

**SEVENTY-FIRST DAY - APRIL 28, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 28, 2011

**PRAYER**

The prayer was offered by Father Paul Rutten, Lincoln.

**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 Cornett, Karpisek, Krist, Lautenbaugh, Louden, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 289.** Placed on Final Reading.  
ST29

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

1. In the Mello amendment, AM1239, on page 33, line 16, the underscored comma has been struck.

2. In the E & R amendments, ER91, on page 1, the matter beginning with "60-165" in line 9 through the first "and" in line 12 has been struck and "60-165, 60-301, 60-306, 60-336.01, 60-339, 60-386, 60-3,100, 60-3,113, 60-3,187, 60-3,190, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, 60-6,349, 66-712, 66-738, 66-1405, and 77-1330," inserted.

3. On page 1, line 1, "14-3,113," has been inserted after "sections"; and in line 6 "60-6,349," has been struck.

**LEGISLATIVE BILL 289A.** Placed on Final Reading.

**LEGISLATIVE BILL 305A.** Placed on Final Reading.

**LEGISLATIVE BILL 449.** Placed on Final Reading.

ST30

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

1. In the E & R amendments, ER93, on page 1, line 2, "32-616," has been inserted after the third comma.

**LEGISLATIVE BILL 500.** Placed on Final Reading.

**LEGISLATIVE BILL 535.** Placed on Final Reading.

**LEGISLATIVE BILL 665.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 589.** Placed on Select File with amendment.

ER103

1 1. In the Standing Committee amendments, AM858, on page  
2 1, line 10, strike "subsection (2) or" and insert "subsections (2)  
3 and".

4 2. On page 1, strike lines 3 through 6 and insert  
5 "temporary use of the state highway system for special events held  
6 by a county, city, or village as prescribed; to provide liability  
7 and duties for the county, city, or village; and to repeal the  
8 original section."

(Signed) Tyson Larson, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Redistricting

Room 1525

Thursday, May 5, 2011 3:00 p.m.

LB699

### VIDEOCONFERENCE SITES:

SCOTTSBLUFF: High Plains Room, Panhandle Research & Extension  
Center, 4502 Avenue I (2:00 p.m. M.S.T.)

OMAHA: Room 207, State Office Building, 1313 Farnam Street

(Signed) Chris Langemeier, Chairperson

**REPORT**

The following report was received by the Legislature:

**Labor, Department of**

Nebraska State Workforce Investment Board Significant Modifications to  
Nebraska's Strategic State Plan for PY 2011

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 27, 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

Arch, Cameron J.

Blue Cross & Blue Shield of Nebraska

Bromm, Curt

Medical Center, Nebraska

Evnen, Robert B.

Lincoln Chamber of Commerce

Moore, Scott S.

Omaha Chamber of Commerce, Greater

**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 LB382 with 33 ayes, 1 nay, 8 present and not voting, and  
7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 382.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend section 79-988.01,  
Reissue Revised Statutes of Nebraska, sections 79-958, 79-966, 79-9,113,  
and 81-2017, Revised Statutes Cumulative Supplement, 2010, section  
79-1028.01, Revised Statutes Cumulative Supplement, 2010, as amended by  
section 21, Legislative Bill 235, One Hundred Second Legislature, First  
Session, 2011, and section 79-1003, Revised Statutes Cumulative  
Supplement, 2010, as amended by section 2, Legislative Bill 18, One  
Hundred Second Legislature, First Session, 2011, and section 5, Legislative  
Bill 235, One Hundred Second Legislature, First Session, 2011; to change  
contribution and deposit requirements for employees and employers for

school retirement systems and the Nebraska State Patrol Retirement System; to change provisions relating to calculation of state aid for schools; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Council        Harr, B.

Excused and not voting, 4:

Cornett        Hansen        Krist        Lautenbaugh

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 382A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Second Legislature, First Session, 2011; 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	Conrad	Harms	McCoy	Schilz
Ashford	Cook	Heidemann	McGill	Schumacher
Avery	Council	Howard	Mello	Smith
Bloomfield	Dubas	Janssen	Nelson	Sullivan
Brasch	Fischer	Karpisek	Nordquist	Utter
Campbell	Flood	Langemeier	Pahls	Wallman
Carlson	Fulton	Larson	Pankonin	Wightman
Christensen	Gloor	Lathrop	Pirsch	
Coash	Hadley	Louden	Price	

Voting in the negative, 0.

Present and not voting, 2:

Haar, K.      Harr, B.

Excused and not voting, 4:

Cornett      Hansen      Krist      Lautenbaugh

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 464.** With Emergency Clause.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to harmonize provisions; to provide an operative date; 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	Dubas	Heidemann	McGill	Schumacher
Ashford	Fischer	Howard	Mello	Smith
Avery	Flood	Janssen	Nelson	Sullivan
Bloomfield	Fulton	Karpisek	Nordquist	Utter
Brasch	Gloor	Langemeier	Pahls	Wallman
Campbell	Haar, K.	Larson	Pankonin	Wightman
Carlson	Hadley	Lathrop	Pirsch	
Coash	Harms	Louden	Price	
Conrad	Harr, B.	McCoy	Schilz	

Voting in the negative, 2:

Christensen      Council

Present and not voting, 1:

Cook

Excused and not voting, 4:

Cornett          Hansen          Krist          Lautenbaugh

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 648.**

A BILL FOR AN ACT relating to child placement; to amend sections 43-1314 and 71-1902, Reissue Revised Statutes of Nebraska, and section 43-285, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to juvenile care and placement plans and foster care placement; to change foster care licensure requirements for child-caring agencies; 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	Conrad	Harr, B.	Louden	Price
Ashford	Dubas	Heidemann	McCoy	Schilz
Avery	Fischer	Howard	McGill	Schumacher
Bloomfield	Flood	Janssen	Mello	Smith
Brasch	Fulton	Karpisek	Nelson	Sullivan
Campbell	Gloor	Langemeier	Nordquist	Utter
Carlson	Haar, K.	Larson	Pahls	Wallman
Christensen	Hadley	Lathrop	Pankonin	Wightman
Coash	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Cook          Council

Excused and not voting, 3:

Cornett          Hansen          Krist

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

**LEGISLATIVE BILL 54.**

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2147, Reissue Revised Statutes of Nebraska; to change provisions relating to tax-increment financing; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Cornett	Hansen	Krist
---------	--------	-------

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 LB177 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to health and human services; to amend sections 43-905, 43-1301, 43-1311, 43-1312, 43-1318, 68-1202, and 68-1204, Reissue Revised Statutes of Nebraska, and section 43-285, Revised Statutes Cumulative Supplement, 2010; to provide for a written independent living transition proposal for children in foster care; to provide for notification of relatives when a child is removed from his or her home; to require reasonable efforts for joint-sibling placement or sibling visitation

or ongoing interactions; to change provisions relating to placement of children and the purchase and provision of social services; 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	Cook	Harr, B.	Louden	Schilz
Ashford	Council	Heidemann	McCoy	Schumacher
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Fischer	Janssen	Mello	Sullivan
Brasch	Flood	Karpisek	Nelson	Utter
Campbell	Fulton	Krist	Nordquist	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar, K.	Larson	Pankonin	
Coash	Hadley	Lathrop	Pirsch	
Conrad	Harms	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Cornett            Hansen

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 LB283 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 283.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to property tax levy limits; to provide school boards with tax levy and bond authority relating to energy efficiency projects 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, 27:



Adams	Cook	Howard	Mello	Schumacher
Ashford	Dubas	Karpisek	Nordquist	Sullivan
Avery	Gloor	Krist	Pahls	Wallman
Campbell	Haar, K.	Lathrop	Pankonin	
Coash	Hadley	Louden	Pirsch	
Conrad	Harr, B.	McGill	Schilz	

Voting in the negative, 19:

Bloomfield	Fischer	Heidemann	Lautenbaugh	Smith
Brasch	Flood	Janssen	McCoy	Utter
Carlson	Fulton	Langemeier	Nelson	Wightman
Christensen	Harms	Larson	Price	

Present and not voting, 1:

Council

Excused and not voting, 2:

Cornett            Hansen

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 LB637 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 637.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 77-2704.12, 79-757, 85-943, 85-961, 85-1604, 85-1620, and 85-1643, Reissue Revised Statutes of Nebraska, sections 85-1412 and 85-2105, Revised Statutes Cumulative Supplement, 2010, section 38-2622, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 334, One Hundred Second Legislature, First Session, 2011, and section 9-812, Revised Statutes Cumulative Supplement, 2010, as amended by section 1, Legislative Bill 333, One Hundred Second Legislature, First Session, 2011; to adopt the Postsecondary Institution Act; to provide and eliminate sales tax exemption provisions, authorization requirements, and penalties relating to out-of-state institutions of higher education and private colleges; to change provisions relating to the Education Innovation Fund, the Nebraska Optometry Education Assistance Contract Program, authorized offerings of the

University of Nebraska and community colleges, the Private Postsecondary Career School Act, and the Access College Early Scholarship Program; to provide for a pilot project for the administration of a standard college admission test; to provide and eliminate duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-1101, 85-1102, 85-1103, 85-1103.01, 85-1103.02, 85-1104, 85-1105, 85-1106, 85-1107, 85-1108, 85-1109, 85-1110, 85-1110.01, and 85-1111, Reissue Revised Statutes of Nebraska; 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	Cook	Harms	Lautenbaugh	Price
Ashford	Cornett	Harr, B.	Louden	Schilz
Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Fischer	Janssen	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	

Voting in the negative, 0.

Excused and not voting, 1:

Hansen

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 637A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 637, One Hundred Second Legislature, First Session, 2011; 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	Cook	Harms	Lautenbaugh	Price
Ashford	Cornett	Harr, B.	Louden	Schilz
Avery	Council	Heidemann	McCoy	Schumacher
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Fischer	Janssen	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	

Voting in the negative, 0.

Excused and not voting, 1:

Hansen

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

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 382, 382A, 464, 648, 54, 177, 283, 637, and 637A.

### **COMMITTEE REPORT**

Business and Labor

The Business and Labor 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.

Steven Bley - Boiler Safety Code Advisory Board  
 Robert Kirkpatrick - Boiler Safety Code Advisory Board  
 Thomas Phipps - Boiler Safety Code Advisory Board

Aye: 7 Senators Ashford, Carlson, Cook, B. Harr, Lathrop, Smith, Wallman.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 176.** Introduced by Hansen, 42; Brasch, 16; Campbell, 25; Carlson, 38; Fulton, 29; Gloor, 35; Harms, 48; Howard, 9; Krist, 10; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, November 2011 is National Family Caregivers Month; and

WHEREAS, an estimated 250,000 people in Nebraska, 13 percent of the population, are 65 years of age and older, and this number is expected to increase in the next 20 years to 420,000, or 23 percent of the population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the population, are 85 years of age and older, and this number is expected to increase in the next 20 years to 60,000, or 3.1 percent of the population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska currently have Alzheimer's disease, and this number is expected to increase to 44,000 by 2025, with 70 percent of the people with Alzheimer's disease and other dementias living at home; and

WHEREAS, currently 13 percent of those age 62 and older need some level of assistance with their activities of daily living; and

WHEREAS, there are an estimated 225,000 adults in Nebraska providing non-family-paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by more than 50 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2011 as Nebraska Caregivers Month and encourages citizens to participate in activities of the National Family Caregivers Month in November.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

**LEGISLATIVE RESOLUTION 177.** Introduced by Pirsch, 4.

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

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

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

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

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

2. That the Legislature declares May 1, 2011, as "Keep Kids Alive-Drive 25 Day".

Laid over.

## **COMMITTEE REPORTS**

### **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.

Jill Reel - Foster Care Review Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Dillard Delts - Commission for the Deaf and Hard of Hearing

Amy Kasch - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Janet Coleman - State Board of Health

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**MOTION - Override Veto on LB600**

Senator Campbell renewed her motion, MO42, found on page 1315, that LB600 becomes law notwithstanding the objections of the Governor.

Senator Campbell moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield    Nelson            Pahls

Excused and not voting, 2:

Hansen            Heidemann

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**MOTION - Override Veto on LB600A**

Senator Campbell renewed her motion, MO43, found on page 1315, that LB600A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Bloomfield	Christensen	Nelson	Pahls
------------	-------------	--------	-------

Excused and not voting, 2:

Hansen	Heidemann
--------	-----------

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**COMMUNICATION**

April 28, 2011

The Honorable John Gale  
 Secretary of State  
 2300 State Capitol  
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB600 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB600, notwithstanding the objections of the Governor.

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

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 600, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of April 2011.

(Signed) Mike Flood  
President of the Legislature

**COMMUNICATION**

April 28, 2011

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB600A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB600A, notwithstanding the objections of the Governor.

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

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 600A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of April 2011.

(Signed) Mike Flood  
President of the Legislature



**AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB642:  
AM1315

(Amendments to Standing Committee amendments, AM493)

- 1 1. On page 1, strike beginning with "The" in line 7
- 2 through the underscored period in line 11 and insert
- 3 "(a) The department may enter into a contract with
- 4 an entity to recruit to the state new enterprises that will
- 5 generate sales taxable pursuant to section 77-2703 if the Governor
- 6 determines the contract to be in the best interest of the state.
- 7 The contract shall not be subject to the requirements of sections
- 8 73-201 to 73-204 and 73-504.
- 9 (b) The Governor's determination that a contract is in
- 10 the best interest of the state shall be based on the new state
- 11 sales tax revenue that would be generated as a result of the
- 12 business activity of the new enterprises recruited to the state,
- 13 the number of new jobs directly and indirectly created as a result
- 14 of the activity, and an average salary of new jobs greater than one
- 15 hundred fifty percent of the state average wage as determined by
- 16 the Department of Labor on an annual basis. The contract and all
- 17 supporting information shall be confidential except for the name of
- 18 the taxpayer, location of the taxpayer's place of business, amounts
- 19 of increased employment and investment, and information required to
- 20 be reported under subdivision (2)(e) of this section.
- 21 (c) A contract entered into under this section may
- 22 provide for the payment of an incentive that is a percentage of the
- 1 new state sales tax revenue generated.
- 2 (d) A new enterprise recruited under this subsection
- 3 shall be subject to all reporting, audit, enforcement, and
- 4 confidentiality provisions of the Nebraska Revenue Act of 1967
- 5 that are applicable to other sellers in the state. The state may
- 6 not contractually waive this requirement. In the event an incentive
- 7 was paid under this section on taxes subsequently determined to
- 8 have been paid in error, the amount of refund for such taxes shall
- 9 be reduced by the amount of the incentive paid.
- 10 (e) The Tax Commissioner shall submit an annual report
- 11 to the Legislature no later than July 15 each year regarding total
- 12 state sales tax revenue generated pursuant to this subsection. The
- 13 report shall include:
- 14 (i) A listing of the contracts which have been signed
- 15 during the previous calendar year;
- 16 (ii) A listing of the contracts which are still in
- 17 effect;
- 18 (iii) The identity of each taxpayer who is party to a
- 19 contract;
- 20 (iv) The location of each new enterprise;
- 21 (v) Total taxable sales occurring in this state as a
- 22 result of the contract authorized by this subsection;

23 (vi) Total state sales tax revenue generated by the total  
 24 taxable sales referred to in subdivision (2)(e)(v) of this section;  
 25 (vii) Total incentives paid to each new enterprise; and  
 26 (viii) The total number of Nebraska jobs created and the  
 27 average salary and benefits paid."; and in line 15 before the  
 1 period insert "; and in line 24 after "to" insert "subsection (1)  
 2 of".

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 28, 2011, at 9:52 a.m. were the following: LBs 382e, 382Ae, 464e, 648, 54, 177, 283, 637e, and 637Ae.

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

### COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 226.** Placed on General File with amendment.  
 AM1068

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 28-101, Revised Statutes Cumulative  
 4 Supplement, 2010, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Criminal Code.  
 7 Sec. 2. (1) Any person who knowingly and intentionally  
 8 strikes any public safety officer with any bodily fluid is guilty  
 9 of assault with a bodily fluid against a public safety officer.  
 10 (2) Except as provided in subsection (3) of this section,  
 11 assault with a bodily fluid against a public safety officer is a  
 12 Class I misdemeanor.  
 13 (3) Assault with a bodily fluid against a public safety  
 14 officer is a Class IIIA felony if the person committing the offense  
 15 strikes with a bodily fluid the eyes, mouth, or skin of a public  
 16 safety officer and knew the source of the bodily fluid was infected  
 17 with the human immunodeficiency virus, hepatitis B, or hepatitis C  
 18 at the time the offense was committed.  
 19 (4) Upon a showing of probable cause by affidavit to  
 20 a judge of this state that an offense as defined in subsection  
 21 (1) of this section has been committed and that identifies the  
 22 probable source of the bodily fluid or bodily fluids used to commit  
 23 the offense, the judge shall grant an order or issue a search  
 1 warrant authorizing the collection of any evidence, including any  
 2 bodily fluid or medical records or the performance of any medical  
 3 or scientific testing or analysis, that may assist with the  
 4 determination of whether or not the person committing the offense  
 5 or the person from whom the person committing the offense obtained

- 6 the bodily fluid or bodily fluids is infected with the human  
7 immunodeficiency virus, hepatitis B, or hepatitis C.  
8 (5) As used in this section:  
9 (a) Bodily fluid means any naturally produced secretion  
10 or waste product generated by the human body and shall include,  
11 but not be limited to, any quantity of human blood, urine, saliva,  
12 mucus, vomitus, seminal fluid, or feces; and  
13 (b) Public safety officer includes any of the following  
14 persons who are engaged in the performance of their official duties  
15 at the time of the offense: A peace officer; a probation officer;  
16 an employee of a county, city, or village jail; an employee  
17 of the Department of Correctional Services; an employee of the  
18 secure youth confinement facility operated by the Department of  
19 Correctional Services, if the person committing the offense is  
20 committed to such facility; or an employee of the Department of  
21 Health and Human Services if the person committing the offense  
22 is committed as a dangerous sex offender under the Sex Offender  
23 Commitment Act.  
24 Sec. 3. Original section 28-101, Revised Statutes  
25 Cumulative Supplement, 2010, is repealed.

**LEGISLATIVE BILL 673.** Placed on General File with amendment.  
AM1254

- 1 1. On page 4, line 3, strike "shall" and insert "may";
- 2 and in line 7 strike "prima facie".
- 3 2. On page 10, line 2, strike "Nebraska".

(Signed) Brad Ashford, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 550.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 15.** Title read. Considered.

Committee AM161, found on page 1018, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Committee AM159, found on page 1018, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**SENATOR LANGEMEIER PRESIDING**

**LEGISLATIVE BILL 424.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 453.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 454.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 455.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 167.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 107.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 155.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Committee AM272, found on page 640, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 261.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 121.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 309.** Title read. Considered.

Committee AM222, found on page 658, was considered.

Senator Coash renewed his amendment, AM1180, found on page 1187, to the committee amendment.

The Coash amendment was adopted with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 573.** Title read. Considered.

Committee AM344, found on page 695, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 458.** Title read. Considered.

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

**SENATOR CARLSON PRESIDING**

**LEGISLATIVE BILL 423.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 56.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 480.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 254.** Title read. Considered.

Committee AM240, found on page 799, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 641.** Title read. Considered.

Committee AM656, found on page 809, was considered.

Senator Karpisek renewed his amendment, AM1040, found on page 1032, to the committee amendment.

The Karpisek amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 413.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 525.** Title read. Considered.

Senator Lathrop renewed his amendment, AM1185, found on page 1188.

The Lathrop amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 525A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 591.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

## **COMMITTEE REPORTS**

### Enrollment and Review

**LEGISLATIVE BILL 137.** Placed on Final Reading.

**LEGISLATIVE BILL 360.** Placed on Final Reading.

ST31

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

1. In the Standing Committee amendments, AM369, section 4 has been struck and the following new section inserted:

Sec. 5. Sections 3 and 7 of this act become operative on October 1, 2011. The other sections of this act become operative on January 1, 2010.

2. On page 1, the matter beginning with "sections" in line 1 through line 8 and all amendments thereto have been struck and "section 77-27,235, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, and 77-6203, Revised Statutes Cumulative Supplement, 2010; to redefine a term; to change a property tax exemption; to change provisions relating to tax credits relative to energy generation facilities; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Tyson Larson, Chairperson

**VISITORS**

Visitors to the Chamber were 60 fourth-grade students and teachers from Howard Elementary, Grand Island; 33 fourth-grade students and teacher from Sacred Heart Elementary, Norfolk; 12 fourth-grade students and teacher from Humphrey St. Francis, Humphrey; 13 high school students and teachers from Lyons-Decatur Northeast; Noah Smith from Beatrice and Justice Bennett from Lincoln; 10 fourth-grade students and teacher from St. Joseph's York School, York; and 30 fourth-grade students and teacher from Homer.

**RECESS**

At 11:58 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Christensen, Harms, Janssen, Loudon, Pahls, and Wightman who were excused; and Senators Coash, Cornett, Fulton, Hansen, Lathrop, Lautenbaugh, McGill, and Mello who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 178.** Introduced by Flood, 19.

WHEREAS, Dr. G. Tom Surber was selected as the recipient of the 2011 Edward I. Vrzal Outstanding Citizen Award; and

WHEREAS, this award is given annually to recognize the excellent civic contributions of a Norfolk citizen; and

WHEREAS, Dr. Surber is a trusted physician in the Norfolk community, providing quality medical care to thousands with extreme attention to ensuring that each patient receives the best care possible; and

WHEREAS, Dr. Surber has maintained a lifelong interest in the Boy Scouts of America and has led a troop for many years; and

WHEREAS, Dr. Surber has provided medical direction for the city of Norfolk for over thirty-five years and has been instrumental in various medical developments in the Norfolk community.

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

1. That the Legislature congratulates Dr. G. Tom Surber on receiving the 2011 Edward I. Vrzal Outstanding Citizen Award.

2. That a copy of this resolution be sent to Dr. G. Tom Surber.



Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 687.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

**LEGISLATIVE BILL 542.** Title read. Considered.

Committee AM655, found on page 829, was adopted with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 265.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 406.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 315.** Title read. Considered.

Committee AM842, found on page 890, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Senator Langemeier withdrew his amendment, AM673, found on page 762.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 277.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 292.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 394.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Committee AM872, found on page 923, was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 162.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 494.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 124.** Title read. Considered.

Committee AM1037, found on page 1019, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 73.** Title read. Considered.

Committee AM979, found on page 1024, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 234.** Title read. Considered.

Committee AM740, found on page 1025, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 502.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Bloomfield filed the following amendment to LB628:  
AM1263

(Amendments to Final Reading copy)

- 1 1. Strike section 4.
- 2 2. On page 1, strike beginning with "to" in line 5
- 3 through the semicolon in line 6.
- 4 3. Renumber the remaining section accordingly.

**VISITORS**

Visitors to the Chamber were 25 fourth-grade students and teachers from Shelby; and 67 fourth-grade students, teachers, and sponsors from Willowdale Elementary, Omaha.

**ADJOURNMENT**

At 2:29 p.m., on a motion by Senator Larson, the Legislature adjourned until 10:00 a.m., Monday, May 2, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

