

**FORTY-FOURTH DAY - MARCH 10, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 10, 2011

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, York.

**ROLL CALL**

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

The roll was called and all members were present except Senator Ashford who was excused; and Senators Cornett and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 389.** Placed on Select File with amendment. ER43 is available in the Bill Room.

**LEGISLATIVE BILL 546.** Placed on Select File with amendment. ER44

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-6403, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 71-6403 (1) There is hereby created the state building
- 6 code. The Legislature hereby adopts by reference:
- 7 (a) The International Building Code (IBC), ~~2000~~2009
- 8 edition, published by the International Code Council;
- 9 (b) The International Residential Code (IRC), ~~2000~~
- 10 ~~edition, 2009 edition, except section R313,~~ published by the
- 11 International Code Council; and

12 (c) The International Existing Building Code, 2009  
 13 Edition, published by the International Code Council.

14 (2) The codes adopted by reference in subsection (1) of  
 15 this section shall constitute the state building code except as  
 16 amended pursuant to the Building Construction Act or as otherwise  
 17 authorized by state law.

18 ~~(3) Whenever a new edition of the codes adopted in~~  
 19 ~~subsection (1) of this section is published, such new edition shall~~  
 20 ~~be considered the state building code.~~

21 Sec. 2. Section 71-6405, Revised Statutes Cumulative  
 22 Supplement, 2010, is amended to read:

23 71-6405 All state agencies, including all state  
 1 constitutional offices, state administrative departments, and  
 2 state boards and commissions, the University of Nebraska, and the  
 3 Nebraska state colleges, shall comply with the state building  
 4 code. No state agency may adopt, promulgate, or enforce any rule  
 5 or regulation in conflict with the state building code unless  
 6 otherwise specifically authorized by statute to adopt or enforce  
 7 a building or construction code other than the state building  
 8 code. Nothing in the Building Construction Act shall authorize  
 9 any state agency to apply such act to manufactured homes or  
 10 recreational vehicles regulated by the Uniform Standard Code for  
 11 Manufactured Homes and Recreational Vehicles or to modular housing  
 12 units regulated by the Nebraska Uniform Standards for Modular  
 13 Housing Units Act. A state agency may, by rule or regulation, amend  
 14 the state building code by adopting any supplement, ~~new edition,~~  
 15 or appendix of the International Building Code (IBC), ~~2000-2009~~  
 16 edition, International Residential Code (IRC), ~~2000-edition, 2009~~  
 17 edition, or the International Existing Building Code, 2009 Edition,  
 18 referred to in section 71-6403, except that all amendments shall  
 19 be approved in advance by the Director of Administrative Services.  
 20 Amendments to the state building code may also include variations  
 21 from the code which will reduce unnecessary costs of construction,  
 22 increase safety, durability, or efficiency, or address special  
 23 local conditions within the state and may include adoption of  
 24 section R313 of the 2009 edition of the International Residential  
 25 Code.

26 Sec. 3. Section 71-6406, Revised Statutes Cumulative  
 27 Supplement, 2010, is amended to read:

1 71-6406 (1) Any political subdivision may enact,  
 2 administer, or enforce a local building or construction code if or  
 3 as long as such political subdivision adopts the state building  
 4 code. The political subdivision shall regularly update its code.  
 5 For purposes of this section, a code shall be deemed to be  
 6 regularly updated if the most ~~recent edition~~ recently enacted state  
 7 building code is adopted by the political subdivision within two  
 8 years, ~~after the publication date of the edition.~~ No political  
 9 subdivision may adopt or enforce a local building or construction  
 10 code other than as provided by this section.

- 11 (2) A political subdivision may amend its local building  
 12 or construction code if the amendment:  
 13 (a) Conforms generally with the state building code;  
 14 (b) Adopts a special or differing building standard by  
 15 modifying or deleting any portion of the state building code in  
 16 order to reduce unnecessary costs of construction, increase safety,  
 17 durability, or efficiency, or address special local conditions  
 18 within its jurisdiction;~~or~~  
 19 (c) Adopts any supplement, new edition, appendix, or  
 20 component or combination of components of the state building code;  
 21 or-  
 22 (d) Adopts section R313 of the 2009 edition of the  
 23 International Residential Code.  
 24 (3) A political subdivision may adopt and promulgate  
 25 amendments for the proper administration and enforcement of its  
 26 local building or construction code including organization of  
 27 enforcement, qualifications of staff members, examination of plans,  
 1 inspections, appeals, permits, and fees. Any amendment adopted  
 2 pursuant to this section shall be published separately from  
 3 the local building or construction code. Fees, if any, for  
 4 services which monitor a builder's application of codes shall  
 5 be negotiable between the political subdivisions involved, but such  
 6 fees shall not exceed the actual expenses incurred by the political  
 7 subdivision doing the monitoring.  
 8 (4) Notwithstanding the provisions of the Building  
 9 Construction Act, a public building of a political subdivision  
 10 shall be built in accordance with the applicable local building or  
 11 construction code.  
 12 Sec. 4. Original sections 71-6403, 71-6405, and 71-6406,  
 13 Revised Statutes Cumulative Supplement, 2010, are repealed.  
 14 2. On page 1, strike beginning with "state" in line 1  
 15 through "Code" in line 5 and insert "Building Construction Act;  
 16 to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes  
 17 Cumulative Supplement, 2010; to change provisions relating to the  
 18 state building code and local building or construction codes".

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

- LEGISLATIVE BILL 27.** Placed on Final Reading.  
**LEGISLATIVE BILL 31.** Placed on Final Reading.  
**LEGISLATIVE BILL 32.** Placed on Final Reading.  
**LEGISLATIVE BILL 165.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

## Agriculture

**LEGISLATIVE BILL 200.** Placed on General File with amendment.  
AM645

- 1 1. Strike sections 6 and 7 and insert the following  
2 sections:  
3 Sec. 6. It is the intent of the Legislature that one  
4 hundred fifty thousand dollars shall be appropriated annually to  
5 provide funding for the Nebraska Healthy Food Financing Initiative  
6 Act.  
7 Sec. 7. Section 13-208, Reissue Revised Statutes of  
8 Nebraska, is amended to read:  
9 13-208 The total amount of tax credit granted for  
10 programs approved and certified under the Community Development  
11 Assistance Act by the department for any fiscal year shall not  
12 exceed ~~three hundred fifty-two~~ hundred thousand dollars.  
13 2. On page 6, line 6, strike beginning with the first  
14 occurrence of "any" through the comma; and in line 7 strike the  
15 comma.  
16 3. On page 10, line 2, strike "2-5424" and insert  
17 "13-208".

**LEGISLATIVE BILL 459.** Placed on General File with amendment.  
AM720

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. No political subdivision may by rule,  
4 regulation, ordinance, resolution, or proclamation define or assign  
5 a legal status to an animal or animals that is in any manner  
6 inconsistent with the status of animals as personal property.  
7 Sec. 2. The Revisor of Statutes shall assign section 1 of  
8 this act within Chapter 13, article 4.

**LEGISLATIVE BILL 698.** Placed on General File with amendment.  
AM650

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 66-1214, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 66-1214 ~~Commencing January 1, 1986, motor~~ Motor fuel  
6 dispensers shall be labeled on both faces with the product identity  
7 using the most descriptive terms commercially practicable. In  
8 addition, all alcohol-blended fuel dispensers shall have a label  
9 stating: With or containing ethanol, methanol, or ethanol and  
10 methanol or with similar wording if the motor fuel being dispensed  
11 contains ~~one~~ eleven percent or more by volume of alcohol. Any  
12 person who owns or controls such a motor fuel dispenser and does  
13 not attach the notice required by this section shall be guilty of

14 an infraction.

15 2. On page 3, line 10, strike "2.20" and insert "2.20.1".

**LEGISLATIVE BILL 109.** Indefinitely postponed.

**LEGISLATIVE BILL 110.** Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

### **ANNOUNCEMENTS**

Senator Utter designates LB482 as his priority bill.

Senator Schumacher designates LB230 as his priority bill.

The Legislative Performance Audit Committee designates LB617 as its priority bill.

The Health and Human Services Committee designates LB177 as its priority bill.

Senator Campbell designates LB600 as her priority bill.

Senator Janssen designates LB279 as his priority bill.

The Natural Resources Committee designates LR40CA as its priority resolution.

Senator Loudon designates LB106 as his priority bill.

Senator Langemeier designates LB549 as his priority bill.

Senator Christensen designates LB648 as his priority bill.

### **REPORTS**

The following reports were received by the Legislature:

**Educational Lands and Funds, Board of**

Sixty-Seventh Biennial Report

**Health and Human Services, Department of**

Director's Report on the Proposal to License Applied Behavior Analysts

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 9, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Belcher, Barbara N.

Merck Sharp & Dohme Corp. and its Affiliates (Withdrawn 03/04/2011)

Kidman, Victoria

State Farm Insurance Companies (Withdrawn 03/07/2011)

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 81e and 333e.

(Signed) Charlie Janssen

**ANNOUNCEMENT**

The Chair announced today is Senator K. Haar's birthday.

**MOTIONS - Approve Appointments**

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 773:

Nebraska Arts Council

Robert "Bob" Culver Jr.

Donna Hastings

Mark Laughlin

Lynn Roper

Nana Smith

Voting in the affirmative, 39:

Adams	Cook	Harms	Louden	Pirsch
Avery	Council	Harr, B.	McCoy	Price
Bloomfield	Dubas	Howard	McGill	Schilz
Brasch	Fischer	Karpisek	Mello	Smith
Campbell	Flood	Krist	Nelson	Utter
Carlson	Fulton	Larson	Nordquist	Wallman
Christensen	Gloor	Lathrop	Pahls	Wightman
Conrad	Haar, K.	Lautenbaugh	Pankonin	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Hansen	Janssen	Sullivan
Hadley	Heidemann	Langemeier	

Excused and not voting, 3:

Ashford	Cornett	Schumacher
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The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 774:

State Electrical Board  
 Edwin Bergstraesser  
 Cory Mueller

Voting in the affirmative, 37:

Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Karpisek	Mello	Utter
Campbell	Fulton	Krist	Nelson	Wallman
Carlson	Gloor	Larson	Nordquist	Wightman
Christensen	Haar, K.	Lathrop	Pankonin	
Conrad	Hadley	Lautenbaugh	Pirsch	
Cook	Harms	Louden	Price	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Dubas	Harr, B.	Langemeier	Schilz
Coash	Hansen	Janssen	Pahls	Sullivan

Excused and not voting, 2:

Ashford	Cornett
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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 Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 774:

State Racing Commission  
 Kristopher Covi  
 Jeffrey Galyen

Voting in the affirmative, 42:

Avery	Dubas	Heidemann	McGill	Schumacher
Bloomfield	Fischer	Howard	Mello	Smith
Brasch	Flood	Karpisek	Nelson	Sullivan
Campbell	Fulton	Krist	Nordquist	Utter
Carlson	Gloor	Langemeier	Pahls	Wallman
Christensen	Haar, K.	Larson	Pankonin	Wightman
Coash	Hadley	Lathrop	Pirsch	
Conrad	Hansen	Lautenbaugh	Price	
Cook	Harms	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Adams	Council	Harr, B.	Janssen	Louden
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Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

Nebraska Rural Health Advisory Commission  
 Kathy Boswell  
 Douglas Dilly  
 Martin Fattig  
 Zachary Frey  
 Sharon Vandegrift

Voting in the affirmative, 40:



Avery	Dubas	Harr, B.	Louden	Pirsch
Bloomfield	Fischer	Heidemann	McCoy	Price
Brasch	Flood	Howard	McGill	Schumacher
Campbell	Gloor	Karpisek	Mello	Smith
Carlson	Haar, K.	Krist	Nelson	Sullivan
Coash	Hadley	Langemeier	Nordquist	Utter
Conrad	Hansen	Lathrop	Pahls	Wallman
Cook	Harms	Lautenbaugh	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Adams	Council	Janssen	Schilz
Christensen	Fulton	Larson	

Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

Foster Care Review Board  
Susan Staab

Voting in the affirmative, 38:

Avery	Cook	Harms	McCoy	Schumacher
Bloomfield	Dubas	Harr, B.	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Gloor	Langemeier	Nordquist	Wallman
Christensen	Haar, K.	Lathrop	Pahls	Wightman
Coash	Hadley	Lautenbaugh	Pirsch	
Conrad	Hansen	Louden	Price	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Fulton	Janssen	Larson	Schilz
Council	Heidemann	Krist	Pankonin	

Excused and not voting, 2:

Ashford          Cornett

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 802:

State Board of Health

Diane Jackson

Dale Michels

Roger Reamer

Voting in the affirmative, 39:

Avery	Council	Harr, B.	Louden	Price
Bloomfield	Dubas	Heidemann	McGill	Schumacher
Brasch	Fischer	Howard	Mello	Smith
Campbell	Gloor	Krist	Nelson	Sullivan
Carlson	Haar, K.	Langemeier	Nordquist	Utter
Coash	Hadley	Larson	Pahls	Wallman
Conrad	Hansen	Lathrop	Pankonin	Wightman
Cook	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Flood	Janssen	McCoy
Christensen	Fulton	Karpisek	Schilz

Excused and not voting, 2:

Ashford          Cornett

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 803:

State Emergency Response Commission

Keith Hansen

Tim Hofbauer

Dana Miller

Voting in the affirmative, 39:

Avery	Cook	Howard	McGill	Schilz
Bloomfield	Dubas	Karpisek	Mello	Schumacher
Brasch	Fischer	Krist	Nelson	Smith
Campbell	Gloor	Langemeier	Nordquist	Sullivan
Carlson	Haar, K.	Larson	Pahls	Utter
Christensen	Hadley	Lathrop	Pankonin	Wallman
Coash	Hansen	Lautenbaugh	Pirsch	Wightman
Conrad	Harms	McCoy	Price	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Flood	Harr, B.	Janssen
Council	Fulton	Heidemann	Louden

Excused and not voting, 2:

Ashford	Cornett
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The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 803:

State Personnel Board  
 Brian Tessman

Voting in the affirmative, 41:

Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Karpisek	Mello	Sullivan
Brasch	Flood	Krist	Nelson	Utter
Campbell	Gloor	Langemeier	Nordquist	Wallman
Carlson	Haar, K.	Larson	Pahls	Wightman
Christensen	Hadley	Lathrop	Pankonin	
Conrad	Hansen	Lautenbaugh	Price	
Cook	Harms	Louden	Schilz	
Council	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Fulton	Janssen
Coash	Heidemann	Pirsch

Excused and not voting, 2:

Ashford            Cornett

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 803:

Board of Public Roads Classifications and Standards

LeRoy Gerrard

David Wacker

Voting in the affirmative, 42:

Adams	Cornett	Heidemann	McCoy	Schumacher
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Karpisek	Mello	Sullivan
Brasch	Flood	Krist	Nelson	Utter
Campbell	Haar, K.	Langemeier	Nordquist	Wallman
Carlson	Hadley	Larson	Pankonin	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Conrad	Harms	Lautenbaugh	Price	
Cook	Harr, B.	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 6:

Coash	Fulton	Janssen
Council	Gloor	Pahls

Excused and not voting, 1:

Ashford

The appointments were confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 94, 95, 96, and 97 were adopted.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 94, 95, 96, and 97.

**MOTION - Withdraw LB16**

Senator Wightman renewed his motion, MO18, found on page 791, to withdraw LB16.

The Wightman motion to withdraw the bill prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 413.** Placed on General File.

**LEGISLATIVE BILL 525.** Placed on General File.

**LEGISLATIVE BILL 591.** Placed on General File.

**LEGISLATIVE BILL 687.** Placed on General File.

**LEGISLATIVE BILL 542.** Placed on General File with amendment. AM655

- 1 1. On page 2, lines 11 and 12, strike "if available";
- 2 in line 12 after "employees" insert "when no national vaccine
- 3 shortage exists"; and strike beginning with "or" in line 14 through
- 4 line 16 and insert "except that an employee may elect not to be
- 5 vaccinated.
- 6 The hospital shall keep a record of which employees
- 7 receive the annual vaccination against influenza and which
- 8 employees do not receive such vaccination."

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, March 17, 2011 1:30 p.m.

Thomas Incontro - Foster Care Review Board

Mark Zimmerer - Foster Care Review Board

Martha Parker - Nebraska Child Abuse Prevention Fund Board

Debra Parsow - State Board of Health

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENTS**

Senator Cook designates LB152 as her priority bill.

The Agriculture Committee designates LB305 and LB200 as its priority bills.

Senator Carlson designates LB698 as his priority bill.

Senator Bloomfield designates LB521 as his priority bill.

### AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB387:  
AM636

1 1. Strike original sections 2, 10, and 11, and insert the  
2 following new sections:

3 Sec. 2. For purposes of the Business Innovation Act:

4 (1) Department means the Department of Economic  
5 Development;

6 (2) Distressed area means a municipality, a county with a  
7 population of fewer than one hundred thousand inhabitants according  
8 to the most recent federal decennial census, an unincorporated area  
9 within a county, or a census tract in Nebraska that (a) has an  
10 unemployment rate which exceeds the statewide average unemployment  
11 rate, (b) has a per capita income below the statewide average per  
12 capita income, or (c) had a population decrease between the two  
13 most recent federal decennial censuses;

14 (3) Federal grant program means the federal Small  
15 Business Administration's Small Business Innovation Research grant  
16 program;

17 (4) Microenterprise means a for-profit business entity  
18 with not more than ten full-time equivalent employees;

19 (5) Prototype means an original model on which something  
20 is patterned by a resident of Nebraska or a company located in  
21 Nebraska; and

22 (6) Value-added agriculture means increasing the net  
23 worth of food or nonfood agricultural products by processing,  
1 alternative production and handling methods, collective marketing,  
2 or other innovative practices.

3 Sec. 4. In selecting projects to receive financial  
4 assistance under the Business Innovation Act, the department shall  
5 develop a qualified action plan by January 1 of each even-numbered  
6 year. The plan shall set forth selection criteria to be used  
7 to determine priorities which are appropriate to local conditions  
8 and the state's economy, including the state's immediate need for  
9 innovation development, proposed increases in jobs and investment,  
10 private dollars leveraged, industry support and participation, and  
11 repayment, in part or in whole, of financial assistance awarded by  
12 the fund. The Economic Development Commission shall submit the plan  
13 to the Governor for approval.

14 Sec. 8. (1) The department shall establish an innovation  
15 in value-added agriculture program. The purpose of this program is  
16 to provide financial assistance to:

17 (a) Support small enterprise formation in the  
 18 agricultural sector of Nebraska's rural economy, including  
 19 innovative efforts for value-added enterprises;

20 (b) Support the development of agricultural communities  
 21 and economic opportunity through innovation in farming and ranching  
 22 operations, rural communities, and businesses for the development  
 23 of value-added agricultural products;

24 (c) Enhance the income and opportunity for farming and  
 25 ranching operations in Nebraska in order to stem the decline in  
 26 their numbers;

27 (d) Increase the farming and ranching operations' share  
 1 of the food-system profit;

2 (e) Enhance opportunities for farming and ranching  
 3 operations to participate in electronic commerce and new and  
 4 emerging markets that strengthen rural economic opportunities; and

5 (f) Encourage the production and marketing of specialty  
 6 crops in Nebraska and to support the creation and development of  
 7 agricultural enterprises and businesses that produce and market  
 8 specialty crops in Nebraska.

9 (2) Agricultural cooperatives, farming or ranching  
 10 operations, and private businesses and enterprises operating in  
 11 Nebraska shall be eligible for financial assistance under this  
 12 section.

13 (3) An entity receiving financial assistance shall  
 14 provide a twenty-five percent match of such assistance.

15 (4) The department shall not award more than one million  
 16 dollars per year for financial assistance under this section.

17 Sec. 12. (1) It is the intent of the Legislature to  
 18 appropriate seven million dollars from the General Fund to the  
 19 Department of Economic Development for the Business Innovation Act  
 20 for each of fiscal years 2011-12 and 2012-13.

21 (2) Up to five percent of the funds appropriated may be  
 22 used by the department, or by a nonprofit entity with which the  
 23 department contracts, for administrative expenses.

24 2. On page 2, line 1, strike "14" and insert "15";  
 25 strike lines 22 and 23 and insert "high growth, high technological  
 26 companies, small businesses, and microenterprises and to enhance  
 27 creation of wealth and quality jobs. The Legislature finds that the  
 1 act will"; and in line 25 strike "5" and insert "6".

2 3. On page 3, line 2, strike "5" and insert "6"; in  
 3 line 5 strike "6" and insert "7"; in line 8 strike "7" and  
 4 insert "9"; in line 9 after "(5)" insert "Establish a financial  
 5 assistance program pursuant to section 8 of this act for innovation  
 6 in value-added agriculture;

7 (6)" and strike "8" and insert "10"; in line 12 strike  
 8 "9" and insert "11"; and in line 15 strike "5 to 9" and insert "6  
 9 to 11".

10 4. On page 4, line 11, strike "headquartered" and insert  
 11 "operating".

12 5. On page 6, line 14, after "public" insert "or  
13 private".

14 6. On page 7, line 10; page 8, lines 15, 19, 21, and 25;  
15 page 9, lines 3, 6, 11, 16, 18, 21, and 23; and page 10, line 7,  
16 after "delivery" insert "or microloan technical assistance".

17 7. On page 9, line 19, strike "and"; in line 21 strike  
18 the period and insert "; and"; and after line 21 insert:

19 "(e) Provide grants to establish loan-loss reserve funds  
20 to match loan capital borrowed from other sources, including  
21 federal microenterprise loan programs.".

22 8. On page 10, line 5, strike "and"; and strike lines 6  
23 through 10 and insert:

24 "(b) The department may contract with one or more  
25 statewide microenterprise development assistance organizations to  
26 carry out this section. No less than seventy percent of microloan  
27 funds shall be disbursed in microloans which do not exceed fifty  
1 thousand dollars or used to capitalize loan-loss reserve funds for  
2 such loans; and

3 "(c) No less than thirty percent of the microloan  
4 funds shall be used by microenterprise development assistance  
5 organizations for small business technical assistance.

6 "(5) Each year the department shall award at least five  
7 hundred thousand dollars but not more than one million dollars  
8 under this section.".

9 9. Renumber the remaining sections accordingly.

**ANNOUNCEMENTS**

Senator Mello designates LB682 as his priority bill.

Senator Smith designates LB252 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB499 and LB176 as its priority bills.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB159 with 47 ayes, 1 nay, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 159.** With Emergency Clause.

A BILL FOR AN ACT relating to cities, villages, and counties; to amend sections 13-1101, 13-1102, 13-1104, 13-1105, and 13-1109, Reissue



Revised Statutes of Nebraska; to provide for bonds for nonprofit enterprises; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 164.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-6,291, Reissue Revised Statutes of Nebraska; to provide notification requirements prior to moving a building or object over a certain height or width; to provide a penalty; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Adams	Cornett	Harms	Louden	Schilz
Avery	Council	Harr, B.	McCoy	Schumacher
Bloomfield	Dubas	Heidemann	McGill	Smith
Brasch	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Karpisek	Nelson	Utter
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Langemeier	Pahls	Wightman
Coash	Haar, K.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	
Cook	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 191.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-1,107 and 83-1,108, Reissue Revised Statutes of Nebraska; to change provisions relating to sentence reductions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Adams	Cook	Hansen	Larson	Pahls
Avery	Cornett	Harms	Lathrop	Pankonin
Bloomfield	Council	Harr, B.	Lautenbaugh	Price
Brasch	Dubas	Heidemann	Louden	Schumacher
Campbell	Fischer	Howard	McCoy	Smith
Carlson	Fulton	Janssen	McGill	Sullivan
Christensen	Gloor	Karpisek	Mello	Utter
Coash	Haar, K.	Krist	Nelson	Wallman
Conrad	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Flood            Pirsch            Schilz

Excused and not voting, 1:

Ashford

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB210 with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2609, 72-258.03, 77-702, 77-1327, 77-1783.01, 77-2704.50, 77-2705.01, 77-2708, 77-2709, 81-1260, and 81-15,164, Reissue Revised Statutes of Nebraska, and sections 13-3107 and 81-8,128, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the due dates for certain sales tax returns, sales and use taxes, and certain fees; to change provisions relating to school lands, qualifications of the Property Tax Administrator, data reporting, personal liability for corporate taxes, common or contract carrier exemption certificates, and supervision of the State Athletic Commissioner; to eliminate the Greenbelt Advisory Committee; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-1355, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 210A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 228.**

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173 and 81-190, Reissue Revised Statutes of Nebraska; to provide for energy audits to be conducted under the act; to require a report; to remove obsolete language; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-191.01, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 257.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-143 and 86-144, Reissue Revised Statutes of Nebraska; to change filing requirements for telecommunications companies as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

#### **LEGISLATIVE BILL 278.**

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska; to authorize county officer and employee salary and reimbursable expenses payments to be made by electronic funds transfer or direct deposit as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 281.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 53-186, 53-186.01, and 60-6,211.08, Reissue Revised Statutes of Nebraska; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Council	Heidemann	McCoy	Schilz
Avery	Dubas	Janssen	McGill	Schumacher
Bloomfield	Fischer	Karpisek	Mello	Smith
Brasch	Flood	Krist	Nelson	Sullivan
Campbell	Fulton	Langemeier	Nordquist	Utter
Coash	Gloor	Larson	Pahls	Wallman
Conrad	Haar, K.	Lathrop	Pankonin	
Cook	Hadley	Lautenbaugh	Pirsch	
Cornett	Harr, B.	Louden	Price	

Voting in the negative, 6:

Carlson	Hansen	Howard
Christensen	Harms	Wightman

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 284.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1320.02, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful picketing of a funeral; and to repeal the original section.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

#### **LEGISLATIVE BILL 314.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-183, Reissue Revised Statutes of Nebraska; to provide an exception for wine relating to certain sales practices; and to repeal the original section.

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

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Smith
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pankonin	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:



Nelson

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 368.**

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616 and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nominations for office; and to repeal the original sections.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**LEGISLATIVE BILL 399.** With Emergency Clause.

A BILL FOR AN ACT relating to elections; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change the number of signatures needed for nomination by petition in certain partisan offices; to repeal the original section; and to declare an emergency.

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

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

### **LEGISLATIVE BILL 471.**

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2708, 18-2709, 18-2714, and 18-2717, Reissue Revised Statutes of Nebraska; to redefine terms; to expand and change restrictions on appropriations from local sources of revenue for the use of economic development programs; and to repeal the original sections.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 474.**

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, 84-304.02, and 84-1503, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to require certain reports be submitted to the Auditor of Public Accounts; to eliminate certain report submission and notification requirements; to provide powers for the Auditor of Public Accounts; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB556 with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 556.**

A BILL FOR AN ACT relating to counties; to amend section 22-161.01, Revised Statutes Cumulative Supplement, 2010; to change boundaries of certain counties; to repeal the original section; and to outright repeal section 22-141, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lautenbaugh	Price
Avery	Council	Harr, B.	Louden	Schilz
Bloomfield	Dubas	Heidemann	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Utter
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Langemeier	Pahls	Wightman
Conrad	Hadley	Larson	Pankonin	
Cook	Hansen	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Ashford

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

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 159, 164, 191, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399, 471, 474, and 556.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 421.** Placed on Select File with amendment.  
ER45

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 change a provision relating to display of permits;".

**LEGISLATIVE BILL 260.** Placed on Select File with amendment.  
ER47

- 1 1. On page 2, line 14, strike "occurs" and insert
- 2 "occur".

**LEGISLATIVE BILL 105.** Placed on Select File.

**LEGISLATIVE BILL 207.** Placed on Select File with amendment.  
ER49

- 1 1. On page 3, line 22, strike the new matter and insert
- 2 "and section 1 of this act".

**LEGISLATIVE BILL 563.** Placed on Select File with amendment.  
ER48

- 1 1. On page 4, line 17, strike the last semicolon and
- 2 insert an underscored comma.

**LEGISLATIVE BILL 621.** Placed on Select File.

**LEGISLATIVE BILL 41.** Placed on Select File with amendment.  
ER46

- 1 1. On page 32, line 18, strike "license", show as
- 2 stricken, and insert "permit".

(Signed) Tyson Larson, Chairperson

**ANNOUNCEMENTS**

The Natural Resources Committee designates LB595 as its priority bill.

The Revenue Committee designates LB384 as its priority bill.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 156.** Placed on General File.**LEGISLATIVE RESOLUTION 40CA.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 255.** Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 259.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 45.** Title read. Considered.

Committee AM321, found on page 579, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**SELECT FILE****LEGISLATIVE BILL 237.** Senator Howard renewed her amendment, AM581, found on page 681.

The Howard amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 256.** Senator Karpisek renewed his amendment, AM597, found on page 702.

Pending.

**COMMITTEE REPORTS**  
Education

**LEGISLATIVE BILL 558.** Placed on General File with amendment. AM728

1 1. On page 2, line 5, after the underscored period insert  
 2 "If included as part of the diversity plan of a learning community,  
 3 the focus school or focus program shall be eligible for a focus  
 4 school and program allowance pursuant to section 79-1007.05.";  
 5 reinstate the stricken matter beginning with "(3)" in line 14  
 6 through the last comma in line 15 and after the reinstated matter  
 7 insert "the school districts shall form a joint entity pursuant  
 8 to the Interlocal Cooperation Act for the purpose of creating,  
 9 implementing, and operating such focus program, focus school, or  
 10 magnet school. The agreement creating such joint entity shall  
 11 address legal, financial, and academic responsibilities, and the  
 12 assignment to participating school districts of students enrolled  
 13 in such focus program, focus school, or magnet school who reside in  
 14 nonparticipating school districts."; and in line 20 strike the new  
 15 matter and reinstate the stricken matter.

(Signed) Greg Adams, Chairperson

Revenue

**LEGISLATIVE BILL 385.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

**ANNOUNCEMENTS**

The Executive Board designates LB576 as its priority bill.

Senator Nelson designates LB664 as his priority bill.

Senator Fulton designates LB564 as his priority bill.

Senator Lathrop designates LB479 as his priority bill.

The Business and Labor Committee designates LB151 as its priority bill.

Senator Harms designates LB35 as his priority bill.

Senator Pirsch designates LB675 as his priority bill.

Senator Council designates LB204 as her priority bill.

Senator Flood designates LB670 as his priority bill.

Senator Lautenbaugh designates LB142 as his priority bill.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 2011, at 11:01 a.m. were the following: LBs 159e, 164, 191e, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399e, 471, 474, and 556.

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

### MESSAGE FROM THE GOVERNOR

March 10, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 12, 24, 25, 26e, 36, 43, 61, 77e, 78e, 94, 98, 108, 114, 146, 160, 178, 178A, 179, 197, 215e, 225e, 243e, 264e, 274, 303, 308, 311, 326e, 331, 332, 334e, 335, 347, 383e, 396, 401, 410, 410A, and 462, were received in my office on March 4, 2011.

Engrossed Legislative Bill 62 was received in my office on March 7, 2011.

Engrossed Legislative Bill 81e was received in my office on March 9, 2011.

These bills were signed and delivered to the Secretary of State on March 10, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

### RESOLUTION

**LEGISLATIVE RESOLUTION 117.** Introduced by Smith, 14; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Wallman, 30.

WHEREAS, Richard Takechi was born on November 28, 1937, in Pocatello, Idaho, and moved to Omaha, Nebraska, with his family that same year; and

WHEREAS, Richard Takechi graduated from Omaha Technical High School in 1955 and from the University of Nebraska at Omaha in 1959; and



WHEREAS, Richard Takechi worked as a jeweler in his family-owned business, Takechi's Jewelers; and

WHEREAS, Richard Takechi was a member of the Omaha City Council from 1977 to 1981 and 1985 to 1997, was a member of the Learning Community Coordinating Council from 2008 to 2010, and served two terms as Douglas County Register of Deeds; and

WHEREAS, Richard Takechi was a member of the Greater Omaha Chamber of Commerce, Omaha Sister Cities Association, Ikebana International, Japanese American Citizens League, Rotary International, Footprinters International Chapter 40, Omaha Business Boosters, and the Lutheran Church of the Master; and

WHEREAS, Richard Takechi died on March 9, 2011, at the age of 73.

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

1. That the Legislature posthumously honors Richard Takechi for his many accomplishments, for his dedication and service to his community, and for his inspiration to others to serve in public office.

2. That the Legislature extends its condolences to the family of Richard Takechi.

3. That a copy of this resolution be sent to the family of Richard Takechi.

Laid over.

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB297:  
AM747

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 13-2705, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 13-2705 The department may conditionally approve grants
- 5 of assistance from the fund to eligible and competitive applicants
- 6 within the following limits:
- 7 (1) A grant request shall be at least ~~twenty-ten~~ thousand
- 8 dollars but no more than:
- 9 (a) For a city of the primary class, ~~one-two million five~~
- 10 two hundred fifty thousand dollars;
- 11 (b) For a municipality with a population of forty
- 12 thousand but less than one hundred thousand, ~~seven-one million~~
- 13 one hundred fifty-twenty-five thousand dollars;
- 14 (c) For a municipality with a population of twenty
- 15 thousand but less than forty thousand, ~~five-seven~~ hundred fifty
- 16 thousand dollars;
- 17 (d) For a municipality with a population of ten thousand
- 18 but less than twenty thousand, ~~four-six~~ hundred thousand dollars;
- 19 and
- 20 (e) For a municipality with a population of less than ten
- 21 thousand, ~~two-three~~ hundred fifty-seventy-five thousand dollars;

22 (2) Assistance from the fund shall not amount to more  
23 than fifty percent of the cost of construction, renovation, or  
1 expansion; and

2 (3) A municipality shall not be awarded more than one  
3 grant in any ~~five-year~~three-year period.

4 2. Renumber the remaining sections and correct the  
5 repealer accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB237. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were members of Keith County Area Development and Ogallala/Keith County Chamber from Ogallala; and 61 fourth-grade students and teachers from Avery Elementary, Bellevue.

The Doctor of the Day was Dr. Roger Meyer from Utica.

#### **ADJOURNMENT**

At 12:05 p.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Monday, March 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature