

FIFTIETH DAY - MARCH 29, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION
FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 2010

PRAYER

The prayer was offered by Reverend Clint Poppe, Good Shepherd Lutheran Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 10008

DATE: March 26, 2010

SUBJECT: Concealed Handgun Permit Act; Municipal Regulation
Of Concealed Handguns.

REQUESTED BY: Senator Mark R. Christensen
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

You have asked for this office's opinion on several questions dealing with the authority of cities and villages to require the registration of handguns owned or possessed by individuals who have permits to carry concealed handguns under the Concealed Handgun Permit Act. Essentially all of your questions come down to the issue of whether or not, under Neb. Rev. Stat.

§ 18-1703 (Supp. 2009), a city may require a permitholder under the act to register his or her handgun in order to own, possess or transport it in that city. You note particularly that the issue has arisen in the city of Omaha which has a municipal code provision requiring that all "concealable firearms" be registered with the chief of police before they may be owned or possessed within the city.

We will first provide some historical background for the present issue and then address the specific questions you ask.

Background

The Concealed Handgun Permit Act was passed by the Legislature during its session in 2006 and went into effect on January 1, 2007. The act, as subsequently amended, is codified at Neb. Rev. Stat. §§ 69-2427 through 69-2448 (2009). While the act rather clearly states that a permit issued under that act allowing the permitholder to carry a concealed handgun "is valid throughout the state" and that a "permitholder may carry a concealed handgun anywhere in Nebraska" except for certain specified locations and in certain specified situations, §§ 69-2436 and 69-2441(1)(a), the Legislature did not amend or repeal other statutory provisions which gave all incorporated cities and villages the authority to ban the carrying of concealed weapons within their boundaries. Thus, a disagreement soon arose over the question of whether cities and villages could continue to ban the carrying of concealed weapons within their boundaries even by permitholders under the act.

In Op. Att'y Gen. No. 09001 (Jan. 18, 2009), we dealt with this issue and opined that, at least as to permitholders under the Concealed Handgun Permit Act, the act preempted the authority of cities and villages to ban the carrying of concealed handguns. Accordingly, it was our view that cities and villages could continue to ban the carrying of concealed weapons, except that they could not do so in connection with concealed handguns carried by individuals who had permits to do so under the act.

Subsequently, to make its intent in this regard clear, the Legislature enacted LB 430 during its session in 2009. That bill specifically amended the statutes giving cities and villages the authority to prohibit the carrying of concealed weapons to except from that authority "the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act." Neb. Rev. Stat. §§ 14-102(6), 15-255, 16-227 and 17-556 (Supp. 2009). In short, these amendments make clear that cities and villages may not prohibit or impose punishment for the carrying of a concealed handgun by a permitholder.

In addition to amending the statutes that allow cities and villages to ban the carrying of concealed weapons so as to make clear that any such bans cannot be applied to permitholders under the Concealed Handgun Permit Act, LB 430 also contained a provision which was clearly designed to

remove any authority cities and villages might otherwise have to regulate the ownership or possession of concealed handguns by permit holders under the act. Section 5 of LB 430, now codified at Neb. Rev. Stat. § 18-1703 (Supp. 2009), reads as follows:

Cities and villages shall not have the power to regulate the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the Concealed Handgun Permit Act, except as expressly provided by state law. Any existing city or village ordinance, permit, or regulation regulating the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the act, is declared to be null and void as against any permit holder possessing a valid permit under the act.

It is in this context that you ask your series of questions, which we will discuss and respond to below.

Discussion of Specific Questions

Question 1

Your first question is: "Does a city ordinance requiring registration of handguns fall under the category of ownership or possession as used in Neb. Rev. Stat. § 18-1703 (Supp. 2009)?"

Like all statutes, the language of § 18-1703 is to be given its plain and ordinary meaning. There is no need for statutory "interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous." State ex rel. Amanda M. v. Justin T., 279 Neb. 273, 278, 777 N.W. 2d 565, 569 (2010).

Giving § 18-1703 its plain and ordinary meaning, it appears to us that the answer to your first question is "yes." If a city ordinance requires registration of handguns in order to own or possess them within the city's boundaries or other areas over which it may have authority, then § 18-1703 would come into play. It seems clear that requiring registration in order to own or possess a handgun would constitute "regulation" of such ownership or possession. In other words, such an ordinance would directly place an additional burden or regulation on the ownership or possession of a handgun. And any such additional municipal "regulation" of the ownership or possession of handguns by permit holders under the act is plainly barred by the language of § 18-1703.

Of course, a city ordinance regarding registration that does not compel the registration of handguns in order to own or possess them within the city would not conflict with § 18-1703. Likewise, a city firearm registration ordinance that specifically exempts permit holders under the Concealed Handgun Permit Act from any registration requirement in order to own or

possess handguns within the city would also not be prohibited by that statute.

Question 2

Your second question is: "Does Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit the City of Omaha from enforcing Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha, requiring the registration of all handguns (concealable firearms), against a Nebraska Concealed Handgun Permit holder?"

Section 20-251(a) of the Omaha Municipal Code states:

It shall be unlawful for any person to own, have possession of, or maintain control over any concealable firearm which has not been registered to said person with the chief of police in accordance with this division [Division 2], except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

In § 20-191 of the Omaha Municipal Code the term "concealable firearm" is defined as being a "firearm having a barrel less than 18 inches in length." Sections 20-253, 20-254 and 20-257 of the code give the chief of police authority to deny registration permits in certain circumstances and to revoke registration permits that have been issued. There appears to be nothing in Division 2 or elsewhere in the code that exempts permitholders under the Concealed Handgun Permit Act from the registration requirements of § 20-251(a).

As discussed above in connection with Question 1, a city ordinance such as Omaha's § 20-251(a) which requires registration of a handgun before it may be owned or possessed within the city and which does not exempt permitholders under the Concealed Handgun Permit Act from such requirement is in conflict with § 18-1703 since it regulates the ownership and possession of handguns by permitholders above and beyond the regulations imposed on them by the act. Accordingly, in our opinion, under § 18-1703 Omaha's handgun registration requirement is null and void to the extent it purports to impose such requirement on permitholders under the Concealed Handgun Permit Act.

Question 3

Your third question reads as follows: "Does Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit the enforcement of Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha on a concealed handgun permit permitholder who purchases a handgun in the jurisdiction of the City of Omaha?"

We are not certain what the genesis of this particular inquiry is or what

particular concern you have. We can, of course, envision a situation in which an individual residing in, for example, Imperial could travel to and purchase a handgun in Omaha; and, for as long as that individual remained within Omaha he or she would own and have possession of that handgun in that city. Nonetheless, it is unclear to us that the firearm registration provisions of the Omaha Municipal Code would even apply to such an individual.

Even if such provisions of the Omaha Municipal Code would apply, however, it seems to us that our response to Question 2 above would control that situation. In other words, if the individual purchasing a handgun in Omaha is a permit holder under the Concealed Handgun Permit Act, then he or she would not be subject to the registration requirement.

Question 4

Your fourth question actually contains two different inquiries. The first of these two inquiries is: "If the City of Omaha cannot enforce Sec. 20-251 through 20-258 of the Municipal Code of the City of Omaha on a Nebraska concealed handgun permit holder because of Neb. Rev. Stat. § 18-1703 (Supp. 2009), does this apply to all concealed handgun permit holders, no matter in what city or village in Nebraska they reside?"

We are not certain what the word "this" contained in the second clause of your question is supposed to refer to. If "this" refers to the specific conclusion that Omaha cannot enforce its registration requirement against a permit holder under the Concealed Handgun Permit Act, then, obviously, Omaha cannot enforce its registration requirement against a permit holder no matter where he or she resides. On the other hand, if "this" refers to some general conclusion that city or village handgun registration requirements are unenforceable against permit holders, the answer to your question would depend to some degree on the particular language of any such city or village ordinance. Our response to Question 1 above sets forth what we believe the guiding principles to be in this regard.

The second of your inquiries under Question 4 is: "How does this apply to concealed carry permit holders from states which Nebraska recognizes pursuant to Neb. Rev. Stat. § 69-2448 (Supp. 2009)?"

Again, we are not certain what the "this" in this question refers to. Nonetheless, suffice it to say that the same rules as discussed above would apply to concealed carry permit holders from other states who fall within the parameters of § 69-2448.

Section 69-2448 states in pertinent part:

A valid license or permit to carry a concealed handgun issued by any other state or the District of Columbia shall be recognized as valid in this state under the Concealed Handgun Permit Act if (1) the holder of the

license or permit is not a resident of Nebraska and (2) the Attorney General has determined that the standards for issuance of such license or permit by such state or the District of Columbia are equal to or greater than the standards imposed by the act.

This section, therefore, makes clear that so long as the individual holding the permit or license from another state is not a resident of Nebraska and the state which issued the permit or license has standards for such issuance that are at least as strict as Nebraska's (as determined by the Attorney General), then such permitholder has all the rights and duties that are given to Nebraska permitholders under the act. The provisions of § 18-1703 would apply equally in instances involving permitholders whose permits or licenses to carry concealed handguns were issued by another state, so long as the requirements of § 69-2448 have been met.

Question 5

Your fifth question reads as follows: "If the City of Omaha does have the authority to enforce Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha in whole or in part against concealed handgun permit holders, does LB 1033 (2010) amending Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit such enforcement of the ordinance?"

LB 1033, which was offered by you during the 2010 session of the Legislature, would amend § 18-1703 to add "registration" to the list of things a city or village could not regulate as against permitholders under the Concealed Handgun Permit Act. The "Introducer's Statement of Intent" for LB 1033 indicates that the bill is being offered to eliminate confusion over the interpretation of § 18-1703 and to make clear the intent of that section to prohibit registration requirements, as well as other city and village ordinances that impact on the ownership, possession or transportation of concealed handguns by permitholders. LB 1033, therefore, would clarify that Omaha's registration requirements could not be enforced against a permitholder.¹

While, as discussed above, it is our view that under § 18-1703 as it currently exists Omaha does not have the authority to enforce its registration requirements as against permitholders under the Concealed Handgun Permit Act, we also recognize that city officials and/or the Nebraska courts might disagree with our conclusion. Moreover, it never hurts to spell out legislative intent as clearly and precisely as possible in the language of the statute itself. Therefore, enactment of your proposed LB 1033, with the possible changes we have suggested in footnote 1, would be helpful in ensuring that § 18-1703 is interpreted as prohibiting cities and villages from requiring permitholders under the act to register their handguns.

Conclusion

It is our opinion that any city or village ordinance requiring the

registration of a handgun in order to own or possess the handgun in that city or village and not exempting from the registration requirement permitholders under the Concealed Handgun Permit Act is prohibited by § 18-1703 and is null and void as it may be applied against any such permitholder. Since Omaha's requirement that all "concealable firearms" be registered, as established by sections 20-251 through 20-258 of the Omaha Municipal Code, does mandate such registration in order to own or possess a "concealable firearm" in that city and contains no exception to that requirement for permitholders under the act, we believe Omaha's registration requirement runs afoul of § 18-1703 as it may be applied against any such permitholders.

Enactment of pending LB 1033, with changes along the lines of those suggested in footnote 1, would confirm our opinion and make clear to city officials and the courts the Legislature's intent that, under § 18-1703, cities and villages may not compel permitholders under the Concealed Handgun Permit Act to register their handguns in order to own, possess or transport them within a city's or village's boundaries.

¹We note that LB 1033, as drafted, could still leave some confusion because, based on the grammar and syntax, it would state that cities and villages "shall not have the power to regulate . . . registration of concealed handguns." We are not certain what "regulating registration" would entail or how such a construct would be interpreted. Therefore, we believe the intent would be better stated if the first sentence of the bill were changed to read as follows: "Cities and villages shall not have the power to regulate the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the Concealed Handgun Permit Act, except as expressly provided by state law, and shall not have the power to require registration of a concealed handgun owned, possessed or transported by a permitholder under the Concealed Handgun Permit Act." A similar conforming change could be made to the second sentence of the bill.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Charles E. Lowe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

17-107-20

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, April 6, 2010 1:00 p.m.

Patrick Meuret - Nebraska Railway Council
Michael Shannon - Nebraska Railway Council

(Signed) Deb Fischer, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 407, 408, and 410 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 407, 408, and 410.

ANNOUNCEMENT

The Chair announced today is Senator Krist's birthday.

MOTIONS - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1027:

Foster Care Review Board
Marcia Anderson
Gabiella "Gay" McTate

Voting in the affirmative, 37:

Adams	Fischer	Harms	McCoy	Stuthman
Avery	Fulton	Howard	McGill	Utter
Carlson	Gay	Janssen	Mello	Wallman
Christensen	Giese	Karpisek	Pankonin	White
Conrad	Gloor	Krist	Pirsch	Wightman
Cook	Haar	Langemeier	Price	
Council	Hadley	Lautenbaugh	Rogert	
Dierks	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cornett	Flood	Lathrop	Nordquist
Campbell	Dubas	Heidemann	Nelson	Sullivan

Excused and not voting, 2:

Coash	Pahls
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The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1028:

Commission for the Deaf and Hard of Hearing

Raymond Meester

Susan Petersen

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Christensen	Dubas	Nelson	Wightman
Campbell	Dierks	Giese	Nordquist	

Excused and not voting, 2:

Coash	Pahls
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The appointments were confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1028:

Child Abuse Prevention Fund Board

Camille Ohri

Voting in the affirmative, 36:

Carlson	Giese	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nordquist	Utter
Conrad	Haar	Langemeier	Pankonin	Wallman
Cook	Hadley	Lathrop	Pirsch	White
Council	Hansen	Lautenbaugh	Price	
Fischer	Harms	Louden	Rogert	
Flood	Howard	McCoy	Schilz	
Gay	Janssen	McGill	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Campbell	Dubas	Nelson
Ashford	Cornett	Fulton	Wightman
Avery	Dierks	Heidemann	

Excused and not voting, 2:

Coash	Pahls
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The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1002A. Title read. Considered.

Senator Utter offered the following amendment:

AM2401

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated \$41,990 from the
- 4 General Fund for FY2010-11 to the Commission on Indian Affairs, for
- 5 Program 584, to aid in carrying out the provisions of Legislative
- 6 Bill 1002, One Hundred First Legislature, Second Session, 2010.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$31,192 for FY2010-11.

Pending.

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB999:

AM2362

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city with a population of twenty thousand inhabitants or less".

Senator Pankonin filed the following amendment to LB950:
AM2353

(Amendments to E & R amendments, ER8219)

1 1. Strike sections 4 and 25 and insert the following new
2 sections:

3 Sec. 4. Section 23-2310.04, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-2310.04 (1) The County Employees Defined Contribution
6 Retirement Expense Fund is created. The fund shall be credited
7 with money ~~forfeited pursuant to section 23-2319.01 and with money~~
8 from the retirement system assets and income sufficient to pay the
9 pro rata share of administrative expenses incurred as directed by
10 the board for the proper administration of the County Employees
11 Retirement Act and necessary in connection with the administration
12 and operation of the retirement system, except as provided in
13 sections 23-2308.01, 23-2309.01, ~~23-2310~~, and 23-2310.05. Any money
14 in the fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act
16 and the Nebraska State Funds Investment Act.

17 (2) The County Employees Cash Balance Retirement Expense
18 Fund is created. The fund shall be credited with money forfeited
19 pursuant to section 23-2319.01 and with money from the retirement
20 system assets and income sufficient to pay the pro rata share of
21 administrative expenses incurred as directed by the board for
22 the proper administration of the County Employees Retirement
1 Act and necessary in connection with the administration and
2 operation of the retirement system, except as provided in sections
3 23-2308.01, 23-2309.01, ~~23-2310~~, and 23-2310.05. Any money in the
4 fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act
6 and the Nebraska State Funds Investment Act.

7 Sec. 25. Section 84-1314, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 84-1314 (1) The State Employees Defined Contribution
10 Retirement Expense Fund is created. The fund shall be credited
11 with money ~~forfeited pursuant to section 84-1321.01 and with money~~
12 from the retirement system assets and income sufficient to pay
13 the pro rata share of administrative expenses incurred as directed
14 by the board for the proper administration of the State Employees
15 Retirement Act and necessary in connection with the administration
16 and operation of the retirement system, except as provided in
17 sections 84-1309.02, 84-1310.01, ~~84-1311~~, and 84-1311.03. Any money
18 in the fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act
20 and the Nebraska State Funds Investment Act.

21 (2) The State Employees Cash Balance Retirement Expense
22 Fund is created. The fund shall be credited with money forfeited
23 pursuant to section 84-1321.01 and with money from the retirement

24 system assets and income sufficient to pay the pro rata share
 25 of administrative expenses incurred as directed by the board
 26 for the proper administration of the State Employees Retirement
 27 Act and necessary in connection with the administration and
 1 operation of the retirement system, except as provided in sections
 2 84-1309.02, 84-1310.01, ~~84-1311~~, and 84-1311.03. Any money in the
 3 fund available for investment shall be invested by the state
 4 investment officer pursuant to the Nebraska Capital Expansion Act
 5 and the Nebraska State Funds Investment Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 468. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code. This study will specifically analyze the potential financial impacts and energy savings to state agencies.

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

1. That the Natural Resources 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 469. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the economic development program options available for municipalities. Programs that are already operational in municipalities as well as those in the development stages will be reviewed, and additionally, programs in municipalities across the nation that have met with success in economic development program implementation will also be examined.

The goal of this interim study is to determine what statutory changes and modifications of existing programs in Nebraska could be implemented to benefit local municipal economic development efforts.

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

1. That the Urban Affairs 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 470. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the issue of how political subdivisions may be impacted by the 2010 United States Census. Over the years much legislation has been adopted containing population thresholds. In particular, this interim study will examine the public policy ramifications of these population thresholds and the impact of the 2010 United States Census data on certain political subdivisions such as counties and cities.

County and city officials, along with other interested parties, will be invited to participate in this interim study.

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

1. That the Government, Military and Veterans Affairs 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 471. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee which may arise during the interim.

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

1. That the Government, Military and Veterans Affairs 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 472. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the issue of using electronic and digital signatures on initiative and referendum petitions. In 2010, LB 1059 was heard by the Government, Military and Veterans Affairs Committee. The bill required the Secretary of State to design a

system to allow electors to use digital or electronic signatures to sign initiative and referendum petitions via the Internet.

The issues to be examined by the interim study will include, but are not limited to, determining what other states are doing regarding digital and electronic signatures for initiative and referendum petitions and studying the current technology in this area and whether the current technology will allow for the safe and secure use of such signatures on initiative and referendum petitions.

Representatives of the Secretary of State's office and county officials, along with other interested parties, will be invited to participate in this interim study.

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

1. That the Government, Military and Veterans Affairs 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 473. Introduced by Carlson, 38; Dubas, 34; Hansen, 42; Langemeier, 23; Schilz, 47; Wightman, 36.

PURPOSE: The purpose of this resolution is to study the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes. The study should include past references in Nebraska statutes and court opinions, as well as the use of the term in other jurisdictions. The study should also include different interpretations of the term as it may apply to a "normal" year compared to a "water short" year.

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

1. That the Natural Resources 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 474. Introduced by Carlson, 38; Dubas, 34; Hansen, 42; Langemeier, 23; Schilz, 47; Wightman, 36.

PURPOSE: The purpose of this resolution is to study aquifer depletions in the State of Nebraska. The focus of the study will be on the sustainability of

aquifers to assure an adequate water supply many generations into the future. The study should include an examination of how to eliminate long-term depletions through good stewardship, as well as potential ways to accelerate recharge for sustainability. The study should emphasize local plans to solve local water challenges.

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

1. That the Natural Resources 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 475. Introduced by Dubas, 34; Carlson, 38.

PURPOSE: The purpose of this resolution is to study issues related to restricted use chemical application and the need to improve systems of notification of pesticide applications. The goal of the study is to identify methods to improve the way that information flows between applicators and owners of sensitive locations to reduce incidences of conflict and to enable adjacent landowners, utility operators, and others who may access or work near recently treated areas to reduce risk of accidental exposures. The study shall include, but not be limited to, an examination of regulatory notification requirements and application of available information systems to facilitate notification.

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

1. That the Agriculture 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 476. Introduced by Janssen, 15.

WHEREAS, Ross H. Rasmussen of Hooper, Nebraska, was a distinguished member of the Legislature, serving from 1961 to 1968; and

WHEREAS, Senator Rasmussen served his country as an officer in World War II, receiving the Bronze Star for valor in action; and

WHEREAS, Senator Rasmussen married Alice Willa Hoegemeyer on October 19, 1943, and was a proud husband and father; and

WHEREAS, Senator Rasmussen was a groundbreaking farmer and agricultural educator to countless friends and students; and

WHEREAS, Senator Rasmussen passed away on March 24, 2010.

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

1. That the Legislature extends its sympathy to the family of Ross H. Rasmussen.

2. That the Legislature expresses its gratitude for Ross H. Rasmussen's service to his community, state, and nation.

3. That a copy of this resolution be sent to the family of Ross H. Rasmussen.

Laid over.

LEGISLATIVE RESOLUTION 477. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study the issues related to the sustainability of public retirement plans.

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

1. That the Nebraska Retirement Systems 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 478. Introduced by Christensen, 44.

PURPOSE: The purpose of this study is to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources. Prior to Laws 2000, LB 900, which merged the Department of Water Resources and the Nebraska Natural Resources Commission, regulation and planning were separate. Currently, the Department of Natural Resources (DNR) is responsible for both regulation and planning. This study shall investigate how the creation of an independent entity focused on planning for Nebraska's future water uses by removing the planning responsibilities from DNR may bring a better balance between regulation and planning of our water resources and how best to establish and structure such a water planning entity. This study shall include, but not be limited to:

(1) An examination of LB 1016, introduced in 2010, and other proposals to provide a statewide water planning entity;

(2) How such a water planning entity should be established or structured;
 (3) How integrated management plans could be used in a statewide plan;
 (4) What a statewide water plan should include; and
 (5) An examination of what purposes and goals should be given to such a water planning entity, such as recommendations for the planning of future water uses across Nebraska, maintaining and maximizing current water supplies, creating a plan to manage water resources to encourage economic health and prosperity, forecasting, and how to create more flexibility and efficiency within our water management.

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

1. That the Natural Resources 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.

GENERAL FILE

LEGISLATIVE BILL 1002A. The Utter amendment, AM2401, found in this day's Journal, was renewed.

Senator Utter withdrew his amendment.

Senator Heidemann offered the following amendment:

AM2414

- 1 1. On page 2, lines 1 and 10, strike "\$100,000" and
- 2 insert "\$25,000".

The Heidemann amendment was adopted with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 918A. Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB817 to Select File

Senator Rogert moved to return LB817 to Select File for his specific amendment, AM2314, found on page 1065.

The Rogert motion to return prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 817. The Rogert specific amendment, AM2314, found on page 1065, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB817 to Select File

Senator Christensen moved to return LB817 to Select File for the following specific amendment:

AM2415

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 18-1703, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 18-1703 Cities and villages shall not have the power
- 5 to regulate the ownership, possession, or transportation of a
- 6 concealed handgun, as such ownership, possession, or transportation
- 7 is authorized under the Concealed Handgun Permit Act, except as
- 8 expressly provided by state law, and shall not have the power
- 9 to require registration of a concealed handgun owned, possessed,
- 10 or transported by a permitholder under the act. Any existing
- 11 city or village ordinance, permit, or regulation regulating the
- 12 ownership, possession, or transportation of a concealed handgun,
- 13 as such ownership, possession, or transportation is authorized
- 14 under the act, except as expressly provided under state law, and
- 15 any existing city or village ordinance, permit, or regulation
- 16 requiring the registration of a concealed handgun owned, possessed,
- 17 or transported by a permitholder under the act, is declared to be
- 18 null and void as against any permitholder possessing a valid permit
- 19 under the act.
- 20 Sec. 5. Section 69-2427, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 69-2427 Sections 69-2427 to 69-2448 and section 6 of this
- 1 act shall be known and may be cited as the Concealed Handgun Permit
- 2 Act.
- 3 Sec. 6. The Nebraska State Patrol shall inform each
- 4 permitholder, upon the issuance or renewal of a permit to carry a
- 5 concealed handgun, that if a handgun, or other firearm, owned by
- 6 such permitholder is lost or stolen, the permitholder should notify
- 7 his or her county sheriff or local police department of that fact.
- 8 2. Renumber the remaining sections and correct the
- 9 repealer section accordingly.

The Christensen motion to return prevailed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 817. The Christensen specific amendment, AM2415, found in this day's Journal, was adopted with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 594. Placed on Select File with amendment. ER8220 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1070. Placed on Final Reading.

ST9092

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

1. In the Adams amendment, AM2347:

a. On page 3, line 21, "subsection" has been struck, shown as stricken, and "subdivision" inserted;

b. On page 15, line 11, an underscored comma has been inserted after "community"; and

c. On page 28, line 18, the first "the" has been struck and "this" inserted.

2. On page 1, the matter beginning with "learning" in line 1 through line 6 and all amendments thereto have been struck and "education; to amend sections 70-651.04, 77-1736.06, 77-3442, 79-527, 79-1007.05, 79-1036, 79-1242, 79-2111, 79-2112, and 79-2115, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1073, 79-1073.01, 79-1241.03, 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to change provisions relating to expense reimbursement for members of learning community coordinating councils, learning community tax levies, distribution of tax proceeds, school reporting, educational service unit funding, focus schools, focus programs, magnet schools, and elementary learning centers; to provide for use of certain funds received by learning communities as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 479. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary 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 480. Introduced by Langemeier, 23.

WHEREAS, the David City High School speech team won the 2010 Class C-1 State Speech title, finishing twenty-six points ahead of runner-up Raymond Central; and

WHEREAS, this marks David City's second straight state title in Class C-1 and third in school history; and

WHEREAS, the David City High School speech team was propelled to victory by five first-place finishes; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the David City High School speech team on winning the 2010 Class C-1 State Speech title.

2. That a copy of this resolution be sent to the speech team and their coach, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 481. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study the practice of prescribed burning. The study shall include, but not be limited to, the following issues:

(1) The purpose and necessity of "prescribed" or "controlled" burns;

(2) The function of prescribed burning in managing plant and animal communities;

(3) The status of prescribed burning law in Nebraska and other states;

(4) The status and issues surrounding prescribed burning laws in local government;

- (5) The required knowledge of the surrounding natural resources and wildlife habitats to conduct prescribed burning;
- (6) Public interest in allowing or prohibiting prescribed burns;
- (7) Fire management best practices; and
- (8) Any correlative educational or legal issues.

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

1. That the Natural Resources 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 482. Introduced by Pahls, 31.

PURPOSE: The demographics of Nebraska's population are changing. In the last decade there has been a dramatic shift of population from the rural areas to the urban areas. This change is expected to continue through the next decade and longer. The shift has dramatic consequences in employment opportunities, generation of tax revenue, placement of retail services, resources for business opportunities, changes in school enrollment, and availability of governmental services for every area of the state.

Changes in the rural areas are accompanied by and, in some cases, exacerbated by technological and economic changes in the agricultural industry. The number of family-operated and owned farms and ranches is dropping. Farms and ranches are growing in size. The average age of farmers and ranchers is getting older and the number of farmers and ranchers is declining. The farm and ranch economy is increasingly influenced by national and international issues outside the control of state government. Corporate interests and out-of-state operators and investors are playing an increasing role in Nebraska agriculture.

Nebraska's urban areas continue to grow, and the issues they face resemble the kind of issues that large metropolitan areas face in other states: Poverty; crime; urban sprawl; a decrease in lifestyle in inner city neighborhoods; the loss of jobs; an increased need for training workers in new and developing trades and industries; neighborhood redevelopment needs; greater infrastructure needs; building new schools and health care facilities; and development of recreational venues for youth and adults. The purpose of this resolution is to study these issues, and such study shall include, but not be limited to:

- (1) A determination of the amount of state and local tax revenue generated in the rural and urban areas of the state;
- (2) A determination of the amount of state and local revenue needs of rural and urban areas of the state;

(3) A determination of how the needs can be met and what changes need to be made in the current revenue distribution to anticipate the changes in demographics; and

(4) An analysis of what governmental services may need to be consolidated or eliminated as a result of population shifts.

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

1. That the Legislature's Planning Committee 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 483. Introduced by Pahls, 31.

PURPOSE: Motor vehicle insurance fraud is one area in which Nebraska consumers may be vulnerable, given evidence of increased unethical and fraudulent activities of medical providers engaging in solicitation of accident victims. Most notable is the utilization of runners or cappers accessing accident reports used for overzealous telemarketing and solicitation of victims for potentially unnecessary treatment by chiropractic clinics.

The risk to Nebraska consumers arises when victims of accidents are solicited to visit chiropractic clinics for a free evaluation, which is often followed by a succession of follow-up visits paid for by property and casualty insurance coverage. These services may drain bodily injury benefits as well as other coverage.

Other states, including Minnesota, Missouri, Michigan, Connecticut, Kentucky, Texas, Ohio, and Pennsylvania, have introduced or passed legislation to address chiropractic solicitation, the use of runners or cappers, telemarketing abuses, and other issues. The purpose of this resolution is to study these issues and determine whether similar legislation is needed in Nebraska. The study committee shall seek the input of insurers, the Department of Insurance, the Board of Chiropractic, the Nebraska Chiropractic Physicians Association, and other interested parties 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 484. Introduced by Fischer, 43.

PURPOSE: The purpose of this interim study is to conduct an analysis of what is currently considered a reasonable fee by the towing industry for a tow from a private lot, any past state regulation of the industry, and whether the Public Service Commission is equipped to handle towing disputes and to determine what is a reasonable fee in a towing dispute.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 485. Introduced by Howard, 9; Adams, 24; Ashford, 20; Dubas, 34; Gay, 14; Gloor, 35; Hadley, 37; Nordquist, 7; Pirsch, 4; Wallman, 30.

PURPOSE: The purpose of this interim study is to examine: The shortage of social workers in central and western Nebraska who hold master's degrees; available educational opportunities or resources for citizens of these underserved areas who are interested in pursuing graduate social work education that would address such shortage; the level of unmet mental health needs in rural communities; and the services that social workers who hold master's degrees can provide to address that need. This interim study is intended to seek solutions to the critical workforce gap and to make recommendations on how best to address it. The study will seek to involve all interested parties and organizations that have a stake in such issue.

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

1. That the Health and Human Services 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 486. Introduced by McGill, 26.

PURPOSE: To examine the issues of health, safety, and working conditions of Nebraska meat and poultry workers and to identify opportunities to strengthen Nebraska law related to ensuring safe and dignified working conditions. Nebraska's meat industries are some of the most important industries in the state. For this reason, and because safe food comes from a safe workplace, we have a public interest in ensuring that working conditions live up to basic community standards. Unfortunately, federal data from the Bureau of Labor Statistics in 2007 indicates that injury rates in meatpacking are more than double that of United States manufacturing as a whole. Furthermore, the United States Government Accountability Office reports that these numbers underreport actual injury rates. Nebraska was a leader in addressing the health, safety, and conditions of its workforce by passing a first-of-its-kind state law, the Nebraska Meatpacking Industry Workers Bill of Rights. Because data indicates that conditions are not sufficiently improved almost a decade later, it is time to revisit this issue. The study should include, but is not limited to:

(1) A review of current health, safety, and working conditions, including: Injury rates; work speed, including line speed and maintenance of full staffing; ability to use the bathroom; the right to choose one's own doctor when injured; payment for all time worked; safety training and equipment; verbal supervisory abuse; sexual harassment and abuse; and positive health and safety policies and practices that seem to be making a difference; and

(2) Identifying opportunities to strengthen Nebraska's health, safety, and wage enforcement oversight, workers' compensation laws, and other Nebraska laws and regulations related to ensuring safe and dignified working conditions.

The study should hear from a variety of stakeholders, most importantly Nebraska workers in settings where they can speak freely without company management or supervisors present, but also including workers' compensation attorneys, community and health organizations, union representatives, company management, and government agencies.

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

1. That the Business and Labor 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 487. Introduced by Mello, 5; Cornett, 45.

PURPOSE: The purpose of this interim study is to examine the impact of adopting tax incentives for films, television shows, commercials, music, web-based content, or Internet-delivered content produced in metropolitan and nonmetropolitan areas of Nebraska.

This study shall include an examination of how the following factors are influencing the film, television, commercial, music, web-based, and Internet-delivered industries:

- (1) Types and numbers of jobs in Nebraska created by these industries;
- (2) Amount of revenue generated in Nebraska by these industries;
- (3) Tax incentives other states are offering to attract these industries; and
- (4) Tax incentives Nebraska could offer to attract these industries.

The primary focus of the study will be to find ways to encourage future job growth and economic development in Nebraska's film, television, commercial, music, web-based, and Internet-delivered industries.

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

1. That the Revenue 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 488. Introduced by Wightman, 36; Ashford, 20; Nelson, 6.

PURPOSE: The purpose of this resolution is to analyze and compare the provisions of LB 756 (2010), a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law. The Uniform Real Property Transfer on Death Act was adopted by the National Conference of Commissioners on Uniform State Laws in July 2009. Thirteen states had legislation authorizing "transfer on death deeds" prior to adoption of the uniform act. LB 756 contains the uniform act with substantial modifications applicable to the State of Nebraska. The study shall be a section-by-section analysis and comparison of the proposed Nebraska legislation, together with additional relevant considerations and recommendations. In order to carry out the purpose of this resolution, the committee should seek the assistance of professors at the University of Nebraska College of Law and the Creighton University School of Law and other interested persons as the committee deems necessary and beneficial. The goal of the study is to provide a reliable understanding of the implications of adopting a Nebraska Uniform Real Property Transfer on Death Act.

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

1. That the Judiciary 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 489. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the possibility of raising revenue from misdemeanors and felonies or from other sources to help fund a potential grant program for rural emergency medical services. The study shall examine similar grant programs in other states, particularly the grant program described in section 26-8a-207 of the Utah Code.

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

1. That the Health and Human Services 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 490. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the issue of imposing a limitation on how much a school's state aid can change from one year to the next, expressed in terms of a percentage.

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

1. That the Education 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 491. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the possibility of requiring a boating education course in order to reduce the number of accidents occurring on the waters of this state. The study shall include, but not be limited to, an examination of the subject matter that might be offered or required as part of any such boating education course.

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

1. That the Natural Resources 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 492. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the issues relating to adding a fiftieth senator to the Legislature.

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

1. That the Government, Military and Veterans Affairs 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.

AMENDMENTS - Print in Journal

Senator Gay filed the following amendment to LB999:
AM2395

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "that
- 2 does not accept patients under the medical assistance program
- 3 established under section 68-903".

Senator Hansen filed the following amendment to LB999:
AM2400

(Amendments to AM2366)

- 1 1. On page 1, line 14, after "hospital" insert "or an
- 2 application from any hospital project which has begun construction
- 3 prior to July 1, 2010".

Senator Cornett filed the following amendment to LB999:
AM2389

(Amendments to AM2366)

- 1 1. On page 1, lines 11 and 12, strike "September 1, 2010"
- 2 and insert "January 1, 2011".

UNANIMOUS CONSENT - Add Cointroducer

Senator Rogert asked unanimous consent to add his name as cointroducer to LB999. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Utter's son and grandson, Ward and Andrew Utter, from Devon, Pennsylvania; Senator Hadley's wife, Marilyn Hadley, from Kearney and Randall and Betty Stuefen from Vermillion, South Dakota; 96 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 45 fourth-grade students and teachers from Lincoln Elementary, Beatrice.

RECESS

At 12:03 p.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Campbell, Coash, Cook, Dierks, and Loudon who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 493. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study whether there are enough resources currently present in schools to detect and treat mental illness in school-age children. The study should include an examination of issues raised during the Legislature's enactment and subsequent amendment of the state's "safe haven" law in 2008 and issues raised during consideration of LB 603, which was passed in 2009. Possible topics to be covered may include the availability of school counselors in elementary, middle, and high schools and consideration of mental health examinations, similar to physical health examinations required at certain levels of schooling. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the State Department of Education and the Department of Health and Human Services 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 Health and Human Services 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 494. Introduced by Giese, 17.

PURPOSE: To study the effect of Nebraska's workers' compensation statutes on businesses, other than agricultural operations, that employ only related employees. The issues to be addressed by this interim study shall include, but not be limited to:

(1) A review of the requirements for compliance under the Nebraska Workers' Compensation Act for businesses which employ only related employees;

(2) An examination of business classifications under workers' compensation insurance policies and their effect on businesses which employ only related employees; and

(3) A review of excepted occupations under the Nebraska Workers' Compensation Act and the application of those exceptions to businesses that employ only related employees.

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

1. That the Business and Labor 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 495. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine district probation offices. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the process used by the Office of Probation Administration to draw probation district boundaries and designate the principal office within each probation district;

(2) A review of the allocation of district probation office expenses between the state and counties; and

(3) An examination of the budget process for probation districts which include multiple counties, with emphasis on the disparity of budget-setting

authority between the counties and the reimbursement of office expenses for the principal office within the probation district.

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

1. That the Judiciary 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 496. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study issues relating to state and local taxation of wind energy electrical generation facilities. The issues addressed by this study shall include, but not be limited to:

(1) Limitations placed on state and local taxation by the commerce clause of the United States Constitution, including the United States Supreme Court's "dormant" commerce clause jurisprudence, with respect to all types of taxes that could conceivably be imposed on such facilities or in connection with such facilities, including property taxes and excise taxes, such as income taxes, sales and use taxes, production taxes, and other excise taxes;

(2) The classification of wind energy property as real property, personal property, and fixtures, including trade fixtures, and the Nebraska Supreme Court's jurisprudence with respect to the classification of property as real property, personal property, and fixtures, including trade fixtures;

(3) Whether taxation of wind energy property should be centrally assessed property, locally assessed property, or both as may be necessary or appropriate; and

(4) The distribution of state and local tax revenue that may be derived from the imposition of any types of taxes that could conceivably be imposed lawfully on such facilities or in connection with such facilities.

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

1. That the Revenue 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 497. Introduced by Cornett, 45; McGill, 26.

PURPOSE: The purpose of this resolution is to study urban and commercial area development laws, policies, and programs which exist in Nebraska and alternative laws, policies, and programs which exist in other states.

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

1. That the Revenue Committee and Urban Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 498. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study the Tax Expenditure Reporting Act and suggest additional duties or information to be reported under the act.

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

1. That the Revenue 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 499. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study tax laws, policies, and programs that address the tax burdens of low-income persons and households.

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

1. That the Revenue 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 500. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study the tax laws, policies, and programs of the State of Nebraska.

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

1. That the Revenue 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.

SELECT FILE

LEGISLATIVE BILL 1109. ER8215, found on page 987, was adopted.

Senator Conrad offered the following amendment:

AM2419

(Amendments to E & R amendments, ER8215)

- 1 1. On page 3, lines 12 and 13, strike "the effective date
- 2 of this act" and insert "July 6, 2010".

The Conrad amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1109A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 931. Title read. Considered.

Committee AM2047, found on page 717, was considered.

Senator Sullivan renewed the Sullivan-Utter amendment, AM2248, found on page 1006, to the committee amendment.

The Sullivan-Utter amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Harms offered the following amendment to the committee amendment:

AM2411

(Amendments to Standing Committee amendments, AM2047)

- 1 1. On page 12, line 22; page 15, line 2; page 21, line 4;
- 2 page 24, line 12; page 25, line 25; page 28, line 25; page 30, line

- 3 12; and page 32, line 24, before "community" insert "or".
- 4 2. On page 12, line 23; page 15, line 3; page 21, line
5 5; page 24, lines 12 through 13; page 25, line 26; page 28, lines
6 25 through 26; page 30, lines 12 through 13; and page 32, lines 24
7 through 25, strike "or junior college," and show as stricken.
- 8 3. On page 17, line 21, before "community" insert "or"
9 and strike "or junior college," and show as stricken.
- 10 4. On page 25, line 3, before "community" insert "or"; in
11 lines 3 through 4 strike ", or junior college;", show as stricken,
12 and insert an underscored semicolon; in line 7 before "community"
13 insert "or"; and in line 8 strike ", or junior college" and show as
14 stricken.

The Harms amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 501. Introduced by Campbell, 25; Ashford, 20; Gay, 14; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study costs to the state and infant and child health outcomes associated with not providing prenatal services through the Nebraska medicaid program to low-income women in Nebraska. The study shall include, but not be limited to, an examination of:

- (1) Reduced medical payments made by the state as a result of ending prenatal services to low-income women;
- (2) Increased post-delivery medical service costs directly related to not providing prenatal care, including costs related to low birth weight infants, premature births, and other health problems associated with a lack of prenatal care, including increased expenditures in the Kids Connection program;
- (3) Costs of providing emergency medicaid for labor and delivery or pregnancy complications, including a comparison of past expenditures in the state's emergency medicaid program; and
- (4) Financial impact to health care providers.

The study shall include data from both the public and private sectors.

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

1. That a select committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select committee shall consist of three members of the Health and Human

Services Committee of the Legislature appointed by the chairperson of the committee, three members of the Judiciary Committee of the Legislature appointed by the chairperson of the committee, and three additional members of the Legislature to be appointed by the chairpersons of the Health and Human Services Committee and the Judiciary Committee. The chairperson of the select committee shall be the chairperson of the Health and Human Services Committee unless he or she is not appointed to the select committee, in which case the chairperson of the select committee shall be one of the three members of the Health and Human Services Committee who were appointed to the select committee, selected by the chairperson of the Health and Human Services Committee.

2. That the select committee shall upon the conclusion of its study make a preliminary report of its findings, together with its recommendations, to the Legislature on or before October 1, 2010. A final report shall be due on or before December 31, 2010.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 502. Introduced by Wallman, 30.

PURPOSE: The purpose of this resolution is to review the status of trauma care in Nebraska. The study shall include, but not be limited to, the availability and viability of trauma care services in Nebraska.

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

1. That the Health and Human Services 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 503. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Associations Act (2008) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons, including the practicing bar, as it 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 504. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to study the policies and programs for addressing property tax relief, including existing and alternative policies.

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

1. That the Revenue 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 505. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to examine issues relating to making the Local Civic, Cultural, and Convention Center Financing Act applicable to county governments. The issues addressed by this study shall include, but not be limited to:

(1) Whether cities should be the only beneficiaries available under the Local Civic, Cultural, and Convention Center Financing Act for qualified projects; and

(2) Whether sufficient funds would be available to help finance projects under the Local Civic, Cultural, and Convention Center Financing Act for qualified projects of cities and counties.

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

1. That the Revenue 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 506. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to study state and local property tax valuation and exemption protest and appeal processes and procedures. The issues addressed by this study shall include, but not be limited to:

(1) The standard or standards of review and related jurisprudence used or relied upon by various tax tribunals and courts of law, including the Tax Equalization and Review Commission, the Court of Appeals, the Supreme Court, quasi-judicial tax tribunals in other states, and judicial tax tribunals in other states;

(2) The burden of proof used or relied upon by various tax tribunals, including the Tax Equalization and Review Commission and quasi-judicial and judicial tax tribunals in other states, to determine whether any rebuttable presumption pertaining to the standard or standards of review has or have been rebutted;

(3) The rules of practice and procedure governing the conduct of property tax protests and appeals in Nebraska and other states, including, but not limited to, rules of practice and procedure governing formal and informal protests and appeals, prehearing conferences, hearings, and rehearings, and rules of evidence applicable to formal and informal protests and appeals, including rules governing admissibility of evidence and direct examination and cross-examination of aggrieved parties and witnesses; and

(4) Whether the Legislature should consider proposing a legislative resolution for a constitutional amendment or amendments that would either:

(a) Abolish the Tax Equalization and Review Commission and establish (i) a different state government board or commission to perform the statewide equalization function, with right of judicial review, and (ii) a tax court established under the Constitution of Nebraska to hear and decide all property tax valuation and exemption protests and appeals, with right of judicial review; or

(b) Limit the power and responsibility of the Tax Equalization and Review Commission solely to performing the statewide equalization function and eliminate its power and responsibility to hear property tax protests and appeals and transfer that function to a tax court established under the Constitution of Nebraska, with right of judicial review.

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

1. That the Revenue 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 507. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this resolution is to examine ways to streamline all levels of government, including, but not limited to, elimination, consolidation, or reassignment. The study should examine all facets and departments of state, county, and local governments. The Executive Board of the Legislative Council shall create a task force to carry out this interim study.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 508. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this resolution is to examine the availability of land for hunters in the State of Nebraska, as well as the effectiveness of various programs to encourage hunting and the opening of public and personal lands for hunting. The Executive Board of the Legislative Council shall create a task force to carry out this interim study.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 509. Introduced by Howard, 9.

PURPOSE: In 2008, Nebraska implemented ACCESS Nebraska, representing a significant change in public benefits processing. Over a year into this process, it is important to understand the impact of this change on clients.

The purpose of this interim study is to explore the implementation of ACCESS Nebraska, particularly as it relates to client experience and system functioning over time. The study shall include the following information for the years 2007, 2008, 2009, and 2010 as it relates to ACCESS Nebraska programs:

- (1) The number of active cases on January 31 for each year by program and by service area;

(2) Benefit processing time periods, by program and by service area, broken out by 0-7 days, 8-30 days, 31-45 days, 46-60 days, and over 60 days on the date of January 31 of each year. For cases pending beyond the requisite time limit, for example, beyond 30 days for the Supplemental Nutrition Assistance Program or 45 days for medicaid, provide a summary of reasons for the pending status;

(3) Total number of applications by program and service area from the elderly, disabled, and non-English speakers for each year;

(4) Total number of new approvals by program and service area of the elderly, disabled, and non-English speakers for January of each year for the full fiscal year;

(5) A description of the approval and denial procedure or policy for requests for in-person applications, including, but not limited to, how caseworkers determine when an in-person interview will be conducted and whether the caseworker will go to the client or the client to the caseworker;

(6) Total number of applications completed overall, total number of applications started and not completed, and total number of online applications completed online by office, kiosk, or community-based partner location for each year;

(7) Total number of recertifications completed overall, total number of recertifications online, and the number of recertifications started online but not completed for each year and for January of each year, as well as the starting date of notice to clients to begin recertification online;

(8) Current office map for the Department of Health and Human Services and complete staffing pattern for each year;

(9) Caseworker average caseload by region for each year;

(10) The current accuracy rate for Supplemental Nutrition Assistance Program benefits;

(11) Total amount of funding expended in each year for community-based partner trainings, staff, technology, equipment, or for other purposes; and

(12) A list of community-based partners identified with computer, printer, and scanner technology available.

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

1. That the Appropriations Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1002A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB999:
AM2391

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city of the metropolitan class".

Senator Karpisek filed the following amendment to LB999:
AM2392

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city of the primary class".

GENERAL FILE

LEGISLATIVE BILL 1072. Title read. Considered.

Committee AM2194, found on page 935, was considered.

Senator Adams renewed his amendment, AM2298, found on page 1054, to the committee amendment.

The Adams amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB999:
AM2397

(Amendments to AM2366)

- 1 1. On page 1, line 20, strike "and" and strike "such as";
- 2 and in line 21 after the first occurrence of "hospitals" insert an
- 3 underscored comma.

Senator Carlson filed the following amendment to LB999:
AM2394

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city with a population of twenty thousand inhabitants or less".

Senator Conrad filed the following amendment to LB999:
AM2393

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "that does
- 2 not have an emergency room".

Senator Gay filed the following amendment to LB999:
AM2399

(Amendments to AM2366)

- 1 1. On page 2, line 26, strike "2010" and insert "2012".

CONFLICT OF INTEREST STATEMENT

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 510. Introduced by Pirsch, 4.

PURPOSE: The purpose of this interim study is to examine issues relating to refunds of local option sales taxes under the Nebraska Advantage Act. The issues addressed by this study shall include, but not be limited to:

- (1) Advance notice to local governments of the dollar amount of refunds of local option sales taxes paid that must be refunded to taxpayers;
- (2) The time within which a local government must refund local option sales taxes paid by taxpayers; and
- (3) Enacting legislation that would allow local governments that must refund local option sales taxes to pay such refunds in installments over a fixed period of time if such local governments would face a hardship by being required to immediately refund the full amount owed in one refund payment.

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

1. That the Revenue 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 511. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine issues pertaining to expanding the Local Civic, Cultural, and Convention Center Financing Act so that financial incentives under the act could be used to help employers create new jobs in small communities in the state that have suffered from a declining population.

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

1. That the Revenue 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.

GENERAL FILE

LEGISLATIVE BILL 779. Title read. Considered.

Committee AM2038, found on page 725, was considered.

Senator Avery renewed his amendment, AM2268, found on page 1066, to the committee amendment.

Senator Avery withdrew his amendment.

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Lathrop renewed his amendment, AM2316, found on page 1060.

Senator Utter withdrew his amendment, AM2345, found on page 1109.

Senator Avery offered the following amendment to the Lathrop amendment: AM2375

(Amendments to AM2316)

1 1. Insert the following new sections:

2 Section 1. Section 13-503, Revised Statutes Supplement,
3 2009, is amended to read:

4 13-503 For purposes of the Nebraska Budget Act, unless
5 the context otherwise requires:

6 (1) Governing body shall mean the governing body of
7 any county agricultural society, elected county fair board, joint
8 airport authority formed under the Joint Airport Authorities

9 Act, city or county airport authority, bridge commission created
10 pursuant to section 39-868, cemetery district, city, village,
11 municipal county, community college, community redevelopment
12 authority, county, drainage or levee district, educational
13 service unit, rural or suburban fire protection district,
14 historical society, hospital district, irrigation district,
15 learning community, natural resources district, nonprofit county
16 historical association or society for which a tax is levied under
17 subsection (1) of section 23-355.01, public building commission,
18 railroad transportation safety district, reclamation district,
19 road improvement district, rural water district, school district,
20 sanitary and improvement district, township, offstreet parking
21 district, transit authority, metropolitan utilities district,
22 Educational Service Unit Coordinating Council, and political
1 subdivision with the authority to have a property tax request, with
2 the authority to levy a toll, or that receives state aid;

3 (2) Levying board shall mean any governing body which has
4 the power or duty to levy a tax;

5 (3) Fiscal year shall mean the twelve-month period used
6 by each governing body in determining and carrying on its financial
7 and taxing affairs;

8 (4) Tax shall mean any general or special tax levied
9 against persons, property, or business for public purposes as
10 provided by law but shall not include any special assessment;

11 (5) Auditor shall mean the Auditor of Public Accounts;

12 (6) Cash reserve shall mean funds required for the period
13 before revenue would become available for expenditure but shall not
14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax
16 money, used in the operation and functions of governing bodies.
17 For purposes of a county, city, or village which has a lottery
18 established under the Nebraska County and City Lottery Act, only
19 those net proceeds which are actually received by the county, city,
20 or village from a licensed lottery operator shall be considered
21 public funds, and public funds shall not include amounts awarded as
22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget
24 statement which has been adopted or amended and adopted as provided
25 in section 13-506. Such term shall include additions, if any, to an
26 adopted budget statement made by a revised budget which has been
27 adopted as provided in section 13-511;

1 (9) Special reserve fund shall mean any special fund
2 set aside by the governing body for a particular purpose and not
3 available for expenditure for any other purpose. Funds created
4 for (a) the retirement of bonded indebtedness, (b) the funding
5 of employee pension plans, (c) the purposes of the Political
6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the
7 Local Option Municipal Economic Development Act, (e) voter-approved

8 sinking funds, or (f) statutorily authorized sinking funds shall be
9 considered special reserve funds;

10 (10) Biennial period shall mean the two fiscal years
11 comprising a biennium commencing in odd-numbered or even-numbered
12 years used by a city in determining and carrying on its financial
13 and taxing affairs; and

14 (11) Biennial budget shall mean a budget by a city of
15 the primary or metropolitan class that adopts a charter provision
16 providing for a biennial period to determine and carry on the
17 city's financial and taxing affairs.

18 Sec. 16. Section 14-501.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 14-501.01 A city of the metropolitan class may adopt
21 biennial budgets for biennial periods if such budgets are provided
22 for by a city charter provision. For purposes of this section:

23 (1) Biennial budget means a budget that provides for a
24 biennial period to determine and carry on the city's financial and
25 taxing affairs; and

26 (2) Biennial period means the two fiscal years comprising
27 a biennium commencing in odd-numbered or even-numbered years.

1 Sec. 17. Section 15-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 15-801 A city of the primary class may adopt biennial
4 budgets for biennial periods if such budgets are provided for by a
5 city charter provision. For purposes of this section:

6 (1) Biennial budget means a budget that provides for a
7 biennial period to determine and carry on the city's financial and
8 taxing affairs; and

9 (2) Biennial period means the two fiscal years comprising
10 a biennium commencing in odd-numbered or even-numbered years.

11 2. Renumber the remaining sections and correct the
12 repealer accordingly.

The Avery amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment to his amendment:
AM2407

(Amendments to AM2316)

1 1. On page 9, line 5, after "(2)" insert "(a)"; and after
2 line 16 insert:

3 "(b) The amount to be appropriated for distribution as
4 state assistance to a political subdivision under this subsection
5 for any one year after the tenth year shall not exceed the highest
6 such amount appropriated under subdivision (2)(a) of this section
7 during any one year of the first ten years of such appropriation.
8 If seventy percent of the state sales tax revenue as described
9 in subdivision (2)(a) of this section exceeds the amount to be
10 appropriated under this subdivision, such excess funds shall be

11 transferred to the General Fund."

12 2. On page 10, line 4, after "appropriation" insert "and

13 transfer".

SENATOR CARLSON PRESIDING

The Lathrop amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 918A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

MOTION - Print in Journal

Senator Council filed the following motion to LB987:

MO95

Suspend Rule 7, Section 3(d) to permit consideration of AM2418.

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB987:

AM2418

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) The Lead-Based Paint Hazard Control
- 4 Program is created. The Department of Economic Development shall
- 5 award a grant to a city of the metropolitan class in the amount of
- 6 two hundred thousand dollars, contingent upon formal notification
- 7 by the United States Department of Housing and Urban Development
- 8 that it intends to award a grant to a city of the metropolitan
- 9 class to carry out the federal Residential Lead-Based Paint Hazard
- 10 Reduction Act of 1992, Title X, Section 1011, Public Law 102-550,
- 11 as such act existed on the effective date of this act.
- 12 (2) It is the intent of the Legislature to provide a
- 13 one-time appropriation for the Lead-Based Paint Hazard Control
- 14 Program with lapsed funding from the Legislative Council from the
- 15 Nebraska Health Care Cash Fund.
- 16 (3) This section terminates on June 30, 2011.

Senator Adams filed the following amendment to LB1071:
AM2403

(Amendments to E & R amendments, ER8199)

- 1 1. Strike section 28.
- 2 2. On page 88, line 16, strike "33" and insert "32"; in
- 3 line 17 strike "34" and insert "33"; in line 19 strike "35" and
- 4 insert "34"; and in line 21 strike "33, and 47" and insert "32, and
- 5 46".
- 6 3. On page 89, line 1, after the fourth comma insert
- 7 "and"; and in lines 1 and 2 strike "and 79-1241.03,".
- 8 4. Renumber the remaining sections and correct internal
- 9 references accordingly.

Senator Karpisek filed the following amendment to LB999:
AM2396

(Amendments to AM2366)

- 1 1. On page 1, strike lines 10 through 14; and in line 15
- 2 strike "(3)" and insert "(2)".
- 3 2. On page 2, line 17, strike "(4)" and insert "(3)"; and
- 4 in line 25 strike "(5)" and insert "(4)".

RESOLUTIONS

LEGISLATIVE RESOLUTION 512. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine the responsibilities of Nebraska nonprofit corporations and health care delivery systems when implementing LB 403, which was passed in 2009.

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

1. That the Health and Human Services 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 513. Introduced by Gay, 14.

PURPOSE: (1) The purpose of this interim study is to review and assess the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services and, if appropriate, provide recommendations for legislation to strengthen the enactment of the act.

- (2) The Nebraska Behavioral Health Services Act states that:

(a) The division is the chief behavioral health authority for the State of Nebraska and shall direct the administration and coordination of the public behavioral health system, including, but not limited to:

(i) Administration and management of the state regional centers and any other facilities and programs operated by the division;

(ii) Integration and coordination of the public behavioral health system;

(iii) Comprehensive statewide planning for the provision of an appropriate array of community-based services and continuum of care;

(iv) Regional budgets and audits of regional behavior health authorities;

(v) Development and management of data and information systems;

(vi) Prioritization and approval of all expenditures and reimbursement methodologies for behavioral health services and fees to be paid by consumers of such services;

(vii) Cooperation with the department in the licensure and regulation of behavioral health professions, programs, and facilities;

(viii) Cooperation with the department in the provision of behavior health services under the medical assistance program and audits of behavior health programs and services; and

(ix) Promotion of activities in research and education to improve the quality of behavioral health services, recruitment and retention of behavioral health professionals, and access to behavioral health programs and services; and

(b) The department shall adopt and promulgate rules and regulations to carry out the act.

(3) The interim study shall be conducted by the Health and Human Services Committee of the Legislature in consultation with the Department of Health and Human Services, the Division of Behavioral Health, the state advisory committees created in sections 71-814 to 71-816, the Children's Behavioral Health Oversight Committee of the Legislature, the Legislative Performance Audit Committee, the Behavioral Health Support Foundation, the Magellan Partnership Quality Improvement Team, the report of the Children's Behavioral Health Oversight Committee of the Legislature, and participation of other stakeholders representing state and local government, professionals, provider organizations, consumers, consumer advocates, and other parties, and information, deemed helpful to the Health and Human Services Committee.

(4) Issues to be considered by the Health and Human Services Committee for the interim study may include, but shall not be limited to:

(a) The division's completion of a strategic plan for continuing reform and transformation of the public behavior health system in accordance with the Nebraska Behavioral Health Services Act, including, but not limited to:

(i) The development of an enhanced performance measurement system to gather data that is aggregated for systemwide use in planning, monitoring performance, and supporting decisionmaking, especially the best use of funding, including the adoption and use of standard performance measurement instruments and a consumer assessment tool specifically geared to outcomes associated with evidence-based practices;

(ii) The evaluation and analysis of timely consumer access to behavioral health services and standards and adjustments to comply with service capacity and efficiencies; and

(iii) Optimizing the use of available funding for behavioral health services by initiating regulatory reform to reduce redundancy, costs, and burdens in the delivery system that do not impact service delivery but achieve reduced costs; and

(b) The department's completion of the development of rules and regulations to:

(i) Implement the Nebraska Behavioral Health Services Act; and

(ii) Integrate state and federal regulations across and between the Division of Behavioral Health, the Division of Public Health, and the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, including medicaid rehabilitation options.

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

1. That the Health and Human Services 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 514. Introduced by Harms, 48.

PURPOSE: The economic downturn has contributed to instability in Nebraska's workforce, particularly for lower-educated workers. Many such Nebraska workers are seeking to engage in adult education programs to improve their employability in a tough economy. In fact, the United States Department of Education finds that sixty percent of adult education programs in Nebraska currently have waiting lists. The purpose of this interim study is to examine Nebraska's capacity to best serve lower-educated workers through adult education programs. Nebraska's adult education programs serve a broad range of students with a variety of goals and needs. However, the current economic context provides an opportunity to examine ways to specifically serve adult education participants that have the goal of increasing their education level in order to gain employment or move up in the workforce. The study shall include, but not be limited to, an examination of the following issues:

(1) An identification of the needs of lower-educated individuals engaging in adult education programs specifically for the purpose of gaining better employment;

(2) The number of adult education students who require more extensive basic education services before they will be able to engage in work search or employment;

(3) Ways that Nebraska's adult education programs could better meet the demand for services, specifically for individuals seeking adult education in order to gain a better job;

(4) Whether the efforts of Nebraska's community colleges in providing adult basic education programs are being financially supported at an appropriate level to meet the demand that exists for these services;

(5) Ways that Nebraska's adult education instructors could be better supported to serve adult education students in need of education relating to employability; and

(6) A review of best practices from other states that could be implemented to help move more Nebraskans into higher education and better jobs.

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

1. That the Education 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 515. Introduced by Rogert, 16.

PURPOSE: The purpose of this study is to examine the benefits associated with the pulse oximetry procedure performed on newborns that may provide early detection and diagnosis of congenital heart disease.

Pulse oximetry is a procedure that is quick, inexpensive, and noninvasive. It may detect congenital heart disease in newborns if the defects elude a prenatal ultrasound performed at eighteen to twenty weeks gestation or a physical examination within the first twenty-four hours after birth. In addition, researchers have found that half of serious congenital heart defects may be missed during routine examinations after birth.

Congenital heart defects may occur in approximately one of every one hundred ten births and are noted to be the leading cause of newborn and infant deaths. If congenital heart disease is not detected early in the newborn, the death rate is high. Pulse oximetry is a noninvasive test which may detect seventy-five percent of critical congenital heart defects.

For these reasons, it is important to conduct a study that examines the benefits associated with the pulse oximetry procedure.

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

1. That the Health and Human Services 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 516. Introduced by Fischer, 43.

PURPOSE: The purpose of this study is to analyze the current Vehicle Titling and Registration (VTR) System that is developed and maintained by the Department of Motor Vehicles. VTR is used by all ninety-three counties for the titling and registration of Nebraska's approximately 2.1 million vehicles. VTR is also the system through which all motor vehicle taxes, motor vehicle fees, motor vehicle registration fees, motor vehicle sales taxes, motor vehicle wheel taxes, and other assorted motor vehicle fees are collected.

The study will consider the capabilities and limitations of VTR, technological advancements and uses in other states since VTR was developed and implemented in Nebraska in the early 1990s, and the estimated cost and potential sources of funding for a replacement system.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 517. Introduced by Campbell, 25.

PURPOSE: The purpose of this study is to review the operations and usefulness of the Regulation of Health Professions Act, sections 71-6201 to 72-6229. The act has been in existence for twenty-five years and has never been revisited by the Legislature despite significant changes in the health care field and in the delivery of health care. The issues addressed by this interim study shall include, but not be limited to:

(1) Is the act, known as the 407 program, fulfilling its original purpose of providing for the Legislature valuable information for the purpose of making informed legislative decisions regarding the licensure and scope of practice of regulated health professionals;

(2) Are provisions and procedures utilized by the Division of Public Health in administering the act fair and impartial to the parties involved in the reviews;

(3) Are the criteria set out in law for the review of proposals for initial licensure of a health profession and the expansion of the scope of practice of an already licensed health profession central to the interests and concerns of the Legislature in the review and consideration of such proposals;

(4) Are the well-being and safety of consumers adequately reflected by the review criteria in statute as administered by the Division of Public Health and are those interests appropriately balanced in relation to advantages of enabling consumer access to new services, technology, or providers; and

(5) The act authorized the Division of Public Health to promulgate regulations for the conduct of 407 reviews, though such regulations have never been promulgated. Would the 407 program be well served by the promulgation of such regulations at this time.

The study may involve interested parties, both public and private, and should include at least one public hearing for the purpose of receiving public comment on the 407 program and the history and adequacy of its operations.

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

1. That the Health and Human Services 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 and shall prepare for introduction in the One Hundred Second Legislature such legislation as may be appropriate.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 518. Introduced by Campbell, 25.

PURPOSE: The purpose of this study is to review the efficiency associated with the fact that the Department of Motor Vehicles is the sole entity associated with the enrollment of applicants for the issuance of driver licenses, permits, and state identification cards and the collection of fees.

The study will identify the impacts on driver licensing services including, but not limited to, federal laws, federal rules and regulations, customer demographics, and cost.

The study will analyze the efficacy of the driver licensing service centers of the Department of Motor Vehicles in relation to the existing service in each county.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 519. Introduced by Pirsch, 4.

PURPOSE: The purpose of this study is to examine issues relating to Firearms Freedom Acts which have been enacted or introduced by several state legislatures. The acts declare that the federal government has no jurisdiction to regulate the manufacture and sales of firearms or ammunition within a state, so long as those activities do not cross state lines, causing them to enter federal jurisdiction under the interstate commerce clause of the U.S. Constitution.

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

1. That the Government, Military and Veterans Affairs 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 520. Introduced by Janssen, 15.

PURPOSE: The study should examine the impact of illegal immigration on the state's budget. The Congressional Budget Office released a report in December 2007 (Pub. No. 2500) entitled "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments". Estimates were made of such impact to several states, including Iowa, Minnesota, Missouri, and New Mexico in the areas of education, health care, and law enforcement. Information of the impact on Nebraska's budget was incomplete. The Legislature would benefit from a better estimate of the impact on the state's budget and a better estimate of the number of illegal immigrants residing in Nebraska.

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

1. That the Revenue 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 521. Introduced by Janssen, 15.

PURPOSE: The purpose of this interim study is to examine whether Nebraska should repeal statutory provisions that allow persons not lawfully present in the United States to pay resident tuition at Nebraska postsecondary educational institutions.

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

1. That the Education 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 522. Introduced by Janssen, 15.

PURPOSE: Examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants. As part of the study, the committee shall consider its recommendations from its report from LR 362 (2008) and track activities occurring as a result of the passage of Laws 2009, LB 403.

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

1. That the Judiciary 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 523. Introduced by Haar, 21.

PURPOSE: The Legislature passed LB 436 in 2009, which established a statewide net metering policy. This study will examine the impact of the passage of LB 436. Issues to be studied include but are not limited to:

(1) Whether it has stimulated investments in renewable energy equipment by electrical consumers;

(2) Whether increasing the rated capacity cap to 100 KWs would increase consumer investments in renewable energy;

(3) Whether increasing the system capacity cap to two percent would increase consumer investments in renewable energy;

(4) Whether statewide interconnection standards should be established; and

(5) The impact of Laws 2009, LB 436, on Nebraska's public utilities.

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

1. That the Natural Resources 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 524. Introduced by Haar, 21.

PURPOSE: To study regulation of renewable energy generation in other states and in regional transmission organizations. The study should look at three main areas: (1) Other states' decertification procedures, how the state penalizes bad actors, and the state's decommissioning requirements; (2) the expanding role of regional transmission organizations in the marketing and sale of power across state lines; and (3) small and community wind initiatives in other states and how public power can further initiatives in renewable energy that provide power to Nebraska communities to encourage economic development. If necessary, the committee may use the Nebraska Statewide Wind Integration Study conducted by the Nebraska Power Association and the National Renewable Energy Laboratory.

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

1. That the Natural Resources 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 525. Introduced by Haar, 21.

PURPOSE: To study Nebraska's laws on unlawful intrusion, stalking, and criminal trespass and LB 707 introduced by Senator Haar in 2010. This study should look at these statutes individually and collectively to see what gaps there are in Nebraska law with regards to window peeping and similar criminal activities. The study should look for ways to strengthen the law to catch perpetrators who fall between the gaps. Finally, the committee should make suggestions on changing any or all of these statutes or suggesting a new statute to cover areas of concern. The committee shall examine such laws in other states or localities that could be used as a model for modification of our existing laws or creating new laws.

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

1. That the Judiciary 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 526. Introduced by Avery, 28.

PURPOSE: This study will examine the governing structure and function of Nebraska's higher education system, including:

- (1) The effect of streamlining redundant activities within each system;
- (2) The degree of efficiency within each system;
- (3) Possible cost savings associated with merging all governing structures;
- (4) Improvement of higher education administration and oversight; and
- (5) Overall improvement of higher education for Nebraska's students.

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

1. That the Education 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 527. Introduced by Karpisek, 32.

PURPOSE: To study issues under the jurisdiction of the General Affairs Committee which may arise during the interim.

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

1. That the General Affairs 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 528. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding area restrictions in the Nebraska Liquor Control Act. This study should include, but not be limited to:

- (1) A review of the area restrictions found in section 53-177, specifically subsection (1) of section 53-177, which prohibits the granting of liquor licenses within one hundred fifty feet of "any church, school, hospital, or

home for aged or indigent persons or for veterans, their wives or children" and subsection (2) of section 53-177, which prohibits the sale for "consumption on the premises within three hundred feet from the campus of any college or university in the state";

(2) A consideration of whether the terms in section 53-177 are adequately defined and whether it is appropriate to remove or add terms to such section;

(3) A consideration of the potential impact on the area if alcohol could be purchased or consumed within one hundred fifty feet of the locations listed in section 53-177;

(4) A consideration of the potential impact alcohol-related environmental messages send to prospective students and their parents if alcoholic liquor retail sales are permitted, without restrictions, within the core of a campus or within close proximity to campus-approved housing;

(5) A consideration of policies and procedures that are flexible enough to support economic development and provide new opportunities for retail growth, yet recognize the impact of selling and serving alcoholic liquor adjacent to academic facilities or campus-approved housing;

(6) A consideration of whether a definition of a campus is still relevant and if so, consider what that definition should be. This should recognize that a one-size-fits-all definition may not apply to all colleges and universities. It will also be important to differentiate between residential campuses, undergraduate and graduate programs, the electronic uses employed by campuses offering classes, and other such issues that impact the changing nature of education and the populations they serve;

(7) A consideration of allowing colleges or universities to grant waivers for the service of alcoholic liquor at locations that are not in conflict with the academic mission of the institution, yet provide an important social gathering place for populations affiliated with campus; and

(8) A consideration of ways to reduce the number of applications for special designated licenses for the service of alcoholic liquor on or near campuses as well as on or near those locations listed in subsection (1) of section 53-177.

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

1. That the General Affairs 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.

GENERAL FILE

LEGISLATIVE BILL 779. Senator Utter offered the following amendment to the Lathrop amendment:
AM2406

(Amendments to AM2316)

- 1 1. On page 9, strike lines 5 through 16 and insert the
2 following new subdivisions:
3 "(2)(a) It is the intent of the Legislature to
4 appropriate from the fund money to be distributed to any political
5 subdivision for which an application for state assistance under the
6 Sports Arena Facility Financing Assistance Act has been approved
7 (i) during the first ten years of such appropriation, an amount not
8 to exceed seventy percent and (ii) during the final ten years of
9 such appropriation, an amount not to exceed thirty-five percent of
10 the state sales tax revenue collected by retailers doing business
11 at eligible sports arena facilities on sales at such facilities,
12 state sales tax revenue collected on primary and secondary box
13 office sales of admissions to such facilities, and new state
14 sales tax revenue collected by nearby retailers and sourced under
15 sections 77-2703.01 to 77-2703.04 to a location within six hundred
16 yards of the eligible facility.
17 (b) During the final ten years of the appropriation under
18 subdivision (a) of this subsection, thirty-five percent of the
19 state sales tax revenue described in such subdivision shall be
20 transferred to the General Fund."
- 21 2. On page 10, strike lines 3 through 6 and insert the
22 following new subdivisions:
1 "(6)(a) The thirty percent of state sales tax revenue
2 remaining after the appropriation in subdivision (2)(a)(i) of this
3 section shall be appropriated to the Local Civic, Cultural, and
4 Convention Center Financing Fund.
5 (b) Fifteen percent of state sales tax revenue remaining
6 after the appropriation in subdivision (2)(a)(ii) of this section
7 shall be appropriated to the Local Civic, Cultural, and Convention
8 Center Financing Fund. The remaining fifty percent of state sales
9 tax revenue as determined under subdivision (1)(a) of section 12 of
10 this act shall be transferred to the General Fund."

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

Senator Utter requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Fischer	Heidemann	Stuthman
Gloor	Pankonin	Utter

Voting in the negative, 28:

Ashford	Cook	Haar	Louden	Sullivan
Avery	Cornett	Karpisek	McGill	Wallman
Campbell	Council	Krist	Mello	White
Carlson	Dubas	Langemeier	Nordquist	Wightman
Christensen	Flood	Lathrop	Rogert	
Conrad	Giese	Lautenbaugh	Schilz	

Present and not voting, 9:

Adams	Hadley	Harms	McCoy	Pirsch
Dierks	Hansen	Howard	Nelson	

Excused and not voting, 6:

Coash	Gay	Pahls
Fulton	Janssen	Price

The Utter amendment lost with 6 ayes, 28 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Lathrop amendment, AM2316, found on page 1060 and considered in this day's Journal, as amended, was renewed.

The Lathrop amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 529. Introduced by Pirsch, 4.

WHEREAS, speeding in residential neighborhoods represents the single greatest complaint to police departments in the United States; and

WHEREAS, the death rate per million miles driven on residential streets is almost three times the death rate on other streets and highways; and

WHEREAS, motor vehicle crashes are the leading cause of death for children two through fourteen years of age.

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

1. That the Legislature recognizes the seriousness of speeding in residential neighborhoods with respect to causing injury and death to children.

2. That the Legislature declares May 1, 2010, as "Keep Kids Alive Drive 25 Day."

Laid over.

LEGISLATIVE RESOLUTION 530. Introduced by Mello, 5; Carlson, 38; Council, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Price, 3; Schilz, 47; Wallman, 30.

WHEREAS, the foundation of Nebraska agriculture, farm and livestock production, occurs on 47,200 farms representing 45.6 million acres of farm land in our state; and

WHEREAS, the acres of farm land in our state amount to ninety-two and one-half percent of the state's total land area; and

WHEREAS, Nebraska's farmers', ranchers', and livestock producers' ten leading commodities for cash receipts are cattle and calves, corn, soybeans, hogs, wheat, chicken eggs, dairy products, hay, dry beans, and sorghum grain, representing ninety-eight percent of the state's total cash receipts; and

WHEREAS, Nebraska's farmers, ranchers, and livestock producers are first in the nation for commercial red meat production, first in the nation for Great Northern bean production, and first in the nation for popcorn production; and

WHEREAS, Nebraska's farm and ranch families are stewards of the land, contributing to the health, beauty, productivity, and quality of our state's water, soil, and forest resources for the benefit of all Nebraskans; and

WHEREAS, the agriculture, ranching, and farming sector is the core of our state's financial health and economy, generating a financial output of over \$25.6 billion annually; and

WHEREAS, the Nebraska farmer, a symbol of strength and strong moral fiber, has displayed ingenuity in times of prosperity and perseverance in the face of hardships while supplying our state, nation, and world with an abundance of high quality agricultural goods and products; and

WHEREAS, the State of Nebraska maintains a proactive role in supporting family farmers and encouraging the succession of new young farmers in an effort to raise awareness of the positive contribution farmers make in providing the necessary food and fiber of everyday life.

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

1. That the Legislature recognizes the importance of farmers to the State of Nebraska.

2. That the Legislature designates July 31, 2010, as Farmer Appreciation Day in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 531. Introduced by Gay, 14; Price, 3.

WHEREAS, Joni Jones, a longtime resident of Sarpy County, has been an active member of the community and a dedicated public servant; and

WHEREAS, Joni Jones was appointed to the Papillion City Council in 1998, was elected to the Papillion City Council in 2000, and was reelected to the Papillion City Council in 2004 and served on the council through 2006; and

WHEREAS, Joni Jones has been a member of the Sarpy County Board of Commissioners since 2007 and currently serves as the board's chairperson; and

WHEREAS, Joni Jones has served as a representative on the Sarpy/Cass Department of Health and Wellness Board of Health and is the Second Vice President of Sarpy Republican Women.

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

1. That the Legislature congratulates Sarpy County Commissioner Joni Jones for her success and many accomplishments in public service.

2. That a copy of this resolution be sent to Sarpy County Commissioner Joni Jones.

Laid over.

LEGISLATIVE RESOLUTION 532. Introduced by Krist, 10.

WHEREAS, lung cancer is the leading cause of cancer death in both men and women in both the State of Nebraska and the United States; and

WHEREAS, lung cancer will take the lives of more Nebraskans each year than breast, prostate, colon, liver, and pancreatic cancer combined; and

WHEREAS, nationwide, former smokers and people who have never smoked comprise the majority of new cases of lung cancer each year; and

WHEREAS, nationwide, seventy percent of new lung cancer cases will be diagnosed at a late stage, with only a fifteen percent five-year survival rate; and

WHEREAS, a coordinated and comprehensive research effort is required to achieve increases in lung cancer survival rates; and

WHEREAS, early lung cancer diagnosis and management protocols exist, yet they have not been embraced as the standard of care; and

WHEREAS, funding for lung cancer research falls far short of that for other less-fatal diseases; and

WHEREAS, statistics show that veterans have a twenty-five percent greater chance of getting lung cancer than the general population; and

WHEREAS, tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans; and

WHEREAS, the Lung Cancer Alliance is the only national nonprofit organization dedicated solely to patient support and advocacy for people living with lung cancer and those at risk for the disease.

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

1. That the Legislature recognizes November 2010 as Lung Cancer Awareness Month in Nebraska.

2. That during November 2010 communities are encouraged to participate in activities designed to increase public awareness of lung cancer.

3. That Nebraskans are encouraged to do all they can to make lung cancer a national public health priority and offer compassion to people with lung cancer.

4. That a copy of this resolution be sent to the National Cancer Alliance.

Laid over.

LEGISLATIVE RESOLUTION 533. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Lathrop, 12; Rogert, 16; White, 8.

PURPOSE: The purpose of this interim study is to examine the State Natural Gas Regulation Act. The March 2009 report issued by the Auditor of Public Accounts raised concerns about the costs that the office of public advocate has incurred because of natural gas rate increase cases and appeals. LB 811 (2010) raised issues concerning appeals under the act. The study shall focus on, but not be limited to, the effect of the act on Nebraska's ratepayers since the adoption of the act, the issues examined in the March 2009 report by the Auditor of Public Accounts, and appeals from orders of the Public Service Commission under the act.

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

1. That the Urban Affairs 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 534. Introduced by Conrad, 46.

PURPOSE: The purpose of this study is to examine any and all aspects of the Nebraska Economic Forecasting Advisory Board.

The study shall include, but not be limited to: The reasons the board was established; the history of the board; an examination and evaluation of the information and other resources used by the board to make their recommendations, including if and how ex parte communications are utilized and an inquiry as to whether or not those communications should be disclosed; the background, knowledge, and expertise required or considered when making appointments to the board; the timeline for board meetings

and deliberations in comparison to the relevant timelines and deadlines utilized in state budget deliberations; the historical accuracy of revenue forecasts by the board in comparison to actual revenue receipts; a comparative analysis of other states' mechanisms, procedures, and policies for conducting economic forecasts; and the extent historically to which the Legislature and Governor have relied on the forecasts recommended by the board to make budget decisions and adjustments.

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

1. That the Appropriations and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 535. Introduced by Conrad, 46.

PURPOSE: The Nebraska State Patrol is a multidimensional law enforcement agency established by legislative mandate in 1937. The State Patrol's responsibilities have expanded from traffic enforcement and accident investigations to include criminal and drug investigations, safety education, truck safety and regulation, liquor enforcement, the central repository for criminal histories and fingerprints, and the criminalistic laboratory, which is charged with the duty to provide scientific laboratory services to the various local, state, and federal law enforcement agencies throughout the state.

The purpose of this study is to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol and to evaluate and identify necessary revenue and funding issues needed to support the goals, objectives, and operation of the division as a stand-alone entity and in the broader context of the sound and efficient provision of Nebraska's public safety, law enforcement, criminal investigation, and judicial systems.

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

1. That the Appropriations and Judiciary Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB420:
AM1528

(Amendments to Final Reading Second copy)

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-2704.12, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 77-2704.12 (1) Sales and use taxes shall not be imposed
6 on the gross receipts from the sale, lease, or rental of
7 and the storage, use, or other consumption in this state of
8 purchases by (a) any nonprofit organization created exclusively
9 for religious purposes, (b) any nonprofit organization providing
10 services exclusively to the blind, (c) any nonprofit private
11 educational institution established under sections 79-1601 to
12 79-1607, or (d) any nonprofit private college or university
13 established under sections 85-1101 to 85-1111, ~~(e) any nonprofit~~
14 ~~(i) hospital, (ii) health clinic when two or more hospitals or~~
15 ~~the parent corporations of the hospitals own or control the health~~
16 ~~clinic for the purpose of reducing the cost of health services or~~
17 ~~when the health clinic receives federal funds through the United~~
18 ~~States Public Health Service for the purpose of serving populations~~
19 ~~that are medically underserved, (iii) skilled nursing facility,~~
20 ~~(iv) intermediate care facility, (v) assisted living facility, (vi)~~
21 ~~intermediate care facility for the mentally retarded, (vii) nursing~~
22 ~~facility, (viii) home health agency, (ix) hospice or hospice~~
1 ~~service, or (x) respite care service licensed under the Health Care~~
2 ~~Facility Licensure Act, (f)~~
3 (2) Sales and use taxes shall not be imposed on the
4 gross receipts from the sale, lease, or rental of and the
5 storage, use, or other consumption in this state of purchases
6 by (a) any nonprofit licensed child-caring agency, (g) (b) any
7 nonprofit licensed child placement agency, or (h) (c) any nonprofit
8 organization certified by the Department of Health and Human
9 Services to provide community-based services for persons with
10 developmental disabilities. The exemptions in this subsection are
11 limited to purchases made for use in the exempt health care
12 activities or services that are licensed or certified by the
13 Department of Health and Human Services.
14 (3) Sales and use taxes shall not be imposed on the gross
15 receipts from the sale, lease, or rental of and the storage, use,
16 or other consumption in this state of purchases by any nonprofit
17 licensed hospital. The exemption in this subsection is limited to
18 purchases made for use at the facility or the portion of a facility
19 that is licensed under the Health Care Facility Licensure Act,
20 for use in the exempt health care activities or services that are
21 licensed under the act, or for use at a nonprofit health clinic
22 exempt under subsection (4) of this section.

23 (4)(a) Sales and use taxes shall not be imposed on the
24 gross receipts from the sale, lease, or rental of and the storage,
25 use, or other consumption in this state of purchases by any
26 nonprofit health clinic if one or more nonprofit hospitals or the
27 parent corporations of the nonprofit hospitals own or control the
1 nonprofit health clinic for the purpose of reducing the cost of
2 health services or if the nonprofit health clinic receives federal
3 funds through the United States Public Health Service for the
4 purpose of serving populations that are medically underserved.

5 (b) For purposes of this subsection, nonprofit health
6 clinic means:

7 (i) Rural health clinic as defined by 42 U.S.C. 1395x,
8 as such section existed on January 1, 2010, and organized not for
9 profit; or

10 (ii) Health clinic as defined in section 71-416 and
11 organized not for profit.

12 (c) The exemptions in this subsection are limited to
13 purchases made by a nonprofit health clinic for use at the
14 nonprofit health clinic.

15 (5) Sales and use taxes shall not be imposed on the gross
16 receipts from the sale, lease, or rental of and the storage, use,
17 or other consumption in this state of purchases by any nonprofit
18 licensed (a) nursing facility, (b) skilled nursing facility, (c)
19 assisted-living facility, (d) intermediate care facility, (e)
20 intermediate care facility for the mentally retarded, (f) home
21 health agency, (g) hospice or hospice service, or (h) respite care
22 service. The exemptions in this subsection are limited to purchases
23 made for use at the facility or the portion of a facility that is
24 licensed under the Health Care Facility Licensure Act or for use
25 in the exempt health care activities or services licensed under the
26 act.

27 ~~(2)-(6)~~ Any organization listed in ~~subsection (4)~~
1 subsections (1) through (5) of this section shall apply for
2 an exemption on forms provided by the Tax Commissioner. The
3 application shall be approved and a numbered certificate of
4 exemption received by the applicant organization in order to be
5 exempt from the sales and use tax.

6 ~~(3)-(7)~~ The appointment of purchasing agents shall
7 be recognized for the purpose of altering the status of the
8 construction contractor as the ultimate consumer of building
9 materials which are physically annexed to the structure and
10 which subsequently belong to the owner of the organization or
11 institution. The appointment of purchasing agents shall be in
12 writing and occur prior to having any building materials annexed
13 to real estate in the construction, improvement, or repair. The
14 contractor who has been appointed as a purchasing agent may apply
15 for a refund of or use as a credit against a future use tax
16 liability the tax paid on inventory items annexed to real estate

17 in the construction, improvement, or repair of a project for a
18 licensed not-for-profit institution.

19 ~~(4)-(8)~~ Any organization listed in ~~subsection (4)~~
20 subsections (1) through (5) of this section which enters into a
21 contract of construction, improvement, or repair upon property
22 annexed to real estate without first issuing a purchasing agent
23 authorization to a contractor or repairperson prior to the building
24 materials being annexed to real estate in the project may apply to
25 the Tax Commissioner for a refund of any sales and use tax paid by
26 the contractor or repairperson on the building materials physically
27 annexed to real estate in the construction, improvement, or repair.

1 ~~(5)-(9)~~ Any person purchasing, storing, using, or
2 otherwise consuming building materials in the performance of any
3 construction, improvement, or repair by or for any institution
4 enumerated in ~~subsection (4)~~-subsections (1) through (5) of this
5 section which is licensed upon completion although not licensed at
6 the time of construction or improvement, which building materials
7 are annexed to real estate and which subsequently belong to the
8 owner of the institution, shall pay any applicable sales or use
9 tax thereon. Upon becoming licensed and receiving a numbered
10 certificate of exemption, the institution organized not for profit
11 shall be entitled to a refund of the amount of taxes so paid in
12 the performance of such construction, improvement, or repair and
13 shall submit whatever evidence is required by the Tax Commissioner
14 sufficient to establish the total sales and use tax paid upon
15 the building materials physically annexed to real estate in the
16 construction, improvement, or repair.

17 Sec. 2. This act becomes operative on July 1, 2010.

18 Sec. 3. Original section 77-2704.12, Reissue Revised
19 Statutes of Nebraska, is repealed.

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

22 2. On page 1, strike line 2 and insert "77-2704.12,
23 Reissue Revised Statutes of Nebraska;".

Senator Ashford filed the following amendment to LB800:
AM2385

(Amendments to E & R amendments, ER8201)

1 1. On page 5, line 9, strike "43-248" and insert "section
2 6 of this act".

3 2. On page 10, line 16, strike beginning with "as"
4 through "43-248"; and in line 17 before the period insert "as
5 provided in section 43-248".

6 3. On page 13, line 16, after the second comma insert
7 "and"; and in line 17 strike beginning with the comma through
8 "any".

9 4. On page 21, line 3, after "and" insert "deliver, if
10 necessary, to the probation officer and"; and strike beginning with
11 "and" in line 4 through line 5, show as stricken, and insert an

12 underscored period.

13 5. On page 39, line 5, strike "or" and after "(3)(b)"
 14 insert ", or (4)"; and in line 18 after "impounded" insert "or a
 15 juvenile is prohibited from obtaining a license or permit".

16 6. On page 46, line 12, after the second occurrence
 17 of "to" insert "the Nebraska Commission on Law Enforcement and
 18 Criminal Justice and, if the record includes impoundment or
 19 prohibition to obtain a license or permit pursuant to section
 20 23 of this act, to the Department of Motor Vehicles and to".

21 7. On page 48, line 14, strike "a department" and insert
 22 "the Department of Health and Human Services"; and in line 17
 1 strike "placed with" and insert "served by".

2 8. On page 54, line 11, strike "district" and insert
 3 "principal office of the school district"; and in line 23 strike
 4 "other person", show as stricken, and insert "the school principal
 5 or a member of the school administrative staff".

6 9. On page 55, line 15, strike "another person", show
 7 as stricken, and insert "the school principal or a member of the
 8 school administrative staff" and after "the" insert "school"; and
 9 in line 19 strike "other person", show as stricken, and insert "the
 10 school principal or a member of the school administrative staff".

11 10. On page 57, line 5, strike "the", show as stricken,
 12 and insert "such"; in line 6 strike "to the commissioner" and show
 13 as stricken; strike beginning with "Each" in line 7 through line 16
 14 and show as stricken; in line 20 after "any" insert "long-term";
 15 in line 23 after "officials" insert ", other than law enforcement
 16 officials employed by or contracted with by the school district as
 17 school resource officers"; and strike beginning with "The" in line
 18 25 through line 27 and insert "A school district that is a member
 19 of a learning community shall also provide the learning community
 20 coordinating council with a copy of such report on or before the
 21 date the report is due to the commissioner".

22 11. On page 58, strike line 1.

GENERAL FILE

LEGISLATIVE BILL 712. Title read. Considered.

Committee AM2288, found on page 1028, was considered.

SPEAKER FLOOD PRESIDING

Senator Karpisek renewed his amendment, AM2355, found on page 1115, to the committee amendment.

The Karpisek amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays,

12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1014. Senator Haar withdrew his amendments AM2237 and AM2342, found on pages 993 and 1060.

Senator Fischer offered the following amendment:
AM2417

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Unless subsection (5) of section 79-1035
4 applies, for school fiscal year 2016-17 and each school fiscal
5 year thereafter, each school district shall utilize the amount
6 of apportionment funds specified in the notice provided by the
7 Commissioner of Education pursuant to subsection (4) of section
8 79-1035 for the purpose of teacher performance pay. For purposes
9 of this section, teacher performance pay is a systematic process
10 for measuring teachers' performance and linking the measurements
11 to changes in teacher pay. Indicators of teacher performance may
12 include, but are not limited to, improving professional skills
13 and knowledge, classroom performance or instructional behavior,
14 and instructional outcomes. Teacher performance pay may include
15 predetermined bonus amounts and payout criteria. Each school
16 district shall utilize the amount of funds specified in the notice
17 provided by the Commissioner of Education pursuant to subsection
18 (4) of section 79-1035 as a supplement to the salary schedule
19 provided in local collective-bargaining agreements. For purposes of
20 distribution of such funds only, the Legislature finds that teacher
21 performance pay measurements, criteria, and payout amounts are
22 mandatory topics of collective bargaining. If a school district has
23 not included a system for teacher performance pay within its local
1 collective-bargaining agreement, the amount of funds specified in
2 the notice provided by the Commissioner of Education pursuant to
3 subsection (4) of section 79-1035 shall be returned to the State
4 Treasurer within one month of receipt of such funds. The State
5 Treasurer shall immediately credit any funds returned under this
6 section to the temporary school fund.

7 Sec. 2. Section 79-1018.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1018.01 Except as otherwise provided in this section,
10 local system formula resources include other actual receipts
11 available for the funding of general fund operating expenditures
12 as determined by the department for the second school fiscal
13 year immediately preceding the school fiscal year in which aid
14 is to be paid. Receipts from the Community Improvements Cash Fund
15 and receipts acquired pursuant to the Low-Level Radioactive Waste
16 Disposal Act shall not be included. Other actual receipts include:

- 17 (1) Public power district sales tax revenue;
- 18 (2) Fines and license fees;
- 19 (3) Tuition receipts from individuals, other districts,
- 20 or any other source except receipts derived from adult education,
- 21 receipts derived from summer school tuition, receipts derived from
- 22 early childhood education tuition, and receipts from educational
- 23 entities as defined in section 79-1201.01 for providing distance
- 24 education courses through the Distance Education Council until July
- 25 1, 2008, and the Educational Service Unit Coordinating Council on
- 26 and after July 1, 2008, to such educational entities;
- 27 (4) Transportation receipts;
- 1 (5) Interest on investments;
- 2 (6) Other miscellaneous noncategorical local receipts,
- 3 not including receipts from private foundations, individuals,
- 4 associations, or charitable organizations;
- 5 (7) Special education receipts;
- 6 (8) Special education receipts and non-special education
- 7 receipts from the state for wards of the court and wards of the
- 8 state;
- 9 (9) All receipts from the temporary school fund.
- 10 Beginning with the calculation of aid for school fiscal year
- 11 2002-03 and each school fiscal year thereafter, receipts from the
- 12 temporary school fund shall only include (a) receipts pursuant
- 13 to section 79-1035, to the extent that such receipts for the
- 14 calculation of aid for school fiscal year 2018-19 and each school
- 15 fiscal year thereafter are not returned to the temporary school
- 16 fund pursuant to section 1 of this act, and (b) the receipt of
- 17 funds pursuant to section 79-1036 for property leased for a public
- 18 purpose as set forth in subdivision (1)(a) of section 77-202;
- 19 (10) Motor vehicle tax receipts received on or after
- 20 January 1, 1998;
- 21 (11) Pro rata motor vehicle license fee receipts;
- 22 (12) Other miscellaneous state receipts excluding revenue
- 23 from the textbook loan program authorized by section 79-734;
- 24 (13) Impact aid entitlements for the school fiscal year
- 25 which have actually been received by the district to the extent
- 26 allowed by federal law;
- 27 (14) All other noncategorical federal receipts;
- 1 (15) All receipts pursuant to the enrollment option
- 2 program under sections 79-232 to 79-246;
- 3 (16) Receipts under the federal Medicare Catastrophic
- 4 Coverage Act of 1988, as such act existed on May 8, 2001, as
- 5 authorized pursuant to sections 43-2510 and 43-2511 but only to the
- 6 extent of the amount the local system would have otherwise received
- 7 pursuant to the Special Education Act; and
- 8 (17) Receipts for accelerated or differentiated
- 9 curriculum programs pursuant to sections 79-1106 to 79-1108.03.
- 10 Sec. 3. Section 79-1028.01, Revised Statutes Supplement,
- 11 2009, is amended to read:

12 79-1028.01 (1) For ~~school fiscal year 2008-09 and each~~
 13 school fiscal year, ~~thereafter~~, a school district may exceed its
 14 maximum general fund budget of expenditures minus the special
 15 education budget of expenditures by a specific dollar amount for:

16 (a) Expenditures for repairs to infrastructure damaged by
 17 a natural disaster which is declared a disaster emergency pursuant
 18 to the Emergency Management Act;

19 (b) Expenditures for judgments, except judgments or
 20 orders from the Commission of Industrial Relations, obtained
 21 against a school district which require or obligate a school
 22 district to pay such judgment, to the extent such judgment is not
 23 paid by liability insurance coverage of a school district;

24 (c) Expenditures pursuant to the Retirement Incentive
 25 Plan authorized in section 79-855 or the Staff Development
 26 Assistance authorized in section 79-856;

27 (d) Expenditures of incentive payments or base fiscal
 1 year incentive payments to be received in such school fiscal year
 2 pursuant to section 79-1011;

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

7 (f) Either (i) the first and second school fiscal years
 8 the district will be participating in Network Nebraska for the
 9 full school fiscal year or (ii) school fiscal year 2008-09, if
 10 the school district participated in Network Nebraska for all of
 11 school fiscal year 2007-08, for the difference of the estimated
 12 expenditures for such school fiscal year for telecommunications
 13 services, access to data transmission networks that transmit data
 14 to and from the school district, and the transmission of data on
 15 such networks as such expenditures are defined by the department
 16 for purposes of the distance education and telecommunications
 17 allowance minus the dollar amount of such expenditures for the
 18 second school fiscal year preceding the first full school fiscal
 19 year the district participates in Network Nebraska;

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

22 (h) Expenditures in school fiscal years 2009-10 through
 23 2013-14 to pay for employer contributions pursuant to subsection
 24 (2) of section 79-958 to the School Retirement System of the
 25 State of Nebraska to the extent that such expenditures exceed the
 26 employer contributions under such subsection that would have been
 27 made at a contribution rate of seven and thirty-five hundredths
 1 percent; ~~and~~

2 (i) Expenditures in school fiscal years 2009-10 through
 3 2013-14 to pay for school district contributions pursuant to
 4 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
 5 Employees Retirement System to the extent that such expenditures
 6 exceed the school district contributions under such subdivision

7 that would have been made at a contribution rate of seven and
8 thirty-seven hundredths percent;

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

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

16 ~~(k) Expenditures for new elementary attendance sites in~~
17 ~~the first year of operation or the first year of operation after~~
18 ~~being closed for at least one school year if such elementary~~
19 ~~attendance site will most likely qualify for the elementary site~~
20 ~~allowance in the immediately following school fiscal year as~~
21 ~~determined by the state board; and-~~

22 ~~(l) Expenditures in school fiscal years 2016-17 and~~
23 ~~2017-18 of amounts specified in the notice provided by the~~
24 ~~Commissioner of Education pursuant to subsection (4) of section~~
25 ~~79-1035 for teacher performance pay.~~

26 ~~(3)-(2) The state board shall approve, deny, or modify~~
27 ~~the amount allowed for any exception to the maximum general fund~~
1 ~~budget of expenditures minus the special education budget of~~
2 ~~expenditures pursuant to this section.~~

3 Sec. 4. Section 79-1035, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1035 ~~(4)-(1)(a)~~ The State Treasurer shall, each year
6 on or before the third Monday in January, make a complete exhibit
7 of all money belonging to the permanent school fund and the
8 temporary school fund as returned to him or her from the several
9 counties, together with the amount derived from other sources,
10 and deliver such exhibit duly certified to the Commissioner of
11 Education.

12 ~~(b) Unless subsection (5) of this section applies,~~
13 ~~beginning in 2016 and each year thereafter, the exhibit required~~
14 ~~in subdivision (1)(a) of this section shall include a separate~~
15 ~~accounting, not to exceed an amount of ten million dollars, of the~~
16 ~~income from solar and wind energy leases on school lands. The Board~~
17 ~~of Educational Lands and Funds shall provide the State Treasurer~~
18 ~~with the information necessary to make the exhibit required by this~~
19 ~~subsection. Separate accounting shall not be made for income from~~
20 ~~solar or wind energy leases on school lands that exceeds the sum of~~
21 ~~ten million dollars.~~

22 ~~(2) On or before February 25 following receipt of the~~
23 ~~exhibit from the State Treasurer pursuant to subsection (1) of this~~
24 ~~section, the Commissioner of Education shall make the apportionment~~
25 ~~of the temporary school fund to each school district as follows:~~
26 ~~From the whole amount there shall be paid to those districts in~~
27 ~~which there are school or saline lands, which lands are used for a~~
1 ~~public purpose, an amount in lieu of tax money that would be raised~~

2 if such lands were taxable, to be fixed in the manner prescribed
3 in section 79-1036; and the remainder shall be apportioned to the
4 districts according to the pro rata enumeration of children who are
5 five through eighteen years of age in each district last returned
6 from the school district. The calculation of apportionment for
7 each school fiscal year shall include any corrections to the prior
8 school fiscal year's apportionment.

9 ~~(2)~~(3) The Commissioner of Education shall certify
10 the amount of the apportionment of the temporary school fund as
11 provided in subsection ~~(4)~~(2) of this section to the Director
12 of Administrative Services. The Director of Administrative Services
13 shall draw a warrant on the State Treasurer in favor of the
14 various districts for the respective amounts so certified by the
15 Commissioner of Education.

16 (4) Unless subsection (5) of this section applies,
17 beginning with the calculation of apportionment in 2016 and for
18 each year thereafter, the Commissioner of Education shall specify
19 the amount of the apportionment to each district attributable to
20 income from solar or wind energy leases on school lands that is
21 included in the separate accounting provided in subdivision (1)(b)
22 of this section. The Commissioner of Education shall notify each
23 district of such amount within five days after certification of the
24 apportionment required pursuant to subsection (3) of this section.
25 Such amount shall be used by the district for teacher performance
26 pay pursuant to section 1 of this act.

27 (5) The separate accounting described in subdivision
1 (1)(b) of this section and the notification from the Commissioner
2 of Education described in subsection (4) of this section shall
3 not commence in 2016 unless at least seventy-five percent of the
4 school districts receiving funds under this section have included
5 a system for teacher performance pay within their respective local
6 collective-bargaining agreements by January 1, 2014. To determine
7 whether the separate accounting and notification shall commence,
8 the Commissioner of Education, on or after January 1, 2014, shall
9 collect data from each school district to determine whether at
10 least seventy-five percent of the school districts have included a
11 system for teacher performance pay within their respective local
12 collective-bargaining agreements. If the required percentage has
13 not been met, the commissioner shall notify the State Treasurer,
14 and the separate accounting described in subdivision (1)(b) of this
15 section and the notification from the Commissioner of Education
16 described in subsection (4) of this section shall not commence in
17 2016.

18 (6) For purposes of this section, lease means any lease,
19 easement, covenant, or other such contractual arrangement.

20 Sec. 5. Original sections 79-1018.01 and 79-1035, Reissue
21 Revised Statutes of Nebraska, and section 79-1028.01, Revised
22 Statutes Supplement, 2009, are repealed.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 536. Introduced by Dierks, 40.

PURPOSE: The purpose of this resolution is to examine gross receipts taxation in other states.

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

1. That the Revenue 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 537. Introduced by Council, 11; Cook, 13; Gloor, 35; Langemeier, 23; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

WHEREAS, Chancellor Smith, a senior at Omaha North High School, was recently named the Boys and Girls Club's Nebraska Youth of the Year; and

WHEREAS, Chancellor is an honor student, president of his senior class, captain of the varsity football team, and a member of the student newspaper staff; and

WHEREAS, Chancellor works with younger boys at the Boys and Girls Club, serving as a role model for these youth; and

WHEREAS, Chancellor has developed a program for older kids called Passport to Adulthood to offer them alternatives to the lure of gangs and other distractions; and

WHEREAS, Chancellor plans to continue his work with kids as a child developmental therapist; and

WHEREAS, Chancellor will travel to Chicago in July to compete for Youth of the Year for the Midwest Region, with the hopes of competing for the distinction as National Youth of the Year.

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

1. That the Legislature congratulates Chancellor Smith on being named the Boys and Girls Club's Nebraska Youth of the Year.

2. That the Legislature sends good wishes to Chancellor Smith as he competes for National Youth of the Year.

3. That a copy of this resolution be sent to Chancellor Smith.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 987A. Introduced by Council, 11; Cook, 13; Krist, 10; Lathrop, 12; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 1014. The Fischer amendment, AM2417, found in this day's Journal, was renewed.

The Fischer amendment was adopted with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 538. Introduced by Pirsch, 4.

WHEREAS, in 1976 the Nebraska Legislature passed Legislative Resolution 106 that read as follows:

"LEGISLATIVE RESOLUTION 106.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska."; and

WHEREAS, the national debt has continued to grow and has generated concern from economists, legislators, and taxpayers across the country.

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

1. The Legislature remains committed to seeking a federal balanced budget.

2. The Clerk of the Legislature shall transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Giese asked unanimous consent to add his name as cointroducer to LR510. No objections. So ordered.

VISITORS

Visitors to the Chamber were 39 fourth-grade students and teachers from Louisville; 112 fourth-grade students and teachers from Wheeler Elementary, Omaha; and Senator Dubas' son and grandchildren, Ron, Mya, and Cameron Dubas, from Waverly.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 6:57 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 2010.

Patrick J. O'Donnell
Clerk of the Legislature