

SEVENTIETH DAY - APRIL 27, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 27, 2011

PRAYER

The prayer was offered by Pastor Matthew Mortenson, Faith Lutheran Church, Humboldt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators Coash, B. Harr, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

MOTIONS - Print in Journal

Senator Campbell filed the following motion to LB600:
MO42

Becomes law notwithstanding the objections of the Governor.

Senator Campbell filed the following motion to LB600A:
MO43

Becomes law notwithstanding the objections of the Governor.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 163, 164, 165, 166, 167, 168, and 169 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 163, 164, 165, 166, 167, 168, and 169.

GENERAL FILE

LEGISLATIVE BILL 549A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 305A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 589. Committee AM858, found on page 1019 and considered on page 1312, was renewed.

The committee amendment 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 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SENATOR SULLIVAN PRESIDING

LEGISLATIVE BILL 590. Title read. Considered.

Committee AM1072, found on page 1090, was considered.

Senator Hadley renewed his amendment, AM1289, found on page 1312, to the committee amendment.

The Hadley amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LB699 Redistricting

(Signed) John Nelson, Vice Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 173. Introduced by Adams, 24; Conrad, 46.

WHEREAS, Reinhold Marxhausen moved from Minnesota to Seward, Nebraska, in 1951 to be the first art teacher at what was then Concordia College and continued to teach at the college for forty years until his retirement in 1989; and

WHEREAS, Mr. Marxhausen was one of five artists to win a competition to design murals in the Great Hall of the State Capitol. He was the only Nebraskan selected, and he designed two of the six murals entitled "Building of the Capitol" and "The Spirit of Nebraska"; and

WHEREAS, Mr. Marxhausen has other murals at Southeast High School in Lincoln, Nebraska, and at a bank in Seward, Nebraska, along with other works of art at Lutheran churches throughout Nebraska and at the headquarters of the Lutheran Church-Missouri Synod in St. Louis, Missouri; and

WHEREAS, Mr. Marxhausen was continually exploring new art mediums through photography, sculpting, metal work, and murals; and

WHEREAS, Mr. Marxhausen appeared on David Letterman's show in 1986 to share his Stardust pieces made from stainless steel with small wires inside that when shaken created unique musical sounds; and

WHEREAS, at the age of eighty-nine, Reinhold Marxhausen passed away.

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

1. That the Legislature extends its sympathy to the family of Reinhold Marxhausen and especially his wife, Dorris Marxhausen.

2. That a copy of this resolution be sent to the family of Reinhold Marxhausen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 684. Title read. Considered.

Committee AM375, found on page 588, was considered.

Senator Schilz withdrew his amendments, AM1190 and AM30, found on pages 1179 and 330.

Senator Dubas offered the following amendment to the committee amendment:

FA20

Amend AM375

Strike sub-section (c) on page 2 lines 16-22.

Senator Dubas withdrew her amendment.

The committee amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 684A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 682. Senator Mello offered the following motion:

MO44

Unanimous consent to bracket until January 4, 2012.

No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 174. Introduced by Gloor, 35; Avery, 28; Campbell, 25; Dubas, 34; K. Haar, 21; Hadley, 37; Janssen, 15; Loudon, 49; Nordquist, 7; Pankonin, 2; Sullivan, 41; Utter, 33.

PURPOSE: The purpose of this resolution is to study what impediments exist in state statute to attracting national agricultural and business conventions and trade shows to facilities in Nebraska. Such examination of statute may include, but shall not be limited to, a review of the Motor Vehicle Industry Regulation Act.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175. Introduced by Cook, 13; Ashford, 20; Avery, 28; Conrad, 46; Council, 11; Dubas, 34; K. Haar, 21; B. Harr, 8; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Smith, 14; Sullivan, 41; Wallman, 30.

WHEREAS, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, tens of thousands more are permanently disabled; and

WHEREAS, millions are injured or made ill; and

WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2011, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

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

1. That the Legislature designates April 28, 2011, as Workers Memorial Day in the State of Nebraska in recognition of workers who have been killed, injured, or disabled on the job.

2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Avery asked unanimous consent to add his name as cointroducer to LB699. No objections. So ordered.

VISITORS

Visitors to the Chamber were 5 high school students from Ogallala; 20 fifth-grade students and teacher from Mary Lynch Elementary, Kimball; 19 third- and fourth-grade students and teachers from Platteville Elementary, Fremont; 35 eighth-grade students and teacher from Blue Hill; 59 fourth-grade students, teacher, and sponsors from Westside Elementary, Norfolk; 75 fourth-grade students and teachers from Indian Hill Elementary, Omaha; and 42 fourth-grade students and teachers from St. Michael School, Hastings.

RECESS

At 11:53 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 Langemeier presiding.

ROLL CALL

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

SPEAKER FLOOD PRESIDING**COMMITTEE REPORTS**

Enrollment and Review

LEGISLATIVE BILL 200. Placed on Final Reading.

LEGISLATIVE BILL 200A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 575. Placed on Select File with amendment. ER99 is available in the Bill Room.

LEGISLATIVE BILL 575A. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File with amendment. ER101

- 1 1. On page 1, strike beginning with "revenue" in line 1
- 2 through line 5 and insert "cemeteries; to amend section 77-2704.15,
- 3 Reissue Revised Statutes of Nebraska, and section 12-101, Revised

4 Statutes Cumulative Supplement, 2010; to change provisions relating
 5 to Wyuka Cemetery; to exempt purchases from sales and use taxes as
 6 prescribed; to provide an operative date; to repeal the original
 7 sections; and to declare an emergency."

LEGISLATIVE BILL 106. Placed on Select File with amendment.
 ER100

1 1. On page 1, strike beginning with "sections" in line
 2 1 through line 12 and insert "section 13-319, Reissue Revised
 3 Statutes of Nebraska; to define a term; to authorize the use
 4 of county sales and use taxes for public safety services as
 5 prescribed; and to repeal the original section."

LEGISLATIVE BILL 549. Placed on Select File.

LEGISLATIVE BILL 345. Placed on Select File with amendment.
 ER102

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Sections 1 to 8 of this act shall be known and
 4 may be cited as the Small Business Innovation Act.
 5 Sec. 2. It is the intent of the Legislature to evolve
 6 Nebraska's economic development and job creation policies in
 7 order to remain competitive by adopting recommendations from
 8 the statewide strategic plan developed by the Innovation and
 9 Entrepreneurship Task Force. The strategic plan recognizes that
 10 Nebraska's current policy tools targeted to fostering high-wage
 11 job growth among small businesses, entrepreneurs, and innovators
 12 have not kept pace with other states and jurisdictions. Nebraska
 13 has a clear opportunity to improve our entrepreneurial ecosystem
 14 by adopting proactive policy solutions with demonstrated positive
 15 results.

16 Sec. 3. For purposes of the Small Business Innovation
 17 Act:

18 (1) Department means the Department of Economic
 19 Development;

20 (2) Nebraska-based growth business means a corporation,
 21 partnership, limited liability company, limited partnership, or
 22 limited liability partnership registered with the Secretary of
 23 State that has five to fifty employees and annual sales revenue of
 1 no less than five hundred thousand dollars and no more than two
 2 million five hundred thousand dollars; and

3 (3) Small business innovation means the provision of
 4 technical resources to locally owned and operated Nebraska-based
 5 growth businesses to foster development, growth, and high-wage job
 6 creation.

7 Sec. 4. The department may enter into a contract with a
 8 Nebraska-based nonprofit entity, small business development center,
 9 community development corporation, Nebraska-based institution of

10 higher education, chamber of commerce, or regional development
11 district for the purpose of carrying out the Small Business
12 Innovation Act.

13 Sec. 5. (1) The Legislature hereby establishes a
14 statewide pilot program to support and assist up to forty
15 Nebraska-based growth businesses. At least one-half of the
16 businesses assisted under the Small Business Innovation Act shall
17 be located in counties with a population of fewer than fifty
18 thousand inhabitants.

19 (2) The pilot program shall provide technical assistance
20 to Nebraska-based growth businesses that includes:

21 (a) Economic gardening components and information
22 tools, including industry trends, industry financial data, state
23 and national demographic trends, competitive intelligence, and
24 marketing lists; and

25 (b) Decisionmaking tools, including strategy analysis,
26 management team makeup, capital referrals, and labor referrals.

27 Sec. 6. It is the intent of the Legislature to
1 appropriate two hundred thousand dollars from the General Fund for
2 FY2011-12 and two hundred thousand dollars from the General Fund
3 for FY2012-13 for the purpose of providing funding to carry out
4 the Small Business Innovation Act.

5 Sec. 7. The department shall prepare and present a
6 report to the Legislature by December 1, 2013, on the Small
7 Business Innovation Act that includes, but is not limited to,
8 businesses assisted, aggregate change in sales revenue, number of
9 jobs created, and range of newly created jobs that includes an
10 average wage.

11 Sec. 8. The Small Business Innovation Act terminates on
12 December 31, 2013.

13 Sec. 9. Section 13-208, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 13-208 The total amount of tax credit granted for
16 programs approved and certified under the Community Development
17 Assistance Act by the department for any fiscal year shall not
18 exceed three hundred fifty thousand dollars, except that for
19 fiscal years 2011-12 and 2012-13, the total amount of tax credit
20 granted under this section shall be reduced by two hundred thousand
21 dollars.

22 Sec. 10. Original section 13-208, Reissue Revised
23 Statutes of Nebraska, is repealed.

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

26 2. On page 1, strike lines 3 through 5 and insert "Small
27 Business Innovation Act; to reduce the tax credit limits under the
1 Community Development Assistance Act as prescribed; to repeal the
2 original section; and to declare an emergency."

LEGISLATIVE BILL 404. Placed on Select File.

LEGISLATIVE BILL 549A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 380. Placed on General File with amendment.
AM834

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 81-188.01, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:
5 81-188.01 (1) The State Building Renewal Assessment Fund
6 is created. The fund shall be under the control of the Governor for
7 allocation to building renewal projects of the various agencies
8 and shall be administered in a manner consistent with the
9 administration of the Building Renewal Allocation Fund pursuant
10 to the Deferred Building Renewal Act. No amounts accruing to the
11 State Building Renewal Assessment Fund shall be expended in any
12 manner for purposes other than as provided in this section or as
13 appropriated by the Legislature to meet the cost of administering
14 the act. Transfers may be made from the fund to the General Fund at
15 the direction of the Legislature.
16 (2) Revenue credited to the State Building Renewal
17 Assessment Fund shall include amounts derived from charges assessed
18 pursuant to subdivision (4)(b) of section 81-1108.17, ~~depreciation~~
19 ~~charges remitted pursuant to section 81-188.02~~, and such other
20 revenue as may be incident to the administration of the fund.
21 (3) Amounts appropriated from the fund shall be expended
22 to conduct renewal work as defined in section 81-173 and to
23 complete other improvements incident to such renewal work as deemed
1 necessary or appropriate by the task force. From amounts accruing
2 to the fund as the result of depreciation charges assessed pursuant
3 to subdivision (4)(b) of section 81-1108.17, expenditures for
4 capital improvements shall be limited to improvements to only those
5 facilities for which such charges have been assessed and remitted.
6 From amounts accruing to the fund as the result of depreciation
7 charges assessed pursuant to section 81-188.02 prior to the
8 operative date of this act, expenditures for capital improvement
9 projects shall be limited to exclude (a) capital improvement
10 projects relating to facilities, structures, or buildings owned,
11 leased, or operated by the (i) University of Nebraska, (ii)
12 Nebraska state colleges, (iii) Department of Aeronautics, (iv)
13 Department of Roads, (v) Game and Parks Commission, or (vi)
14 Board of Educational Lands and Funds and (b) capital improvement
15 projects relating to facilities, structures, or buildings for which
16 depreciation charges are assessed pursuant to subdivision (4)(b) of

17 section 81-1108.17. For each fiscal year, task force allocations
 18 from amounts accruing to the fund pursuant to section 81-188.02
 19 shall not exceed the total of such revenue credited to the fund
 20 in the preceding fiscal year, except that if no revenue from
 21 depreciation charge assessments was credited to the fund in the
 22 preceding fiscal year, allocations shall not exceed fifty percent
 23 of revenue credited to the fund in the last preceding fiscal year
 24 in which depreciation charge assessments were credited to the fund.

25 (4) Any money in the fund available for investment
 26 shall be invested by the state investment officer pursuant to
 27 the Nebraska Capital Expansion Act and the Nebraska State Funds
 1 Investment Act.

2 Sec. 2. Section 81-188.03, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 81-188.03 (1) The University Building Renewal Assessment
 5 Fund is created. The fund shall be under the control of the
 6 Governor for allocation to building renewal projects and to
 7 building renovation projects of the University of Nebraska. No
 8 amounts accruing to the University Building Renewal Assessment Fund
 9 shall be transferred to any other fund and no amounts accruing to
 10 the fund shall be expended in any manner for purposes other than as
 11 provided in this section or as appropriated by the Legislature to
 12 meet the cost of administering the Deferred Building Renewal Act.

13 (2) Revenue credited to the fund shall include amounts
 14 ~~derived from depreciation charges remitted pursuant to section~~
 15 ~~81-188.04 as provided by the Legislature~~ and such other revenue as
 16 may be incident to the administration of the fund.

17 (3) Amounts appropriated from the fund shall be expended
 18 to conduct renewal work as defined in section 81-173, to conduct
 19 renovation work, and to complete other improvements incident
 20 to such renewal or renovation work as deemed necessary or
 21 appropriate by the task force. Expenditures from the fund for
 22 capital improvements shall be limited to exclude expenditures for
 23 capital improvement projects relating to facilities, structures,
 24 or buildings from which revenue is derived and pledged for the
 25 retirement of revenue bonds issued under sections 85-403 to 85-411.

26 ~~For each fiscal year, task force allocations from the fund shall~~
 27 ~~not exceed total revenue credited to the fund in the preceding~~
 1 ~~fiscal year, except that if no revenue from depreciation charge~~
 2 ~~assessments was credited to the fund in the preceding fiscal year,~~
 3 ~~allocations shall not exceed fifty percent of revenue credited to~~
 4 ~~the fund in the last preceding fiscal year in which depreciation~~
 5 ~~charge assessments were credited to the fund.~~

6 (4) Any money in the fund available for investment
 7 shall be invested by the state investment officer pursuant to
 8 the Nebraska Capital Expansion Act and the Nebraska State Funds
 9 Investment Act.

10 (5) For purposes of this section, renovation work means
 11 work to replace the interior or exterior systems of an existing

12 building to accommodate changes in use of building space or changes
13 in programmatic need for building space.

14 Sec. 3. Section 81-188.05, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-188.05 (1) The State College Building Renewal
17 Assessment Fund is created. The fund shall be under the control
18 of the Governor for allocation to building renewal projects and
19 building renovation projects of the Nebraska state colleges. No
20 amounts accruing to the State College Building Renewal Assessment
21 Fund shall be transferred to any other fund and no amounts accruing
22 to the fund shall be expended in any manner for purposes other than
23 as provided in this section or as appropriated by the Legislature
24 to meet the cost of administering the Deferred Building Renewal
25 Act.

26 (2) Revenue credited to the fund shall include amounts
27 ~~derived from depreciation charges remitted pursuant to section~~
1 ~~81-188.06 as provided by the Legislature~~ and such other revenue as
2 may be incident to administration of the fund.

3 (3) Amounts appropriated from the fund shall be expended
4 to conduct renewal work as defined in section 81-173, to conduct
5 renovation work, and to complete other improvements incident
6 to such renewal or renovation work as deemed necessary or
7 appropriate by the task force. Expenditures from the fund for
8 capital improvements shall be limited to exclude expenditures for
9 capital improvement projects relating to facilities, structures,
10 or buildings from which revenue is derived and pledged for the
11 retirement of revenue bonds issued under sections 85-403 to 85-411.
12 ~~For each fiscal year, task force allocations from the fund shall~~
13 ~~not exceed total revenue credited to the fund in the preceding~~
14 ~~fiscal year, except that if no revenue from depreciation charge~~
15 ~~assessments was credited to the fund in the preceding fiscal year,~~
16 ~~allocations shall not exceed fifty percent of revenue credited to~~
17 ~~the fund in the last preceding fiscal year in which depreciation~~
18 ~~charge assessments were credited to the fund.~~

19 (4) Any money in the fund available for investment
20 shall be invested by the state investment officer pursuant to
21 the Nebraska Capital Expansion Act and the Nebraska State Funds
22 Investment Act.

23 (5) For purposes of this section, renovation work means
24 work to replace the interior or exterior systems of an existing
25 building to accommodate changes in use of building space or changes
26 in programmatic need for building space.

27 Sec. 4. This act becomes operative on July 1, 2011.

1 Sec. 5. Original sections 81-188.03 and 81-188.05,
2 Reissue Revised Statutes of Nebraska, and section 81-188.01,
3 Revised Statutes Cumulative Supplement, 2010, are repealed.

4 Sec. 6. The following sections are outright repealed:
5 Sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes
6 Cumulative Supplement, 2010.

7 Sec. 7. Since an emergency exists, this act takes effect
8 when passed and approved according to law.

LEGISLATIVE BILL 379. Placed on General File with amendment.
AM1250

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 66-1345, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:
5 66-1345 (1) There is hereby created the Ethanol
6 Production Incentive Cash Fund which shall be used by the board
7 to pay the credits created in section 66-1344 to the extent
8 provided in this section. Any money in the fund available for
9 investment shall be invested by the state investment officer
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act. The State Treasurer shall transfer to
12 the Ethanol Production Incentive Cash Fund such money as shall be
13 (a) appropriated to the Ethanol Production Incentive Cash Fund by
14 the Legislature, (b) given as gifts, bequests, grants, or other
15 contributions to the Ethanol Production Incentive Cash Fund from
16 public or private sources, (c) made available due to failure to
17 fulfill conditional requirements pursuant to investment agreements
18 entered into prior to April 30, 1992, (d) received as return on
19 investment of the Ethanol Authority and Development Cash Fund, (e)
20 credited to the Ethanol Production Incentive Cash Fund from the
21 excise taxes imposed by section 66-1345.01 through December 31,
22 2012, ~~and~~ (f) credited to the Ethanol Production Incentive Cash
23 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519,
1 and (g) directed to be transferred pursuant to section 84-612.
2 (2) The Department of Revenue shall, at the end of each
3 calendar month, notify the State Treasurer of the amount of motor
4 fuel tax that was not collected in the preceding calendar month
5 due to the credits provided in section 66-1344. The State Treasurer
6 shall transfer from the Ethanol Production Incentive Cash Fund to
7 the Highway Trust Fund an amount equal to such credits less the
8 following amounts:
9 (a) For 1993, 1994, and 1995, the amount generated during
10 the calendar quarter by a one-cent tax on motor fuel pursuant to
11 sections 66-489 and 66-6,107;
12 (b) For 1996, the amount generated during the calendar
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such
14 sections;
15 (c) For 1997, the amount generated during the calendar
16 quarter by a one-half-cent tax on motor fuel pursuant to such
17 sections; and
18 (d) For 1998 and each year thereafter, no reduction.
19 For 1993 through 1997, if the amount generated pursuant
20 to subdivisions (a), (b), and (c) of this subsection and the
21 amount transferred pursuant to subsection (1) of this section are

22 not sufficient to fund the credits provided in section 66-1344,
23 then the credits shall be funded through the Ethanol Production
24 Incentive Cash Fund but shall not be funded through either the
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year
26 thereafter, the credits provided in such section shall be funded
27 through the Ethanol Production Incentive Cash Fund but shall not be
1 funded through either the Highway Cash Fund or the Highway Trust
2 Fund.

3 If, during any month, the amount of money in the Ethanol
4 Production Incentive Cash Fund is not sufficient to reimburse the
5 Highway Trust Fund for credits earned pursuant to section 66-1344,
6 the Department of Revenue shall suspend the transfer of credits by
7 ethanol producers until such time as additional funds are available
8 in the Ethanol Production Incentive Cash Fund for transfer to the
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at
10 the end of each month, allow transfer of accumulated credits earned
11 by each ethanol producer on a prorated basis derived by dividing
12 the amount in the fund by the aggregate amount of accumulated
13 credits earned by all ethanol producers.

14 (3) The State Treasurer shall transfer from the Ethanol
15 Production Incentive Cash Fund to the Management Services Expense
16 Revolving Fund the amount reported under subsection (4) of section
17 66-1345.02 for each calendar month of the fiscal year as provided
18 in such subsection.

19 (4) On December 31, 2012, the State Treasurer shall
20 transfer one-half of the unexpended and unobligated funds,
21 including all subsequent investment interest, from the Ethanol
22 Production Incentive Cash Fund to the Nebraska Corn Development,
23 Utilization, and Marketing Fund and the Grain Sorghum Development,
24 Utilization, and Marketing Fund in the same proportion as funds
25 were collected pursuant to section 66-1345.01 from corn and grain
26 sorghum. The Department of Agriculture shall assist the State
27 Treasurer in determining the amounts to be transferred to the
1 funds. The State Treasurer shall transfer the remaining one-half of
2 the unexpended and unobligated funds to the General Fund.

3 (5) Whenever the unobligated balance in the Ethanol
4 Production Incentive Cash Fund exceeds twenty million dollars, the
5 Department of Revenue shall notify the Department of Agriculture at
6 which time the Department of Agriculture shall suspend collection
7 of the excise tax levied pursuant to section 66-1345.01. If, after
8 suspension of the collection of such excise tax, the balance of
9 the fund falls below ten million dollars, the Department of Revenue
10 shall notify the Department of Agriculture which shall resume
11 collection of the excise tax.

12 (6) On or before December 1, 2003, and each December
13 1 thereafter, the Department of Revenue and the Nebraska Ethanol
14 Board shall jointly submit a report to the Legislature which shall
15 project the anticipated revenue and expenditures from the Ethanol
16 Production Incentive Cash Fund through the termination of the

17 ethanol production incentive programs pursuant to section 66-1344.
18 The initial report shall include a projection of the amount
19 of ethanol production for which the Department of Revenue has
20 entered agreements to provide ethanol production credits pursuant
21 to section 66-1344.01 and any additional ethanol production which
22 the Department of Revenue and the Nebraska Ethanol Board reasonably
23 anticipate may qualify for credits pursuant to section 66-1344.

24 Sec. 2. Section 84-612, Revised Statutes Cumulative
25 Supplement, 2010, is amended to read:

26 84-612 (1) There is hereby created within the state
27 treasury a fund known as the Cash Reserve Fund which shall be under
1 the direction of the State Treasurer. The fund shall only be used
2 pursuant to this section.

3 (2) The State Treasurer shall transfer funds from the
4 Cash Reserve Fund to the General Fund upon certification by the
5 Director of Administrative Services that the current cash balance
6 in the General Fund is inadequate to meet current obligations. Such
7 certification shall include the dollar amount to be transferred.
8 Any transfers made pursuant to this subsection shall be reversed
9 upon notification by the Director of Administrative Services that
10 sufficient funds are available.

11 ~~(3) The State Treasurer, at the direction of the~~
12 ~~budget administrator of the budget division of the Department~~
13 ~~of Administrative Services, shall transfer such amounts not to~~
14 ~~exceed seven million seven hundred fifty three thousand two hundred~~
15 ~~sixty three dollars in total from the Cash Reserve Fund to the~~
16 ~~Nebraska Capital Construction Fund between July 1, 2003, and June~~
17 ~~30, 2007.~~

18 ~~(4) The State Treasurer, at the direction of the budget~~
19 ~~administrator, shall transfer an amount equal to the total amount~~
20 ~~transferred pursuant to subsection (3) of this section from the~~
21 ~~General Fund to the Cash Reserve Fund on or before June 30, 2008.~~

22 ~~(5)~~(3) In addition to receiving transfers from other
23 funds, the Cash Reserve Fund shall receive federal funds received
24 by the State of Nebraska for undesignated general government
25 purposes, federal revenue sharing, or general fiscal relief of the
26 state.

27 ~~(6) On June 15, 2009, the State Treasurer shall transfer~~
1 ~~four million nine hundred ninety thousand five hundred five dollars~~
2 ~~from the Cash Reserve Fund to the General Fund.~~

3 ~~(7) On or before June 16, 2009, the State Treasurer, at~~
4 ~~the direction of the budget administrator, shall transfer fifty~~
5 ~~million dollars from the Cash Reserve Fund to the General Fund.~~

6 ~~(8)~~(4) The State Treasurer, at the direction of the
7 budget administrator, shall transfer such amounts, as certified
8 by the Director of Administrative Services, for employee health
9 insurance claims and expenses, not to exceed twelve million dollars
10 in total from the Cash Reserve Fund to the State Employees
11 Insurance Fund between May 1, 2007, and June 30, 2011.

12 ~~(9)-(5)~~ On July 9, 2007, the State Treasurer shall
13 transfer five million dollars from the Cash Reserve Fund to the
14 Job Training Cash Fund. ~~The State Treasurer shall transfer from the~~
15 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~
16 ~~directed in section 81-1201.21.~~

17 ~~(10)-(6)~~ On July 7, 2008, the State Treasurer shall
18 transfer five million dollars from the Cash Reserve Fund to the
19 Job Training Cash Fund. ~~The State Treasurer shall transfer from the~~
20 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~
21 ~~directed in section 81-1201.21.~~

22 ~~(11)~~ On or before June 30, 2009, the State Treasurer
23 shall transfer nine million five hundred ninety thousand dollars
24 from the Cash Reserve Fund to the Nebraska Capital Construction
25 Fund.

26 ~~(12)-(7)~~ The State Treasurer, at the direction of the
27 budget administrator, shall transfer an amount equal to the total
1 amount transferred pursuant to subsection ~~(8)-(4)~~ of this section
2 from the appropriate health insurance accounts of the State
3 Employees Insurance Fund in such amounts as certified by the
4 Director of Administrative Services to the Cash Reserve Fund on or
5 before June 30, 2011.

6 ~~(13)-(8)~~ On July 7, 2009, the State Treasurer shall
7 transfer five million dollars from the Cash Reserve Fund to the
8 Roads Operations Cash Fund. The Department of Roads shall use such
9 funds to provide the required state match for federal funding made
10 available to the state through congressional earmarks.

11 ~~(14)-(9)~~ Within five days after the budget division
12 of the Department of Administrative Services notifies the State
13 Treasurer that matching fund requirements under section 82-331 have
14 been met, the State Treasurer shall transfer one million dollars
15 from the Cash Reserve Fund to the Nebraska Cultural Preservation
16 Endowment Fund.

17 ~~(15)~~ On or before June 15, 2010, the State Treasurer,
18 at the direction of the budget administrator, shall transfer one
19 hundred five million dollars from the Cash Reserve Fund to the
20 General Fund.

21 ~~(16)-(10)~~ On or before June 15, 2011, the State
22 Treasurer, at the direction of the budget administrator, shall
23 transfer one hundred fifty-one million dollars from the Cash
24 Reserve Fund to the General Fund.

25 ~~(17)~~ On June 15, 2009, the State Treasurer shall transfer
26 seven million five hundred thousand dollars from the Cash Reserve
27 Fund to the Governor's Emergency Cash Fund.

1 ~~(18)~~ On July 7, 2009, the State Treasurer shall
2 transfer one million dollars from the Cash Reserve Fund to the
3 State Visitors Promotion Cash Fund. The Department of Economic
4 Development shall use such funds to provide funding for the
5 promotion and support of the hosting of a Special Olympics national
6 event by a city of the primary class.

7 ~~(19)~~(11) On or before June 30, 2011, the State
 8 Treasurer, at the direction of the budget administrator, shall
 9 transfer three million dollars from the Cash Reserve Fund to the
 10 General Fund.

11 (12) The State Treasurer shall transfer a total of one
 12 hundred twenty-eight million dollars from the Cash Reserve Fund to
 13 the General Fund on or before June 30, 2012, on such dates and in
 14 such amounts as directed by the budget administrator.

15 (13) The State Treasurer shall transfer a total of one
 16 hundred twenty-eight million dollars from the Cash Reserve Fund to
 17 the General Fund on or before June 30, 2013, on such dates and in
 18 such amounts as directed by the budget administrator.

19 (14) The State Treasurer, at the direction of the budget
 20 administrator, shall transfer not to exceed twelve million dollars
 21 in total between July 1, 2011, and November 30, 2012, from the
 22 Cash Reserve Fund to the Ethanol Production Incentive Cash Fund,
 23 for ethanol production incentive credits, on such dates and in such
 24 amounts as certified by the Tax Commissioner.

25 (15) The State Treasurer, at the direction of the budget
 26 administrator, shall transfer an amount equal to the total amount
 27 transferred pursuant to subsection (14) of this section from the
 1 Ethanol Production Incentive Cash Fund to the Cash Reserve Fund
 2 in such amounts as certified by the Tax Commissioner on or before
 3 November 30, 2012.

4 Sec. 3. Original sections 66-1345 and 84-612, Revised
 5 Statutes Cumulative Supplement, 2010, are repealed.

6 Sec. 4. Since an emergency exists, this act takes effect
 7 when passed and approved according to law.

LEGISLATIVE BILL 378. Placed on General File with amendment.
 AM904 is available in the Bill Room.

LEGISLATIVE BILL 377. Placed on General File with amendment.
 AM903 is available in the Bill Room.

LEGISLATIVE BILL 376. Placed on General File with amendment.
 AM1300

1 1. On page 3, after lines 4, 10, and 16, and on page 4,
 2 after lines 9 and 15 insert:

3 "The unexpended General Fund appropriation balance
 4 existing on June 30, 2011, is hereby reappropriated.

5 The unexpended General Fund appropriation balance
 6 existing on June 30, 2012, is hereby reappropriated."

7 2. On page 3, strike lines 17 through 23, and on page 4,
 8 strike lines 1 and 2, and insert:

9 "The budget division of the Department of Administrative
 10 Services shall administratively transfer General Fund

11 appropriations among Programs 3, 4, 5, 6, 7, 52, 67, and 435
 12 within Agency 5, upon written certification by the State Court

13 Administrator that the Nebraska Supreme Court has determined
 14 that such transfer is necessary for the efficient functioning
 15 of statewide court operations and the proper administration of
 16 justice. The Salary Limit for Agency 5, Programs 5, 52, 67, and
 17 435, may be administratively increased for any transfers made to
 18 Programs 5, 52, 67, and 435 pursuant to this section."

19 3. On page 4, strike lines 7 and 8, and insert:

20 GENERAL FUND	10,353,750	10,372,443
21 PROGRAM TOTAL	10,353,750	10,372,443

LEGISLATIVE BILL 375. Placed on General File.

LEGISLATIVE BILL 374. Placed on General File with amendment.
 AM902 is available in the Bill Room.

LEGISLATIVE BILL 373. Placed on General File with amendment.
 AM901 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB374:
 AM1307

(Amendments to Standing Committee amendments, AM902)

- 1 Intent: Restore half of the funding for the Railroad
- 2 Inspection Program at the Public Service Commission.
- 3 Amendment:
- 4 1. On page 31, strike line 13 and insert: "GENERAL FUND
- 5 1,764,170 1,818,807"; strike line 15 and insert: PROGRAM TOTAL
- 6 3,045,683 2,891,164"; and strike line 16 and insert: "SALARY LIMIT
- 7 1,154,587 1,180,689".

Senator Heidemann filed the following amendment to LB374:
 AM1313

(Amendments to Standing Committee amendments, AM902)

- 1 1. Strike original section 227 and insert the following
 - 2 new section:
 - 3 Sec. 227. AGENCY NO. 76 - COMMISSION ON INDIAN AFFAIRS
 - 4 Program No. 584 - Indian Affairs
 - 5
- | | FY2011-12 | FY2012-13 |
|-----------------|-----------|-----------|
| 6 GENERAL FUND | 179,486 | 167,410 |
| 7 CASH FUND | 92,922 | 92,922 |
| 8 PROGRAM TOTAL | 272,408 | 260,332 |
| 9 SALARY LIMIT | 160,862 | 163,401 |
- 10 The unexpended General Fund appropriation balance
 - 11 existing on June 30, 2011, is hereby reappropriated.
 - 12 There is included in the appropriation to this program
 - 13 for FY2011-12 \$15,000 General Funds for state aid, to carry out the

14 provisions of sections 81-2509 to 81-2513, which shall only be used
15 for such purpose.

Senator Heidemann filed the following amendment to LB379:
AM1301

(Amendments to Standing Committee amendments, AM1250)

- 1 1. On page 8, lines 11 and 12, strike "one hundred
- 2 twenty-eight" and insert "XXX"; and in lines 15 and 16 strike "one
- 3 hundred twenty-eight" and insert "XXX".

SELECT FILE

LEGISLATIVE BILL 500. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 360. ER97, found on page 1294, was adopted.

Senator Larson renewed his amendment, AM741, found on page 1058.

Senator Larson withdrew his amendment.

Senator K. Haar offered the following amendment:
AM1298

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 77-27,235, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-27,235 (1) Any producer of electricity generated by
- 5 a new ~~zero-emission~~ renewable electric generation facility shall
- 6 earn a renewable energy tax credit. For electricity generated on
- 7 or after July 14, 2006, and before October 1, 2007, the credit
- 8 shall be .075 cent for each kilowatt-hour of electricity generated
- 9 by a new ~~zero-emission~~ renewable electric generation facility. For
- 10 electricity generated on or after October 1, 2007, and before
- 11 January 1, 2010, the credit shall be .1 cent for each kilowatt-hour
- 12 of electricity generated by a new ~~zero-emission~~ renewable electric
- 13 generation facility. For electricity generated on or after January
- 14 1, 2010, and before January 1, 2013, the credit shall be .075 cent
- 15 per kilowatt-hour for electricity generated by a new ~~zero-emission~~
- 16 renewable electric generation facility. For electricity generated
- 17 on or after January 1, 2013, ~~and before January 1, 2018,~~ the credit
- 18 shall be .05 cent per kilowatt-hour for electricity generated by
- 19 a new ~~zero-emission~~ renewable electric generation facility. The
- 20 credit may be earned for production of electricity for ten years
- 21 after the date that the facility is placed in operation on or after
- 22 July 14, 2006.
- 23 (2) For purposes of this section:
- 1 (a) Electricity generated by a new ~~zero-emission~~
- 2 renewable electric generation facility means electricity that is

3 exclusively produced by a new ~~zero-emission-renewable~~ electric
4 generation facility;

5 (b) Eligible renewable resources means wind, moving
6 water, solar, geothermal, fuel cell, methane gas, or photovoltaic
7 technology; and

8 (c) New ~~zero-emission-renewable~~ electric generation
9 facility means an electrical generating facility located in this
10 state that is first placed into service on or after July 14, 2006,
11 which utilizes eligible renewable resources as its fuel source, ~~and~~
12 ~~for which the operation of the facility results in no pollution~~
13 ~~or emissions that are or may be harmful to the environment as~~
14 ~~certified by the Department of Environmental Quality.~~

15 (3) The credit allowed under this section may be used to
16 reduce the producer's Nebraska income tax liability or to obtain
17 a refund of state sales and use taxes paid by the producer of
18 electricity generated by a ~~zero-emission-new~~ renewable electric
19 generation facility. A claim to use the credit for refund of the
20 state sales and use taxes paid, either directly or indirectly,
21 by the producer may be filed quarterly for electricity generated
22 during the previous quarter by the twentieth day of the month
23 following the end of the calendar quarter. The credit may be
24 used to obtain a refund of state sales and use taxes paid during
25 the quarter immediately preceding the quarter in which the claim
26 for refund is made, except that the amount refunded under this
27 subsection shall not exceed the amount of the state sales and use
1 taxes paid during the quarter.

2 (4) The Department of Revenue may adopt and promulgate
3 rules and regulations to permit verification of the validity and
4 timeliness of any renewable energy tax credit claimed.

5 ~~The Environmental Quality Council may adopt and~~
6 ~~promulgate rules and regulations to certify that the operation of~~
7 ~~a new zero-emission facility results in no pollution or emissions~~
8 ~~that are or may be harmful to the environment.~~

9 ~~(5)~~ (5) The total amount of renewable energy tax credits
10 that may be used by all taxpayers shall be limited to ~~seven~~
11 ~~hundred~~ fifty thousand dollars without further authorization from
12 the Legislature.

13 ~~(7)~~ (6) The credit allowed under this section may not
14 be claimed by a producer who received a sales tax exemption under
15 section 77-2704.57 for the new ~~zero-emission-renewable~~ electric
16 generation facility.

17 Sec. 7. Original section 77-27,235, Reissue Revised
18 Statutes of Nebraska, is repealed.

19 2. Renumber the remaining sections accordingly and
20 correct the operative date section so that the sections added by
21 this amendment become operative on October 1, 2011.

The K. Haar amendment was adopted with 38 ayes, 0 nays, 6 present and
not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 137. ER96, found on page 1294, was adopted.

Advanced to Enrollment and Review for Engrossment.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 463. ER88, found on page 1151, was adopted.

Senator Flood withdrew his amendment, AM1174, found on page 1178.

Senator Flood renewed his amendment, AM1306, found on page 1310.

The Flood amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Ashford renewed his amendment, AM1297, found on page 1311.

The Ashford amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 463A. ER87, found on page 1151, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 151. Placed on General File with amendment. AM1243 is available in the Bill Room.

LEGISLATIVE BILL 585. Placed on General File with amendment. AM1253 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB384:
AM1204

(Amendments to Standing Committee amendments, AM944)

- 1 1. Strike sections 35 and 39 and insert the following new
- 2 sections:
- 3 Section 1. Section 49-617, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 49-617 The Revisor of Statutes shall cause the statutes
6 to be printed. The printer shall deliver all completed copies to
7 the Supreme Court. These copies shall be held and disposed of
8 by the court as follows: Sixty copies to the State Library to
9 exchange for statutes of other states; five copies to the State
10 Library to keep for daily use; not to exceed twenty-five copies
11 to the Legislative Council for bill drafting and related services
12 to the Legislature and executive state officers; as many copies
13 to the Attorney General as he or she has attorneys on his or
14 her staff; as many copies to the Commission on Public Advocacy
15 as it has attorneys on its staff; up to sixteen copies to the
16 State Court Administrator; thirteen copies to the Tax Commissioner;
17 eight copies to the Nebraska Publications Clearinghouse; six copies
18 to the Public Service Commission; four copies to the Secretary
19 of State; ~~four~~ three copies to the Tax Equalization and Review
20 Commission; four copies to the Clerk of the Legislature for use
21 in his or her office and three copies to be maintained in the
22 legislative chamber, one copy on each side of the chamber and
1 one copy at the desk of the Clerk of the Legislature, under
2 control of the sergeant at arms; three copies to the Department
3 of Health and Human Services; two copies each to the Governor
4 of the state, the Chief Justice and each judge of the Supreme
5 Court, each judge of the Court of Appeals, the Clerk of the
6 Supreme Court, the Reporter of the Supreme Court and Court of
7 Appeals, the Commissioner of Labor, the Auditor of Public Accounts,
8 and the Revisor of Statutes; one copy each to the Secretary of
9 State of the United States, each Indian tribal court located
10 in the State of Nebraska, the library of the Supreme Court of
11 the United States, the Adjutant General, the Air National Guard,
12 the Commissioner of Education, the State Treasurer, the Board
13 of Educational Lands and Funds, the Director of Agriculture, the
14 Director of Administrative Services, the Director of Aeronautics,
15 the Director of Economic Development, the director of the Nebraska
16 Public Employees Retirement Systems, the Director-State Engineer,
17 the Director of Banking and Finance, the Director of Insurance,
18 the Director of Motor Vehicles, the Director of Veterans' Affairs,
19 the Director of Natural Resources, the Director of Correctional
20 Services, the Nebraska Emergency Operating Center, each judge of
21 the Nebraska Workers' Compensation Court, each commissioner of the
22 Commission of Industrial Relations, the Nebraska Liquor Control
23 Commission, the State Real Estate Commission, the secretary of
24 the Game and Parks Commission, the Board of Pardons, each state
25 institution under the Department of Health and Human Services,
26 each state institution under the State Department of Education, the
27 State Surveyor, the Nebraska State Patrol, the materiel division of
1 the Department of Administrative Services, the personnel division
2 of the Department of Administrative Services, the Nebraska Motor
3 Vehicle Industry Licensing Board, the Board of Trustees of the

4 Nebraska State Colleges, each of the Nebraska state colleges, each
 5 district judge of the State of Nebraska, each judge of the county
 6 court, each judge of a separate juvenile court, the Lieutenant
 7 Governor, each United States Senator from Nebraska, each United
 8 States Representative from Nebraska, each clerk of the district
 9 court for the use of the district court, the clerk of the Nebraska
 10 Workers' Compensation Court, each clerk of the county court, each
 11 county attorney, each county public defender, each county law
 12 library, and the inmate library at all state penal and correctional
 13 institutions, and each member of the Legislature shall be entitled
 14 to two complete sets, and two complete sets of such volumes as are
 15 necessary to update previously issued volumes, but each member of
 16 the Legislature and each judge of any court referred to in this
 17 section shall be entitled, on request, to an additional complete
 18 set. Copies of the statutes distributed without charge, as listed
 19 in this section, shall be the property of the state or governmental
 20 subdivision of the state and not the personal property of the
 21 particular person receiving a copy. Distribution of statutes to the
 22 library of the College of Law of the University of Nebraska shall
 23 be as provided in sections 85-176 and 85-177.

24 Sec. 36. Sections 16, 32, 33, 36, 37, 38, and 41 of this
 25 act become operative on their effective date. Sections 1, 5, 20,
 26 21, 22, 23, 27, 28, 29, 30, 31, and 40 of this act become operative
 27 on July 1, 2011. The other sections of this act become operative
 1 three calendar months after the adjournment of this legislative
 2 session.

3 Sec. 40. Original sections 49-617, 77-702, 77-5001,
 4 77-5003, 77-5005, and 77-5017, Reissue Revised Statutes of
 5 Nebraska, and sections 77-5004, 77-5016, and 77-5018, Revised
 6 Statutes Cumulative Supplement, 2010, are repealed.

7 2. On page 1, line 7; page 5, lines 10 and 19; page 6,
 8 line 1; page 7, lines 8 and 27; page 8, line 15; page 9, line 25;
 9 page 10, line 10; page 11, lines 17 and 23; page 13, line 15; page
 10 19, line 24; page 20, lines 14 and 26; and page 43, line 12, strike
 11 "2013" and insert "2014".

12 3. On page 31, strike beginning with "Any" in line 2
 13 through the period in line 3.

14 4. Renumber the remaining sections and correct internal
 15 references accordingly.

Senator Krist filed the following amendment to LB386:
 AM1308

(Amendments to E & R amendments, ER98)

1 1. On page 1, strike lines 6 through 13 and insert the
 2 following new subdivision:

3 "(2) Distressed area means:

4 (a) A municipality, unincorporated area, or census tract

5 in Nebraska that (i) is within a county with a population of fewer

6 than one hundred thousand inhabitants according to the most recent

7 federal decennial census and (ii)(A) has an unemployment rate which
8 exceeds the statewide average unemployment rate, (B) has a per
9 capita income below the statewide average per capita income, or
10 (C) had a population decrease between the two most recent federal
11 decennial censuses; and

12 (b) A county with a population of fewer than one hundred
13 thousand inhabitants according to the most recent federal decennial
14 census in Nebraska that (i) has an unemployment rate which exceeds
15 the statewide average unemployment rate, (ii) has a per capita
16 income below the statewide average per capita income, or (iii) had
17 a population decrease between the two most recent federal decennial
18 censuses;".

VISITORS

Visitors to the Chamber were a group of BACH Homeschoolers from Bellevue; and 13 third- and fourth-grade students, teacher, and sponsors from St. Paul Lutheran, Arlington.

The Doctor of the Day was Dr. Patrick Hotovy from York.

ADJOURNMENT

At 3:59 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Thursday, April 28, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

