirements; to define terms; to change provisions relating to oversize vehicle permits; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB70 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 70. With Emergency Clause.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5502, 44-5503, 44-5504, 44-5505, 44-5506, 44-5508, 44-5510, 44-5511, and 44-5515, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide an exemption for commercial purchasers; to change provisions relating to licensure, records, annual statements, tax payments, solvency requirements, and nonadmitted insurers; to harmonize provisions; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB112 with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 112. With Emergency Clause.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-302, 75-303, and 75-311, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide exemptions from regulation for certain transportation service providers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 156.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change annual emission fee 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

LEGISLATIVE BILL 204.

A BILL FOR AN ACT relating to children; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and section 79-217, Revised Statutes Cumulative Supplement, 2010; to define terms; to require blood-lead testing prior to school enrollment; to provide for exceptions; to provide duties for the Department of Health and Human Services regarding blood-lead testing and notification of parents; 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, 30:

Adams	Christensen	Dubas	Krist	Nordquist
Ashford	Coash	Gloor	Lathrop	Pahls
Avery	Conrad	Haar, K.	Louden	Price
Brasch	Cook	Harms	McCoy	Schumacher
Campbell	Cornett	Harr, B.	McGill	Smith
Carlson	Council	Howard	Mello	Sullivan

Voting in the negative, 12:

Fischer	Hansen	Karpisek	Pankonin
Flood	Heidemann	Langemeier	Utter
Fulton	Janssen	Nelson	Wallman

Present and not voting, 4:

Hadley	Larson	Pirsch	Schilz
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Excused and not voting, 3:

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

LEGISLATIVE BILL 204A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 39:

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

Voting in the negative, 2:

Nelson Pankonin

Present and not voting, 5:

Hansen Harms Janssen Louden Utter

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB235 with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 235. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-413, 79-536, 79-1008.02, 79-1009, 79-1015.01, 79-1025, and 79-1029, Reissue Revised Statutes of Nebraska, sections 77-3446, 79-1003.01, 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.16, 79-1007.18, 79-1017.01, 79-1018.01, 79-1028.01, 79-1030, and 79-1103, Revised Statutes Cumulative Supplement, 2010, and sections 79-1001, 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative Supplement, 2010, as amended by sections 1, 2, 5, and 8, respectively, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011; to change and eliminate provisions relating to summer school and summer sessions and state aid to schools; to

harmonize provisions; to repeal the original sections; to outright repeal sections 79-1005.02, 79-1007.01, 79-1007.02, 79-1010, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes of Nebraska, sections 79-1007.19 and 79-1007.24, Revised Statutes Cumulative Supplement, 2010, and section 79-1026.01, Revised Statutes Cumulative Supplement, 2010, as amended by section 9, Legislative Bill 18, One Hundred Second Legislature, First Session, 2011; 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, 41:

Adams	Cornett	Harms	Lathrop	Schumacher
Ashford	Council	Harr, B.	Louden	Smith
Avery	Dubas	Heidemann	McCoy	Sullivan
Brasch	Fischer	Howard	Nelson	Utter
Campbell	Flood	Janssen	Pahls	Wallman
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Krist	Pirsch	
Coash	Haar, K.	Langemeier	Price	
Cook	Hansen	Larson	Schilz	

Voting in the negative, 2:

Conrad Hadley

Present and not voting, 3:

McGill Mello Nordquist

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 255.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 74-1313, 75-401, and 75-426, Reissue Revised Statutes of Nebraska; to eliminate certain duties of the Public Service Commission relating to railroads; 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, 23:

Adams	Carlson	Flood	Langemeier	Schumacher
Ashford	Christensen	Fulton	Larson	Smith
Avery	Coash	Hadley	McCoy	Utter
Brasch	Cornett	Heidemann	Price	
Campbell	Fischer	Janssen	Schilz	

Voting in the negative, 19:

Conrad	Haar, K.	Karpisek	Mello	Pirsch
Cook	Hansen	Lathrop	Nordquist	Sullivan
Dubas	Harms	Louden	Pahls	Wallman
Gloor	Howard	McGill	Pankonin	

Present and not voting, 4:

Council	Harr, B.	Krist	Nelson
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Excused and not voting, 3:

Bloomfield	Lautenbaugh	Wightman
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 279.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-169.01, Reissue Revised Statutes of Nebraska; to change provisions regarding an interest in licensed wholesalers; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

MOTION - Return LB283 to Select File

Senator Cornett moved to return LB283 to Select File for the following specific amendment:

AM1272

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Section 1. Section 77-3442, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 77-3442 (1) Property tax levies for the support of local
- 5 governments for fiscal years beginning on or after July 1, 1998,
- 6 shall be limited to the amounts set forth in this section except as
- 7 provided in section 77-3444.
- 8 (2)(a) Except as provided in subdivision (2)(e) of this
- 9 section, school districts and multiple-district school systems,
- 10 except learning communities and school districts that are members
- 11 of learning communities, may levy a maximum levy of one dollar and
- 12 five cents per one hundred dollars of taxable valuation of property
- 13 subject to the levy.
- 14 (b) For each fiscal year, learning communities may levy
- 15 a maximum levy for the general fund budgets of member school
- 16 districts of ninety-five cents per one hundred dollars of taxable
- 17 valuation of property subject to the levy. The proceeds from the
- 18 levy pursuant to this subdivision shall be distributed pursuant to
- 19 section 79-1073.
- 20 (c) Except as provided in subdivision (2)(e) of this
- 21 section, for each fiscal year, school districts that are members
- 22 of learning communities may levy for purposes of such districts'
- 1 general fund budget and special building funds a maximum combined

2 levy of the difference of one dollar and five cents on each one
3 hundred dollars of taxable property subject to the levy minus
4 the learning community levies pursuant to subdivisions (2)(b) and
5 (2)(g) of this section for such learning community.

6 (d) Excluded from the limitations in subdivisions (2)(a)
7 and (2)(c) of this section are amounts levied to pay for
8 sums agreed to be paid by a school district to certificated
9 employees in exchange for a voluntary termination of employment
10 and amounts levied to pay for special building funds and sinking
11 funds established for projects commenced prior to April 1, 1996,
12 for construction, expansion, or alteration of school district
13 buildings. For purposes of this subsection, commenced means any
14 action taken by the school board on the record which commits
15 the board to expend district funds in planning, constructing, or
16 carrying out the project.

17 (e) Federal aid school districts may exceed the maximum
18 levy prescribed by subdivision (2)(a) or (2)(c) of this section
19 only to the extent necessary to qualify to receive federal aid
20 pursuant to Title VIII of Public Law 103-382, as such title existed
21 on September 1, 2001. For purposes of this subdivision, federal
22 aid school district means any school district which receives ten
23 percent or more of the revenue for its general fund budget from
24 federal government sources pursuant to Title VIII of Public Law
25 103-382, as such title existed on September 1, 2001.

26 (f) For school fiscal year 2002-03 through school fiscal
27 year 2007-08, school districts and multiple-district school systems
1 may, upon a three-fourths majority vote of the school board of
2 the school district, the board of the unified system, or the
3 school board of the high school district of the multiple-district
4 school system that is not a unified system, exceed the maximum
5 levy prescribed by subdivision (2)(a) of this section in an amount
6 equal to the net difference between the amount of state aid that
7 would have been provided under the Tax Equity and Educational
8 Opportunities Support Act without the temporary aid adjustment
9 factor as defined in section 79-1003 for the ensuing school fiscal
10 year for the school district or multiple-district school system
11 and the amount provided with the temporary aid adjustment factor.
12 The State Department of Education shall certify to the school
13 districts and multiple-district school systems the amount by which
14 the maximum levy may be exceeded for the next school fiscal year
15 pursuant to this subdivision (f) of this subsection on or before
16 February 15 for school fiscal years 2004-05 through 2007-08.

17 (g) For each fiscal year, learning communities may levy a
18 maximum levy of two cents on each one hundred dollars of taxable
19 property subject to the levy for special building funds for member
20 school districts. The proceeds from the levy pursuant to this
21 subdivision shall be distributed pursuant to section 79-1073.01.

22 (h) For each fiscal year, learning communities may levy
23 a maximum levy of two cents on each one hundred dollars of

24 taxable property subject to the levy for elementary learning center
25 facility leases, for remodeling of leased elementary learning
26 center facilities, and for up to fifty percent of the estimated
27 cost for focus school or program capital projects approved by
1 the learning community coordinating council pursuant to section
2 79-2111.

3 (i) For each fiscal year, learning communities may levy
4 a maximum levy of one cent on each one hundred dollars of
5 taxable property subject to the levy for elementary learning center
6 employees, for contracts with other entities or individuals who
7 are not employees of the learning community for elementary learning
8 center programs and services, and for pilot projects, except that
9 no more than ten percent of such levy may be used for elementary
10 learning center employees.

11 (3)(a) For fiscal years prior to fiscal year 2010-11,
12 community colleges may levy a maximum levy calculated pursuant to
13 the Community College Foundation and Equalization Aid Act on each
14 one hundred dollars of taxable property subject to the levy.

15 (b) For fiscal year 2010-11 and each fiscal year
16 thereafter, in lieu of the calculation of a maximum levy
17 for operating expenditures pursuant to the Community College
18 Foundation and Equalization Aid Act, community colleges may levy a
19 maximum of ten and one-quarter cents per one hundred dollars of
20 taxable valuation of property subject to the levy for operating
21 expenditures and may also levy the additional levies provided in
22 subsection (2) of section 85-1517.

23 (4)(a) Natural resources districts may levy a maximum
24 levy of four and one-half cents per one hundred dollars of taxable
25 valuation of property subject to the levy.

26 (b) Natural resources districts shall also have the power
27 and authority to levy a tax equal to the dollar amount by which
1 their restricted funds budgeted to administer and implement ground
2 water management activities and integrated management activities
3 under the Nebraska Ground Water Management and Protection Act
4 exceed their restricted funds budgeted to administer and implement
5 ground water management activities and integrated management
6 activities for FY2003-04, not to exceed one cent on each one
7 hundred dollars of taxable valuation annually on all of the taxable
8 property within the district.

9 (c) In addition, natural resources districts located in
10 a river basin, subbasin, or reach that has been determined to
11 be fully appropriated pursuant to section 46-714 or designated
12 as overappropriated pursuant to section 46-713 by the Department
13 of Natural Resources shall also have the power and authority to
14 levy a tax equal to the dollar amount by which their restricted
15 funds budgeted to administer and implement ground water management
16 activities and integrated management activities under the Nebraska
17 Ground Water Management and Protection Act exceed their restricted
18 funds budgeted to administer and implement ground water management

19 activities and integrated management activities for FY2005-06, not
20 to exceed three cents on each one hundred dollars of taxable
21 valuation on all of the taxable property within the district for
22 fiscal year 2006-07 and each fiscal year thereafter through fiscal
23 year 2011-12.

24 (5) Any educational service unit authorized to levy a
25 property tax pursuant to section 79-1225 may levy a maximum levy of
26 one and one-half cents per one hundred dollars of taxable valuation
27 of property subject to the levy.

1 (6)(a) Incorporated cities and villages which are not
2 within the boundaries of a municipal county may levy a maximum levy
3 of forty-five cents per one hundred dollars of taxable valuation
4 of property subject to the levy plus an additional five cents per
5 one hundred dollars of taxable valuation to provide financing for
6 the municipality's share of revenue required under an agreement
7 or agreements executed pursuant to the Interlocal Cooperation Act
8 or the Joint Public Agency Act. The maximum levy shall include
9 amounts levied to pay for sums to support a library pursuant
10 to section 51-201, museum pursuant to section 51-501, visiting
11 community nurse, home health nurse, or home health agency pursuant
12 to section 71-1637, or statue, memorial, or monument pursuant to
13 section 80-202.

14 (b) Incorporated cities and villages which are within the
15 boundaries of a municipal county may levy a maximum levy of ninety
16 cents per one hundred dollars of taxable valuation of property
17 subject to the levy. The maximum levy shall include amounts paid
18 to a municipal county for county services, amounts levied to pay
19 for sums to support a library pursuant to section 51-201, a museum
20 pursuant to section 51-501, a visiting community nurse, home health
21 nurse, or home health agency pursuant to section 71-1637, or a
22 statue, memorial, or monument pursuant to section 80-202.

23 (7) Sanitary and improvement districts which have been in
24 existence for more than five years may levy a maximum levy of forty
25 cents per one hundred dollars of taxable valuation of property
26 subject to the levy, and sanitary and improvement districts which
27 have been in existence for five years or less shall not have
1 a maximum levy. Unconsolidated sanitary and improvement districts
2 which have been in existence for more than five years and are
3 located in a municipal county may levy a maximum of eighty-five
4 cents per hundred dollars of taxable valuation of property subject
5 to the levy.

6 (8) Counties may levy or authorize a maximum levy of
7 fifty cents per one hundred dollars of taxable valuation of
8 property subject to the levy, except that five cents per one
9 hundred dollars of taxable valuation of property subject to the
10 levy may only be levied to provide financing for the county's
11 share of revenue required under an agreement or agreements executed
12 pursuant to the Interlocal Cooperation Act or the Joint Public
13 Agency Act. The maximum levy shall include amounts levied to pay

14 for sums to support a library pursuant to section 51-201 or museum
15 pursuant to section 51-501. The county may allocate up to fifteen
16 cents of its authority to other political subdivisions subject
17 to allocation of property tax authority under subsection (1) of
18 section 77-3443 and not specifically covered in this section to
19 levy taxes as authorized by law which do not collectively exceed
20 fifteen cents per one hundred dollars of taxable valuation on any
21 parcel or item of taxable property. The county may allocate to
22 one or more other political subdivisions subject to allocation
23 of property tax authority by the county under subsection (1) of
24 section 77-3443 some or all of the county's five cents per one
25 hundred dollars of valuation authorized for support of an agreement
26 or agreements to be levied by the political subdivision for the
purpose of supporting that political subdivision's share of revenue
required under an agreement or agreements executed pursuant to the
Interlocal Cooperation Act or the Joint Public Agency Act. If an
allocation by a county would cause another county to exceed its
levy authority under this section, the second county may exceed
the levy authority in order to levy the amount allocated. Property
tax levies for costs of reassumption of the assessment function
pursuant to section 77-1340 or 77-1340.04 are not included in the
levy limits established in this subsection for fiscal years 2010-11
through 2013-14.

10 (9) Municipal counties may levy or authorize a maximum
11 levy of one dollar per one hundred dollars of taxable valuation
12 of property subject to the levy. The municipal county may allocate
13 levy authority to any political subdivision or entity subject to
14 allocation under section 77-3443.

15 (10) Property tax levies (a) for judgments, except
16 judgments or orders from the Commission of Industrial Relations,
17 obtained against a political subdivision which require or obligate
18 a political subdivision to pay such judgment, to the extent such
19 judgment is not paid by liability insurance coverage of a political
20 subdivision, (b) for preexisting lease-purchase contracts approved
21 prior to July 1, 1998, (c) for ~~bonded indebtedness bonds as~~
22 defined in section 10-134 approved according to law and secured
23 by a levy on property except as provided in section 44-4317 for
24 bonded indebtedness issued by educational service units and school
25 districts, and (d) for payments by a public airport to retire
26 interest-free loans from the Department of Aeronautics in lieu of
bonded indebtedness at a lower cost to the public airport are not
included in the levy limits established by this section.

2 (11) The limitations on tax levies provided in this
3 section are to include all other general or special levies
4 provided by law. Notwithstanding other provisions of law, the
5 only exceptions to the limits in this section are those provided by
6 or authorized by sections 77-3442 to 77-3444.

- 7 (12) Tax levies in excess of the limitations in this
 8 section shall be considered unauthorized levies under section
 9 77-1606 unless approved under section 77-3444.
- 10 (13) For purposes of sections 77-3442 to 77-3444,
 11 political subdivision means a political subdivision of this state
 12 and a county agricultural society.
- 13 (14) For school districts that file a binding resolution
 14 on or before May 9, 2008, with the county assessors, county clerks,
 15 and county treasurers for all counties in which the school district
 16 has territory pursuant to subsection (7) of section 79-458, if the
 17 combined levies, except levies for bonded indebtedness approved by
 18 the voters of the school district and levies for the refinancing
 19 of such bonded indebtedness, are in excess of the greater of (a)
 20 one dollar and twenty cents per one hundred dollars of taxable
 21 valuation of property subject to the levy or (b) the maximum
 22 levy authorized by a vote pursuant to section 77-3444, all school
 23 district levies, except levies for bonded indebtedness approved by
 24 the voters of the school district and levies for the refinancing of
 25 such bonded indebtedness, shall be considered unauthorized levies
 26 under section 77-1606.
- 27 2. On page 1, strike beginning with "schools" in line 1
 1 through line 5 and insert "revenue and taxation; to amend sections
 2 77-3442 and 79-10,110, Revised Statutes Cumulative Supplement,
 3 2010; to change provisions relating to property tax levy limits;
 4 to provide school boards with tax levy and bond authority relating
 5 to energy efficiency projects as prescribed; and to repeal the
 6 original sections."
- 7 3. Renumber the remaining sections and correct the
 8 repealer accordingly.

The Cornett motion to return prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 283. The Cornett specific amendment, AM1272, found in this day's Journal, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILL 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 LB297 with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 297.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2707, and 13-2710, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-2704, 13-2705, 13-3108, and 77-5601, Revised Statutes Cumulative Supplement, 2010; to rename the act and a fund; to define and redefine terms; to provide funding for community centers; to change limits on grant requests; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 35, 70, 112, 156, 204, 204A, 235, 279, and 297.

PRESIDENT SHEEHY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 337. With Emergency Clause.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-362, 39-2204, 60-1409, 66-738, 72-1255, and 77-2608, Reissue Revised Statutes of Nebraska; to change timeframes for certain audits; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 366.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Board; to amend sections 81-15,175 and 84-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to subcommittee recommendations; to provide for applicability of the Open Meetings Act; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

LEGISLATIVE BILL 385. With Emergency Clause.

A BILL FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1012, 66-1014, 66-1015, and 66-1016, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the Energy Conservation Improvement Fund, matching funds, and eligible energy conservation grants; to state intent regarding funding; to provide a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB388 with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 388.

A BILL FOR AN ACT relating to economic development; to amend sections 58-702, 58-703, 58-706, 58-708, and 76-903, Reissue Revised Statutes of Nebraska; to adopt the Site and Building Development Act; to create funds; to provide for assistance to political subdivisions; to provide funding; to authorize uses of the Affordable Housing Trust Fund; to provide for recapture of unused allocated funds; to provide for transfers; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 388A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB407 with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 407.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-110, 53-123.12, 53-124.12, 53-131, 53-133, and 53-177, Reissue Revised Statutes of Nebraska; to authorize employment by staff of the Nebraska Liquor Control Commission as prescribed; to provide

for mailing and electronic delivery of certain notices as prescribed; to provide for a waiver of restrictions on sales of alcoholic liquor near a campus of a college or university; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB431 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 431. With Emergency Clause.

A BILL FOR AN ACT relating to health care; to amend sections 28-435.01, 38-1,126, 38-1,127, 71-6736, and 71-7460.02, Reissue Revised Statutes of Nebraska; to adopt the Health Care Quality Improvement Act; to eliminate provisions relating to peer review committees; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-2046, 71-2047, 71-2048, 71-7901, 71-7902, and 71-7903, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB477 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1401, 60-1420, 60-1424, 60-1425, 60-1427, 60-1429, 60-1436, 60-1437, 60-1438, and 60-1438.01, Reissue Revised Statutes of Nebraska; to change provisions relating to manufacturers, distributors, and motor vehicle dealers; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to public health and safety; to amend section 29-4306, Reissue Revised Statutes of Nebraska; to authorize a person eighteen years of age to give consent to evidence collection and examination and treatment in cases of sexual assault and domestic violence; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-602, 32-617, 32-632, 32-941, and 32-942, Reissue Revised Statutes of Nebraska, and section 32-939, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to filing for office, petitions for nomination, registration to vote, and voting; 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	Cook	Hansen	Larson	Pankonin
Ashford	Cornett	Harms	Lathrop	Pirsch
Avery	Council	Harr, B.	Louden	Price
Brasch	Dubas	Heidemann	McCoy	Schilz
Campbell	Fischer	Howard	McGill	Schumacher
Carlson	Fulton	Janssen	Mello	Smith
Christensen	Gloor	Karpisek	Nelson	Sullivan
Coash	Haar, K.	Krist	Nordquist	Utter
Conrad	Hadley	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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 LB512 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 512.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2402, 69-2409.01, 71-901, and 71-903, Reissue Revised Statutes of Nebraska, and sections 28-1204.04 and 69-2433, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to unlawful possession of firearms at a school; to change provisions relating to mental health determinations for purposes of possessing and purchasing of handguns and concealed handgun permit applications; to change concealed handgun permit requirements relating to residency; to provide procedures for the removal of adverse mental health determinations; to define terms; to harmonize provisions; to provide an operative date; 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	Harr, B.	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Avery	Fischer	Howard	McGill	Schumacher
Brasch	Fulton	Janssen	Mello	Smith
Campbell	Gloor	Karpisek	Nelson	Sullivan
Carlson	Haar, K.	Krist	Nordquist	Utter
Christensen	Hadley	Langemeier	Pahls	Wallman
Coash	Hansen	Larson	Pankonin	
Conrad	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Cook	Council	Flood
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Excused and not voting, 3:

Bloomfield	Lautenbaugh	Wightman
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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 524.

A BILL FOR AN ACT relating to gift enterprises; to amend section 9-701, Reissue Revised Statutes of Nebraska; to define and authorize a savings

promotion raffle; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 3:

Bloomfield Lautenbaugh Wightman

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

MOTION - Return LB544 to Select File

Senator Coash moved to return LB544 to Select File for his specific amendment, FA12, found on page 1000.

Senator Coash withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 544.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to civics education; 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	Hansen	Louden	Price
Ashford	Council	Harms	McCoy	Schumacher
Avery	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	
Conrad	Haar, K.	Larson	Pankonin	
Cook	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Coash	Schilz
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Excused and not voting, 5:

Bloomfield	Harr, B.	Krist	Lautenbaugh	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 558.

A BILL FOR AN ACT relating to schools; to amend section 79-769, Reissue Revised Statutes of Nebraska; to change provisions relating to focus schools, focus programs, and magnet schools; 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	Cook	Harms	McCoy	Schilz
Ashford	Cornett	Harr, B.	McGill	Schumacher
Avery	Council	Howard	Mello	Smith
Brasch	Dubas	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Nordquist	Utter
Carlson	Gloor	Langemeier	Pahls	Wallman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Louden	Price	

Voting in the negative, 0.

Present and not voting, 3:

Fischer Flood Heidemann

Excused and not voting, 4:

Bloomfield Krist Lautenbaugh Wightman

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 LB600 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 600. With Emergency Clause.

A BILL FOR AN ACT relating to health care facilities; to adopt the Nursing Facility Quality Assurance Assessment Act; to provide an operative date; 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, 44:

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

Voting in the negative, 1:

Heidemann

Excused and not voting, 4:

Bloomfield Krist Lautenbaugh Wightman

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 600A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, One Hundred Second Legislature, First Session, 2011; 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	Cook	Hadley	Larson	Pankonin
Ashford	Cornett	Hansen	Lathrop	Pirsch
Avery	Council	Harms	Louden	Price
Brasch	Dubas	Harr, B.	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Schumacher
Carlson	Flood	Howard	Mello	Smith
Christensen	Fulton	Janssen	Nelson	Sullivan
Coash	Gloor	Karpisek	Nordquist	Utter
Conrad	Haar, K.	Langemeier	Pahls	Wallman

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield Krist Lautenbaugh Wightman

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 337, 366, 385, 388, 388A, 407, 431, 477, 479, 499, 512, 524, 544, 558, 600, and 600A.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 161 and 162 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 161 and 162.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Monday, May 9, 2011 1:00 p.m.

Bryan Tuma - Nebraska Liquor Control Commission

(Signed) Russ Karpisek, Chairperson

AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB386:
AM1258

(Amendments to Standing Committee amendments, AM314)

- 1 1. Insert the following new amendments:
- 2 2. On page 3, line 20, strike "and" and insert an
- 3 underscored comma; and strike line 21 and insert "than five job
- 4 training grants at any one location in any twelve-month period, and
- 5 shall not be awarded more than ten job training grants total in any
- 6 twelve-month period".
- 7 3. On page 5, line 20, strike "July" and insert "June".
- 8 2. On page 1, line 3, after the semicolon insert "strike
- 9 lines 10 through 12 and insert:
- 10 "(3) Eligible company has the same meaning as qualified
- 11 business in subsection (1) of section 77-5715;";".

Senator Council filed the following amendment to LB200:
AM1270

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Sections 1 to 6 of this act shall be known and
- 4 may be cited as the Nebraska Healthy Food Financing Initiative Act.
- 5 Sec. 2. (1) The Legislature finds that:
- 6 (a) Access to healthy foods is a basic human necessity.
- 7 When fresh fruits and vegetables and other healthy foods are not
- 8 easily available or affordable, people, particularly low-income
- 9 families, children, the elderly, and other at-risk populations,
- 10 face serious barriers to eating a healthy diet. Research indicates

11 that residents of low-income, minority, and rural communities are
12 most often affected by poor access to supermarkets and other
13 retailers offering healthy food choices. Lack of access to healthy,
14 affordable food items contributes to the increased prevalence of
15 obesity and other diet-related diseases which ultimately impose
16 substantial societal costs, including increased public costs in
17 providing health services; and

18 (b) It is in the interest of the welfare of the state
19 and its citizens to pursue opportunities for increasing access
20 in underserved communities to retail grocers, urban and rural
21 farm stands, farmers markets, food consumer cooperatives, community
22 gardens, and direct farmer-to-consumer and institution marketing
23 systems.

1 (2) It is the intent of the Legislature to stimulate
2 financing for grocery retail and other sources of healthy food for
3 underserved communities in Nebraska, in both urban and rural areas;
4 to increase access to healthy, affordable food so as to improve
5 diets and health; to support expanded economic opportunities in
6 low-income and rural communities; and to provide expanded markets
7 for Nebraska-grown farm products.

8 Sec. 3. For purposes of the Nebraska Healthy Food
9 Financing Initiative Act, underserved community means a geographic
10 area that has limited access to healthy food retailers and is
11 located in a lower-income or high-poverty area or an area that
12 is otherwise determined to have serious healthy food access
13 limitations.

14 Sec. 4. (1) To the extent that funds are available and in
15 consultation with the Department of Agriculture and the Department
16 of Health and Human Services, the Rural Development Commission
17 shall establish a financing program involving both the public and
18 private sectors to increase access to fresh fruits and vegetables
19 and other nutritional foodstuffs in underserved communities.

20 (2) The commission shall contract with one or more
21 entities certified as a community development entity for
22 purposes of 26 U.S.C. 45D of the Internal Revenue Code to
23 develop and administer the financing program described in
24 this section, raise matching funds, acquire private investment
25 capital, market the program statewide, evaluate applicants, make
26 award decisions, underwrite loans made in participation with a
27 financial institution, and monitor compliance and impact. Any
1 funds administered by a community development entity under the
2 Nebraska Healthy Food Financing Initiative Act that are recovered
3 as loan repayments or in any other manner may be utilized by the
4 community development entity to provide financial assistance to
5 other eligible projects subject to the approval of the commission.

6 (3)(a) Such financing programs shall provide funding on
7 a competitive, one-time basis as appropriate for the following
8 eligible projects:

9 (i) New construction of retail grocery structures;

- 10 (ii) Grocery store renovations, expansion, and
11 infrastructure upgrades;
- 12 (iii) Establishment of farmers markets, food
13 cooperatives, community gardening projects, mobile markets
14 and delivery projects, and distribution projects that enable food
15 retailers in underserved communities to regularly obtain fresh
16 produce; and
- 17 (iv) Other projects that create or improve healthy food
18 outlets that meet the intent of the Nebraska Healthy Food Financing
19 Initiative Act.
- 20 (b) Funding made available for projects included in
21 subdivision (a) of this subsection may be used for:
- 22 (i) Site acquisition and preparation;
23 (ii) Construction costs;
24 (iii) Equipment and furnishings;
25 (iv) Workforce training;
26 (v) Security;
27 (vi) Certain predevelopment costs such as market studies
1 and appraisals;
2 (vii) Working capital for first-time inventory and
3 start-up costs; and
4 (viii) Other costs for eligible projects.
- 5 (c) In order to be considered for funding, an applicant
6 shall meet the following criteria:
- 7 (i) The project for which the applicant seeks funding
8 shall benefit an underserved community;
9 (ii) The applicant shall demonstrate a meaningful
10 commitment to provide regular offerings of fresh fruits and
11 vegetables; and
12 (iii) If applicable, the applicant shall accept
13 Supplemental Nutrition Assistance Program and Special Supplemental
14 Nutrition Program for Women, Infants, and Children benefits. For
15 households in underserved communities that are not eligible to
16 accept such benefits, the applicant shall demonstrate a meaningful
17 commitment to make healthy food affordable to such low-income
18 households in underserved communities.
- 19 (d) Applicants shall be evaluated on the following
20 criteria to determine the funding awarded:
- 21 (i) Demonstrated capacity to successfully implement the
22 project, including the applicant's relevant experience and the
23 likelihood that the project will be economically self-sustaining;
24 (ii) The ability of the applicant to repay debt;
25 (iii) The degree to which the project requires an
26 investment of public funding to move forward, create impact,
27 or be competitive and the level of need in the area to be served;
1 (iv) The degree to which the project will provide
2 new markets for Nebraska-grown fruits and vegetables and other
3 Nebraska-grown food items;

4 (v) The degree to which the project will have a positive
 5 economic impact on the underserved community, including creating or
 6 retaining jobs for local residents; and

7 (vi) Other criteria the commission determines to be
 8 consistent with the purposes of the act.

9 Sec. 5. The Nebraska Healthy Food Financing Initiative
 10 Cash Fund is created. The State Treasurer shall credit to the
 11 fund any money appropriated to the fund by the Legislature and any
 12 money received as gifts or grants or other public or private funds
 13 obtained for the purposes of the Nebraska Healthy Food Financing
 14 Initiative Act. The fund may be used to carry out the purposes
 15 of the act and, to the extent practicable, to leverage other
 16 funding, including, but not limited to, new markets tax credits,
 17 federal and foundation grant programs, incentives available to
 18 designated enterprise zones, operator equity, and funding from
 19 private sector financial institutions pursuant to the federal
 20 Community Reinvestment Act of 1977, 12 U.S.C. 2901 et seq., and
 21 12 C.F.R. parts 25, 228, 345, and 563e. Any money in the fund
 22 available for investment shall be invested by the state investment
 23 officer pursuant to the Nebraska Capital Expansion Act and the
 24 Nebraska State Funds Investment Act.

25 Sec. 6. It is the intent of the Legislature that one
 26 hundred fifty thousand dollars shall be appropriated annually to
 27 provide funding for the Nebraska Healthy Food Financing Initiative
 1 Act.

2 Sec. 7. Section 13-208, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 13-208 The total amount of tax credit granted for
 5 programs approved and certified under the Community Development
 6 Assistance Act by the department for any fiscal year shall not
 7 exceed ~~three hundred fifty-two~~ two hundred thousand dollars.

8 Sec. 8. Section 81-3603, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 81-3603 The Rural Development Commission shall:

11 (1) Focus attention on and increase awareness of the
 12 opportunities and needs of rural Nebraskans;

13 (2) Advocate for rural Nebraska by proposing solutions to
 14 rural challenges;

15 (3) Strengthen community sustainability and growth in
 16 rural Nebraska through increased community-based wealth creation,
 17 expanded economic opportunity, and improved quality of life;

18 (4) Stimulate rural development innovation and foster
 19 information transfer to, from, and within rural Nebraska;

20 (5) Encourage and support continuity, coordination, and
 21 cooperation among national, state, multicommunity, and local rural
 22 development initiatives and service providers;

23 (6) Ensure that rural Nebraskans are afforded the
 24 opportunity to determine rural Nebraska's development agenda;

- 25 (7) Serve as an advisory body to the Governor, state
 26 agencies, and the Legislature on rural development issues;
- 27 (8) Establish an information clearinghouse on rural
 1 challenges and needs, development services, model initiatives,
 2 available resources, and service providers;
- 3 (9) Foster community-based development initiatives
 4 through multicompany partnerships;
- 5 (10) Support strategic planning and research for and
 6 evaluation of rural development initiatives and service providers
 7 by administering the Nebraska Development Network Program;
- 8 (11) Serve as Nebraska's rural development council within
 9 the meaning of the National Rural Development Partnership by
 10 providing inventories, reports, assessments, and implementation
 11 plans as appropriate; ~~and~~
- 12 (12) Participate in the Partnership for Rural Nebraska;
 13 ~~and~~;
- 14 (13) Administer the Nebraska Healthy Food Financing
 15 Initiative Act.
- 16 Sec. 9. Original sections 13-208 and 81-3603, Reissue
 17 Revised Statutes of Nebraska, are repealed.

SELECT FILE

LEGISLATIVE BILL 648. Senator Christensen renewed his amendment, AM1201, found on page 1195 and considered in this day's Journal.

Senator Christensen withdrew his amendment.

Senator Christensen withdrew his amendments, AM1166 and AM1202, found on pages 1179 and 1195.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 20, 2011, at 3:45 p.m. were the following: LBs 35, 70e, 112e, 156, 204, 204A, 235e, 279, 297, 337e, 366, 385e, 388, 388A, 407, 431e, 477, 479, 499, 512, 524, 544, 558, 600e, and 600Ae.

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

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB177. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 fourth-grade students and teachers from Concordia Academy, Omaha; and 29 fourth- through sixth-grade students, teachers, and sponsors from Howells Community Catholic, Howells.

Upon adjournment the Speaker introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 3:53 p.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Thursday, April 21, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

