

THIRTY-EIGHTH DAY - MARCH 2, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 2011

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Lautenbaugh and Nelson who were excused; and Senators Flood, Heidemann, Pankonin, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 474. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 93. Introduced by Flood, 19.

WHEREAS, Colonel Bryan Tuma was commissioned as an officer in the Nebraska State Patrol on November 2, 1979. During the initial stages of his career, Colonel Tuma served in Norfolk, Nebraska, as a trooper assigned to the Traffic Services Division. Over the course of his distinguished career, Colonel Tuma has accumulated a resume of experiences, including assignments as a drug investigator, the director of training, troop area commander, and the commander of the Administrative Services Division; and

WHEREAS, aside from his several command assignments, Colonel Tuma has served on a number of committees, work groups, and advisory boards related to highway transportation issues in the State of Nebraska. Colonel Tuma has extensive experience regarding response and recovery operations involving the Nebraska Emergency Management Agency and other state agencies. He has been directly involved with homeland security and domestic preparedness issues impacting the State of Nebraska and has served on the Governor's Homeland Security Leadership Group, the Governor's Homeland Security Policy Group, the Nebraska Commission on Law Enforcement and Criminal Justice, and the Nebraska Police Standards Advisory Council; and

WHEREAS, on June 4, 2005, Colonel Tuma was appointed by Governor Dave Heineman as Superintendent of Law Enforcement and Public Safety, Nebraska State Patrol; and

WHEREAS, Colonel Tuma, after a long and distinguished career, is retiring from the Nebraska State Patrol on March 1, 2011.

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

1. That the Legislature recognizes Colonel Bryan Tuma for his distinguished career in law enforcement and thanks him for his outstanding service to the State of Nebraska.

2. That a copy of this resolution be sent to Colonel Bryan Tuma.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Wightman, 36.

WHEREAS, the Amherst High School wrestling team won the 2011 Class D State Wrestling Championship, the school's second straight team championship; and

WHEREAS, the Amherst High School wrestling team also won the Class D State Wrestling Championship in 2006; and

WHEREAS, the Amherst High School wrestling team scored 139.5 points to win the state title over second place Pender High School's 129 points; and

WHEREAS, the Amherst High School wrestling team had two individual state champions, Tanner Taubenheim in the 130-pound division and Bryce Dibbern in the 160-pound division; 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 SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Amherst High School wrestling team on winning the 2011 Class D State Wrestling Championship.

2. That the Legislature congratulates Tanner Taubenheim and Bryce Dibbern on their individual state championships.

3. That a copy of this resolution be sent to the Amherst High School wrestling team and their coach, Tyler Herman.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 210A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 22. Senator Conrad withdrew her amendment, FA6, found on page 679.

Senator Conrad offered the following amendment:
AM591

- 1 1. On page 3, line 20, strike "(2)" and insert "(2)(a)" .
- 2 2. On page 4, after line 2 insert the following new
- 3 subdivision:
- 4 "(b) Based on the findings in subsection (1) of this
- 5 section, it is the purpose of the Mandate Opt-Out and Insurance
- 6 Coverage Clarification Act to affirmatively require qualified
- 7 health insurance plans to provide coverage for preventative
- 8 reproductive health services, including, but not limited to,
- 9 contraception.".

Senator Conrad withdrew her amendment.

Senator Council offered the following amendment:
AM589

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) Nothing in sections 1 to 7 of this act
- 4 shall be construed to require a provider of health insurance
- 5 coverage or health benefits to provide coverage for abortion
- 6 services.
- 7 (2) Nothing in sections 1 to 7 of this act shall be
- 8 construed to prohibit a provider of health insurance coverage or
- 9 health benefits from providing coverage for abortion services in
- 10 accordance with such sections.
- 11 Sec. 2. If a provider of health insurance coverage or
- 12 health benefits provides coverage for abortion services, such
- 13 provider shall not use any amount attributable to any of the
- 14 following for purposes of paying for such services:
- 15 (1) A credit received under section 36B of the Internal
- 16 Revenue Code of 1986, as amended, or any advance payment of
- 17 a credit received under section 1412 of the federal Patient
- 18 Protection and Affordable Care Act, Public Law 111-148; or
- 19 (2) A cost-sharing reduction under section 1402 of the
- 20 federal Patient Protection and Affordable Care Act, or any advance
- 21 payment of a reduction received under section 1412 of the act.
- 22 Sec. 3. (1)(a) If a provider of health insurance coverage

23 or health benefits provides coverage for abortion services, such
1 provider shall collect from each insured, regardless of the
2 enrollee's age, gender, or family status, a separate payment
3 for each of the following:

4 (i) An amount equal to the portion of the premium to be
5 paid directly by the insured for coverage other than coverage for
6 abortion services; and

7 (ii) An amount equal to the actuarial value of the
8 coverage for abortion services.

9 (b) The provider shall deposit the payments collected
10 pursuant to subdivision (a) of this subsection into separate
11 allocation accounts as provided in section 4 of this act.

12 (2) If an insured's premium for coverage is paid through
13 a payroll deposit, the separate payments required to be collected
14 pursuant to subdivision (1)(a) of this section shall each be paid
15 by separate payroll deposit.

16 Sec. 4. (1) A provider of health insurance coverage or
17 health benefits that collects payments pursuant to subdivision
18 (1)(a)(i) of section 3 of this act shall deposit such payments into
19 a separate account consisting solely of such payments and that is
20 used exclusively to pay for services described in such subdivision.

21 (2) A provider of health insurance coverage or health
22 benefits that collects payments pursuant to subdivision (1)(a)(ii)
23 of section 3 of this act shall deposit such payments into a
24 separate account consisting solely of such payments and that is
25 used exclusively to pay for services described in such subdivision.

26 Sec. 5. A provider of health insurance coverage or health
27 benefits shall estimate the monthly cost per insured, determined
1 on an average actuarial basis, for including coverage for abortion
2 services as described in subdivision (1)(a)(ii) of section 3 of
3 this act. In determining such estimate, the provider:

4 (1) May take into account the impact on overall costs of
5 the inclusion of such coverage, but shall not take into account
6 any cost reduction estimated to result from the coverage of such
7 services, including prenatal care, delivery, or postnatal care;

8 (2) Shall estimate such costs as if the coverage for
9 abortion services was included for the entire population covered;
10 and

11 (3) Shall not estimate such costs at less than one dollar
12 per month for each insured.

13 Sec. 6. Nothing in sections 1 to 7 of this act shall be
14 construed as to relieve any health care provider from providing
15 emergency services as required by federal or state law.

16 Sec. 7. Sections 2 to 5 of this act shall not apply
17 to coverage for any abortion which, in the professional judgment
18 of the pregnant woman's physician, is necessary to preserve the
19 woman's life or health.

Senator Council moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Avery	Conrad	Council	Howard	Schumacher
Campbell	Cook	Haar, K.	McGill	Wallman

Voting in the negative, 32:

Adams	Dubas	Harms	Mello	Smith
Bloomfield	Fischer	Janssen	Nordquist	Sullivan
Brasch	Flood	Karpisek	Pahls	Utter
Carlson	Fulton	Krist	Pankonin	Wightman
Christensen	Gloor	Larson	Pirsch	
Coash	Hadley	Louden	Price	
Cornett	Hansen	McCoy	Schilz	

Present and not voting, 1:

Harr, B.

Excused and not voting, 6:

Ashford	Langemeier	Lautenbaugh
Heidemann	Lathrop	Nelson

The Council amendment lost with 10 ayes, 32 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 95. Introduced by Harms, 48; Loudon, 49.

WHEREAS, Taylor Counter, a senior at Scottsbluff High School, won the state championship in the girls' 100-yard breaststroke at the 2011 State Swimming and Diving Championships; and

WHEREAS, with the win, Taylor Counter became the first female swimmer in school history to win a state championship; 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 SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Taylor Counter on winning the state championship in the girls' 100-yard breaststroke at the 2011 State Swimming and Diving Championships.
2. That a copy of this resolution be sent to Taylor Counter.

Laid over.

LEGISLATIVE RESOLUTION 96. Introduced by Harms, 48; Louden, 49.

WHEREAS, the Scottsbluff High School drill team won the state championship in the Class A/B high kick division at the 2011 Nebraska State Cheer and Dance Championships; and

WHEREAS, the Scottsbluff High School drill team received a score of 87.33 to win the state championship in the high kick division for the fourth year in a row; and

WHEREAS, the members of the Scottsbluff High School drill team showed great determination and skill in winning the state championship; 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 SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Scottsbluff High School drill team on winning the state championship in the Class A/B high kick division at the 2011 Nebraska State Cheer and Dance Championships.
2. That a copy of this resolution be sent to the Scottsbluff High School drill team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Louden, 49; Harms, 48.

WHEREAS, the Morrill High School girls' basketball team won the District 6 final in Class C-2 by defeating North Platte St. Patrick High School by a score of 52-40; and

WHEREAS, the win sends the Morrill High School girls' basketball team to the 2011 Girls' State Basketball Tournament for the first time since 2003; and

WHEREAS, the Morrill High School girls' basketball team has showed great skill and determination in qualifying for the 2011 Girls' State Basketball Tournament; 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 SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Morrill High School girls' basketball team on winning the District 6 final in Class C-2 and earning a trip to the 2011 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Morrill High School girls' basketball team and their coach, Scott Axt.

Laid over.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 60. Placed on General File.

LEGISLATIVE BILL 286. Placed on General File.

LEGISLATIVE BILL 299. Placed on General File.

LEGISLATIVE BILL 490. Placed on General File with amendment.
AM595

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. The Live Horseracing Endowment Fund is
4 created. The State Racing Commission may use up to five percent of
5 the fund for administrative expenses of the commission and shall
6 use the remainder of the fund for purses for thoroughbred race
7 meets at racetracks conducting live horseracing in Nebraska. Any
8 money in the fund available for investment shall be invested by the
9 state investment office pursuant to the Nebraska Capital Expansion
10 Act and the Nebraska State Funds Investment Act.

11 Sec. 2. Section 9-1,101, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County
14 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
15 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery
16 and Raffle Act, and section 9-701 shall be administered and
17 enforced by the Charitable Gaming Division of the Department
18 of Revenue, which division is hereby created. The Department of
19 Revenue shall make annual reports to the Governor, Legislature,
20 Auditor of Public Accounts, and Attorney General on all tax revenue
21 received, expenses incurred, and other activities relating to the
22 administration and enforcement of such acts.

23 (2) The Charitable Gaming Operations Fund is hereby
1 created. Any money in the fund available for investment shall be
2 invested by the state investment officer pursuant to the Nebraska
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 (3)(a) Forty percent of the taxes ~~collected~~ credited to
5 the Charitable Gaming Operations Fund pursuant to sections 9-239,
6 9-344, 9-429, and 9-648 shall be available to the Charitable

7 Gaming Division for administering and enforcing the acts listed
 8 in subsection (1) of this section. The remaining sixty percent
 9 shall be transferred to the General Fund. Any portion of the
 10 forty percent not used by the division in the administration
 11 and enforcement of such acts and section shall be distributed as
 12 provided in this subsection.

13 (b) On or before November 1 each year, the State
 14 Treasurer shall transfer fifty thousand dollars from the Charitable
 15 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund,
 16 except that no transfer shall occur if the Charitable Gaming
 17 Operations Fund contains less than fifty thousand dollars.

18 (c) Any money remaining in the Charitable Gaming
 19 Operations Fund after the transfer pursuant to subdivision (b)
 20 of this subsection not used by the Charitable Gaming Division in
 21 its administration and enforcement duties pursuant to this section
 22 may be transferred to the General Fund at the direction of the
 23 Legislature.

24 (4) The Tax Commissioner shall employ investigators who
 25 shall be vested with the authority and power of a law enforcement
 26 officer to carry out the laws of this state administered by the Tax
 27 Commissioner or the Department of Revenue and to enforce sections
 1 28-1101 to 28-1117 relating to possession of a gambling device. For
 2 purposes of enforcing sections 28-1101 to 28-1117, the authority
 3 of the investigators shall be limited to investigating possession
 4 of a gambling device, notifying local law enforcement authorities,
 5 and reporting suspected violations to the county attorney for
 6 prosecution.

7 (5) The Charitable Gaming Division may charge a fee for
 8 publications and listings it produces. The fee shall not exceed the
 9 cost of publication and distribution of such items. The division
 10 may also charge a fee for making a copy of any record in its
 11 possession equal to the actual cost per page. The division shall
 12 remit the fees to the State Treasurer for credit to the Charitable
 13 Gaming Operations Fund.

14 Sec. 3. Section 9-601, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 9-601 Sections 9-601 to 9-653 and section 5 of this act
 17 shall be known and may be cited as the Nebraska County and City
 18 Lottery Act.

19 Sec. 4. Section 9-603, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 9-603 For purposes of the Nebraska County and City
 22 Lottery Act, the definitions found in sections 9-603.02 to 9-618
 23 and section 5 of this act shall be used.

24 Sec. 5. Activation, with regard to lottery equipment,
 25 means initiating the selection of winning numbers.

26 Sec. 6. Section 9-607, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 9-607 (1) Lottery shall mean a gambling scheme in which:

- 2 (a) The players pay or agree to pay something of value
3 for an opportunity to win;
- 4 (b) Winning opportunities are represented by tickets;
- 5 (c) Winners are solely determined by one of the following
6 two methods:
- 7 (i) By a random drawing of tickets differentiated by
8 sequential enumeration from a receptacle by hand whereby each
9 ticket has an equal chance of being chosen in the drawing; or
- 10 (ii) By use of a game known as keno in which a player
11 selects up to twenty numbers from a total of eighty numbers on a
12 paper ticket and a computer, other electronic selection device, or
13 electrically operated blower machine which is not player-activated
14 randomly selects up to twenty numbers from the same pool of
15 eighty numbers and the winning players are determined by the
16 correct matching of the numbers on the paper ticket selected by
17 the players with the numbers randomly selected by the computer,
18 other electronic selection device, or electrically operated blower
19 machine, except that (A) no keno game shall permit or require
20 player ~~access or~~ activation of lottery equipment and (B) the random
21 selection of numbers by the computer, other electronic selection
22 device, or electrically operated blower machine shall not occur
23 within five minutes of the completion of the previous selection of
24 random numbers; and
- 25 (d) The holders of the winning paper tickets are to
26 receive cash or prizes redeemable for cash. Selection of a winner
27 or winners shall be predicated solely on chance.
- 1 (2) Lottery shall not include:
- 2 (a) Any gambling scheme which uses any mechanical gaming
3 device, computer gaming device, electronic gaming device, or video
4 gaming device which has the capability of awarding something of
5 value, free games redeemable for something of value, or tickets or
6 stubs redeemable for something of value;
- 7 (b) Any activity authorized or regulated under the
8 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
9 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
10 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
11 article 12; or
- 12 (c) Any activity prohibited under Chapter 28, article 11.
- 13 (3) Notwithstanding the requirement in subdivision
14 (1)(c)(ii) of this section that a player select up to twenty
15 numbers, a player may select more than twenty numbers on a paper
16 ticket when a top or bottom, left or right, edge, or way ticket
17 is played. For a top or bottom ticket, the player shall select
18 all numbers from one through forty or all numbers from forty-one
19 through eighty. For a left or right ticket, the player shall select
20 all numbers ending in one through five or all numbers ending in
21 six through zero. For an edge ticket, the player shall select all
22 of the numbers comprising the outside edge of the ticket. For a way

23 ticket, the player shall select a combination of groups of numbers
24 in multiple ways on a single ticket.

25 (4) A county, city, or village conducting a keno lottery
26 shall designate the method of winning number selection to be used
27 in the lottery and submit such designation in writing to the
1 department prior to conducting a keno lottery. Only those methods
2 of winning number selection described in subdivision (1)(c)(ii) of
3 this section shall be permitted, and the method of winning number
4 selection initially utilized may only be changed once during that
5 business day as set forth in the designation. A county, city, or
6 village shall not change the method or methods of winning number
7 selection filed with the department or allow it to be changed
8 once such initial designation has been made unless (a) otherwise
9 authorized in writing by the department based upon a written
10 request from the county, city, or village or (b) an emergency
11 arises in which case a ball draw method of number selection would
12 be switched to a number selection by a random number generator.
13 An emergency situation shall be reported by the county, city,
14 or village to the department within twenty-four hours of its
15 occurrence.

16 Sec. 7. Section 9-648, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 9-648 (1) Any county, city, or village which conducts a
19 lottery shall submit to the department on a quarterly basis a tax
20 of two percent of the gross proceeds. Such tax shall be remitted
21 not later than thirty days from the close of the preceding quarter
22 on forms provided by the department.

23 (2) The department shall remit the tax to the State
24 Treasurer. The State Treasurer shall credit the proceeds of the
25 tax from the conduct of a keno lottery as defined in subdivision
26 (1)(c)(ii) of section 9-607 to the Charitable Gaming Operations
27 Fund until the proceeds from such tax total four million dollars
1 annually and, of the remainder of such proceeds for each year,
2 credit fifty percent to the Charitable Gaming Operations Fund and
3 fifty percent to the Live Horseracing Endowment Fund. The State
4 Treasurer shall credit the proceeds of the tax from the conduct of
5 any other lottery under the Nebraska County and City Lottery Act
6 ~~for credit~~ to the Charitable Gaming Operations Fund.

7 (3) All deficiencies of the tax imposed by this section
8 shall accrue interest and be subject to a penalty as provided for
9 sales and use taxes in the Nebraska Revenue Act of 1967.

10 Sec. 8. Sections 1, 2, 7, and 9 of this act become
11 operative on January 1, 2012. The other sections of this act become
12 operative on their effective date.

13 Sec. 9. Original section 9-648, Reissue Revised Statutes
14 of Nebraska, and section 9-1,101, Revised Statutes Cumulative
15 Supplement, 2010, are repealed.

16 Sec. 10. Original sections 9-601, 9-603, and 9-607,
17 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 193. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 22. Senator Howard offered the following amendment:

AM603

- 1 1. Insert the following new section:
- 2 Sec. 5. (1) For purposes of this section:
- 3 (a) Child means any individual under nineteen years of
- 4 age;
- 5 (b) Preexisting condition means a condition that was
- 6 present before the date of enrollment of the coverage, whether
- 7 or not any medical advice, diagnosis, care, or treatment was
- 8 recommended or received before such date; and
- 9 (c) Responsible party for a child means an adult having
- 10 custody of the child or with responsibility for the financial needs
- 11 of the child, including the responsibility to provide health care
- 12 coverage.
- 13 (2) Notwithstanding section 44-3,131, any insurer
- 14 offering an individual or group policy of sickness and accident
- 15 insurance providing coverage on an expense-incurred basis or a
- 16 health maintenance organization offering a contract delivered,
- 17 issued for delivery, or renewed in this state for the individual
- 18 market shall offer to the responsible party for a child coverage
- 19 for the child that does not exclude or limit coverage due to any
- 20 preexisting condition of the child.
- 21 2. Renumber the remaining sections accordingly.

Senator McCoy requested a ruling of the Chair on whether the Howard amendment is germane to the bill.

The Chair ruled the Howard amendment is not germane to the bill.

SPEAKER FLOOD PRESIDING

Senator Howard challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 16 ayes, 24 nays, 5 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Senator K. Haar offered the following amendment:

AM587

- 1 1. On page 4, line 15, after the period insert "Any
- 2 health insurance plan, contract, or policy delivered or issued for
- 3 delivery in this state shall be required to offer optional riders
- 4 that provide coverage for elective abortions.".

Senator K. Haar moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Avery	Conrad	Cook	Haar, K.
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Voting in the negative, 35:

Adams	Cornett	Harms	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Bloomfield	Fischer	Janssen	Mello	Schumacher
Brasch	Flood	Karpisek	Nordquist	Smith
Carlson	Fulton	Krist	Pahls	Sullivan
Christensen	Hadley	Langemeier	Pankonin	Utter
Coash	Hansen	Larson	Pirsch	Wightman

Present and not voting, 7:

Campbell	Gloor	Howard	Wallman
Council	Harr, B.	McGill	

Excused and not voting, 3:

Lathrop	Lautenbaugh	Nelson
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The K. Haar amendment lost with 4 ayes, 35 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 210A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

MESSAGE FROM THE GOVERNOR

February 23, 2011

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

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

Contingent upon your approval, the following individual is being appointed as Superintendent of Law Enforcement and Public Safety for the Nebraska State Patrol:

Lieutenant Colonel David Sankey, 9201 Rockland Circle, Lincoln, NE
 68526

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

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 35. Placed on General File with amendment.
 AM512

1 1. On page 7, line 7, after "hundred" insert "ten".

LEGISLATIVE BILL 573. Placed on General File with amendment.
 AM344

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 60-6,232, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 60-6,232 A rotating or flashing amber light or lights
 6 shall be displayed on the roof of any motor vehicle being operated
 7 by any rural mail carrier outside the corporate limits of any
 8 municipality in this state on or near any highway in the process of
 9 delivering mail.
 10 A rotating or flashing amber light or lights may be
 11 displayed on (1) any vehicle of the Military Department while on
 12 any state emergency mission, (2) any motor vehicle being operated

13 by any public utility, vehicle service, or towing service or any
 14 publicly or privately owned construction or maintenance vehicle
 15 while performing its duties on or near any highway, (3) any motor
 16 vehicle being operated by any member of the Civil Air Patrol,
 17 (4) any pilot vehicle escorting an overdimensional load, (5) any
 18 vehicle while actually engaged in the moving of houses, buildings,
 19 or other objects of extraordinary bulk, including unbaled livestock
 20 forage as authorized by subdivision (2)(f) of section 60-6,288, ~~or~~
 21 (6) any motor vehicle owned by or operated on behalf of a railroad
 22 carrier that is stopped to load or unload passengers, or (7) any
 23 motor vehicle operated by or for an emergency management worker
 1 as defined in section 81-829.39 or a storm spotter as defined
 2 in section 3 of this act who is activated by a local emergency
 3 management organization.

4 Sec. 2. Section 81-829.36, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 81-829.36 Sections 81-829.36 to 81-829.75 and section 3
 7 of this act shall be known and may be cited as the Emergency
 8 Management Act.

9 Sec. 3. (1) The Nebraska Emergency Management Agency
 10 shall develop training, identification, and credentialing standards
 11 for a storm spotter or emergency management worker.

12 (2) For purposes of this section, storm spotter means an
 13 individual who performs weather spotting services as an employee or
 14 a volunteer of a local emergency management organization and who
 15 has been credentialed by the Nebraska Emergency Management Agency
 16 under this section.

17 Sec. 4. Original sections 60-6,232 and 81-829.36, Reissue
 18 Revised Statutes of Nebraska, are repealed.

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

Patrick Flanagan - Nebraska Information Technology Commission
 Lance Hedquist - Nebraska Information Technology Commission
 Daniel Hoelsing - Nebraska Information Technology Commission
 Harold Huggenberger - Nebraska Information Technology Commission
 Doug Kristensen - Nebraska Information Technology Commission
 Dan Shundoff - Nebraska Information Technology Commission

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

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

Blake Dillon - Nebraska Motor Vehicle Industry Licensing Board
William Reeg - Nebraska Motor Vehicle Industry Licensing Board
Fred Stone - Nebraska Motor Vehicle Industry Licensing Board

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 543. Senator Nordquist renewed his amendment, AM540, found on page 670.

SENATOR PRICE PRESIDING

Pending.

COMMITTEE REPORTS

Executive Board

LEGISLATIVE RESOLUTION 5CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 44CA. Indefinitely postponed.

(Signed) John Wightman, Chairperson

ANNOUNCEMENT

Senator Schilz designates LB389 as his priority bill.

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LR39.

VISITORS

Visitors to the Chamber were members of Bellevue Chamber of Commerce Leadership from Bellevue; 20 twelfth-grade students and teacher from Lawrence-Nelson School, Nelson; members of Inter Ministry Churches of Nebraska from across the state; 48 fourth-grade students and teachers from Eagle; a group of constituents from Madison County; and 17 high school students, teacher, and sponsor from Madison.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2011.

Patrick J. O'Donnell
Clerk of the Legislature