

FIFTY-FIRST DAY - MARCH 24, 2011
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 2011

PRAYER

The prayer was offered by Pastor Rick Johnson, St. Paul's Lutheran Church, DeWitt.

ROLL CALL

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

The roll was called and all members were present except Senators Heidemann, Karpisek, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 84. Title read. Considered.

Committee AM385, found on page 597, was considered.

Senator Conrad offered the following motion:

MO22

Bracket until January 4, 2012.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 668. Placed on General File.

(Signed) Brad Ashford, Chairperson

Executive Board

LEGISLATIVE BILL 617. Placed on General File with amendment.
AM906

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

3 Section 1. When legislation is enacted providing for the
4 adoption and promulgation of rules and regulations by an agency,
5 such agency shall adopt and promulgate such rules and regulations
6 within one year after the public hearing required under section
7 84-907. Any agency which does not adopt and promulgate such rules
8 and regulations as provided in this section shall submit a written
9 explanation to the Executive Board of the Legislative Council and
10 the standing committee of the Legislature which has subject matter
11 jurisdiction over the issue involved in the legislation, stating
12 the reasons why it has not adopted such rules and regulations as
13 provided in this section, the date by which the agency expects
14 to adopt such rules and regulations, and any suggested statutory
15 changes that may enable the agency to adopt such rules and
16 regulations.

17 Sec. 2. Section 84-907, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 84-907 (1) No rule or regulation shall be adopted,
20 amended, or repealed by any agency except after public hearing
21 on the question of adopting, amending, or repealing such rule or
22 regulation. Notice of such hearing shall be given at least thirty
23 days prior thereto to the Secretary of State and by publication
1 in a newspaper having general circulation in the state. All such
2 hearings shall be open to the public. The public hearing on a
3 rule or regulation that is being adopted, amended, or repealed
4 based upon a legislative bill shall be held within twelve months
5 after the effective or operative date of the legislative bill that
6 provides the statutory authority for the rule or regulation. If
7 there is more than one applicable effective or operative date,
8 the twelve-month period shall be calculated using the latest date.
9 An agency may make written application to the Governor to extend
10 the twelve-month period, and upon receipt of a written showing of
11 good cause, the Governor may extend the twelve-month period for
12 up to an additional six months. In addition to the requirements
13 of section 84-906.01, draft copies or working copies of all rules
14 and regulations to be adopted, amended, or repealed by any agency
15 shall be available to the public in the office of the Secretary
16 of State at the time of giving notice. The notice shall include:
17 ~~(1)~~(a) A declaration of availability of such draft or work copies
18 for public examination; ~~(2)~~(b) a short explanation of the purpose
19 of the proposed rule or regulation or the reason for the amendment
20 or repeal of the rule or regulation; and ~~(3)~~(c) a description,
21 including an estimated quantification, of the fiscal impact on
22 state agencies, political subdivisions, and persons being regulated

23 or an explanation of where the description of the fiscal impact
 24 may be inspected and obtained. No person may challenge the validity
 25 of any rule or regulation, the adoption, amendment, or repeal of
 26 any rule or regulation, or any determination of the applicability
 27 of any rule or regulation on the basis of the explanation or
 1 description provided pursuant to subdivisions ~~(2) and (3)~~ (b) and
 2 (c) of this section-subsection.

3 (2) Any agency adopting, amending, or repealing a rule or
 4 regulation may make written application to the Governor who may,
 5 upon receipt of a written showing of good cause, waive the notice
 6 of public hearing. For purposes of this ~~section-subsection~~, good
 7 cause shall include, but not be limited to, a showing by the agency
 8 that:

9 (a) Compliance with the ~~public notice~~ requirements of
 10 this section would result in extreme hardship on the citizens of
 11 this state;

12 (b) An emergency exists which must be remedied
 13 immediately; or

14 (c) A timely filing or publication of notice of a public
 15 hearing or the public hearing was prevented by some unforeseeable
 16 event beyond the immediate control of the agency and that the
 17 parties affected have not and will not suffer material injury as a
 18 result of the agency's action.

19 (3) Whenever public notice is waived, the agency shall,
 20 so far as practicable, give notice to the public of the proposed
 21 rule or regulation change and of the rule or regulation as finally
 22 adopted or changed.

23 Sec. 3. Section 84-907.09, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 84-907.09 Whenever an agency proposes to adopt, amend,
 26 or repeal a rule or regulation, (1) at least thirty days before
 27 the public hearing, when notice of a proposed rule or regulation
 1 is sent out, or (2) at the same time the agency applies to the
 2 Governor for a waiver of the notice of public hearing under section
 3 84-907, the agency shall provide to the Governor for review (a) a
 4 description of the proposed rule or regulation and the entity or
 5 entities it will impact, (b) an explanation of the necessity of
 6 the proposed rule or regulation, including the identification of
 7 the authorizing statute or specific legislative bill if applicable,
 8 or the authorizing statute when there is no legislative bill
 9 applicable, (c) a statement that the proposed rule or regulation
 10 is consistent with legislative intent, (d) a statement indicating
 11 whether the proposed rule or regulation is the result of a state
 12 mandate on a local governmental subdivision and if the mandate
 13 is funded, (e) a statement indicating if the proposed rule or
 14 regulation is the result of a federal mandate on state government
 15 or on a local governmental subdivision and if the mandate is
 16 funded, (f) a description, including an estimated quantification,
 17 of the fiscal impact on state agencies, political subdivisions, and

18 regulated persons, (g) a statement that the agency will solicit
 19 public comment on the proposed rule or regulation before the public
 20 hearing, and (h) a statement indicating whether or not the agency
 21 has utilized the negotiated rulemaking process as provided for in
 22 the Negotiated Rulemaking Act with respect to the proposed rule or
 23 regulation.

24 Sec. 4. On or before July 1 of each year, each agency
 25 shall provide to the Legislative Performance Audit Committee a
 26 status report on all rules and regulations pending before the
 27 agency. If an appropriation was made with respect to legislation
 1 for which rules and regulations are pending to provide funding
 2 for or additional staff to implement a program, the status report
 3 shall include what the funding has been used for and what functions
 4 the staff have been performing while such rules and regulations
 5 are pending. Other content and the format of the report shall be
 6 established by the committee no later than May 1, 2011, and shall
 7 be updated thereafter.

8 Sec. 5. Section 84-920, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 84-920 Sections 84-901 to 84-920 and sections 1 and 4
 11 of this act shall be known and may be cited as the Administrative
 12 Procedure Act.

13 Sec. 6. Original sections 84-907, 84-907.09, and 84-920,
 14 Reissue Revised Statutes of Nebraska, are repealed.

15 Sec. 7. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.

(Signed) John Wightman, Chairperson

NOTICE OF COMMITTEE HEARING
 Government, Military and Veterans Affairs

Room 1507

Tuesday, April 5, 2011 9:30 a.m.

LR123

(Signed) Bill Avery, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 139. Introduced by Flood, 19.

WHEREAS, Charlotte Endorf of Norfolk, Nebraska, is being honored as the 2011 Nebraska Mother of the Year; and

WHEREAS, this award exemplifies the ideals of successful motherhood: understanding, patience, compassion, love, courage, character, and community spirit; and

WHEREAS, Charlotte and her husband are the parents of two children, a son and a daughter; and

WHEREAS, Charlotte and her husband have provided help and support to their daughter, who continues to improve after becoming ill with Lyme disease; and

WHEREAS, Charlotte is the author of seven inspirational books, three of which she co-authored with her daughter, Sarah. Her books include the inspirational stories of unsung heroes in her community and several books comprising a history of orphan trains, which were the beginning of foster care and adoption in the United States; and

WHEREAS, dressed in 1800s period attire, Charlotte and Sarah bring to life their stories of children's orphan train experiences for members of their community; and

WHEREAS, Charlotte and her family are a licensed foster care family and have opened their home to foster children since 2007; and

WHEREAS, Charlotte meets and exceeds the requirements of this award, all of which demand efficient organizational, time-management, and leadership skills, along with patience, a positive attitude, perseverance, and a love of family and community.

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

1. That the Legislature congratulates Charlotte Endorf on being named the 2011 Nebraska Mother of the Year.

2. That a copy of this resolution be sent to Charlotte Endorf.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 84. The Conrad motion, MO22, found in this day's Journal, to bracket until January 4, 2012, was renewed.

Senator Carlson moved the previous question. The question is, "Shall the debate now close?"

Senator Carlson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Carlson requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 33:

Adams	Coash	Hadley	Lautenbaugh	Schilz
Ashford	Cornett	Hansen	McCoy	Schumacher
Bloomfield	Dubas	Harms	Nelson	Smith
Brasch	Fischer	Heidemann	Pahls	Sullivan
Campbell	Flood	Janssen	Pankonin	Utter
Carlson	Fulton	Krist	Pirsch	
Christensen	Gloor	Langemeier	Price	

Voting in the negative, 10:

Cook	Haar, K.	Lathrop	McGill	Nordquist
Council	Howard	Louden	Mello	Wallman

Present and not voting, 2:

Avery	Conrad
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Absent and not voting, 2:

Harr, B.	Larson
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Excused and not voting, 2:

Karpisek	Wightman
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The motion to cease debate prevailed with 33 ayes, 10 nays, 2 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Conrad motion to bracket failed with 9 ayes, 28 nays, 9 present and not voting, and 3 excused and not voting.

Senator Conrad offered the following motion:

MO23

Reconsider the vote on the bracket motion.

SENATOR SULLIVAN PRESIDING

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senators Hansen, Gloor, Krist, and Wallman asked unanimous consent to add their names as cointroducers to LB600. No objections. So ordered.

VISITORS

Visitors to the Chamber were 9 kindergarten through fifth-grade students and sponsor from Roper Elementary, Lincoln; members of YWCA Leadership Institute from Lincoln; Bonnie and Jack Nebelsick, Ashley Whitney, and Natasha Mack from Lincoln; 31 fourth-grade students, teachers, and sponsors from Bryan Elementary, Lexington; and members of Planned Parenthood from Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Coash, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator Wightman who was excused; and Senators Ashford, Christensen, and Schilz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 84. The Conrad motion, MO23, found in this day's Journal, to reconsider the vote on the bracket motion, was renewed.

SENATOR SULLIVAN PRESIDING**SENATOR COASH PRESIDING**

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 140. Introduced by Price, 3.

WHEREAS, Luke Bredensteiner has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Bredensteiner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Bredensteiner.

Laid over.

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB204:
AM938

(Amendments to Standing Committee amendments, AM659)

- 1 1. Strike section 9.
- 2 2. On page 3, line 11; and page 4, line 8, strike "2011"
- 3 and insert "2012".
- 4 3. On page 4, line 11, strike the first "the" and insert
- 5 "a Nebraska school".

Senator Conrad filed the following amendment to LB84:
AM962

(Amendments to AM940)

- 1 1. Strike sections 6 and 7.
- 2 2. On page 1, strike beginning with "The" in line 18
- 3 through line 20 and insert "It is the intent of the Legislature to
- 4 appropriate up to one hundred twenty-five million dollars to the
- 5 fund each fiscal year beginning with fiscal year 2013-14 and ending
- 6 with fiscal year 2032-33.".
- 7 3. On page 2, lines 8 and 12 and 13, strike "pursuant to
- 8 section 77-27,132".
- 9 4. Renumber the remaining sections accordingly.

Senator Utter filed the following amendment to LB84:
AM958

(Amendments to AM940)

- 1 1. On page 3, line 22, strike "one hundred twenty-five"
- 2 and insert "seventy-five".

COMMITTEE REPORTS

Education

The Education 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.

Dennis Baack - Nebraska Educational Telecommunications Commission
Steve Seline - Nebraska Educational Telecommunications Commission
Darlene Starman - Nebraska Educational Telecommunications Commission

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Charles Ward - Board of Educational Lands and Funds

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Gary Bieganski - Board of Trustees of the Nebraska State Colleges
Robert Engles - Board of Trustees of the Nebraska State Colleges
Carter Peterson - Board of Trustees of the Nebraska State Colleges

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Wayne Camara - Technical Advisory Committee for Statewide Assessment
Dallas Watkins - Technical Advisory Committee for Statewide Assessment

Aye: 8 Senators Adams, Avery, Cornett, Council, K. Haar, Howard, Schilz, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 84. The Conrad motion, MO23, found in this day's Journal, to reconsider the vote on the bracket motion, was renewed.

Senator Conrad moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Conrad requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 7:

Conrad	Council	Howard	Nordquist
Cook	Haar, K.	Mello	

Voting in the negative, 34:

Adams	Christensen	Gloor	Krist	Pankonin
Ashford	Coash	Hadley	Langemeier	Price
Avery	Cornett	Hansen	Larson	Schilz
Bloomfield	Dubas	Harms	Louden	Smith
Brasch	Fischer	Harr, B.	McCoy	Sullivan
Campbell	Flood	Heidemann	Nelson	Utter
Carlson	Fulton	Karpisek	Pahls	

Present and not voting, 4:

Lathrop	McGill	Schumacher	Wallman
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Absent and not voting, 1:

Pirsch

Excused and not voting, 3:

Janssen	Lautenbaugh	Wightman
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The Conrad motion to reconsider failed with 7 ayes, 34 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB84:
AM974

(Amendments to AM940)

- 1 1. Strike section 6 and insert the following new section:
2 Sec. 6. Section 77-4602, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 77-4602 (1) Within fifteen days after the end of each
5 month, the Tax Commissioner shall provide a public statement of
6 actual General Fund net receipts and a comparison of such actual
7 net receipts to the monthly estimate certified pursuant to section
8 77-4601.
9 (2) Within fifteen days after the end of each fiscal
10 year, the public statement shall also include a summary of actual
11 General Fund net receipts and estimated General Fund net receipts
12 for the fiscal year.
13 (3) If the actual General Fund net receipts for the
14 fiscal year as reported in subsection (2) of this section exceed
15 estimated receipts for the fiscal year, the Tax Commissioner shall
16 immediately certify to the director such excess amount. The State
17 Treasurer shall immediately transfer an amount equal to one-half of
18 such excess amount from the General Fund to the Cash Reserve Fund
19 and one-half of such excess amount from the General Fund to the
20 State Highway Capital Improvement Fund upon certification by the
21 director of such excess amount.
22 2. On page 1, line 19; and page 2, lines 8 and 13, strike
1 "77-27.132" and insert "77-4602".
2 3. On page 3, line 27, strike "77-27,132" and insert
3 "77-4602".

Senator Louden filed the following amendment to LB84:
AM975

(Amendments to AM940)

- 1 1. Strike sections 6 and 7 and insert the following new
2 sections:
3 Sec. 6. Section 66-489, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 66-489 (1) At the time of filing the return required by
6 section 66-488, such producer, supplier, distributor, wholesaler,
7 or importer shall, in addition to the tax imposed pursuant
8 to sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146 and in
9 addition to the other taxes provided for by law, pay a tax of
10 ~~seven and one-half~~ twelve and one-half cents per gallon upon all
11 motor fuels as shown by such return, except that there shall be
12 no tax on the motor fuels reported if (a) the required taxes on
13 the motor fuels have been paid, (b) the motor fuels have been sold
14 to a licensed exporter exclusively for resale or use in another
15 state, (c) the motor fuels have been sold from a Nebraska barge

16 line terminal, pipeline terminal, refinery, or ethanol or biodiesel
17 facility, including motor fuels stored offsite in bulk, by a
18 licensed producer or supplier to a licensed distributor, (d) the
19 motor fuels have been sold by a licensed distributor or licensed
20 importer to a licensed distributor or to a licensed wholesaler
21 and the seller acquired ownership of the motor fuels directly from
22 a licensed producer or supplier at or from a refinery, barge,
1 barge line, pipeline terminal, or ethanol or biodiesel facility,
2 including motor fuels stored offsite in bulk, in this state or
3 was the first importer of such fuel into this state, or (e)
4 as otherwise provided in this section. Such producer, supplier,
5 distributor, wholesaler, or importer shall remit such tax to the
6 department.

7 (2) As part of filing the return required by section
8 66-488, each producer of ethanol shall, in addition to other
9 taxes imposed by the motor fuel laws, pay an excise tax of one
10 and one-quarter cents per gallon through December 31, 2004, and
11 commencing January 1, 2010, and two and one-half cents per gallon
12 commencing January 1, 2005, through December 31, 2009, on natural
13 gasoline purchased for use as a denaturant by the producer at
14 an ethanol facility. All taxes, interest, and penalties collected
15 under this subsection shall be remitted to the State Treasurer
16 for credit to the Agricultural Alcohol Fuel Tax Fund, except that
17 commencing January 1, 2005, through December 31, 2009, one and
18 one-quarter cents per gallon of such excise tax shall be credited
19 to the Ethanol Production Incentive Cash Fund. For fiscal years
20 2007-08 through 2011-12, if the total receipts from the excise
21 tax authorized in this subsection and designated for deposit in
22 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty
23 thousand dollars, the State Treasurer shall deposit amounts in
24 excess of five hundred fifty thousand dollars in the Ethanol
25 Production Incentive Cash Fund.

26 (3)(a) Motor fuels, methanol, and all blending agents
27 or fuel expanders shall be exempt from the taxes imposed by this
1 section and sections 66-489.02, 66-4,105, 66-4,140, 66-4,145, and
2 66-4,146, when the fuels are used for buses equipped to carry
3 more than seven persons for hire and engaged entirely in the
4 transportation of passengers for hire within municipalities or
5 within a radius of six miles thereof.

6 (b) The owner or agent of any bus equipped to carry
7 more than seven persons for hire and engaged entirely in the
8 transportation of passengers for hire within municipalities, or
9 within a radius of six miles thereof, in lieu of the excise tax
10 provided for in this section, shall pay an equalization fee of a
11 sum equal to twice the amount of the registration fee applicable to
12 such vehicle under the laws of this state. Such equalization fee
13 shall be paid in the same manner as the registration fee and be
14 disbursed and allocated as registration fees.

15 (c) Nothing in this section shall be construed as
16 permitting motor fuels to be sold tax exempt. The department
17 shall refund tax paid on motor fuels used in buses deemed exempt by
18 this section.

19 (4) Natural gasoline purchased for use as a denaturant
20 by a producer at an ethanol facility as defined in section 66-1333
21 shall be exempt from the motor fuels tax imposed by subsection (1)
22 of this section as well as the tax imposed pursuant to sections
23 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

24 (5) Unless otherwise provided by an agreement entered
25 into between the State of Nebraska and the governing body of any
26 federally recognized Indian tribe within the State of Nebraska,
27 motor fuels purchased on a Nebraska Indian reservation where the
1 purchaser is a Native American who resides on the reservation shall
2 be exempt from the motor fuels tax imposed by this section as
3 well as the tax imposed pursuant to sections 66-489.02, 66-4,140,
4 66-4,145, and 66-4,146.

5 (6) Motor fuels purchased for use by the United States
6 Government or its agencies shall be exempt from the motor fuels
7 tax imposed by this section as well as the tax imposed pursuant to
8 sections 66-489.02, 66-4,140, 66-4,145, and 66-4,146.

9 (7) In the case of diesel fuel, there shall be no tax on
10 the motor fuels reported if (a) the diesel fuel has been indelibly
11 dyed and chemically marked in accordance with regulations issued by
12 the Secretary of the Treasury of the United States under 26 U.S.C.
13 4082 or (b) the diesel fuel contains a concentration of sulphur
14 in excess of five-hundredths percent by weight or fails to meet
15 a cetane index minimum of forty and has been indelibly dyed in
16 accordance with regulations promulgated by the Administrator of the
17 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

18 (8) The changes made to this section by ~~Laws 2008, LB~~
19 ~~846, this legislative bill~~ apply for tax periods beginning on and
20 after ~~July 1, 2009; October 1, 2011.~~

21 (9) The tax revenue from the increase in the tax rate
22 provided by this legislative bill shall be remitted to the State
23 Treasurer for credit to the State Highway Capital Improvement Fund.

24 Sec. 7. Section 66-4,105, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 66-4,105 There is hereby levied and imposed an excise
27 tax of ~~seven and one-half~~ ~~twelve and one-half~~ cents per gallon,
1 increased by the amounts imposed or determined under sections
2 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all
3 motor fuels used in this state and due the State of Nebraska under
4 section 66-489. Users of motor fuels subject to taxation under
5 this section shall be allowed the same exemptions, deductions,
6 and rights of reimbursement as are authorized and permitted by
7 Chapter 66, article 4, other than any commissions provided under
8 such article. For purposes of this section and section 66-4,106,
9 use shall mean the purchase or consumption of motor fuels in this

10 state. The changes made to this section by ~~Laws 2008, LB 846, this~~
 11 ~~legislative bill~~ apply for tax periods beginning on and after ~~July~~
 12 ~~1, 2009.~~ October 1, 2011. The tax revenue from the increase in the
 13 tax rate provided by this legislative bill shall be remitted to the
 14 State Treasurer for credit to the State Highway Capital Improvement
 15 Fund.

16 Sec. 8. Section 66-6,107, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 66-6,107 In addition to the tax imposed pursuant to
 19 sections 66-6,108, 66-6,109, and 66-6,109.02, an excise tax of
 20 ~~seven and one half~~ twelve and one-half cents per gallon or gallon
 21 equivalent is levied and imposed on all compressed fuel sold
 22 for use in registered motor vehicles. The changes made to this
 23 section by ~~Laws 2008, LB 846, this legislative bill~~ apply for
 24 tax periods beginning on and after ~~July 1, 2009.~~ October 1, 2011.
 25 The tax revenue from the increase in the tax rate provided by
 26 this legislative bill shall be remitted to the State Treasurer for
 27 credit to the State Highway Capital Improvement Fund.

1 Sec. 9. This act becomes operative on October 1, 2011.

2 Sec. 10. Original sections 66-489, 66-4,105, and

3 66-6,107, Reissue Revised Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 84. Senator Nordquist offered the following motion:
 MO24

Recommit to committee.

Pending.

AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB84:

FA11

Amend AM940

On page 2, line 10, before "expressway" insert "state".

RESOLUTION

LEGISLATIVE RESOLUTION 141. Introduced by Price, 3; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Cook, 13; Gloor, 35; Hadley, 37; Karpisek, 32; Krist, 10; Langemeier, 23; McCoy, 39; McGill, 26; Nelson, 6; Schilz, 47; Schumacher, 22; Sullivan, 41; Wallman, 30.

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 546 of the 112th Congress, 1st Session, designates the Honor and Remember Flag, created by Honor and Remember, Inc., as an

official symbol to recognize and honor fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights the nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss.

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

1. That the Legislature designates the Honor and Remember Flag as the State of Nebraska's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges Congress to pass H.R. 546.

2. That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Nebraska congressional delegation so that they may be apprised of the sense of the Legislature in this matter.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB600. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LR40CA. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB600. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 fourth-grade students, teacher, and sponsors from Holy Family, Lindsey; 20 fourth-grade students from St. Bernard Elementary, Omaha; members of Project Extra Mile from across the state; and members of Girl Scout Troop #699 from Kearney.

The Doctor of the Day was Dr. Dan Rosenquist from Columbus.

ADJOURNMENT

At 5:01 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Friday, March 25, 2011.

Patrick J. O'Donnell
Clerk of the Legislature