

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

[LB15 LB17 LB56 LB73 LB107 LB121 LB124 LB137 LB155 LB162 LB167 LB181A  
LB181 LB226 LB234 LB248 LB252 LB254 LB261 LB265 LB277 LB292 LB305A LB305  
LB309 LB315 LB360 LB373 LB374 LB375 LB376 LB377 LB378 LB379 LB380 LB384A  
LB384 LB386 LB394 LB406 LB413 LB421 LB423 LB424 LB449 LB453 LB454 LB455  
LB458 LB463A LB463 LB480 LB494 LB500 LB502 LB525 LB525A LB535 LB542  
LB550 LB573 LB585 LB590A LB591 LB628 LB641 LB665 LB673 LB687 LB700 LB701  
LB702 LB703 LB704 LR202 LR203 LR204]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-fifth day of the One Hundred Second Legislature, First Session. Our chaplain for today is Senator Utter. Would you all please rise?

SENATOR UTTER: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Utter. I now call to order the seventy-fifth day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB673 and LB226 to Select File, both having Enrollment and Review amendments. That's all that I have, Mr. President. (Legislative Journal page 1447.) [LB673 LB226]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first item under Select File, appropriations bill, LB590A. [LB590A]

CLERK: LB590A, Senator Larson, I have no amendments to the bill. [LB590A]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB590A]

SENATOR LARSON: Mr. President, I move that LB590A be advanced to E&R for engrossing. [LB590A]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB590A advances. Mr. Clerk, we will now prepare to move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, do you have an item for the record? [LB590A]

ASSISTANT CLERK: Mr. President, one item, a series of reports for the current week that have been received and will be on file in our office.

PRESIDENT SHEEHY: Mr. Clerk, we will now proceed to the first item under Final Reading, LB137. [LB137]

ASSISTANT CLERK: (Read LB137 on Final Reading.) [LB137]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB137 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB137]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1448.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB137]

PRESIDENT SHEEHY: LB137 passes. We'll now proceed to LB181. [LB137 LB181]

ASSISTANT CLERK: (Read LB181 on Final Reading.) [LB181]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB181 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB181]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1449.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB181]

PRESIDENT SHEEHY: LB181 passes. We'll now proceed to LB181A. [LB181 LB181A]

ASSISTANT CLERK: (Read LB181A on Final Reading.) [LB181A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB181A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB181A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1449-1450.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting. [LB181A]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: LB181A passes. We'll now proceed to LB305. [LB181A LB305]

ASSISTANT CLERK: (Read LB305 on Final Reading.) [LB305]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB305 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB305]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1450-1451.) Vote is 43 ayes, 1 nay, 2 present and not voting, 3 excused and not voting, Mr. President. [LB305]

PRESIDENT SHEEHY: LB305 passes. We'll now proceed to LB305A. [LB305 LB305A]

ASSISTANT CLERK: (Read LB305A on Final Reading.) [LB305A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB305A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB305A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1451.) Vote is 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President. [LB305A]

PRESIDENT SHEEHY: LB305A passes. We will now proceed to LB360. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB305A LB360]

ASSISTANT CLERK: 41 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB360]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB360]

ASSISTANT CLERK: (Read title of LB360.) [LB360]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB360 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB360]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1452.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

[LB360]

PRESIDENT SHEEHY: LB360 passes with the emergency clause attached. We will now proceed to LB384. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB360 LB384]

ASSISTANT CLERK: 41 ayes, 1 nay to dispense with the at-large reading. [LB384]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB384]

ASSISTANT CLERK: (Read title of LB384.) [LB384]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB384 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB384]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1453-1454.) Vote is 36 ayes, 11 nays, 2 excused and not voting. [LB384]

PRESIDENT SHEEHY: LB384 passes with the emergency clause attached. We will now proceed to LB384A. [LB384 LB384A]

ASSISTANT CLERK: (Read LB384A on Final Reading.) [LB384A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB384A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB384A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1454.) Vote is 44 ayes, 2 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB384A]

PRESIDENT SHEEHY: LB384A passes with the emergency clause attached. Members, pursuant to the rules and the agenda, we will be passing over LB386 as there has been an amendment filed. Mr. Clerk, we will now proceed to LB421. [LB384A LB421]

ASSISTANT CLERK: (Read LB421 on Final Reading.) [LB421]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB421 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB421]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1455.) Vote is 41 ayes, 5 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB421]

PRESIDENT SHEEHY: LB421 passes. We will now proceed to LB449. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB421 LB449]

ASSISTANT CLERK: 42 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB449]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB449]

ASSISTANT CLERK: (Read title of LB449.) [LB449]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB449 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB449]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1456.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB449]

PRESIDENT SHEEHY: LB449 passes. We will now proceed to LB463. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB449 LB463]

ASSISTANT CLERK: 41 ayes, 0 nays to dispense with the at-large reading. [LB463]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB463]

ASSISTANT CLERK: (Read title of LB463.) [LB463]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB463 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB463]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1457.) Vote is 46 ayes, 2 nays, 1 excused and not voting. [LB463]

PRESIDENT SHEEHY: LB463 passes with the emergency clause attached. We will now proceed to LB463A. [LB463 LB463A]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

ASSISTANT CLERK: (Read LB463A on Final Reading.) [LB463A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB463A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB463A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1457-1458.) Vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB463A]

PRESIDENT SHEEHY: LB463A passes with the emergency clause attached. We'll now proceed to LB500. [LB463A LB500]

ASSISTANT CLERK: (Read LB500 on Final Reading.) [LB500]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB500 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB500]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1458-1459.) Vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. Excuse me, Senator Krist voting yes. Vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB500]

PRESIDENT SHEEHY: LB500 passes. (Visitors introduced.) We will now proceed to LB535. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB500 LB535]

ASSISTANT CLERK: 40 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB535]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB535]

ASSISTANT CLERK: (Read title of LB535.) [LB535]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB535 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB535]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1459.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB535]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: LB535 passes. We now proceed to LB665. [LB535 LB665]

ASSISTANT CLERK: (Read LB665 on Final Reading.) [LB665]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB665 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB665]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1460.) Vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB665]

PRESIDENT SHEEHY: LB665 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB137, LB181, LB181A, LB305, LB305A, LB360, LB384, LB384A, LB421, LB449, LB463, LB463A, LB500, LB535, and LB665. Mr. Clerk, do you have items for the record? [LB665 LB137 LB181 LB181A LB305 LB305A LB360 LB384 LB384A LB421 LB449 LB463 LB463A LB500 LB535]

CLERK: Thank you, Mr. President. Very quickly, Senator Nordquist offers LR202 calling for an interim study; that will be referred to the Executive Board. Senator Council has an amendment to LB386 to be printed. And I have the report of registered lobbyists for this week. That's all that I have. Thank you, Mr. President. (Legislative Journal page 1461.) [LR202 LB386]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Speaker Flood, you are recognized.

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. Real brief announcement and then I'm going to ask Senator Lathrop to say something. As far as today goes, my goal today was to move the budget on Select, so assuming that's done and it's 12:00 noon, my plan is to adjourn for the weekend and we will be back here Monday at 10:00 a.m. If we don't, we'll stay in until the budget moves today on Select. I do want to thank everybody for their efforts last night and for putting in a long day. I know that's taxing. With that in mind, I'd ask Senator Lathrop to make a comment regarding LB397.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Lathrop.

SENATOR LATHROP: Thank you, Mr. President. Thank you, Speaker Flood. I, too, want to thank you all for your patience and your participation in the debate last night. In keeping with my commitment to work on LB397 between General and Select, I would ask and I would invite you to provide me, if you have ideas, thoughts, concerns, to

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

provide them to me Monday by the end of the day, if you wouldn't mind, so that we can start to assimilate the concerns, assimilate the solutions. If we can have your ideas in bill form or amendment form, that would be even better, but if you can just bring to me the concerns you have or the ideas you have, you can drop them off in my office or give them to Molly, and we will then kind of look through them and begin the process of trying to reconcile the concerns people have with the fundamental principles in LB397 and make changes that hopefully everyone can support and move LB397 all the way through the body. Thank you.

SPEAKER FLOOD: One final comment just for clarification, assuming we do move the budget, I intend to go to noon. The only glitch this morning is that we're waiting for some bills from the Redistricting Committee to be reported to the floor to prepare for the seven-day notice in advance of a public hearing that's to be scheduled. I have no reason to believe that won't happen by noon, but that's another consideration today as it relates to scheduling. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, we will now move to Select File under budget bills, first bill, LB380. [LB380]

CLERK: Mr. President, just an announcement very quickly: Judiciary will meet now, Judiciary will meet now in Room 2022. Mr. President, Senator Nordquist, LB380, I have Enrollment and Review amendments, Senator. (ER108, Legislative Journal page 1418.) [LB380]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB380]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB380. [LB380]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB380]

CLERK: I have nothing further on that bill, Senator. [LB380]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB380]

SENATOR NORDQUIST: Mr. President, I move LB380 to E&R for engrossing. [LB380]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB380 advances. (Visitors introduced.) We will now proceed to LB379. [LB380 LB379]

CLERK: LB379, Senator Nordquist, I have Enrollment and Review amendments.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

(ER109, Legislative Journal page 1418.) [LB379]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB379]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB379. [LB379]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB379]

CLERK: I have nothing further on LB379, Senator. [LB379]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB379]

SENATOR NORDQUIST: Mr. President, I move LB379 to E&R for engrossing. [LB379]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB379 advances. We'll now proceed to LB378. [LB379 LB378]

CLERK: LB378, Senator, I have Enrollment and Review amendments. (ER116, Legislative Journal page 1419.) [LB378]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB378]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB378. [LB378]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB378]

CLERK: I have nothing further on that bill, Senator. [LB378]

PRESIDENT SHEEHY: Senator Nordquist. [LB378]

SENATOR NORDQUIST: Mr. President, I move LB378 to E&R for engrossing. [LB378]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB378 advances. We now proceed to LB377. [LB378 LB377]

CLERK: LB377, Senator, I have E&R amendments. (ER122, Legislative Journal page 1419.) [LB377]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB377]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB377. [LB377]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB377]

CLERK: I have nothing further on LB377, Senator. [LB377]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB377]

SENATOR NORDQUIST: Mr. President, I move LB377 to E&R for engrossing. [LB377]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB377 advances. We now proceed to LB376. [LB377 LB376]

CLERK: LB376, Senator, I have E&R amendments first of all. (ER105, Legislative Journal page 1419.) [LB376]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB376]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB376. [LB376]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB376]

CLERK: Senator Heidemann would move to amend with AM1384. (Legislative Journal page 1437.) [LB376]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized to open on AM1384. [LB376]

SENATOR HEIDEMANN: Thank you, Mr. President. Fellow members of the body, AM1384 is technical in nature. It corrects an error for an amount of General Fund appropriations for the State Treasurer, \$3,000 General Funds in each year. I would urge your support of AM1384 to LB376. Thank you. [LB376]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the opening of AM1384 to LB376. Seeing no requests to speak, Senator Heidemann, you're recognized to close. Senator Heidemann waives closing. The question before the body is on the adoption of AM1384 to LB376. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB376]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Heidemann's amendment. [LB376]

PRESIDENT SHEEHY: AM1384 is adopted. [LB376]

CLERK: I have nothing further on the bill, Senator Nordquist. [LB376]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB376]

SENATOR NORDQUIST: Mr. President, I move LB376 to E&R for engrossing. [LB376]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB376 advances. We'll now proceed to LB375. [LB376 LB375]

CLERK: Mr. President, Senator Nordquist, LB375, I have no amendments pending. [LB375]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB375]

SENATOR NORDQUIST: Mr. President, I move LB375 to E&R for engrossing. [LB375]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB375 advances. We'll now proceed to LB374. [LB375 LB374]

CLERK: LB374, Senator, I have E&R amendments. (ER124, Legislative Journal page 1419.) [LB374]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB374]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB374. [LB374]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB374]

CLERK: Senator Heidemann would move to amend with AM1397. (Legislative Journal page 1435.) [LB374]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized to open on AM1397. [LB374]

SENATOR HEIDEMANN: Thank you, Mr. President. Fellow members of the body, I

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

have a series of technical things that we have to add into the mainline budget bill. I'll just read them off as they are before me. The first one is to correct an error for reappropriation language which was omitted. This relates to the Legislative Council budget program, program evaluation. General Fund appropriations balances for the operating appropriations throughout state agencies were generally reappropriated. The second one is Department of Education, decrease Tax Equity and Educational Opportunities Support Act aid for 2011-2012 by \$2,809,152. Routinely in a long session, by late March and early April a final tabulation of insurance premium tax receipts is available which then impacts the level of General Funds for TEEOSA. In this case, a larger than anticipated amount for insurance premium tax allows for a lower General Fund obligation with a small offset of \$28,578 increase as a result of adjustments made by the State Department of Education. The next one is a change to descriptions of healthcare positions to harmonize with legislative change to licensure classification, changes the name of certain positions to conform with prior year legislation that changed position names. The next one is to change federal funding legislation for federally qualified health centers. We're doing this to maintain status quo for an additional year as a result of the minority health funding distribution change and because of minority census data for the 2010 Census. This is a subject that we're going to have to look at over the interim and figure out what we're going to do from that point on. The next one adds transfer language, adds the General Fund as a destination for transfer from the Department of Motor Vehicles Cash Fund. This destination fund was actually left out in the language. The next one is with the Indian Commission, is to increase the cash fund appropriations \$45,000 in the first year only, 2011-2012, and allow for a carryover of unspent cash fund balances related to Whiteclay. The addition of \$45,000 allows for the expenditure and anticipated grants and gifts that may occur in the forthcoming year. The reappropriation language for the cash fund allows for unspent balances from the current year to carry forward, since it is unlikely the full amount will be spent down in the current fiscal year. If you have any questions, I would try to answer them. And I do urge your support of AM1397 to LB374. [LB374]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the opening of AM1397 to LB374. Seeing no requests to speak, Senator Heidemann, you're recognized to close. Senator Heidemann waives closing. The question before the body is on the adoption of AM1397. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB374]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of Senator Heidemann's amendment. [LB374]

PRESIDENT SHEEHY: AM1397 is adopted. [LB374]

CLERK: I have nothing further on the bill, Mr. President. [LB374]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB374]

SENATOR NORDQUIST: Mr. President, I move LB374 to E&R for engrossing. [LB374]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB374 advances. We'll now proceed to LB373. [LB374 LB373]

CLERK: LB373, Senator, I have Enrollment and Review amendments. (ER117, Legislative Journal page 1420.) [LB373]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB373]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB373. [LB373]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB373]

CLERK: I have nothing further on LB373, Senator. [LB373]

PRESIDENT SHEEHY: Senator Nordquist. [LB373]

SENATOR NORDQUIST: Mr. President, I move LB373 to E&R for engrossing. [LB373]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB373 advances. We'll now proceed under Select File, state claims bill, LB585. [LB373 LB585]

CLERK: LB585, Senator, I have Enrollment and Review amendments. (ER123, Legislative Journal page 1420.) [LB585]

PRESIDENT SHEEHY: Senator Nordquist. [LB585]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB585. [LB585]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB585]

CLERK: I have nothing further on LB585. [LB585]

PRESIDENT SHEEHY: Senator Nordquist. [LB585]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR NORDQUIST: Mr. President, I move LB585 to E&R for engrossing. [LB585]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB585 advances. We will now move under agenda item Select File, consent calendar. Mr. Clerk, LB550. [LB585 LB550]

CLERK: Mr. President, the first bill, Senator Nordquist, LB550. I have no amendments to the bill. [LB550]

PRESIDENT SHEEHY: Senator Nordquist. [LB550]

SENATOR NORDQUIST: Mr. President, I move LB550 to E&R for engrossing. [LB550]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB550 advances. We'll now proceed to LB15. [LB550 LB15]

CLERK: Senator Nordquist, first of all I have Enrollment and Review amendments. (ER106, Legislative Journal page 1387.) [LB15]

PRESIDENT SHEEHY: Senator Nordquist. [LB15]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB15. [LB15]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB15]

CLERK: Senator Wightman would move to amend with AM1388. (Legislative Journal page 1463.) [LB15]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on AM1388. [LB15]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. As you may recall, LB15 clarifies existing law that district court judgments may be enforced by garnishments across county lines without transcribing the judgment and paying a judgment filing fee where personal property and wages are located. County courts already have such authority. AM1388 is a technical amendment to clarify terms in that we used the words "personal property" but omitted "wages," which is one of the most important parts of the act, so we want to be clear that wages are included under the garnishments. So we are amending just to insert the word "wages" on line 9, after the term "personal property." So with that, we would ask for approval of the amendment. Thank you. [LB15]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening of AM1388 to LB15. Seeing no requests to speak, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the adoption of AM1388. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB15]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Wightman's amendment. [LB15]

PRESIDENT SHEEHY: AM1388 is adopted. [LB15]

CLERK: I have nothing further on the bill, Senator Nordquist. [LB15]

PRESIDENT SHEEHY: Senator Nordquist. [LB15]

SENATOR NORDQUIST: Mr. President, I move LB15 to E&R for engrossing. [LB15]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB15 advances. We'll now proceed to LB17. [LB15 LB17]

CLERK: LB17, Senator, I have E&R amendments pending. (ER107, Legislative Journal page 1387.) [LB17]

PRESIDENT SHEEHY: Senator Nordquist. [LB17]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB17. [LB17]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB17]

CLERK: I have nothing further on LB17. [LB17]

PRESIDENT SHEEHY: Senator Nordquist. [LB17]

SENATOR NORDQUIST: Mr. President, I move LB17 to E&R for engrossing. [LB17]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB17 advances. We'll now proceed to LB424. [LB17 LB424]

CLERK: LB424, Senator, I have no amendments to the bill. [LB424]

PRESIDENT SHEEHY: Senator Nordquist. [LB424]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR NORDQUIST: Mr. President, I move LB424 to E&R for engrossing. [LB424]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB424 advances. We'll now proceed to LB453. [LB424 LB453]

CLERK: LB453, Senator, I have no amendments to the bill. [LB453]

PRESIDENT SHEEHY: Senator Nordquist. [LB453]

SENATOR NORDQUIST: Mr. President, I move LB453 to E&R for engrossing. [LB453]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB453 advances. We'll now proceed to LB454. [LB453 LB454]

CLERK: LB454, Senator, I have no amendments to the bill. [LB454]

PRESIDENT SHEEHY: Senator Nordquist. [LB454]

SENATOR NORDQUIST: Mr. President, I move LB454 to E&R for engrossing. [LB454]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB454 advances. We'll now proceed to LB455. [LB454 LB455]

CLERK: LB455, Senator, once again I have no amendments to the bill. [LB455]

PRESIDENT SHEEHY: Senator Nordquist. [LB455]

SENATOR NORDQUIST: Mr. President, I move LB455 to E&R for engrossing. [LB455]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB455 advances. We'll now proceed to LB167. [LB455 LB167]

CLERK: LB167, Senator, does have Enrollment and Review amendments. (ER110, Legislative Journal page 1390.) [LB167]

PRESIDENT SHEEHY: Senator Nordquist. [LB167]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB167. [LB167]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB167]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: I have nothing further on LB167, Senator. [LB167]

PRESIDENT SHEEHY: Senator Nordquist. [LB167]

SENATOR NORDQUIST: Mr. President, I move LB167 to E&R for engrossing. [LB167]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB167 advances. We'll now proceed to LB107. [LB167 LB107]

CLERK: LB107, Senator, I have no E&Rs. Senator Wallman would move to amend with AM1369. (Legislative Journal page 1463.) [LB107]

PRESIDENT SHEEHY: Senator Wallman, you're recognized to open on AM1369. [LB107]

SENATOR WALLMAN: This is a nonsubstantive, technical amendment to LB107 recommended by the Revisor's Office. The amendment inserts clarification that certain appointment procedures and qualifications refer to appointed grower members of the Grain Sorghum Board, and this helps provide for consistency in internal references within the act, as amended by LB107. I would move adoption of AM1369. [LB107]

PRESIDENT SHEEHY: Thank you, Senator Wallman. You've heard the opening of AM1369 to LB107. Seeing no requests to speak, Senator Wallman, you're recognized to close. Senator Wallman waives closing. The question before the body is on the adoption of AM1369. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB107]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Wallman's amendment. [LB107]

PRESIDENT SHEEHY: AM1369 is adopted. [LB107]

CLERK: I have nothing further on the bill, Senator Nordquist. [LB107]

PRESIDENT SHEEHY: Senator Nordquist. [LB107]

SENATOR NORDQUIST: Mr. President, I move LB107 to E&R for engrossing. [LB107]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB107 advances. We'll now proceed to LB155. [LB107 LB155]

CLERK: LB155, Senator, I have no amendments to the bill. [LB155]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Senator Nordquist. [LB155]

SENATOR NORDQUIST: Mr. President, I move LB155 to E&R for engrossing. [LB155]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB155 advances. We'll proceed to LB248. [LB155 LB248]

CLERK: LB248, Senator, I have no amendments to the bill. [LB248]

PRESIDENT SHEEHY: Senator Nordquist. [LB248]

SENATOR NORDQUIST: Mr. President, I move LB248 to E&R for engrossing. [LB248]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB248 advances. LB261. [LB248 LB261]

CLERK: LB261, Senator, does have Enrollment and Review amendments. (ER112, Legislative Journal page 1395.) [LB261]

PRESIDENT SHEEHY: Senator Nordquist. [LB261]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB261. [LB261]

PRESIDENT SHEEHY: You've heard the motion on the adoption of E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB261]

CLERK: Senator Lathrop would move to amend with AM1356. (Legislative Journal page 1464.) [LB261]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on AM1356. [LB261]

SENATOR LATHROP: Thank you very much, Mr. President, colleagues. AM1356 is very simple. It's language suggested by the Bill Drafters. The federal law cited in the bill was amended in 2009. AM1356 reflects the new cite to the new federal language, and I ask for your support of AM1356. Thank you. [LB261]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening of AM1356 to LB261. Seeing no requests to speak. Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of AM1356. All those in favor vote aye. Opposed, nay. Record, Mr. Clerk. [LB261]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Lathrop's amendment. [LB261]

PRESIDENT SHEEHY: AM1356 is adopted. [LB261]

CLERK: I have nothing further on the bill. [LB261]

PRESIDENT SHEEHY: Senator Nordquist. [LB261]

SENATOR NORDQUIST: Mr. President, I move LB261 to E&R for engrossing. [LB261]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB261 advances. We will now proceed to LB121. [LB261 LB121]

CLERK: LB121, Senator, has no amendments. [LB121]

PRESIDENT SHEEHY: Senator Nordquist. [LB121]

SENATOR NORDQUIST: Mr. President, I move LB121 to E&R for engrossing. [LB121]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB121 advances. We will now proceed to LB309. [LB121 LB309]

CLERK: LB309, Senator, does have Enrollment and Review amendments. (ER113, Legislative Journal page 1396.) [LB309]

PRESIDENT SHEEHY: Senator Nordquist. [LB309]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB309. [LB309]

PRESIDENT SHEEHY: You have heard the motion on the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB309]

CLERK: I have nothing further on LB309, Senator. [LB309]

PRESIDENT SHEEHY: Senator Nordquist. [LB309]

SENATOR NORDQUIST: Mr. President, I move LB309 to E&R for engrossing. [LB309]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB309 advances. We will now proceed to LB573. [LB309 LB573]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: LB573 does have Enrollment and Review amendments, Senator. (ER114, Legislative Journal page 1397.) [LB573]

PRESIDENT SHEEHY: Senator Nordquist. [LB573]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB573. [LB573]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB573]

CLERK: I have nothing further on LB573. [LB573]

PRESIDENT SHEEHY: Senator Nordquist. [LB573]

SENATOR NORDQUIST: Mr. President, I move LB573 to E&R for engrossing. [LB573]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB573 advances. We will now proceed to LB458. [LB573 LB458]

CLERK: LB458, Senator, does have E&R amendments. (ER115, Legislative Journal page 1397.) [LB458]

PRESIDENT SHEEHY: Senator Nordquist. [LB458]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB458. [LB458]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB458]

CLERK: I have nothing further on LB458. [LB458]

PRESIDENT SHEEHY: Senator Nordquist. [LB458]

SENATOR NORDQUIST: Mr. President, I move LB458 to E&R for engrossing. [LB458]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB458 advances. We will now proceed to LB423. [LB458 LB423]

CLERK: LB423, Senator, has no amendments. [LB423]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Senator Nordquist. [LB423]

SENATOR NORDQUIST: Mr. President, I move LB423 to E&R for engrossing. [LB423]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye.  
Opposed, nay. LB423 advances. We will now proceed to LB56. [LB423 LB56]

CLERK: Senator, with respect to LB56, I have no amendments to the bill. [LB56]

PRESIDENT SHEEHY: Senator Nordquist. [LB56]

SENATOR NORDQUIST: Mr. President, I move LB56 to E&R for engrossing. [LB56]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye.  
Opposed, nay. LB56 advances. We will now proceed to LB480. [LB56 LB480]

CLERK: LB480, Senator, I have no amendments to the bill. [LB480]

PRESIDENT SHEEHY: Senator Nordquist. [LB480]

SENATOR NORDQUIST: Mr. President, I move LB480 to E&R for engrossing. [LB480]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye.  
Opposed, nay. LB480 advances. We will now proceed to LB254. [LB480 LB254]

CLERK: LB254, Senator, I have no amendments to the bill. [LB254]

PRESIDENT SHEEHY: Senator Nordquist. [LB254]

SENATOR NORDQUIST: Mr. President, I move LB254 to E&R for engrossing. [LB254]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye.  
Opposed, nay. LB254 advances. We will now proceed to LB641. [LB254 LB641]

CLERK: LB641, Senator, does have Enrollment and Review amendments. (ER119,  
Legislative Journal page 1403.) [LB641]

PRESIDENT SHEEHY: Senator Nordquist. [LB641]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB641.  
[LB641]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB641]

CLERK: I have nothing further on LB641, Senator. [LB641]

PRESIDENT SHEEHY: Senator Nordquist. [LB641]

SENATOR NORDQUIST: Mr. President, I move LB641 to E&R for engrossing. [LB641]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB641 advances. We will now proceed to LB413. [LB641 LB413]

CLERK: LB413, Senator, I have no amendments to the bill. [LB413]

PRESIDENT SHEEHY: Senator Nordquist. [LB413]

SENATOR NORDQUIST: Mr. President, I move LB413 to E&R for engrossing. [LB413]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB413 advances. We will now proceed to LB525. [LB413 LB525]

CLERK: LB525, Senator, has no amendments. [LB525]

PRESIDENT SHEEHY: Senator Nordquist. [LB525]

SENATOR NORDQUIST: Mr. President, I move LB525 to E&R for engrossing. [LB525]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB525 advances. We will now proceed to LB525A. [LB525 LB525A]

CLERK: LB525A, Senator, has no amendments. [LB525A]

PRESIDENT SHEEHY: Senator Nordquist. [LB525A]

SENATOR NORDQUIST: Mr. President, I move LB525A to E&R for engrossing. [LB525A]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB525A advances. We will now proceed to LB591. [LB525A LB591]

CLERK: LB591, no E&R. Senator Gloor would move to amend with AM1398. (Legislative Journal page 1435.) [LB591]

PRESIDENT SHEEHY: Senator Gloor, you're recognized to open on AM1398 to LB591.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

[LB591]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. A reminder, LB591 is about moving our immunization registry and disease monitoring known as, and I hope this is the last time I have to try and say this, syndromic surveillance from paper to electronic health records and electronic information sharing. There's a very small wording change, which is a clarification indicating who can charge a reasonable fee for providing this information. It's spoken to in another component of statutes covering immunization. This is an additional clarification referring to a specific list of schools and healthcare providers and entities that can, in fact, do this. I would ask for the body's green vote on this. Thank you. [LB591]

PRESIDENT SHEEHY: Thank you, Senator Gloor. You've heard the opening of AM1398. Seeing no requests to speak, Senator Gloor you're recognized to close. Senator Gloor waives closing. The question before the body is on the adoption of AM1398. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB591]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Gloor's amendment. [LB591]

PRESIDENT SHEEHY: AM1398 is adopted. [LB591]

CLERK: I have nothing further on the bill, Senator Nordquist. [LB591]

PRESIDENT SHEEHY: Senator Nordquist. [LB591]

SENATOR NORDQUIST: Mr. President, I move LB591 to E&R for engrossing. [LB591]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB591 advances. We will now proceed to LB687. [LB591 LB687]

CLERK: LB687, Senator, I have no amendments to the bill. [LB687]

PRESIDENT SHEEHY: Senator Nordquist. [LB687]

SENATOR NORDQUIST: Mr. President, I move LB687 to E&R for engrossing. [LB687]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB687 advances. We will now proceed to LB542. [LB687 LB542]

CLERK: LB542, Senator, does have Enrollment and Review amendments. (ER120, Legislative Journal page 1405.) [LB542]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Senator Nordquist. [LB542]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB542. [LB542]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB542]

CLERK: I have nothing further on LB542. [LB542]

PRESIDENT SHEEHY: Senator Nordquist. [LB542]

SENATOR NORDQUIST: Mr. President, I move LB542 to E&R for engrossing. [LB542]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB542 advances. We will now proceed to LB265. [LB542 LB265]

CLERK: LB265, Senator, has no amendments. [LB265]

PRESIDENT SHEEHY: Senator Nordquist. [LB265]

SENATOR NORDQUIST: Mr. President, I move LB265 to E&R for engrossing. [LB265]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB265 advances. We will now proceed to LB406. [LB265 LB406]

CLERK: LB406 has no amendments, Senator. [LB406]

PRESIDENT SHEEHY: Senator Nordquist. [LB406]

SENATOR NORDQUIST: Mr. President, I move LB406 to E&R for engrossing. [LB406]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB406 advances. We will now proceed to LB315. [LB406 LB315]

CLERK: LB315, Senator, I have Enrollment and Review amendments. (ER118, Legislative Journal page 1406.) [LB315]

PRESIDENT SHEEHY: Senator Nordquist. [LB315]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB315. [LB315]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB315]

CLERK: I have nothing further on LB315, Senator. [LB315]

PRESIDENT SHEEHY: Senator Nordquist. [LB315]

SENATOR NORDQUIST: Mr. President, I move LB315 to E&R for engrossing. [LB315]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB315 advances. We will now proceed to LB277. [LB315 LB277]

CLERK: LB277, I have no amendments, Senator. [LB277]

PRESIDENT SHEEHY: Senator Nordquist. [LB277]

SENATOR NORDQUIST: Mr. President, I move LB277 to E&R for engrossing. [LB277]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB277 advances. We will now proceed to LB292. [LB277 LB292]

CLERK: LB292 has no amendments, Senator. [LB292]

PRESIDENT SHEEHY: Senator Nordquist. [LB292]

SENATOR NORDQUIST: Mr. President, I move LB292 to E&R for engrossing. [LB292]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB292 advances. We will now proceed to LB394. [LB292 LB394]

CLERK: LB394, Senator, I have no amendments to the bill. [LB394]

PRESIDENT SHEEHY: Senator Nordquist. [LB394]

SENATOR NORDQUIST: Mr. President, I move LB394 to E&R for engrossing. [LB394]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB394 advances. We will now proceed to LB162. [LB394 LB162]

CLERK: LB162 has no amendments, Senator. [LB162]

PRESIDENT SHEEHY: Senator Nordquist. [LB162]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR NORDQUIST: Mr. President, I move LB162 to E&R for engrossing. [LB162]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB162 advances. We will now proceed to LB494. [LB162 LB494]

CLERK: LB494, Senator, I have no amendments. [LB494]

PRESIDENT SHEEHY: Senator Nordquist. [LB494]

SENATOR NORDQUIST: Mr. President, I move LB494 to E&R for engrossing. [LB494]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB494 advances. We will now proceed to LB124. [LB494 LB124]

CLERK: LB124, Senator, I have no amendments to the bill. [LB124]

PRESIDENT SHEEHY: Senator Nordquist. [LB124]

SENATOR NORDQUIST: Mr. President, I move LB124 to E&R for engrossing. [LB124]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB124 advances. We will now proceed to LB73. [LB124 LB73]

CLERK: LB73 does have Enrollment and Review amendments. (ER121, Legislative Journal page 1406.) [LB73]

PRESIDENT SHEEHY: Senator Nordquist. [LB73]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB73. [LB73]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB73]

CLERK: I have nothing further on LB73. [LB73]

PRESIDENT SHEEHY: Senator Nordquist. [LB73]

SENATOR NORDQUIST: Mr. President, I move LB73 to E&R for engrossing. [LB73]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB73 advances. We will now proceed to LB234. [LB73 LB234]

CLERK: LB234 has no amendments, Senator. [LB234]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

PRESIDENT SHEEHY: Senator Nordquist. [LB234]

SENATOR NORDQUIST: Mr. President, I move LB234 to E&R for engrossing. [LB234]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB234 advances. We will now proceed to LB502. [LB234 LB502]

CLERK: LB502, Senator, I have no amendments to the bill. [LB502]

PRESIDENT SHEEHY: Senator Nordquist. [LB502]

SENATOR NORDQUIST: Mr. President, I move LB502 to E&R for engrossing. [LB502]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB502 advances. (Visitors introduced.) Mr. Clerk, we'll move to the next item on the agenda, Final Reading, motions to return to Select File for a specific amendment. LB628. [LB502 LB628]

CLERK: Mr. President, I have two motions. Senator Bloomfield would, first of all, move to return LB628 to Select File for a specific amendment, the amendment being AM1263. [LB628]

PRESIDENT SHEEHY: Senator Bloomfield, you're recognized on your motion to return LB628 to Select File. [LB628]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I'm having circulated at this time an Opinion from the Attorney General that states that there are some constitutional questions involved with this bill as passed to this point. I, therefore, would like to bring it back to Select File to correct that problem with it. My amendment would simply remove the offending language. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. You've heard the opening on the motion to return LB628 to Select File. Member requesting to speak: Senator Cook. [LB628]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I am rising in opposition to this particular motion to return it for this particular amendment. The issue that Senator Bloomfield has mentioned will be addressed in an amendment that I will return the bill to Select File to ask for your adoption. So with that, colleagues, I ask that you vote no on this particular motion to return. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. Senator Bloomfield. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR BLOOMFIELD: Thank you, Mr. President. From what I have seen of Senator Cook's amendment, it does not necessarily clear up the issue that exists within the constitution. I would ask that you bring it back, let's take a look at it, you decide what you need to do with it. I don't intend to belabor this for a long, drawn-out affair. I don't believe that needs to be done, but I do think we should take a look at what we're doing. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Hansen. [LB628]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. The senators in the back of the room haven't had a chance to look at the handout so I would ask, Senator Bloomfield and Senator Cook, just a little bit of time until we have time to look at that. I know we're all looking forward to adjournment but I think this is an important amendment and an important reason why Senator Bloomfield brought this amendment and we need to take a minute to look at this report. So I don't know how you want to handle that, Mr. President, but I would ask for a few minutes to do that. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Members requesting to speak on the motion to return to Select File, we have Senator Cook, followed by Senator Krist and Senator McCoy and Senator Price. Senator Cook. [LB628]

SENATOR COOK: Thank you, Mr. President, and good morning colleagues. Again, I rise in opposition to the motion to return the bill to Select File for this amendment and eventually will be in opposition to this amendment. Senator Bloomfield has circulated, indeed, an Attorney General's Opinion. The amendment that I will offer, which is AM1400, has been vetted through the Attorney General's Office and does take care of the issues that have been brought up through that Attorney General's Opinion. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. Senator Krist. [LB628]

SENATOR KRIST: Good morning, colleagues. And thank you, Mr. President. I was wondering if Senator Cook would yield to a question. [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield to Senator Krist? [LB628]

SENATOR COOK: Yes, I will. [LB628]

SENATOR KRIST: Based upon the process, we're looking at one amendment without really having an opportunity, so I guess I'm buying a little bit of time for those in the back to actually take a look at the Attorney General's words. But at the same time, I think it

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

would be helpful if you would let us know what your amendment actually does that you feel or that you have vetted through the Attorney General's Office that may solve this issue. [LB628]

SENATOR COOK: All right. Thank you very much, Senator Krist. AM1400, if you can find that on your machine, on page 5, line 25, "unless such donation is prohibited by law." Constitutionally, this state or any government organization is not permitted to gift a faith-based organization with property or cash. We do it through contracts, such as Boys Town and Catholic Charities and Lutheran Family Services and Salvation Army, etcetera, across the state, but that first line will take care of the concerns raised by the Attorney General's Office and cited in that case from 1960 which, incidentally, relates to \$60,000 cold cash money going to an organization that had a faith-based outreach as one of its functions. And then the second line is the amendment that was adopted by the body in the previous round of debate. Does that clarify, Senator Krist? [LB628]

SENATOR KRIST: I think it does and thank you for your answer. And then if Senator Bloomfield would yield to a question, please. [LB628]

PRESIDENT SHEEHY: Senator Bloomfield, would you yield? [LB628]

SENATOR BLOOMFIELD: Yes, I would. [LB628]

SENATOR KRIST: Senator, your amendment, in terms of differing from the following amendment that we're going to see, how do you feel that it actually solves the problem in more clarity, with more clarity? [LB628]

SENATOR BLOOMFIELD: Thank you, Senator Krist. My amendment simply removes the whole section where the offending language appears, leaving intact what was at one time the Lautenbaugh amendment which allows for interstate swapping of equipment but does not allow for the straight giveaway of government property. And I'm going to burn just a second of your time, if you don't mind, that Senator Cook's bill (sic) says, "unless donation is prohibited by law," that to me looks like we're still doing the same thing. I believe under the original Opinion of the Attorney General, that is prohibited by law and we've just gone back and said unless it's prohibited by law, and it appears to be. [LB628]

SENATOR KRIST: Okay. Thank you, both, for your candor and thank you, Mr. President, for the time. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Price. [LB628]

SENATOR PRICE: Thank you, Mr. President. Members of the body, if you remember, and just so we refresh your memories here, we had a multipart bill here. We had one,

Floor Debate  
May 05, 2011

---

as Senator Bloomfield brought up, we had the issue that Senator Lautenbaugh had and it was melded into this bill here, and then what Senator Cook has. And on all the rounds of debate so far, I brought up the concern of how are we going to know about the determined end-of-life use so we're going to be giving a property away, that there was a concern that there was no drafted limits. There were some limits in Lautenbaugh's, but there were no limits in this that a political subdivision...and conversation that was had on the floor was, well, if a political subdivision gives something away that the voters felt was too gracious, if you want to use those words, or had too much value, then those elected officials would be held accountable. So I think that that's where we came to an agreement, is that the local officials would be held accountable. But now we see through the Opinion of the Attorney General that there are some concerns, and what Senator Bloomfield is doing is just removing that whole section, I guess, and gutting the bill for the giving away and leaving Lautenbaugh's thing, his portion of it. And Senator Cook has said now that hers would take care of it. Would Senator Cook yield to a question, please? [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield? [LB628]

SENATOR COOK: Yes, I will. [LB628]

SENATOR PRICE: Thank you, Senator Cook. Can you spend a moment again, a little bit more time and that will give you...to address what Senator Bloomfield is saying, is that by putting a statement of what's allowed by law but currently is not allowed by law. I mean how does that...how do you reconcile those two? Would you take a moment, please? [LB628]

SENATOR COOK: This particular line, Senator Price, was added to clarify the points that were brought up in the Attorney General's Opinion. If you get that in front of you and look at the last paragraph and read that to yourselves, this is just an extra way, and it's been vetted through the Attorney General's Office, to ensure that a faith-based organization, which is currently constitutionally not allowed, that that's taken care of. So does that answer your question? [LB628]

SENATOR PRICE: I think it answers the question about faith-based. The question that I had that remains is the part about the language that says that's otherwise allowed by law. I mean if it's...or not allowed by law. That's what Senator Bloomfield has brought up. And I guess I would finish my commentary with the question, Senator Cook, are all the concerns, not just the faith-based one, but are all the concerns that are outlined in the Attorney General's Opinion, do you believe they all have been fully addressed with an amendment that you would propose? [LB628]

SENATOR COOK: Yes. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR PRICE: Thank you very much, Senator Cook. And I would yield the balance of my time to Senator Bloomfield, if he wanted to use it. [LB628]

PRESIDENT SHEEHY: Senator Bloomfield, you're yielded 1 minute 30 seconds. [LB628]

SENATOR BLOOMFIELD: Thank you, Mr. President, Senator Price. I don't have a lot more to say on this other than I think it's clear we need to bring this back. Let's have a look at it. We've had a chance to read it a little bit. There's some question in my mind and apparently in other minds as to whether or not Senator Cook's amendment would take care of the constitutional issue. There is no doubt mine does. I would like to bring it back to the floor and let's have a vote on it. Let's see where we go, without spending all morning doing it. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Members requesting to speak on the motion to return legislative bill for a specific amendment, we have Senator Cook, followed by Senator Conrad and Senator Lautenbaugh. Senator Cook, this is your third time. [LB628]

SENATOR COOK: Thank you, Mr. President. And good morning again, colleagues. Again, I rise in opposition to this motion to return for this amendment. This amendment will not be necessary because my amendment takes care of the constitutional issue. It was vetted, as I said earlier, through the Attorney General's Office and takes care of the issue that you're seeing in the letter distributed from the Attorney General's Office. I would also like to mention that if you return for this motion and if you were to, by accident, do the wrong thing and adopt AM1263, then it removes my bill. At this point, you'd be left with Senator Lautenbaugh's bill. And I don't...I didn't work this hard to bring this bill this far just so that my great good buddy Senator Lautenbaugh could have his bill and that I am not going to have mine. So be mindful, please. I would ask if we're doing this, it's probably his motion, but I'm going to vote against this motion because we don't need to talk about this amendment anymore because my amendment takes care of everything that is outlined in that Attorney General's Opinion. Thank you very much, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. Senator Conrad. [LB628]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I was hoping that Senator Cook would yield for a question, please. [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield to Senator Conrad? [LB628]

SENATOR COOK: Yes. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR CONRAD: Thank you, Senator Cook. And I know that from a process perspective there can be some confusion in terms of the fact that you've got an amendment pending that you would like to return the bill to Select for and then Senator Bloomfield, of course, has this motion and this amendment pending. So regardless, at some point you have...you do believe that we will need to move the bill from Final to Select today to address some technical issues. Is that correct? [LB628]

SENATOR COOK: Yes, Senator Conrad, and I have also filed a motion to return LB628 to Select File for a specific amendment, and my specific amendment is AM1400, and I've mentioned it before. It takes care of the Attorney General's Opinion, the issue brought out in that and... [LB628]

SENATOR CONRAD: Okay. [LB628]

SENATOR COOK: Yes. Thank you. [LB628]

SENATOR CONRAD: Thank you, Senator Cook. I just wanted to make sure that the members were clear about that... [LB628]

SENATOR COOK: Right. [LB628]

SENATOR CONRAD: ...and specifically your amendment that you filed specifically addresses the concerns because it's been drafted in cooperation and consultation with the Attorney General's Office. So really, that would vitiate any of the information provided in this Opinion. Is that correct? [LB628]

SENATOR COOK: Absolutely. It has been drafted in direct consultation with the Attorney General's Office and satisfies all of the issues brought up in the letter. [LB628]

SENATOR CONRAD: Okay. Thank you, Senator Cook. Would Senator Bloomfield please yield to a question? [LB628]

SENATOR BLOOMFIELD: Yes, I would. [LB628]

SENATOR CONRAD: Thank you, Senator Bloomfield. And have you had a chance to review that competing amendment that Senator Cook has filed? [LB628]

SENATOR BLOOMFIELD: Just the page that my aide brought me this morning. [LB628]

SENATOR CONRAD: Okay. And have you had a chance to visit about that with the Attorney General's Office? [LB628]

SENATOR BLOOMFIELD: I have not. I'm going to insert something here that I...if it's

Floor Debate  
May 05, 2011

---

wrong, I will ask to be excused on my freshman lack of knowledge. I made a point each time I filed an amendment to share it with Senator Cook. That courtesy was not reciprocated back to me. [LB628]

SENATOR CONRAD: Well, Senator Bloomfield, I think everyone operates in a different posture and sometimes, when it is possible, senators do like to share those in advance, and sometimes that's not possible for time purposes. But I do want to direct your attention to the very first page of the Attorney General's Opinion that you forwarded today quoting, "We are not aware of any specific provision in the Nebraska Constitution which expressly prohibits gift of government property to a private organization by a governmental subdivision." The remaining context and specifics in the Attorney General's Opinion are really more hypothetical and potential issues that could be addressed, and Senator Cook has addressed those in her amendment. So my specific question to you is your amendment is not intended to respond to the Attorney General's Opinion but, rather, to kill the bill. Is that correct? [LB628]

SENATOR BLOOMFIELD: No, that is not correct. If you would go to page 3 of what I had circulated, the last line of paragraph 2, "It is not what has been done but what can be done under a statute that determines its constitutionality." [LB628]

SENATOR CONRAD: Thank you, Senator Bloomfield. And again that if you look at the general direction on the first page, it then lays out potential specific instances of concern that will be addressed with Senator Cook's motion. So again, your amendment is indeed not intended to respond to the Attorney General's Opinion but, rather, to change the composition of the bill, which is in essence a kill motion. Is that correct? [LB628]

PRESIDENT SHEEHY: One minute. [LB628]

SENATOR BLOOMFIELD: No, that is not correct. The bill,... [LB628]

SENATOR CONRAD: Okay. [LB628]

SENATOR BLOOMFIELD: ...as amended with this one section gone, will stand. I'm not trying to kill the bill. [LB628]

SENATOR CONRAD: Thank you, Senator Bloomfield. Thank you, Mr. President. For one minute, Senator Cook, would you yield to a question? [LB628]

PRESIDENT SHEEHY: Senator Cook. [LB628]

SENATOR COOK: Yes, Mr. President. Yes. [LB628]

SENATOR CONRAD: Senator Cook, do you believe that this is a kill motion because...

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

[LB628]

SENATOR COOK: Absolutely. It specifically calls for the removal of Section 4 of this version of the bill, and that if you look at the green copy of my petite little LB628 before I so graciously permitted my great good friend Senator Lautenbaugh to amend into it, that is the language of the bill. My amendment, which you will return this bill from Final Reading to Select in my motion, which I'm going to bring, my amendment amends that section. So if you entertain this motion and if you entertain that... [LB628]

PRESIDENT SHEEHY: Time, Senator. [LB628]

SENATOR CONRAD: Thank you, Senator Cook. [LB628]

PRESIDENT SHEEHY: Time, Senator. [LB628]

SENATOR CONRAD: Thank you, Mister... [LB628]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Members requesting to speak: Senator Lautenbaugh, followed by Senator Bloomfield and Senator Ken Haar. Senator Lautenbaugh. [LB628]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I appreciate Senator Cook's directness and clarity on this. I think Colonel Potter said subtlety doesn't feed the bulldog. She's been very clear--don't do the wrong thing, do the right thing. And I appreciate Senator Bloomfield's concerns on this and he has been active on this bill and I've understood where he's coming from on this, but I do believe that the amendment coming from Senator Cook will correct the issues that have been raised. And so I do have to vote against this motion to return to Select and support the next motion to return to from Select (sic) and that may be the last motion to return this bill from Select (sic). I'm not keeping track. But I think that Senator Bloomfield raised a valid concern and I think it is being addressed properly though, so I would urge you to, unfortunately, oppose this motion and support the next one. And I'll yield the rest of my time to Senator Cook. [LB628]

PRESIDENT SHEEHY: Senator Cook, you're yielded 4 minutes. [LB628]

SENATOR COOK: (Laugh) I think I'm going to waive. (Laughter) [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. Thank you, Senator Lautenbaugh. Senator Bloomfield, this is your third time. [LB628]

SENATOR BLOOMFIELD: Mr. President, how do I follow that? (Laugh) Yeah. Senator Council just said God bless America. I believe that's how we follow that waving and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

shaking action. Again, I believe this needs to come back. Let's have a good solid vote on it. Let's bring it back and discuss maybe, if we need to, whether or not this last Opinion apparently from the Attorney General, which I have not had the opportunity to discuss with them, does in fact take care of the issue. I believe Senator Cook's tiny little bill probably would not have survived as long as it did without the Lautenbaugh amendment. And am I trying to strike out a part where we're giving away public property? You bet I am. I'm the lowdown son of a Bloomfield that said, by golly, it's time we quit giving things away. It's time that the people that we so call poor have an opportunity stand up on their own feet. Let's not hand away public property to people that will probably strip the wheels off of it, sell them, buy a few drugs, leave it sit on the road. Let's bring it back. Let's discuss it. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Pahls. [LB628]

SENATOR PAHLS: Good morning, Mr. President. May I have a word or two with Senator Cook? [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield to Senator Pahls? [LB628]

SENATOR COOK: Yes, Mr. President. [LB628]

SENATOR PAHLS: Good morning. [LB628]

SENATOR COOK: Good morning, Senator Pahls. [LB628]

SENATOR PAHLS: Remember when I said that this bill would take a little bit of doing once it was in the Government Committee? [LB628]

SENATOR COOK: Uh-huh. [LB628]

SENATOR PAHLS: Okay. I think we're almost there, to be honest with you. [LB628]

SENATOR COOK: All right. [LB628]

SENATOR PAHLS: I support what you're trying to do and, I think, your amendment. You're telling me your amendment will clear up any of the issues that have been brought forth. [LB628]

SENATOR COOK: Yes, Senator Pahls. My amendment, which I understand is up on your gadget at this time, it's AM1400 to LB628, my amendment addresses the issues raised by the Attorney General's Office. Indeed, it was drafted in cooperation with the Attorney General's Office. It also includes the amendment that was adopted at the last round of debate. So it clarifies and it ensures that we are not adopting an

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

unconstitutional measure. [LB628]

SENATOR PAHLS: Okay. Okay. Again, I thank you for your effort, appreciate your answer. It seems to me that we are or eventually will have this cleared up. One thing I do need to bring forth, when this bill was brought to the committee...I see it as more as recycling as opposed to giving things away. And nowhere in any of the conversation did it come across to us that people are going to take these vehicles out and dispose of them in an unfair way. I support what Senator Cook is doing and I think if we can get to her amendment we should move forward. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Haar. [LB628]

SENATOR HAAR: Mr. President, members of the body, can I ask Senator Cook a question? [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield to Senator Haar? [LB628]

SENATOR COOK: Yes, Mr. President. [LB628]

SENATOR HAAR: Okay. Just once more to clarify, Senator Bloomfield's amendment, AM1263, would take the wheels off your amendment, get rid of it,... [LB628]

SENATOR COOK: Yes. [LB628]

SENATOR HAAR: ...whereas your amendment will keep the idea of recycling the vehicles and take care of the constitutional... [LB628]

SENATOR COOK: Uh-huh. Thank you, Senator Haar. Indeed, if you were to vote in support of this motion, please don't, and if you were then to vote in support of this amendment, please don't, it would effectively strip the wheels and any other remarketable portions of the vehicle, called LB628, of its original purpose. [LB628]

SENATOR HAAR: Okay. Well, thank you very...so it's not just returning it to Select File but it strips your...basically your part out of it. [LB628]

SENATOR COOK: Well, with this motion, if you were to adopt it and if you were to consider and include AM1263, it eliminates the language my green copy, if you still have that available, my green copy of the bill is Section 4. [LB628]

SENATOR HAAR: Okay. [LB628]

SENATOR COOK: So my amendment amends Section 4 so it needs to be there. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR HAAR: Okay. Well, I hope to keep the wheels on your idea. [LB628]

SENATOR COOK: As do I. [LB628]

SENATOR HAAR: So I will vote against AM1263 and then look towards your...the next amendment. Thank you. [LB628]

SENATOR COOK: Thank you, Senator. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Nelson. [LB628]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to yield some of my time to Senator Bloomfield, if he will keep his comments to 2 or 3 minutes so I can finish up. Senator Bloomfield. [LB628]

PRESIDENT SHEEHY: Senator Bloomfield. [LB628]

SENATOR BLOOMFIELD: Thank you, Senator Nelson. I, maybe with a little more passion than I should have, made some statements about the wheels being pulled off of vehicles and sold for the purchase of drugs. I did not intend that all poor people are going to rush out and strip the car that is given to them. I will also not say that it cannot happen, in certain opinions, and I don't believe that is our intent. This vehicle that we are giving away to a charity or to a nonprofit organization is at that point to be given to an individual. What that individual does with that vehicle, we have no control over it. Again, I did not intend to indict lower-income people. What I intended to do was to say that in some instances this vehicle, if given to an individual, is going to be improperly used. And bear in mind that even though these vehicles supposedly have reached their end of value, even at the iron yard they're worth \$300 to \$500. Thank you for the time, Senator Nelson. [LB628]

PRESIDENT SHEEHY: Senator Nelson, you still have 3 minutes 20 seconds. [LB628]

SENATOR NELSON: Thank you very much, Mr. President. I'd like to address a question to Senator Cook, if she will yield. [LB628]

PRESIDENT SHEEHY: Senator Cook, would you yield? [LB628]

SENATOR COOK: Yes, Mr. President, I'll yield. [LB628]

SENATOR NELSON: Thank you, Senator Cook. I'm looking at the first part of your proposed amendment, AM1400, and I think you indicated by adding, "unless such donation is prohibited by law," that this is going to solve the problem. My question is

Floor Debate  
May 05, 2011

---

this: How are we eventually going to decide whether that donation is prohibited by law? [LB628]

SENATOR COOK: I'm sorry, what did you say? How is who going to decide? [LB628]

SENATOR NELSON: Yeah, how...who's going to make that determination? I mean if you've got an organization that wants to give something away to a charitable organization, such as a vehicle, who's going to determine whether that donation is prohibited by law? [LB628]

SENATOR COOK: Well, Senator Nelson, thank you for asking that question. My bill proposal, the original one, the green one, merely permits a local subdivision, the elected officials of a subdivision, a city, a county, a public power board, it permits them to choose to donate to a charitable organization. This proposal does not automatically donate anything. It merely provides the language that if a governing board of a city, a county, or local subdivision chooses to donate a vehicle... [LB628]

SENATOR NELSON: Thank you, Senator Cook. I understand that, but the question still is we've got to make a determination and we've got an Opinion here by our Supreme...or by our Attorney General that there's some doubt about this. So aren't we going to be in the position that somebody, sooner or later, is going to have to file a lawsuit and say you can't do this and go to the court to make a decision, which may or may not be in accordance with the Opinion of the Attorney General? Aren't we better off to just kind of determine right now, on the basis of the Opinion, that we ought not to permit this through our... [LB628]

PRESIDENT SHEEHY: One minute. [LB628]

SENATOR COOK: No, sir, not in my opinion. I have, as I said, drafted the amendment in close consultation and collaboration with the Attorney General's Office. They are the office that issued the Opinion based on a court decision that was made in 1960. I do not agree with you that we should do that at this time. [LB628]

SENATOR NELSON: All right. Thank you, Senator. I am not certain how I'm going to vote on this but...because it's a quick read of the Opinion, but I think we're still going to have a constitutional problem to address if we do pass this with Senator Cook's amendment. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Conrad. [LB628]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to the motion and I rise in opposition to the Bloomfield amendment, AM1263. Let's be clear, this legislation authorizes surplus government property to be utilized by

Floor Debate  
May 05, 2011

---

nonprofit organizations and encourages public-private partnerships that benefit the entirety of our citizenry. Senator Cook should be commended for bringing forward this idea which, mind you, is not innovative but indeed is already in practice, say, for example, in the Department of Corrections or in other areas and entities of government. This is an expansion of an existing idea and program that works to benefit all. She should be applauded for that. I thank her for her careful time and attention with this matter and graciously working to ensure it is as technically appropriate as it can be. And I will be supporting her motion to return to Select File for that specific amendment. In regards to other commentary that has been made in the context of the debate this morning, I can tell you in my five years in the Legislature we are all guilty at times of being overrun by passion for the issues that we care deeply about and that we've invested a great deal of time and energy upon. However, I can tell you, in my personal opinion, those comments are among the most offensive that I've heard in terms of floor debate. And I appreciate Senator Bloomfield attempting to make an apology. I hope that he will be more full and forthcoming in that apology because I don't believe that that represents what would be his or any of our position and belief in terms of poverty issues and low-income individuals and families that reside in all of our districts and all across this great state. I don't believe it represents what our public policy is in Nebraska, I don't believe it represents a Christian view of poverty issues, and I don't believe that it has any context in this debate or other. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Conrad. (Visitors introduced.) Members requesting to speak on the Bloomfield motion to return LB628 to Select File, we have Senator Karpisek, followed by Senator Council, Senator Howard, and Senator Schumacher. Senator Karpisek. [LB628]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I had some issues with this bill out of committee and I think I was not voting as it came out. I still am not real solid on it. However, I think that...I know that Senator Cook has talked to the AG and her amendment would fix those things. But what I want to talk about is the political maneuvering on these bills to go get an AG's Opinion and it is an opinion. I've seen it on too many bills. We get an AG's Opinion. Either we don't get the Opinion back and it holds up the bill or it says something like may, shall, we feel. It's an opinion. This isn't the end-all, be-all. There are many bills that we've passed in here that have gone to court. And if we want to play these sort of games on all those bills that's fine, but I'm standing up right here and right now and saying I'm tired of it. We all know how to get an AG's Opinion and if that's going to hold the process up even more, we will have one in by the end of the day or two or three. It's fine to get one but to hold everything up because of an AG's Opinion, in my opinion, is not right. It's a political move, and if everybody doesn't see through that, wake up. Again, I'm not overly wild about this bill but I think I know Senator Cook has gone and worked with them, so I guess I don't understand what the holdup is. We can be here all day, that's fine, I don't care about that, but I think that Senator Cook has done the right steps, done what she's needed to

Floor Debate  
May 05, 2011

---

do. If you don't like the bill, vote no or don't vote or whatever you want to do. But what I'm saying is when you go through what you're trying to do, you're trying to concede, you make concessions and the target keeps moving on you and you can't ever hit it, it's not right. It's not the way we do business in here. But I heard yesterday many times, what's good for the goose is good for the gander, and we can all sit around and learn these things. If that's the way we want to work, we will work that way. That is not a threat; that is a promise. Thank you, Mr. President. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Council. [LB628]

SENATOR COUNCIL: Thank you, Mr. President. I rise in strong opposition to AM1263 and the motion to return LB628 to Select File for that amendment. I also rise in strong opposition to the extremely offensive remarks made by Senator Bloomfield with regard to the ultimate recipients of any donated property here, and I think that's... [LB628]

PRESIDENT SHEEHY: (Gavel) [LB628]

SENATOR COUNCIL: ...what we ought to be focusing in on. This is a bill to donate property to a not-for-profit and the assumption is that the not-for-profit is going to be providing these pieces of equipment, whether they're vehicles or whatever, to undeserving, slothful people, and I resent that. And I resent the fact that, Senator Karpisek, you know, these Attorney General Opinions, and I'm just amazed by them because last session I requested an Attorney General's Opinion on the constitutionality of a bill and they told me, I can't give you an opinion on the constitutionality of the bill because we may have to defend it if it's enacted. And then I see a constitutionality opinion requested and it's entitled "informal opinion." This Opinion is just entitled "Opinion." When do we get them, how do we get them, why do we get them? You know, you're talking about consistency, there ought to be some consistency. Either we can go to the Attorney General and ask for an opinion as to the constitutionality of provisions of proposed legislation or we can't, and that is problematic. Now for those who are questioning this obviously have no appreciation of the fact that the Department of Corrections regularly and routinely receives surplus property from the government and regularly and routinely donates that property to not-for-profits. They do it now. But in this context, when offered in the context of the possibility that it could benefit some person who's down on their luck, all of these issues come up. You know, we've been attacking poor people all session. Stop it! And if this donation, if a donation is going to be unlawful, then it's up to the individual political subdivision who is making the donation to determine whether or not that donation is lawful or not. And as I read the Attorney General's Opinion, somebody asked the question, how will you know whether it's unlawful or not, I don't know because according to this it's a case-by-case determination. So let's move on with this issue. You know, we have much more important and serious matters to address other than who you think might receive a benefit. Please vote in opposition to AM1263, in favor of AM400 I believe is...AM1400,

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

and move LB628. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Howard. [LB628]

SENATOR HOWARD: Thank you, Mr. President and members of the body. And I'm going to make this brief. I want to thank Senator Cook for bringing us this original bill, LB628. I stand in opposition to AM1263. This entire session we've cut back, denied, and refused any sort of assistance to any concern Health and Human Services related, no matter how worthy or how compassionate we might feel or how much it tugged at our heartstrings. And Senator Cook has brought us a bill that is creative, gives a slight bit of assistance to someone in need. Everybody needs transportation if you're going to get a job, and we want everybody to work. So I can't thank Senator Cook enough for trying to advance something that's going to help poor people, people that are underprivileged. I just don't want to say poor people. There are a lot of people that are getting by that are underprivileged. And I want to say that everybody in that situation is not a crook. Everybody is not looking for something that they're going to be able to fence or sell or in some way turn into something that we don't want them to be involved in. You know, there are people that are trying to support their families. There's people that are trying to stay off of our assistance programs and Senator Cook has offered one small way that we can help them and I thank her. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Schumacher. [LB628]

SENATOR SCHUMACHER: Call the question. [LB628]

PRESIDENT SHEEHY: Senator Schumacher, currently there is no other additional request to speak, so we will just go to Senator Bloomfield to close. [LB628]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I never dreamed that at the tender age of 65 I would be standing, asking for forgiveness of youthful exuberance, but I am. I stepped out of line with the comments I made. That does not, however, change the fact that this law needs to be looked at. I believe this needs to come back. Let's vote on it. It is not entirely clear to me and I think to others on the floor whether or not we do in fact take care of the constitutional questions that have arisen. I reiterate here it is not what has been done but what can be done under a statute that determines its constitutionality. If we don't bring this back and deal with it now we will be dealing with it again later. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. You have heard the closing. The question before the body is on the adoption of the Bloomfield amendment to return to Select File. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: 3 ayes, 29 nays, Mr. President, on the motion to return the bill. [LB628]

PRESIDENT SHEEHY: The motion to return is not adopted. [LB628]

CLERK: Mr. President, Senator Cook, before we proceed with your motion to return, I had an earlier amendment, Senator, AM1261. I have a note you want to withdraw. [LB628]

PRESIDENT SHEEHY: AM1261 is withdrawn. [LB628]

CLERK: Mr. President, Senator Cook would move to return to the bill for specific amendment, AM1400. [LB628]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on your amendment to return LB628 to Select File. [LB628]

SENATOR COOK: Thank you, Mr. President. And thank you, colleagues. I think I've explained the necessity for the return motion and the issues that are addressed in AM1400. My hope is that you've had an opportunity to peruse the amendment. Once again, this amendment was drafted in collaboration and in cooperation with the selfsame Attorney General's Office that offered the Opinion, and I do believe that it addresses the issues that were raised in that Opinion. Thank you, Mr. President. Please vote green on the motion to return for AM1400. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. You've heard the opening on the motion to return LB628 to Select File for a specific amendment. Senator Lautenbaugh, you're recognized. [LB628]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And as I previously indicated, I do rise in favor of this motion to return this bill to Select File for the specific amendment that addresses the potential issues that have been previously discussed. I think that it is important that this bill move forward and I think it is important that we address this issue and we are. At the same time, I would like to thank Senator Bloomfield for his conciliatory words and I would just remind us all that sometimes we all say things that we wish we could take back, and I've certainly...it's at least arguable that I've been guilty of that myself. Senator Lathrop wants to nod but he's not going to. Okay, now he is. That's fine. And we all say things and we, again, wish we could do it over again, and I thank him for his conciliatory words. And I would just remind us that we've all been there and we will all be there again. And I would urge you to vote to return this bill to Select File for a specific amendment. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Bloomfield. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

SENATOR BLOOMFIELD: Thank you, Mr. President. I am not going to consume any more of the body's time by opposing bringing this bill out. I will not be voting for it when it is discussed, and when we get to the final vote I will ask for a record vote when we go back to Final Reading. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Seeing no additional requests to speak, Senator Cook, you're recognized on your motion to return LB628 to Select File for a specific amendment. Senator. [LB628]

SENATOR COOK: Please vote green on this motion. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. You have heard the closing. The question before the body is on the Cook motion to return to Select File for a specific amendment. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB628]

CLERK: 41 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB628]

PRESIDENT SHEEHY: The motion to return is adopted. Senator Cook, you're recognized to open on AM1400 to LB628. (Legislative Journal page 1443.) [LB628]

SENATOR COOK: Thank you, Mr. President, and good morning again, colleagues. I've mentioned before AM1400 is...has been drafted in cooperation with the Attorney General's Office in response to the Opinion that was generated on LB628, and I want to thank my colleagues for their support. And as I said when I introduced the bill, there is a particular pride that comes to an individual or to a family when they are able to support themselves, and I will probably be hard pressed to find a member of this body that doesn't agree with that notion. What I had hoped to do and what I want to do with LB628 is to provide that opportunity for an individual or a family or to support the mission of a nonprofit that is there for people when they need to start over. And many of us have been very, very blessed in that department where there was somebody there for us within our family or within an organization that could help us and advise us or just plain give us money or give us a ride someplace when we need it. There are plenty of people, and unfortunately an increasing number of people in this economy, who do not have that and I believe that personally and as a lawmaker that we should remove barriers to people being able to earn their own living and support themselves and pay into the taxes. Thank you, Mr. President. Please vote green to advance AM1400 to attach it to LB628. Thank you. [LB628]

PRESIDENT SHEEHY: Thank you, Senator Cook. You've heard the opening of AM1400 to LB628. Are there members requesting to speak? Seeing none, Senator Cook, you're recognized to close. Senator Cook waives closing. The question before the body is on the adoption of AM1400. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB628]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB628]

PRESIDENT SHEEHY: AM1400 is adopted. Senator Larson, you're recognized for a motion. [LB628]

SENATOR LARSON: Mr. President, I move that LB628 be advanced to E&R for engrossing. [LB628]

PRESIDENT SHEEHY: Members, you have heard the motion on the advancement of LB628. Senator Bloomfield has requested a machine and record vote. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB628]

CLERK: (Record vote read, Legislative Journal page 1467.) 40 ayes, 1 nay, Mr. President, on the readvancement of LB628. [LB628]

PRESIDENT SHEEHY: LB628 advances. Speaker Flood, you're recognized for an announcement. [LB628]

SPEAKER FLOOD: Thank you, Mr. President. Good morning again, members. It's my understanding that the redistricting bills have been reported to the floor and have been referenced appropriately. We've had a good week. We've had a long morning and Mother's Day is Sunday, so let's adjourn now for the weekend. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, do you have items for the record?

CLERK: I do, Mr. President. New bills: (Read LB700-704 by title for the first time.) Pursuant to that, Mr. President, I have a Reference report referring LB700 through LB704, that signed by members of the Reference Committee. Subsequent to that, notice of hearing from the Redistricting Committee, signed by Senator Langemeier, as Chair. And finally, Mr. President, resolutions: Senator Mello offers LR203, it calls for an interim study, that will be referred to the board; LR204 is by Senator Council, that will be laid over at this time. Bills read on Final Reading this morning were presented to the Governor at 10:08 a.m. (Re: LB137, LB181, LB181A, LB305, LB305A, LB360, LB384, LB384A, LB421, LB449, LB463, LB463A, LB500, LB535, and LB665.) Name adds: Senator Coash would like to add his name to LB252. (Legislative Journal pages 1467-1471.) [LB700 LB701 LB702 LB703 LB704 LR203 LR204 LB137 LB181 LB181A LB305 LB305A LB360 LB384 LB384A LB421 LB449 LB463 LB463A LB500 LB535 LB665 LB252]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
May 05, 2011

---

And Speaker Flood would move to adjourn the body until Monday morning, May 9, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Monday, May 9, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.