

SIXTIETH DAY - APRIL 8, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 8, 2011

PRAYER

The prayer was offered by Pastor Dan Wills, Chandler Acres Baptist Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Carlson, Cornett, McGill, Pahls, and Wightman who were excused; and Senators Karpisek and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Attestation Report of the Nebraska Motor Vehicle Industry Licensing Board, July 1, 2009 through June 30, 2010

Health and Human Services, Department of

Division of Developmental Disabilities, Beatrice State Developmental Center Baseline Quarterly Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 7, 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

American Communications Group, Inc.
Health Center Association of Nebraska
Iowa/Nebraska Primary Care Association (Withdrawn 03/31/2011)
Biles, Lacey
National Rifle Association Institute for Legislative Action

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to water; to amend sections 46-236 and 46-1224, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations for water power and water well registration fees; 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	Cook	Hansen	Lathrop	Schilz
Ashford	Council	Harms	Louden	Schumacher
Avery	Dubas	Harr, B.	McCoy	Smith
Bloomfield	Fischer	Heidemann	Mello	Sullivan
Brasch	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Christensen	Gloor	Krist	Pankonin	
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

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

declared passed and the title agreed to.

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to water; to amend section 46-240.01, Reissue Revised Statutes of Nebraska; to change provisions relating to supplemental agricultural appropriations; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

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

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to water; to amend section 46-1654, Reissue Revised Statutes of Nebraska; to change provisions relating to dam and appropriation application approval; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Carlson	Karpisek	McGill	Wightman
Cornett	Lautenbaugh	Pahls	

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

LEGISLATIVE BILL 237.

A BILL FOR AN ACT relating to prescription drugs; to state intent; and to provide for creation of a prescription drug monitoring program.

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

Voting in the negative, 0.

Present and not voting, 1:

Fulton

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to exempt religious residential facilities from licensure and regulation as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1241.06, Reissue Revised Statutes of Nebraska, and section 37-1241.08, Revised Statutes Cumulative Supplement, 2010; to change restrictions on operation of motorboats and personal watercraft; to eliminate an obsolete provision; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 41:

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

Voting in the negative, 2:

Bloomfield Larson

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 207. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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 218.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to change provisions relating to personnel exempt from the State Personnel System; 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, 38:

Adams	Council	Hansen	Larson	Schilz
Ashford	Dubas	Harms	Lathrop	Schumacher
Avery	Fischer	Harr, B.	Louden	Smith
Bloomfield	Flood	Heidemann	McCoy	Sullivan
Brasch	Fulton	Janssen	Nelson	Utter
Campbell	Gloor	Karpisek	Pankonin	Wallman
Coash	Haar, K.	Krist	Pirsch	
Cook	Hadley	Langemeier	Price	

Voting in the negative, 5:

Christensen	Conrad	Howard	Mello	Nordquist
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Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 255. With Emergency Clause.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 74-1313, 75-401, and 75-426, Reissue Revised Statutes of Nebraska; to eliminate certain duties of the Public Service Commission relating to railroads; to harmonize provisions; to provide an operative date; 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, 30:

Adams	Christensen	Gloor	Krist	Pirsch
Ashford	Coash	Hadley	Langemeier	Price
Avery	Council	Harms	Larson	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	Nelson	Smith
Campbell	Fulton	Karpisek	Pankonin	Utter

Voting in the negative, 12:

Conrad	Haar, K.	Howard	Mello
Cook	Hansen	Lathrop	Nordquist
Dubas	Harr, B.	Louden	Wallman

Present and not voting, 1:

Sullivan

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Adams	Christensen	Gloor	Krist	Pirsch
Ashford	Coash	Hadley	Langemeier	Price
Avery	Council	Harms	Larson	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Janssen	Nelson	Smith
Campbell	Fulton	Karpisek	Pankonin	Utter

Voting in the negative, 12:

Conrad	Haar, K.	Howard	Mello
Cook	Hansen	Lathrop	Nordquist
Dubas	Harr, B.	Louden	Wallman

Present and not voting, 1:

Sullivan

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to railroads; to amend sections 37-914 and 74-1427, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Railway Council, the Light-Density Rail Line Assistance Act, and funds; to provide duties for the Department of Roads; to change provisions relating to the use of local tax funds for light-density rail lines as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1401, 74-1402, 74-1402.01, 74-1403, 74-1404, 74-1405, 74-1405.01, 74-1405.02, 74-1405.03, 74-1406, 74-1407.01, 74-1408, 74-1410, 74-1410.01, 74-1411, 74-1411.01, 74-1412, 74-1412.01, 74-1413, 74-1414, 74-1415, 74-1415.01, 74-1415.03, 74-1415.04, 74-1415.05, 74-1415.06, 74-1419.02, 74-1420, 74-1420.01, 74-1420.02, 74-1420.03, 74-1428.01, 74-1428.02, 74-1428.03, and 74-1429, 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, 39:

Adams	Conrad	Hansen	Larson	Price
Ashford	Cook	Harms	Lathrop	Schilz
Avery	Dubas	Heidemann	McCoy	Schumacher
Bloomfield	Fischer	Howard	Mello	Smith
Brasch	Flood	Janssen	Nelson	Sullivan
Campbell	Fulton	Karpisek	Nordquist	Utter
Christensen	Gloor	Krist	Pankonin	Wallman
Coash	Hadley	Langemeier	Pirsch	

Voting in the negative, 2:

Haar, K. Louden

Present and not voting, 2:

Council Harr, B.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 260.

A BILL FOR AN ACT relating to sports-related injuries; to adopt the Concussion Awareness Act; and to provide an operative date.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 342.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-409 and 31-409.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the hours of and notice requirements for annual elections 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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

LEGISLATIVE BILL 543. With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to provide for a state outreach plan relating to the Supplemental Nutrition Assistance Program; to provide for elimination of asset limits relating to the program as prescribed; to harmonize provisions; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 6:

Carlson	Lautenbaugh	Pahls
Cornett	McGill	Wightman

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 563. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Cumulative Supplement, 2010; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

LEGISLATIVE BILL 621. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

LEGISLATIVE BILL 100.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2203, Reissue Revised Statutes of Nebraska; to provide for the criminal responsibility of intoxicated persons as prescribed; to change provisions relating to the defense of not responsible by reason of insanity; 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, 42:

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

Voting in the negative, 2:

Conrad Council

Excused and not voting, 5:

Carlson Cornett McGill Pahls Wightman

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

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to public records; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Carlson

Cornett

McGill

Pahls

Wightman

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 LB90 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-105, 9-304, 9-307, 9-309, 9-316, 9-326, 9-406, 9-408, 9-502, 9-503, 9-507, 9-515, 9-518, and 9-607, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and sections 2A-103, 9-102, 9-311, 9-317, 9-506, and 9-516, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to update uniform laws and change provisions relating to financing statements; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 9-521, Uniform Commercial Code, 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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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 90A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 329.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, and 81-1620, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to change provisions relating to the Nebraska Energy Code; and to repeal the original sections.

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

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 20.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-401.01 and 60-4,111.01, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-456.01, Revised Statutes Cumulative Supplement, 2010; to regulate the sale of methamphetamine precursors as prescribed; to define terms; to provide and change penalties; to provide for storage and use of information encoded on a motor vehicle operator's license or state identification card; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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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 LB41 with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-238, 37-405, 37-420, 37-421, 37-421.01, 37-427, 37-461, 37-464, 37-483, 37-484, 37-485, 37-487, 37-488, 37-489, 37-490, 37-492, 37-497, 37-498, 37-4,103, 37-503, 37-512, 37-615, and 37-618, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-407, 37-411, 37-426, 37-431, and 37-450, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to fees, falconry, beaver and muskrat damage, controlled shooting areas, and possession of game; to change and eliminate provisions relating to licenses, permits, and stamps issued under the Game Law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-460, 37-499, 37-4,100, 37-4,101, 37-4,102, and 37-562, 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson Cornett McGill Pahls Wightman

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 LB45 with 36 ayes, 2 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 2-3256, 81-3403, 81-3429, 81-3441, 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3448, 81-3449, 81-3451, 81-3452, and 81-3453, Reissue Revised Statutes of Nebraska, and section 81-3401, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to members of the Board of Engineers and Architects, enforcement procedures, disciplinary actions, exempted activities, licenses, and engineering examinations; to redefine terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Carlson Cornett McGill Pahls Wightman

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 465. With Emergency Clause.

A BILL FOR AN ACT relating to public assistance; to eliminate provisions relating to eligibility for non-United-States citizens; to provide an operative date; to outright repeal section 68-1070, Revised Statutes Cumulative Supplement, 2010; 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, 33:

Adams	Dubas	Harms	Lautenbaugh	Schumacher
Avery	Fischer	Heidemann	McCoy	Smith
Bloomfield	Flood	Janssen	Nelson	Sullivan
Brasch	Fulton	Karpisek	Pankonin	Utter
Campbell	Gloor	Krist	Pirsch	Wallman
Christensen	Hadley	Langemeier	Price	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 8:

Ashford	Cook	Haar, K.	Mello
Conrad	Council	Howard	Nordquist

Present and not voting, 3:

Harr, B.	Lathrop	Louden
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Excused and not voting, 5:

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

LEGISLATIVE BILL 468.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-909, Reissue Revised Statutes of Nebraska; to change provisions relating to copayments; 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, 34:

Adams	Dubas	Harms	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	Louden	Schumacher
Bloomfield	Flood	Janssen	McCoy	Smith
Brasch	Fulton	Karpisek	Nelson	Sullivan
Campbell	Gloor	Krist	Pankonin	Utter
Christensen	Hadley	Langemeier	Pirsch	Wallman
Coash	Hansen	Larson	Price	

Voting in the negative, 10:

Ashford	Cook	Haar, K.	Howard	Mello
Conrad	Council	Harr, B.	Lathrop	Nordquist

Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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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 LB509 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 509. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2302, 23-2308, 23-2319.01, 24-710, 42-1102, 72-1243, 79-408, 79-901, 79-903, 79-904, 79-904.01, 79-916, 79-926, 79-933.03, 79-933.05, 79-933.06, 79-941, 79-942, 79-944, 79-947, 79-955, 79-978.01, 79-987, 81-2014.01, 81-2026, 81-2041, 84-1301, 84-1322, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 4-108, 23-2306, 23-2308.01, 23-2320, 24-701.01, 68-621, 79-902, 79-920, 79-9,113, 79-1003, 79-1028.01, 84-1307, 84-1309.02, 84-1313.02, and 84-1321.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to public benefits, fees, termination of employment, retirement annuities, presentation and filing deadlines, compensation determinations, participation requirements, beneficiaries, deferred compensation, and the Public Employees Retirement Board; to create a fund; to rename a retirement system; to provide requirements relating to cost-of-living adjustments, actuarial services, compliance audits, and preretirement planning programs; to eliminate reporting requirements,

obsolete language, cost-of-living adjustment provisions, and the Law Enforcement Officers Retirement Survey Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 24-710.09, 24-710.10, 24-710.11, 50-417.02, 50-417.03, 50-417.04, 50-417.05, 50-417.06, 79-940, 79-947.03, 79-947.04, 79-947.05, 81-2027.05, 81-2027.06, and 81-2027.07, Reissue Revised Statutes of Nebraska, and sections 24-710.07, 79-947.01, and 81-2027.03, Revised Statutes Cumulative Supplement, 2010; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 546.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the state building code and local building or construction codes; 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, 31:

Adams	Fulton	Heidemann	Nelson	Sullivan
Brasch	Gloor	Janssen	Pankonin	Utter
Campbell	Haar, K.	Karpisek	Pirsch	Wallman
Coash	Hadley	Langemeier	Price	
Dubas	Hansen	Larson	Schilz	
Fischer	Harms	Lautenbaugh	Schumacher	
Flood	Harr, B.	McCoy	Smith	

Voting in the negative, 9:

Ashford	Conrad	Council	Lathrop	Mello
Christensen	Cook	Krist	Louden	

Present and not voting, 4:

Avery	Bloomfield	Howard	Nordquist
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Excused and not voting, 5:

Carlson	Cornett	McGill	Pahls	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB366 to Select File

Senator Langemeier moved to return LB366 to Select File for his specific amendment, AM1052, found on page 1016.

The Langemeier motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 366. The Langemeier specific amendment, AM1052, found on page 1016, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Reconsider Action on LB255

Senator Fischer offered the following motion to LB255:

MO26

Reconsider the vote on final passage with the emergency clause stricken.

The Fischer motion to reconsider prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

MOTION - Return LB255 to Select File

Senator Fischer moved to return LB255 to Select File for the following specific amendment:

AM1139

(Amendments to Final Reading copy)

- 1 1. Strike sections 4 and 6.
- 2 2. On page 1, strike beginning with the first "to" in
- 3 line 5 through line 7 and insert "and to repeal the original
- 4 sections."
- 5 3. Renumber the remaining section accordingly.

The Fischer motion to return prevailed with 44 ayes, 0 nays, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 255. The Fischer specific amendment, AM1139, found in this day's Journal, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 102. Read. Considered.

SENATOR SULLIVAN PRESIDING

SPEAKER FLOOD PRESIDING

LR102 was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 27, 31, 32, 237, 34, 105, 207, 218, 259, 260, 342, 543, 563, 621, 100, 230, 90, 90A, 329, 20, 41, 45, 465, 468, 509, 546, and LR102.

RESOLUTION

LEGISLATIVE RESOLUTION 160. Introduced by Cook, 13.

WHEREAS, Harry Crook, a native of Mineola, New York, served his country in three wars and served as a demolitions specialist for the Marines in World War II. After graduating from Niagara University in 1947, Crook enlisted in the Air Force. He specialized in operational and experimental

flying in the Korean War and intelligence and tactical communications in the Vietnam War. He also spent part of his military career as an assistant professor of air science at the Massachusetts Institute of Technology; and

WHEREAS, Harry Crook was stationed at Offutt Air Force Base in the 1960s. He retired from the military in 1967 and chose to stay in Nebraska with his family. He worked as a right-of-way negotiator and ran his own business in commercial interior design and construction; and

WHEREAS, Harry Crook was Douglas County's chief deputy election commissioner and ran unsuccessfully for both the Omaha City Council and the Legislature. His campaign motto for his legislative campaign was "Send an honest Crook to the Legislature"; and

WHEREAS, Harry Crook was adventurous enough in his old age to tear across a lake at breakneck speed in an iceboat yet gentle and patient enough to let children tug at his beard when he played Santa Claus; and

WHEREAS, Harry Crook was married for forty-six years to his wife, Theresa, until her death in 2002. They had seven children; and

WHEREAS, Harry Crook passed away on March 6, 2011, at the age of eighty-nine.

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

1. That the Legislature extends its condolences to the family of Harry Crook.

2. That a copy of this resolution be sent to the family of Harry Crook.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 235. Placed on Select File with amendment.
ER81

- 1 1. In the Standing Committee amendments, AM952:
- 2 a. On page 16, line 22, after the second "to" insert "the
- 3 retirement system established pursuant to"; and in line 23 strike
- 4 "System", show as stricken, and insert "Act";
- 5 b. On page 18, line 8, after "to" insert "the retirement
- 6 system established pursuant to"; and in line 9 strike "System" and
- 7 insert "Act";
- 8 c. On page 39, line 16, strike "student" and insert
- 9 "students";
- 10 d. On page 44, lines 19 and 26, strike "to", show as
- 11 stricken, and insert "and";
- 12 e. On page 44, line 23; and page 45, line 3, strike
- 13 "section" and show as stricken;
- 14 f. On page 46, line 24, after "paid" insert an
- 15 underscored comma;
- 16 g. On page 47, line 19, strike "or 79-1005.02.", show as
- 17 stricken, and insert an underscored period;

18 h. On page 51, line 11, after "recently" insert
19 "available";

20 i. On page 59, line 14, after "2009" insert an
21 underscored comma; and

22 j. On page 63, line 19, after the first "of" insert
23 "the".

1 2. On page 1, strike beginning with "the" in line 1
2 through line 16 and insert "education; to amend sections 79-413,
3 79-536, 79-1008.02, 79-1009, 79-1015.01, 79-1025, and 79-1029,
4 Reissue Revised Statutes of Nebraska, sections 77-3446, 79-1003.01,
5 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.16, 79-1007.18,
6 79-1017.01, 79-1018.01, 79-1028.01, 79-1030, and 79-1103, Revised
7 Statutes Cumulative Supplement, 2010, and sections 79-1001,
8 79-1003, 79-1008.01, and 79-1023, Revised Statutes Cumulative
9 Supplement, 2010, as amended by sections 1, 2, 5, and 8,
10 respectively, Legislative Bill 18, One Hundred Second Legislature,
11 First Session, 2011; to change and eliminate provisions relating
12 to summer school and summer sessions and state aid to schools;
13 to harmonize provisions; to repeal the original sections; to
14 outright repeal sections 79-1005.02, 79-1007.01, 79-1007.02,
15 79-1010, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes
16 of Nebraska, sections 79-1007.19 and 79-1007.24, Revised Statutes
17 Cumulative Supplement, 2010, and section 79-1026.01, Revised
18 Statutes Cumulative Supplement, 2010, as amended by section 9,
19 Legislative Bill 18, One Hundred Second Legislature, First Session,
20 2011; and to declare an emergency.".

LEGISLATIVE BILL 682. Placed on Select File with amendment.
ER82

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Sections 1 to 11 of this act shall be known
4 and may be cited as the Sewer Infrastructure Assistance Act.
5 Sec. 2. (1) The Legislature finds that municipalities
6 of the state face an urgent need to construct, upgrade,
7 redevelop, and replace sewer infrastructure facilities to reduce
8 combined sewer overflow. By providing sewer infrastructure
9 facilities, municipalities provide the building blocks for economic
10 development. Not only does the investment in infrastructure
11 generate an immediate stream of economic activity, it also lays
12 the groundwork for private investment that will use the facilities
13 so provided. Municipalities currently are in critical need of
14 assistance in providing these facilities. Municipalities are
15 limited in their ability to finance major infrastructure projects
16 and are generally required by federal regulation to follow a
17 cost-of-service user fee system to fund wastewater operations
18 and maintenance costs including replacement. Additionally, many
19 alternate financing options contain statutory budget and tax levy
20 restrictions. In order to minimize the burden on property taxpayers

21 in Nebraska, the Legislature finds that it is fair and equitable
22 to encourage the use of fees for services to finance major
23 infrastructure projects.

1 (2) The Legislature determines that it is in the public
2 interest to assist municipalities by establishing a fund to provide
3 funds to municipalities to be used to replace and redevelop sewer
4 infrastructure facilities to reduce combined sewer overflow.

5 (3) In order that the state may receive long-term
6 economic and fiscal benefits from such facilities, a need exists
7 to provide state assistance to municipalities endeavoring to
8 construct, acquire, substantially reconstruct, expand, operate,
9 improve, or equip such facilities.

10 (4) Therefor, it is deemed to be in the best interest
11 of the state and its municipalities that the state assist
12 municipalities in financing the construction, acquisition,
13 substantial reconstruction, expansion, operation, improvement, or
14 equipping of sewer infrastructure facilities.

15 (5) The amount of state assistance under the Sewer
16 Infrastructure Assistance Act shall be limited to the state sales
17 tax revenue collected by municipalities on the increase in monthly
18 sewer use fees attributable to combined sewer overflow projects on
19 and after July 1, 2011, for cities of the first class, cities of
20 the second class, and villages and on and after July 1, 2013, for
21 cities of the metropolitan class and cities of the primary class.

22 Sec. 3. For purposes of the Sewer Infrastructure
23 Assistance Act:

24 (1) Board means a board consisting of the Director
25 of Environmental Quality, the chief executive officer of the
26 Department of Health and Human Services, and the State Fire
27 Marshal;

1 (2) Bond means a general obligation bond, redevelopment
2 bond, lease-purchase bond, revenue bond, or combination of any
3 such bonds and a loan from the Wastewater Treatment Facilities
4 Construction Loan Fund;

5 (3) Combined sewer overflow project means a municipal
6 project to reduce overflows from a combined sewer system pursuant
7 to a long-term control plan approved by the Department of
8 Environmental Quality;

9 (4) Eligible facility means any facility that is
10 constructed or installed pursuant to an approved long-term control
11 plan;

12 (5) General obligation bond means any bond or refunding
13 bond issued by a municipality which is payable from the proceeds of
14 an ad valorem tax; and

15 (6) Revenue bond means any bond or refunding bond issued
16 by a municipality which is not payable from the proceeds of an ad
17 valorem tax.

18 Sec. 4. Any municipality that has acquired, constructed,
19 improved, or equipped or has approved a general obligation bond

20 issue or revenue bond issue to acquire, construct, improve, or
21 equip eligible facilities may apply to the board for state
22 assistance. The state assistance shall only be used (1) to
23 repay the debt borrowed through one or more issues of bonds
24 to be expended by the municipality to acquire, construct, improve,
25 and equip eligible facilities until repayment in full of the
26 amounts expended or borrowed by the municipality, including the
27 principal of and interest on bonds, for eligible facilities and
1 (2) to pay amounts to be expended by the municipality without
2 the issuance of bonds to acquire, construct, improve, and equip
3 eligible facilities.

4 Sec. 5. (1) All applications for state assistance under
5 the Sewer Infrastructure Assistance Act shall be in writing and
6 shall include a certified copy of the approving action of the
7 governing body of the applicant describing the proposed eligible
8 facility.

9 (2) The application shall contain:

10 (a) A description of the proposed financing of the
11 eligible facility, including the estimated principal and interest
12 requirements for bonds proposed to be issued in connection with the
13 eligible facility or, if no bonds are to be issued, a description
14 of the costs of the eligible facility; and

15 (b) Any other project information deemed appropriate by
16 the board.

17 (3) Upon receiving an application for state assistance,
18 the board shall review the application and notify the applicant of
19 any additional information needed for a proper evaluation of the
20 application.

21 Sec. 6. (1) After consideration of the application and
22 determination that the application conforms to all requirements
23 for eligibility for state assistance under the Sewer Infrastructure
24 Assistance Act, the board shall issue a finding that the combined
25 sewer overflow project described in the application is eligible for
26 state assistance.

27 (2) If the board finds that the project described in
1 the application is an eligible facility, the application shall be
2 approved.

3 (3) A majority of the board members constitutes a quorum
4 for the purpose of conducting business. All actions of the board
5 shall be by a majority vote of all the board members.

6 Sec. 7. If an application is approved, the Tax
7 Commissioner shall:

8 (1) Audit or review audits of the sewer use fees
9 collected by the municipality to determine the state sales tax
10 revenue and local option sales tax revenue collected by the
11 municipality on the increase in monthly sewer use fees attributable
12 to the combined sewer overflow project on and after July 1,
13 2011, for cities of the first class, cities of the second class,

14 and villages and on and after July 1, 2013, for cities of the
15 metropolitan class and cities of the primary class; and

16 (2) Certify annually the amount of such state sales tax
17 revenue collected by the municipality on such increased fees to the
18 State Treasurer.

19 Sec. 8. (1) The Sewer Infrastructure Fund is created.

20 Upon the annual certification under section 7 of this act, the
21 State Treasurer shall transfer the amount certified from the
22 General Fund to the Sewer Infrastructure Fund. Any money in the
23 fund available for investment shall be invested by the state
24 investment officer pursuant to the Nebraska Capital Expansion Act
25 and the Nebraska State Funds Investment Act.

26 (2) The board shall distribute from the fund to any
27 municipality for which an application for state assistance under
1 the Sewer Infrastructure Assistance Act has been approved an
2 amount not to exceed the lesser of the total cost of acquiring,
3 constructing, improving, or equipping the eligible facility or the
4 total state sales tax revenue collected by the municipality on the
5 increase in monthly sewer use fees attributable to the combined
6 sewer overflow project on and after July 1, 2011, for cities of the
7 first class, cities of the second class, and villages and on and
8 after July 1, 2013, for cities of the metropolitan class and cities
9 of the primary class. The distribution shall be conditioned upon
10 the municipality using the local option sales tax revenue collected
11 on the increase in monthly sewer use fees attributable to the
12 combined sewer overflow project for the same purposes as permitted
13 for the funds distributed under this section notwithstanding any
14 terms or conditions set forth in the resolution proposing the local
15 option sales tax. Funds distributed under this section shall be
16 used only to assist with the costs of acquiring, constructing,
17 improving, or equipping the eligible facilities, including any
18 financing costs, shall be kept in a separate fund, and shall not be
19 used to fund the general operations of the municipality.

20 (3) State assistance to the applicant shall no longer
21 be available upon the retirement of the bonds issued to acquire,
22 construct, improve, or equip the eligible facility or any
23 subsequent bonds that refunded the original issue, or if bonds
24 are not issued, upon payment of the cost to acquire, construct,
25 improve, or equip the eligible facility or when state assistance
26 reaches the amount determined under subsection (2) of this section,
27 whichever comes first.

1 Sec. 9. The applicant may issue from time to time its
2 bonds and refunding bonds to finance and refinance the acquisition,
3 construction, improvement, and equipping of eligible facilities and
4 appurtenant public facilities that are a part of the same project.
5 The bonds may be sold by the applicant in such manner and for such
6 price as the applicant deems appropriate.

7 Sec. 10. The Department of Revenue shall submit an annual
8 report to the Legislature on or before August 1 of each year which

9 includes, but is not limited to, a description of the demand for
 10 state assistance under the Sewer Infrastructure Assistance Act, a
 11 list of the recipients and amounts of state assistance awarded
 12 pursuant to the act in the previous fiscal year, the status of each
 13 project awarded state assistance, and an estimate of the number of
 14 jobs created or sustained by each such project. The department may
 15 require recipients of financial assistance to provide reports to
 16 enable the department to fulfill the requirements of this section.

17 Sec. 11. The Department of Revenue may adopt and
 18 promulgate rules and regulations to carry out the Sewer
 19 Infrastructure Assistance Act.

20 2. On page 1, strike beginning with "Major" in line 1
 21 through "Replacement" in line 3 and insert "Sewer Infrastructure".

LEGISLATIVE BILL 177. Placed on Select File with amendment.
 ER83 is available in the Bill Room.

LEGISLATIVE BILL 54. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Health and Human Services

The Health and Human Services 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.

Carol Lomicky - Commission for the Deaf and Hard of Hearing

Aye: 6 Senators Bloomfield, Campbell, Gloor, Howard, Krist, Wallman.
 Nay: 0. Absent: 1 Senator Cook. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB463:
 AM1131 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB384. No objections. So ordered.

VISITORS

Visitors to the Chamber were 32 fourth-grade students and teachers from Elmwood-Murdock Elementary, Elmwood; 30 fourth-grade students from Johnson County Central School, Tecumseh; 15 third- through sixth-grade students from St. John Neumann School, Clarkson; and a group of FFA members from Bassett.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Christensen, the Legislature adjourned until 10:00 a.m., Monday, April 11, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

