

THIRTY-THIRD DAY - FEBRUARY 25, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 2010

PRAYER

The prayer was offered by Pastor Tim Lawson, Divine Shepherd Lutheran Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1006. Placed on Select File with amendment.
ER8166

- 1 1. On page 1, strike beginning with the last comma in
- 2 line 2 through "2009" in line 4.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER8165 is available in the Bill Room.

LEGISLATIVE BILL 910. Placed on Select File with amendment.
ER8168 is available in the Bill Room.

LEGISLATIVE BILL 770. Placed on Select File with amendment.
ER8167

- 1 1. On page 1, line 3, after "Nebraska" insert ", and
- 2 section 49-617, Revised Statutes Cumulative Supplement, 2008"; and
- 3 in line 5 after "Legislature" insert "and copies of the statutes".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 813. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

MESSAGES FROM THE GOVERNOR

February 23, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Marcia Anderson, 1300 South 80th Street, Omaha, NE 68124

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

February 23, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Susan Petersen, 8534 Pinkney, Omaha, NE 68134

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by Nordquist, 7.

WHEREAS, Robert "Bobby" Orsi of Omaha, Nebraska, and a graduate of Omaha South High School, died February 2, 2010, at the age of sixty-eight; and

WHEREAS, Bobby Orsi grew up working in his grandfather's bakery, Orsi's Italian Bakery on Seventh and Pacific Streets in South Omaha, where he worked for more than six decades; and

WHEREAS, Bobby Orsi became owner of Orsi's Italian Bakery and earned a reputation for generosity by routinely donating bread for funerals, fundraisers, and church and community events; and

WHEREAS, Bobby Orsi coached youth sports for St. Frances Cabrini Church and Sons of Italy teams and volunteered in the Santa Lucia organization; and

WHEREAS, Bobby Orsi earned his place as a legend in the South Omaha and Little Italy communities; and

WHEREAS, Bobby Orsi is survived by his wife, Bonnie, his sons, Bob and Nick, his daughters, Shirley Robinson and Andrea Rettele, and his sister, Frances Kinney.

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

1. That the Legislature honors the memory of Bobby Orsi and his many contributions and achievements.
2. That the Legislature expresses and extends its sympathy and condolences to the family of Bobby Orsi.
3. That a copy of this resolution be sent to the family of Bobby Orsi.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Goc, John J.
Real Property Appraiser Board, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
City of Omaha

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 636:

Nebraska Arts Council
Steve Homan

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery Heidemann Lautenbaugh

Excused and not voting, 4:

Ashford Coash Giese Pahls

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 636:

State Electrical Board
Michael Hiatt

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery Haar Lautenbaugh

Excused and not voting, 3:

Ashford Giese Pahls

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-2262, 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska, and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change and eliminate definitions; to provide for the collection of DNA samples from individuals convicted of felony offenses and individuals released on probation; to require such individuals to pay the costs of such collection; to provide for applicability; to create a fund; to provide for transfers from the State Settlement Cash Fund; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 190A.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 691.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.03, Reissue Revised Statutes of Nebraska, and sections 81-885.10, 81-885.25, and 81-885.29, Revised Statutes Supplement, 2009; to provide for jurisdiction and the issuance of cease and

desist orders as prescribed; to provide for fines; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 736. With Emergency Clause.

A BILL FOR AN ACT relating to real property; to provide for liens for assessments and fines by homeowners' associations as prescribed; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 751. With Emergency Clause.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Supplement, 2009; to change provisions relating to the effects of errors and omissions in financing statements; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB650 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 650.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153, 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187, 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008, and sections 23-186, 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104, 60-601, and 60-1901, Revised Statutes Supplement, 2009; to authorize the operation of minitrucks and utility-type vehicles as prescribed; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 650A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred First Legislature, Second Session, 2010.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Lathrop	Sullivan	Utter
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Excused and not voting, 3:

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

LEGISLATIVE BILL 698. With Emergency Clause.

A BILL FOR AN ACT relating revenue and taxation; to amend sections 77-908 and 77-912, Reissue Revised Statutes of Nebraska, and sections 44-32,180 and 44-4726, Revised Statutes Cumulative Supplement, 2008; to eliminate certain insurance premium tax provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 721.

A BILL FOR AN ACT relating to the State Building Administrator; to amend section 81-1108.12, Reissue Revised Statutes of Nebraska; to change qualification provisions as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Janssen

Excused and not voting, 3:

Dierks Giese Pahls

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

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 72-815, and 81-1017, Reissue Revised Statutes of Nebraska; to change a bonding requirement; to change a provision relating to sale of state real property; to eliminate an exception relating to state-owned motor vehicles; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks Giese Pahls

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

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-954, 2-955, and 2-959, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed control funds; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 738. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1004, Reissue Revised Statutes of Nebraska; to change provisions relating to the substitution of trustee; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks Giese Pahls

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

LEGISLATIVE BILL 743. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-201, Revised Statutes Supplement, 2009; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to eliminate conveyance provisions; to harmonize provisions; to repeal the original section; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 749.

A BILL FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 21-2003, Revised Statutes Supplement, 2009; to provide for the electronic filing of documents as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB814 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 871.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to fences; to amend section 34-102, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to division fences; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Gay

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122, 60-3,123, and 60-3,124, Revised Statutes Supplement, 2009; to remove a limitation on issuance of Pearl Harbor, prisoner-of-war, and disabled veteran license plates as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain date provisions relating to property tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB725 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 725.

A BILL FOR AN ACT relating to agricultural vehicles; to amend sections 75-362 and 75-363, Reissue Revised Statutes of Nebraska, and section 60-363, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fertilizer trailer registration certificates; to define fertilizer and agricultural chemical application and distribution equipment and to change the applicability of certain adopted federal rules; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 2:

Giese Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 762. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2009; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 788.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-125, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2009; to change provisions relating to managers; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 797.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McCoy

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB816 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 816. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to delete obsolete provisions; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 832.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh McGill

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 873.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to require notice of taxes owed on certain property; to eliminate provisions relating to notification of delinquent property taxes; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 911. With Emergency Clause.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-501, Revised Statutes Supplement, 2009; to change provisions relating to a biotechnology strategic plan; to repeal the original section; and to declare an emergency.

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 226. With Emergency Clause.

A BILL FOR AN ACT relating to minors; to amend sections 30-2604 and 43-2101, Reissue Revised Statutes of Nebraska; to provide for authority for certain persons who are eighteen years of age to consent to health care and medical treatment and enter into contracts and leases; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 512.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Stuthman

Present and not voting, 2:

Council White

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to electric lines; to amend section 70-311, Reissue Revised Statutes of Nebraska; to extend the distance and time requirements relating to notice of certain road construction; to provide notice requirements for natural resources districts for certain road construction; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 711. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Reissue Revised Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to interlocal agreements for unified school systems; to change dates relating to certification of state aid under the Tax Equity and Educational Opportunities Support Act; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 723.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Reissue Revised Statutes of Nebraska; to change surcharge remittance requirements; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-504 and 20-506, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling; to change the membership of the Racial Profiling Advisory Committee; to change and provide powers and duties; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 787.

A BILL FOR AN ACT relating to the Nebraska Information Technology Commission; to amend section 86-515, Reissue Revised Statutes of Nebraska; to provide for an additional member to serve on the commission as appointed by the Legislature as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; and to repeal the original section.

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

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-138.01, Reissue Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009; to provide for placement of certain shipping license fees in the General Fund; to change fees for shipping licenses; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Lathrop

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB890 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 890. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 891. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB892 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 892. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 914.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to the duty to stop after an accident; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

MOTION - Return LB579 to Select File

Senator Cornett moved to return LB579 to Select File for her specific amendment, AM2024, found on page 637.

The Cornett motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 579. The Cornett specific amendment, AM2024, found on page 637, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 190, 190A, 690, 691, 736, 751, 650, 650A, 698, 721, 722, 731, 738, 743, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762, 788, 797, 806, 816, 832, 873, 911, 226, 512, 643, 711, 723, 746, 787, 848, 867, 890, 891, 892, and 914.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 319, 320, and 321 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 319, 320, and 321.

MOTION - Refer Bill Back to Reference Committee

Senators Cornett and Rogert offered the following motion to LB381:
MO85

Raise objection to the referencing of the bill, pursuant to Rule 6, Section 2, and refer the bill back to the Reference Committee for rereferencing.

The Cornett-Rogert objection and motion to refer the bill back to the Reference Committee prevailed with 31 ayes, 3 nays, 12 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Committee AM1964, found on page 574, was considered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 888. Placed on Select File with amendment.
ER8170

- 1 1. On page 1, line 3, after "Nebraska" insert ", and
- 2 section 21-2601, Revised Statutes Supplement, 2009".
- 3 2. On page 9, line 5, strike "(a)" and insert "(b)".
- 4 3. On page 10, line 7; page 12, line 22; and page 102,
- 5 line 7, strike "act" and insert "Nebraska Uniform Limited Liability
- 6 Company Act".
- 7 4. On page 11, line 2, strike "(b)(1)(a)" and insert
- 8 "(b)(1)(A)".
- 9 5. On page 13, line 4, strike "member" and insert
- 10 "member's".
- 11 6. On page 21, line 3, after "12" insert "of this act".
- 12 7. On page 22, line 22, after "court" insert "to order".
- 13 8. On page 55, line 25, strike the comma.
- 14 9. On page 62, line 4, strike "(c)" and insert "(d)".
- 15 10. On page 76, line 12, after "of" insert "the".
- 16 11. On page 98, line 11, strike "regulating" and insert
- 17 "regulatory".
- 18 12. On page 101, line 12, after "the" insert "Nebraska
- 19 Uniform".
- 20 13. On page 102, line 15, strike "Nebraska".
- 21 14. On page 105, line 21, strike "(10)" and insert
- 22 "(11)".

LEGISLATIVE BILL 821. Placed on Select File.

LEGISLATIVE RESOLUTION 295CA. Placed on Select File.

LEGISLATIVE BILL 689. Placed on Select File with amendment.
ER8169

- 1 1. On page 1, line 7, strike "remittance of" and insert
- 2 "the collection and remittance of the".

LEGISLATIVE BILL 764. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1014. Placed on General File with amendment.
AM1979

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. The Teacher Performance Pay Fund is created.
4 The Board of Educational Lands and Funds shall remit the income
5 from solar and wind energy leases on school lands to the State
6 Treasurer for credit to the fund. The Board of Educational Lands
7 and Funds shall also remit the portion of the income from other
8 leases of school lands which relates to carbon sequestration
9 rights, as such portion is determined by the board, to the State
10 Treasurer for credit to the fund. The fund shall be exclusively
11 used for the support and maintenance of the common schools in each
12 public school district in the state by increasing public school
13 teacher salaries to provide for a higher quality of education.
14 The costs of administration shall be deducted from the fund in
15 the manner provided in section 72-232.02. Any money in the fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.

19 For purposes of this section, lease means any lease,
20 easement, covenant, or other such contractual arrangement.
21 Sec. 2. (1) Beginning January 15, 2016, and on or before
22 the third Monday in January of each year thereafter, the State
23 Treasurer shall make a complete exhibit of all money belonging
1 to the Teacher Performance Pay Fund and deliver such exhibit duly
2 certified to the Commissioner of Education. On or before February
3 25, the Commissioner of Education shall make the apportionment
4 of such funds to each school district according to the pro rata
5 enumeration of children who are five through eighteen years of
6 age in each district last returned from the school district.
7 The calculation of apportionment for each school fiscal year
8 shall include any corrections to the prior school fiscal year's
9 apportionment.

10 (2) The Commissioner of Education shall certify the
11 amount of the apportionment of the Teacher Performance Pay Fund
12 as provided in subsection (1) of this section to the Director of
13 Administrative Services. The Director of Administrative Services
14 shall draw a warrant on the State Treasurer in favor of the
15 various districts for the respective amounts so certified by the
16 Commissioner of Education.

17 (3) Each school district shall use the funds received
18 under subsection (2) of this section for teacher performance
19 pay. For purposes of this section, teacher performance pay is
20 a systematic process for measuring teachers' performance and
21 linking the measurements to changes in teacher pay. Indicators

22 of teacher performance may include, but are not limited to,
 23 improving professional skills and knowledge, classroom performance
 24 or instructional behavior, and instructional outcomes. Teacher
 25 performance pay may include predetermined bonus amounts and payout
 26 criteria. Additional pay may be provided in addition to the salary
 27 schedule for new skills and knowledge acquired through graduate
 1 education programs, with demonstrated performance mastery. The
 2 salary schedule provided in local collective bargaining agreements
 3 shall remain intact in teacher performance pay systems. The
 4 Legislature finds that teacher performance pay measurements,
 5 criteria, and payout amounts define economic terms and conditions
 6 of employment and, therefore, are subjects of collective bargaining.

7 Sec. 3. Section 79-1007.13, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 79-1007.13 The department shall calculate a special
 10 receipts allowance for each district equal to the amount of
 11 special education, state ward, and accelerated or differentiated
 12 curriculum program receipts and the receipts from the Teacher
 13 Performance Pay Fund included in local system formula resources
 14 under subdivisions (7), (8), (16), ~~and (17)~~, and (18) of section
 15 79-1018.01 attributable to the school district.

16 Sec. 4. Section 79-1018.01, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 79-1018.01 Except as otherwise provided in this section,
 19 local system formula resources include other actual receipts
 20 available for the funding of general fund operating expenditures
 21 as determined by the department for the second school fiscal
 22 year immediately preceding the school fiscal year in which aid
 23 is to be paid. Receipts from the Community Improvements Cash Fund
 24 and receipts acquired pursuant to the Low-Level Radioactive Waste
 25 Disposal Act shall not be included. Other actual receipts include:

26 (1) Public power district sales tax revenue;

27 (2) Fines and license fees;

1 (3) Tuition receipts from individuals, other districts,
 2 or any other source except receipts derived from adult education,
 3 receipts derived from summer school tuition, receipts derived from
 4 early childhood education tuition, and receipts from educational
 5 entities as defined in section 79-1201.01 for providing distance
 6 education courses through the Distance Education Council until July
 7 1, 2008, and the Educational Service Unit Coordinating Council on
 8 and after July 1, 2008, to such educational entities;

9 (4) Transportation receipts;

10 (5) Interest on investments;

11 (6) Other miscellaneous noncategorical local receipts,
 12 not including receipts from private foundations, individuals,
 13 associations, or charitable organizations;

14 (7) Special education receipts;

15 (8) Special education receipts and non-special education
 16 receipts from the state for wards of the court and wards of the
 17 state;

18 (9) All receipts from the temporary school fund.

19 Beginning with the calculation of aid for school fiscal year
 20 2002-03 and each school fiscal year thereafter, receipts from
 21 the temporary school fund shall only include receipts pursuant
 22 to section 79-1035 and the receipt of funds pursuant to section
 23 79-1036 for property leased for a public purpose as set forth in
 24 subdivision (1)(a) of section 77-202;

25 (10) Motor vehicle tax receipts received on or after
 26 January 1, 1998;

27 (11) Pro rata motor vehicle license fee receipts;

1 (12) Other miscellaneous state receipts excluding revenue
 2 from the textbook loan program authorized by section 79-734;

3 (13) Impact aid entitlements for the school fiscal year
 4 which have actually been received by the district to the extent
 5 allowed by federal law;

6 (14) All other noncategorical federal receipts;

7 (15) All receipts pursuant to the enrollment option
 8 program under sections 79-232 to 79-246;

9 (16) Receipts under the federal Medicare Catastrophic
 10 Coverage Act of 1988, as such act existed on May 8, 2001, as
 11 authorized pursuant to sections 43-2510 and 43-2511 but only to the
 12 extent of the amount the local system would have otherwise received
 13 pursuant to the Special Education Act; ~~and~~

14 (17) Receipts for accelerated or differentiated
 15 curriculum programs pursuant to sections 79-1106 to 79-1108.03;
 16 ~~and-~~

17 (18) Receipts from the Teacher Performance Pay Fund
 18 pursuant to section 2 of this act.

19 Sec. 5. Section 79-1028.01, Revised Statutes Supplement,
 20 2009, is amended to read:

21 ~~79-1028.01 (1) For school fiscal year 2008-09 and each~~
 22 ~~school fiscal year, thereafter,~~ a school district may exceed its
 23 maximum general fund budget of expenditures minus the special
 24 education budget of expenditures by a specific dollar amount for:

25 (a) Expenditures for repairs to infrastructure damaged by
 26 a natural disaster which is declared a disaster emergency pursuant
 27 to the Emergency Management Act;

1 (b) Expenditures for judgments, except judgments or
 2 orders from the Commission of Industrial Relations, obtained
 3 against a school district which require or obligate a school
 4 district to pay such judgment, to the extent such judgment is not
 5 paid by liability insurance coverage of a school district;

6 (c) Expenditures pursuant to the Retirement Incentive
 7 Plan authorized in section 79-855 or the Staff Development
 8 Assistance authorized in section 79-856;

9 (d) Expenditures of incentive payments or base fiscal
10 year incentive payments to be received in such school fiscal year
11 pursuant to section 79-1011;

12 (e) Expenditures of amounts received from educational
13 entities as defined in section 79-1201.01 for providing distance
14 education courses through the Educational Service Unit Coordinating
15 Council to such educational entities;

16 (f) Either (i) the first and second school fiscal years
17 the district will be participating in Network Nebraska for the
18 full school fiscal year or (ii) school fiscal year 2008-09, if
19 the school district participated in Network Nebraska for all of
20 school fiscal year 2007-08, for the difference of the estimated
21 expenditures for such school fiscal year for telecommunications
22 services, access to data transmission networks that transmit data
23 to and from the school district, and the transmission of data on
24 such networks as such expenditures are defined by the department
25 for purposes of the distance education and telecommunications
26 allowance minus the dollar amount of such expenditures for the
27 second school fiscal year preceding the first full school fiscal
1 year the district participates in Network Nebraska;

2 (g) Expenditures to pay another school district for the
3 transfer of land from such other school district;

4 (h) Expenditures in school fiscal years 2009-10 through
5 2013-14 to pay for employer contributions pursuant to subsection
6 (2) of section 79-958 to the School Retirement System of the
7 State of Nebraska to the extent that such expenditures exceed the
8 employer contributions under such subsection that would have been
9 made at a contribution rate of seven and thirty-five hundredths
10 percent; ~~and~~

11 (i) Expenditures in school fiscal years 2009-10 through
12 2013-14 to pay for school district contributions pursuant to
13 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
14 Employees Retirement System to the extent that such expenditures
15 exceed the school district contributions under such subdivision
16 that would have been made at a contribution rate of seven and
17 thirty-seven hundredths percent; ~~-~~

18 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
19 ~~year thereafter, a school district may exceed its maximum general~~
20 ~~fund budget of expenditures minus the special education budget of~~
21 ~~expenditures by a specific dollar amount for (a) expenditures~~

22 ~~(j) Expenditures for sums agreed to be paid by a school~~
23 ~~district to certificated employees in exchange for a voluntary~~
24 ~~termination occurring prior to July 1, 2009; ~~-~~ and (b) expenditures~~

25 ~~(k) Expenditures for new elementary attendance sites in~~
26 ~~the first year of operation or the first year of operation after~~
27 ~~being closed for at least one school year if such elementary~~
1 ~~attendance site will most likely qualify for the elementary site~~
2 ~~allowance in the immediately following school fiscal year as~~
3 ~~determined by the state board; ~~and~~-~~

4 (1) Expenditures in school fiscal years 2016-17 and
5 2017-18 of amounts received from the Teacher Performance Pay Fund
6 pursuant to section 2 of this act.

7 ~~(3)-(2)~~ The state board shall approve, deny, or modify
8 the amount allowed for any exception to the maximum general fund
9 budget of expenditures minus the special education budget of
10 expenditures pursuant to this section.

11 Sec. 6. Section 79-1035.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1035.02 The temporary school fund is the holding fund
14 to which (1) the net income from the school lands, except for
15 the income less costs of administration derived from solar and
16 wind energy leases on school lands and from carbon sequestration
17 rights related to other leases of school lands which is credited
18 to the Teacher Performance Pay Fund under section 1 of this
19 act, (2) the interest, dividends, and any other income from the
20 permanent school fund, ~~the net income from the school lands,~~
21 and (3) the money from all other sources required or provided
22 by law are credited as described in Article VII, section 9, of
23 the Constitution of Nebraska. The entire balance of the temporary
24 school fund, including all interest and any other income therefrom,
25 shall be exclusively used for the support and maintenance of the
26 common schools in each public school district in the state as the
27 Legislature provides, in accordance with Article VII, section 9,
1 of the Constitution of Nebraska, and shall be distributed to each
2 public school district annually.

3 Sec. 7. Original sections 79-1007.13, 79-1018.01, and
4 79-1035.02, Reissue Revised Statutes of Nebraska, and section
5 79-1028.01, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 1087. Placed on General File with amendment.
AM2034 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 910A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 334. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws should be amended to provide specific requirements and restrictions relating to health benefit plan prescription drug coverage, especially higher cost specialty prescription drugs. The study should include an examination of issues raised during consideration of LB 1017 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Mello, 5; Ashford, 20; Avery, 28; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fulton, 29; Gay, 14; Gloor, 35; Haar, 21; Harms, 48; Janssen, 15; Krist, 10; Lathrop, 12; McCoy, 39; McGill, 26; Nordquist, 7; Pirsch, 4; Schilz, 47; White, 8; Wightman, 36.

WHEREAS, a statewide action plan to optimize the growth of the clean energy economy would benefit the State of Nebraska by optimizing the growth of the energy, environmental, and agricultural sectors of the state's economy by incorporating environmentally and energy conscious design, policy, and technology that improves conservation and sustainability; and

WHEREAS, such statewide action plan should be based on several factors, including (1) an analysis of the business opportunities and needs of such an economy in the local, state, national, and international markets, (2) an analysis of the labor force needs related to such business opportunities, including educational, training, and retraining needs, and (3) an inventory of the current labor and business assets available to respond to such business opportunities and such labor force needs; and

WHEREAS, a committee made up of members of the Legislature could develop a statewide action plan to advise and assist the Legislature as a whole regarding activities to advance the state's clean energy economy.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Clean Energy Economic Committee. The committee shall consist of seven members of the Legislature appointed by the Executive Board no later than April 1, 2010. The committee members shall select a chairperson and vice-chairperson from the membership of the committee. The Clerk of the Legislature, in cooperation with the Executive Board, shall provide staff and support to the committee. The committee may accept outside resources to help support its efforts. Such outside resources may be used to contract for the analyses described in this resolution.

2. That the Clean Energy Economic Committee is hereby authorized to develop and submit to the Legislature on or before June 30, 2011, a statewide action plan as described in this resolution. The statewide action plan shall include recommended legislation and budget requests and may include recommendations for administrative actions of governmental entities, collaborative actions, and actions of individuals and individual organizations. The statewide action plan shall be based upon the analyses described in this resolution.

3. That the Clean Energy Economic Committee created by this resolution shall terminate on June 30, 2011.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR335 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1048:

FA65

Strike the enacting clause.

Senator Council filed the following amendment to LB817:

AM2048

(Amendments to AM1976)

1. On page 2, line 9, reinstate the stricken matter.

COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Randall Rehmeier - Public Employees Retirement Board

Aye: 6 Senators Heidemann, Karpisek, Loudon, Mello, Nordquist, Pankonin. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dave Pankonin, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Monday, March 1, 2010, at 9:00 a.m., in Room 1015.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 2010, at 11:40 a.m. were the following: LBs 190, 190A, 690, 691, 736e, 751e, 650, 650A, 698e, 721, 722, 731, 738e, 743e, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762e, 788, 797, 806, 816e, 832, 873, 911e, 226e, 512, 643, 711e, 723, 746, 787, 848, 867, 890e, 891e, 892e, and 914.

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

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Anderson, Marcia - Foster Care Review Board - Health and Human Services
Petersen, Susan - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB880 and LB926. No objections. So ordered.

Senator Haar asked unanimous consent to add his name as cointroducer to LB1010. No objections. So ordered.

Senators Cornett, Gay, Lautenbaugh, Mello, and Nordquist asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

Senators Cornett and Haar asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Bellevue Chamber Leadership Class from Bellevue.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Hadley, the Legislature adjourned until 10:00 a.m., Monday, March 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

