

SEVENTY-SECOND DAY - MAY 2, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 2, 2011

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Cook and Pankonin who were excused; and Senators Coash, B. Harr, Karpisek, McGill, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 463. Placed on Final Reading.
ST32

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

1. In the Flood amendment, AM1306:
 - a. On page 3, line 10, the comma has been struck; and
 - b. On page 14, line 7, "the" has been inserted after "after"; and in line 8 "rest of the" has been struck and "other" inserted.
2. In the E & R amendment, ER88, on page 1, line 7, ", 43-412, 43-416," has been inserted after "43-286"; in line 9 "43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04," has been inserted after the fourth comma; in line 18 "to provide duties for the Office of Juvenile Services;" has been inserted after the semicolon; and in line 21 "to provide operative dates;" has been inserted after the second semicolon.
3. In the Ashford amendment, AM1131:
 - a. On page 27, line 13; page 28, line 19; and page 29, line 2, "10" has been struck and "16" inserted; and

b. On page 29, lines 11 and 12, "8, 9, 10, and 11" has been struck and "14, 15, 16, and 17" inserted; and

c. On page 36, line 2, "43-2,108.05," has been struck.

LEGISLATIVE BILL 463A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

SELECT FILE

LEGISLATIVE BILL 384. ER86, found on page 1137, was adopted.

Senator Louden renewed his amendment, AM1132, found on page 1140.

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

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Conrad	Hansen	Krist	Mello	Schumacher
Council	Howard	Lathrop	Nelson	Wallman
Haar, K.	Karpisek	Louden	Nordquist	

Voting in the negative, 26:

Adams	Carlson	Flood	Langemeier	Schilz
Ashford	Christensen	Fulton	Larson	Utter
Avery	Coash	Gloor	Lautenbaugh	
Bloomfield	Cornett	Hadley	McCoy	
Brasch	Dubas	Heidemann	Pahls	
Campbell	Fischer	Janssen	Pirsch	

Present and not voting, 4:

Harms	Price	Smith	Sullivan
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Excused and not voting, 5:

Cook	Harr, B.	McGill	Pankonin	Wightman
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The Louden amendment lost with 14 ayes, 26 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Cornett renewed her amendment, AM1204, found on page 1334.

The Cornett amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 384A. ER95, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 386. ER98, found on page 1294, was adopted.

Senator Krist renewed his amendment, AM1308, found on page 1336.

Senator Krist withdrew his amendment.

Senator Mello offered the following amendment:
AM1359

(Amendments to E & R amendments, ER98)

- 1 1. On page 2, line 19, strike "and"; in line 22 strike
- 2 the period and insert "; and"; and after line 22 insert the
- 3 following new subdivision:
- 4 "(d) The intern applies for the internship prior to
- 5 graduation, even though the internship may be completed after
- 6 graduation.".

The Mello amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 179. Introduced by Harms, 48.

WHEREAS, Kaleigh Mueller of Gering High School placed second in sports news/game coverage and third in yearbook sports feature writing at the 2011 Class B state championships for journalism; and

WHEREAS, Kaleigh Mueller's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kaleigh Mueller for placing second in sports news/game coverage and third in yearbook sports feature writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kaleigh Mueller.

Laid over.

LEGISLATIVE RESOLUTION 180. Introduced by Harms, 48.

WHEREAS, Caleb Wyre of Gering High School placed first in sports news/game coverage and third in sports feature writing at the 2011 Class B state championships for journalism; and

WHEREAS, Caleb Wyre's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Caleb Wyre for placing first in sports news/game coverage and third in sports feature writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Caleb Wyre.

Laid over.

LEGISLATIVE RESOLUTION 181. Introduced by Harms, 48.

WHEREAS, Erika Bowman of Gering High School placed third in information graphic at the 2011 Class B state championships for journalism; and

WHEREAS, Erika Bowman's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Erika Bowman for placing third in information graphic at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Erika Bowman.

Laid over.

LEGISLATIVE RESOLUTION 182. Introduced by Harms, 48.

WHEREAS, Kendall Uhrich of Gering High School placed first in photo illustration at the 2011 Class B state championships for journalism; and

WHEREAS, Kendall Uhrich's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kendall Uhrich for placing first in photo illustration at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kendall Uhrich.

Laid over.

LEGISLATIVE RESOLUTION 183. Introduced by Harms, 48.

WHEREAS, Alexa Anderson of Gering High School placed first in news writing, first in news/feature photography, second in photo illustration, and third in sports/action photography at the 2011 Class B state championships for journalism; and

WHEREAS, Alexa Anderson's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Alexa Anderson for placing first in news writing, first in news/feature photography, second in photo illustration, and third in sports/action photography at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Alexa Anderson.

Laid over.

LEGISLATIVE RESOLUTION 184. Introduced by Harms, 48.

WHEREAS, Kelsy Belgum of Gering High School placed first in sports/action photography, first in yearbook theme copy writing, and third in news/feature photography at the 2011 Class B state championships for journalism; and

WHEREAS, Kelsy Belgum's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kelsy Belgum for placing first in sports/action photography, first in yearbook theme copy writing, and third in news/feature photography at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kelsy Belgum.

Laid over.

LEGISLATIVE RESOLUTION 185. Introduced by Harms, 48.

WHEREAS, Jessica Wolf of Gering High School placed first in headline writing and second in newspaper layout at the 2011 Class B state championships for journalism; and

WHEREAS, Jessica Wolf's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Jessica Wolf for placing first in headline writing and second in newspaper layout at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Jessica Wolf.

Laid over.

LEGISLATIVE RESOLUTION 186. Introduced by Harms, 48.

WHEREAS, Samuel Eastman of Gering High School placed third in entertainment review writing at the 2011 Class B state championships for journalism; and

WHEREAS, Samuel Eastman's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Samuel Eastman for placing third in entertainment review writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Samuel Eastman.

Laid over.

LEGISLATIVE RESOLUTION 187. Introduced by Harms, 48.

WHEREAS, Nicholas Brady of Gering High School placed first in editorial cartooning at the 2011 Class B state championships for journalism; and

WHEREAS, Nicholas Brady's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Nicholas Brady for placing first in editorial cartooning at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Nicholas Brady.

Laid over.

LEGISLATIVE RESOLUTION 188. Introduced by Harms, 48.

WHEREAS, Courtney Prohs of Gering High School placed third in headline writing at the 2011 Class B state championships for journalism; and

WHEREAS, the efforts and outstanding performance of Courtney Prohs helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Courtney Prohs for placing third in headline writing at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Courtney Prohs.

Laid over.

LEGISLATIVE RESOLUTION 189. Introduced by Harms, 48.

WHEREAS, Destiney Warren of Gering High School placed first in advertising at the 2011 Class B state championships for journalism; and

WHEREAS, Destiney Warren's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Destiney Warren for placing first in advertising at the 2011 Class B state championships for journalism.
2. That a copy of this resolution be sent to Destiney Warren.

Laid over.

LEGISLATIVE RESOLUTION 190. Introduced by Christensen, 44.

WHEREAS, the Imperial Chapter of the Chase County Schools FFA took first place in Ag Sales at the 83rd Annual Nebraska FFA Convention held April 6-8, 2011; and

WHEREAS, the members of the Ag Sales team included Alexa Bernhardt, Steven Fish, Spencer Hartman, and Jared Knobbe. The team was coached by former FFA members Dillon Harchelroad and Tanner Martin; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Ag Sales team of the Imperial Chapter of the Chase County Schools FFA for taking first place at the 83rd Annual Nebraska FFA Convention.
2. That a copy of this resolution be sent to the Ag Sales team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 191. Introduced by Christensen, 44.

WHEREAS, the Imperial Chapter of the Chase County Schools FFA took first place in Senior Parliamentary Procedure and Junior Parliamentary Procedure at the 83rd Annual Nebraska FFA Convention held April 6-8, 2011; and

WHEREAS, the members of the Senior Parliamentary Procedure team included Lucas Bauerle, Michaela Ketter, Daniel Regier, Kyle Bottom, Steven Fish, and Chantal Heathers. The team was coached by FFA advisor Jeremy Vlasin; and

WHEREAS, the members of the Junior Parliamentary Procedure team included Spencer Hartman, Callin Ledall, Shandra Johnson, Emily Johnston, Justin German, Hunter Spady, and Mason Holmes. The team was coached by FFA advisor Jason Speck; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Senior and Junior Parliamentary Procedure teams of the Imperial Chapter of the Chase County Schools FFA for taking first place at the 83rd Annual Nebraska FFA Convention.

2. That a copy of this resolution be sent to the Senior and Junior Parliamentary Procedure teams and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 192. Introduced by Harms, 48.

WHEREAS, Kaitlyn Krzyzanowski of Gering High School placed third in sports news/game coverage at the 2011 Class B state championships for journalism; and

WHEREAS, Kaitlyn Krzyzanowski's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Kaitlyn Krzyzanowski for placing third in sports news/game coverage at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Kaitlyn Krzyzanowski.

Laid over.

LEGISLATIVE RESOLUTION 193. Introduced by Harms, 48.

WHEREAS, Morgan Broussard of Gering High School placed second in yearbook theme development at the 2011 Class B state championships for journalism; and

WHEREAS, Morgan Broussard's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Morgan Broussard for placing second in yearbook theme development at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Morgan Broussard.

Laid over.

LEGISLATIVE RESOLUTION 194. Introduced by Harms, 48.

WHEREAS, McKenzie Duncan of Gering High School placed second in yearbook theme development at the 2011 Class B state championships for journalism; and

WHEREAS, McKenzie Duncan's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates McKenzie Duncan for placing second in yearbook theme development at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to McKenzie Duncan.

Laid over.

LEGISLATIVE RESOLUTION 195. Introduced by Harms, 48.

WHEREAS, Morgan Greene of Gering High School placed second in yearbook theme development and yearbook theme copy writing at the 2011 Class B state championships for journalism; and

WHEREAS, Morgan Greene's efforts and outstanding performance helped Gering High School win the Class B state championship for journalism in 2011, the school's first such state championship; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Morgan Greene for placing second in yearbook theme development and yearbook theme copy writing at the 2011 Class B state championships for journalism.

2. That a copy of this resolution be sent to Morgan Greene.

Laid over.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB575:
AM1355

(Amendments to E & R amendments, ER99)

1 1. Insert the following new sections:

2 Sec. 7. Section 9-812, Revised Statutes Cumulative
3 Supplement, 2010, as amended by section 1, Legislative Bill 333,
4 One Hundred Second Legislature, First Session, 2011, is amended to
5 read:

6 9-812 (1) All money received from the operation of
7 lottery games conducted pursuant to the State Lottery Act in
8 Nebraska shall be credited to the State Lottery Operation Trust
9 Fund, which fund is hereby created. All payments of the costs
10 of establishing and maintaining the lottery games shall be made
11 from the State Lottery Operation Cash Fund. In accordance with
12 legislative appropriations, money for payments for expenses of the
13 division shall be transferred from the State Lottery Operation
14 Trust Fund to the State Lottery Operation Cash Fund, which fund
15 is hereby created. All money necessary for the payment of lottery
16 prizes shall be transferred from the State Lottery Operation Trust
17 Fund to the State Lottery Prize Trust Fund, which fund is hereby
18 created. The amount used for the payment of lottery prizes shall
19 not be less than forty percent of the dollar amount of the lottery
20 tickets which have been sold.

21 (2) Beginning October 1, 2003, a portion of the dollar
22 amount of the lottery tickets which have been sold on an annualized
1 basis shall be transferred from the State Lottery Operation Trust
2 Fund to the Education Innovation Fund, the Nebraska Opportunity
3 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
4 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
5 dollar amount transferred pursuant to this subsection shall equal
6 the greater of (a) the dollar amount transferred to the funds
7 in fiscal year 2002-03 or (b) any amount which constitutes at
8 least twenty-two percent and no more than twenty-five percent of
9 the dollar amount of the lottery tickets which have been sold on
10 an annualized basis. To the extent that funds are available, the
11 Tax Commissioner and director may authorize a transfer exceeding
12 twenty-five percent of the dollar amount of the lottery tickets
13 sold on an annualized basis.

14 (3) Of the money available to be transferred to the
15 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
16 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,
17 and the Compulsive Gamblers Assistance Fund:

18 (a) The first five hundred thousand dollars shall be
19 transferred to the Compulsive Gamblers Assistance Fund to be used
20 as provided in section 71-817;

21 (b) Nineteen and three-fourths percent of the money
22 remaining after the payment of prizes and operating expenses and

23 the initial transfer to the Compulsive Gamblers Assistance Fund
24 shall be transferred to the Education Innovation Fund;

25 (c) Twenty-four and three-fourths percent of the money
26 remaining after the payment of prizes and operating expenses and
27 the initial transfer to the Compulsive Gamblers Assistance Fund
1 shall be transferred to the Nebraska Opportunity Grant Fund;

2 (d) Forty-four and one-half percent of the money
3 remaining after the payment of prizes and operating expenses and
4 the initial transfer to the Compulsive Gamblers Assistance Fund
5 shall be transferred to the Nebraska Environmental Trust Fund to be
6 used as provided in the Nebraska Environmental Trust Act;

7 (e) Ten percent of the money remaining after the payment
8 of prizes and operating expenses and the initial transfer to
9 the Compulsive Gamblers Assistance Fund shall be transferred to
10 the Nebraska State Fair Board if the most populous city within
11 the county in which the fair is located provides matching funds
12 equivalent to ten percent of the funds available for transfer. Such
13 matching funds may be obtained from the city and any other private
14 or public entity, except that no portion of such matching funds
15 shall be provided by the state. If the Nebraska State Fair ceases
16 operations, ten percent of the money remaining after the payment
17 of prizes and operating expenses and the initial transfer to the
18 Compulsive Gamblers Assistance Fund shall be transferred to the
19 General Fund; and

20 (f) One percent of the money remaining after the payment
21 of prizes and operating expenses and the initial transfer to the
22 Compulsive Gamblers Assistance Fund shall be transferred to the
23 Compulsive Gamblers Assistance Fund to be used as provided in
24 section 71-817.

25 (4)(a) The Education Innovation Fund is created. At least
26 seventy-five percent of the lottery proceeds allocated to the
27 Education Innovation Fund shall be available for disbursement.

1 (b) For fiscal year 2010-11, the Education Innovation
2 Fund shall be allocated as follows: The first one million
3 dollars shall be transferred to the Excellence in Teaching Cash
4 Fund to fund the Excellence in Teaching Act, and the amount
5 remaining in the Education Innovation Fund shall be allocated,
6 after administrative expenses, for distance education equipment and
7 incentives pursuant to sections 79-1336 and 79-1337.

8 (c) For fiscal year 2011-12, the Education Innovation
9 Fund shall be allocated as follows: (i) The first two hundred
10 twenty-five thousand dollars shall be transferred to the Excellence
11 in Teaching Cash Fund to fund the Attracting Excellence to Teaching
12 Program; (ii) the next three million three hundred sixty-five
13 thousand nine hundred sixty-two dollars shall be distributed
14 to school districts as grants pursuant to the Early Childhood
15 Education Grant Program; (iii) the next two million one hundred
16 seventy-five thousand six hundred seventy-three dollars shall be
17 distributed to local systems as grants for approved accelerated

18 or differentiated curriculum programs for students identified as
19 learners with high ability pursuant to section 79-1108.02; (iv)
20 the next four hundred ninety-one thousand five hundred forty-one
21 dollars shall be used by the State Department of Education for
22 the development of an integrated early childhood, elementary,
23 secondary, and postsecondary student information system; (v) the
24 next four hundred fifty thousand dollars shall fund the Center
25 for Student Leadership and Extended Learning Act; (vi) the next
26 one hundred fourteen thousand six hundred twenty-nine dollars shall
27 fund the multicultural education program created under section
1 79-720; (vii) the next one hundred twenty-three thousand four
2 hundred sixty-eight dollars shall be used by the department to
3 employ persons to investigate and prosecute alleged violations as
4 provided in section 79-868; and (viii) the amount remaining shall
5 be allocated, after administrative expenses, for distance education
6 equipment and incentives pursuant to sections 79-1336 and 79-1337.

7 (d) For fiscal year 2012-13, the Education Innovation
8 Fund shall be allocated as follows: (i) The first forty-five
9 thousand dollars shall be transferred to the Excellence in Teaching
10 Cash Fund to fund the Attracting Excellence to Teaching Program;
11 (ii) the next three million three hundred sixty-five thousand
12 nine hundred sixty-two dollars shall be distributed to school
13 districts as grants pursuant to the Early Childhood Education
14 Grant Program; (iii) the next two million one hundred seventy-five
15 thousand six hundred seventy-three dollars shall be distributed to
16 local systems as grants for approved accelerated or differentiated
17 curriculum programs for students identified as learners with
18 high ability pursuant to section 79-1108.02; (iv) the next one
19 hundred eight thousand one hundred thirty-six dollars shall be
20 used by the department for the development of an integrated
21 early childhood, elementary, secondary, and postsecondary student
22 information system; (v) the next four hundred fifty thousand
23 dollars shall fund the Center for Student Leadership and Extended
24 Learning Act; (vi) the next one hundred fourteen thousand six
25 hundred twenty-nine dollars shall be used by the department to fund
26 the multicultural education program created under section 79-720;
27 (vii) the next one hundred twenty-three thousand four hundred
1 sixty-eight dollars shall be used by the department to employ
2 persons to investigate and prosecute alleged violations as provided
3 in section 79-868; ~~and (viii) the next twenty-seven thousand two~~
4 hundred dollars shall be used to fund the Interstate Compact on
5 Educational Opportunity for Military Children; and (ix) the amount
6 remaining shall be allocated, after administrative expenses, for
7 distance education equipment and incentives pursuant to sections
8 79-1336 and 79-1337.

9 (e) For fiscal years 2013-14 through 2015-16, the
10 Education Innovation Fund shall be allocated as follows: (i) The
11 first one million dollars shall be transferred to the Excellence in
12 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii)

13 the next allocation shall be distributed to local systems as grants
 14 for approved accelerated or differentiated curriculum programs
 15 for students identified as learners with high ability pursuant
 16 to section 79-1108.02 in an aggregated amount up to the amount
 17 distributed in the prior fiscal year for such purposes increased
 18 by the basic allowable growth rate pursuant to section 79-1025;
 19 (iii) the next allocation shall be used by the State Department
 20 of Education for the integrated early childhood, elementary,
 21 secondary, and postsecondary student information system in an
 22 aggregated amount up to the amount used in the prior fiscal year
 23 for such purposes increased by the basic allowable growth rate
 24 pursuant to section 79-1025; (iv) the next allocation shall fund
 25 the Center for Student Leadership and Extended Learning Act in
 26 an aggregated amount up to the amount used in the prior fiscal
 27 year for such purposes increased by the basic allowable growth
 1 rate pursuant to section 79-1025; (v) the next allocation shall
 2 be used by the department to fund the multicultural education
 3 program created under section 79-720 in an aggregated amount up
 4 to the amount used in the prior fiscal year for such purposes
 5 increased by the basic allowable growth rate pursuant to section
 6 79-1025; (vi) the next allocation shall be used by the department
 7 to employ persons to investigate and prosecute alleged violations
 8 as provided in section 79-868 in an aggregated amount up to the
 9 amount used in the prior fiscal year for such purposes increased by
 10 the basic allowable growth rate pursuant to section 79-1025; and
 11 (vii) the amount remaining shall be allocated, after administrative
 12 expenses, for distance education equipment and incentives pursuant
 13 to sections 79-1336 and 79-1337.

14 (f) For fiscal year 2016-17 and each fiscal year
 15 thereafter, the Education Innovation Fund shall be allocated,
 16 after administrative expenses, for education purposes as provided
 17 by the Legislature.

18 (5) Any money in the State Lottery Operation Trust
 19 Fund, the State Lottery Operation Cash Fund, the State Lottery
 20 Prize Trust Fund, or the Education Innovation Fund available
 21 for investment shall be invested by the state investment officer
 22 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 23 State Funds Investment Act.

24 (6) Unclaimed prize money on a winning lottery ticket
 25 shall be retained for a period of time prescribed by rules and
 26 regulations. If no claim is made within such period, the prize
 27 money shall be used at the discretion of the Tax Commissioner for
 1 any of the purposes prescribed in this section.

2 Sec. 9. This act becomes operative on July 1, 2012.

3 2. On page 33, line 25, after "department" insert "shall
 4 distribute amounts from the Education Innovation Fund pursuant to
 5 section 9-812 and".

6 3. Renumber the remaining sections and correct the
 7 repealer accordingly.

VISITORS

Visitors to the Chamber were 13 second- through fourth-grade students, teachers, and sponsors from Our Redeemer School, Staplehurst; 45 eighth-grade students, teachers, and sponsors from Mary Our Queen, Omaha; members of Americans for Prosperity from across the State; 58 fourth-grade students, teachers, and sponsors from Bennington; and 69 fourth-grade students, teachers, and sponsors from Grace Abbott Elementary, Omaha.

RECESS

At 12:01 p.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Cook and Pankonin who were excused; and Senators Ashford, Langemeier, Lautenbaugh, and McGill who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 196. Introduced by Pahls, 31.

WHEREAS, Theodore L. Carlson, a judge with the Court of Appeals, had a long and distinguished career in public service; and

WHEREAS, prior to his judicial service, Judge Carlson served as an assistant city attorney and assistant city prosecutor in Omaha, Nebraska; and

WHEREAS, Judge Carlson also served for nearly forty years as a judge. He started out as a judge for the former Omaha Municipal Court and then for the Douglas County District Court before being appointed to the Court of Appeals in 1998; and

WHEREAS, Judge Carlson was actively involved in the Millard Public Schools and community; and

WHEREAS, Judge Carlson was known by his friends and colleagues as a fair-minded judge who provided outstanding service to the judiciary and the rule of law; and

WHEREAS, Judge Carlson passed away on April 16, 2011, at the age of seventy-two.

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

1. That the Legislature extends its sympathy and condolences to the family of Theodore L. Carlson.

2. That a copy of this resolution be sent to the family of Theodore L. Carlson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 380. Title read. Considered.

Committee AM834, found on page 1323, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 379. Title read. Considered.

Committee AM1250, found on page 1326, was considered.

Senator Heidemann withdrew his amendment, AM1301, found on page 1332.

Senator Heidemann offered the following amendment to the committee amendment:

AM1347

(Amendments to Standing Committee amendments, AM1250)

- 1 1. On page 8, lines 11 and 12, strike "one hundred
- 2 twenty-eight" and insert "thirty-seven"; and in lines 15 and 16
- 3 strike "one hundred twenty-eight" and insert "sixty-eight".

The Heidemann amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 378. Title read. Considered.

Committee AM904, found on page 1330, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

RESOLUTION**LEGISLATIVE RESOLUTION 197.** Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study issues related to the potential implementation of an all-payer claims database in Nebraska. An all-payer claims database can collect and provide information on inpatient, outpatient, pharmacy, and dental services for commercially insured, publicly insured, and self-insured populations. It is the public policy goal of an all-payer claims database to provide greater transparency regarding the cost and quality of medical services in order to empower consumers to make well-informed health care decisions. The committees shall conduct a study that includes, but is not limited to, the following topics:

(1) An evaluation of which payers should be required to submit price and quality information and what types of claims should be collected to allow consumers, medical providers, researchers, and policymakers to effectively and efficiently compare costs and the quality of care;

(2) An examination of data collection and storage processes to maintain security, privacy, and confidentiality in compliance with all state and federal privacy laws;

(3) An evaluation of the available technologies to collect claims data and to reproduce that data in a timely manner and user-friendly format; and

(4) A consideration of options for sustainable funding of an all-payer claims database.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB176:
AM1357

(Amendments to Final Reading copy)

1 1. Strike original section 3 and insert the following new
2 sections:

3 Section 1. Section 49-1401, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 49-1401 Sections 49-1401 to 49-14,141 and section 3 of

6 this act shall be known and may be cited as the Nebraska Political
7 Accountability and Disclosure Act.

8 Sec. 2. Section 49-1403, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 49-1403 For purposes of the Nebraska Political
11 Accountability and Disclosure Act, unless the context otherwise
12 requires, the definitions found in sections 49-1404 to 49-1444 and
13 section 3 of this act shall be used.

14 Sec. 3. (1) Electioneering communication means any
15 communication which:

16 (a) Refers to a clearly identified candidate;

17 (b) Is publicly distributed in the thirty days

18 immediately preceding an election for the office sought by the
19 clearly identified candidate; and

20 (c) Is directed to the electorate of the office sought by
21 the clearly identified candidate.

22 (2) Electioneering communication does not include:

1 (a) A contribution or expenditure;

2 (b) A communication by a television station, radio
3 station, newspaper, magazine, or other periodical or publication
4 for any news story, commentary, or editorial in support of or
5 opposition to a candidate for elective office;

6 (c) A candidate debate or forum or a communication which
7 gives notice of a candidate debate or forum;

8 (d) A communication while the Legislature is in session
9 about specifically named pending legislation;

10 (e) The posting on the Internet or other publication or
11 distribution of a voter guide; or

12 (f) A communication by a membership organization to one
13 or more of the recognized members of the membership organization if
14 any one or more of the following applies:

15 (i) The member has submitted an email to the membership
16 organization indicating an intent to be a member;

17 (ii) The member has submitted a written letter or other
18 written statement to the membership organization indicating an
19 intent to be a member; or

20 (iii) The member has paid dues to the membership
21 organization.

22 (3) For purposes of this section:

23 (a) Clearly identified candidate means the candidate
24 whose name, nickname, photograph, or drawing appears in the
25 communication or whose identity is otherwise apparent in the
26 communication through an unambiguous reference or through an
27 unambiguous reference to the candidate's status as a candidate;
1 and

2 (b) Voter guide means a document or other compilation
3 of the responses of candidates to a survey or questionnaire if
4 all known candidates seeking election to the same office are
5 given the opportunity to respond to the survey or questionnaire,
6 all responses received from candidates seeking election to the
7 same office are included in the document or compilation, and the
8 document or other compilation does not express support for or

9 opposition to the election of any candidate.

10 Sec. 4. Section 49-1467, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1467 (1) Any person, other than a committee, who
13 makes an independent expenditure advocating the election of a
14 candidate or the defeat of a candidate's opponents or the
15 qualification, passage, or defeat of a ballot question or who
16 makes an electioneering communication, which is in an amount of
17 more than two hundred fifty dollars, shall file a report of the
18 independent expenditure or electioneering communication, within ten
19 days, with the commission.

20 (2) The report shall be made on an independent
21 expenditure or electioneering communication report form provided
22 by the commission and shall include the date of the expenditure
23 or electioneering communication, a brief description of the nature
24 of the expenditure or electioneering communication, the amount of
25 the expenditure or the amount disbursed for the electioneering
26 communication, the name and address of the person to whom it was
27 paid, the name and address of the person filing the report, and
1 the name, address, occupation, employer, and principal place of
2 business of each person who contributed more than two hundred fifty
3 dollars to the expenditure or electioneering communication.

4 (3) The commission shall make all independent expenditure
5 or electioneering communication reports available to the public on
6 its web site as soon as practicable. An independent expenditure or
7 electioneering communication report shall be available on the web
8 site for the duration of the election period for which the report
9 is filed and for an additional six months thereafter.

10 (4) Any person who fails to file a report of an
11 independent expenditure or electioneering communication with the
12 commission shall pay to the commission a late filing fee of
13 twenty-five dollars for each day the statement remains not filed
14 in violation of this section not to exceed seven hundred fifty
15 dollars.

16 (5) Any person who violates this section shall be guilty
17 of a Class IV misdemeanor.

18 Sec. 5. Section 49-1469, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 49-1469 (1) A corporation, labor organization, or
21 industry, trade, or professional association, which is organized
22 under the laws of the State of Nebraska or doing business in this
23 state and which is not a committee, may:

- 24 (a) Make an expenditure;
25 (b) Make a contribution; ~~and~~
26 (c) Provide personal services; ~~and~~-
27 (d) Make an electioneering communication.

1 (2) Such a corporation, labor organization, or industry,
2 trade, or professional association shall not be required to
3 file reports of independent expenditures or electioneering

4 communications pursuant to section 49-1467, but if it makes a
 5 contribution, ~~or~~ expenditure, or electioneering communication,
 6 or provides personal services, with a value of more than two
 7 hundred fifty dollars, it shall file a report with the commission
 8 within ten days after the end of the calendar month in which
 9 the contribution, ~~or~~ expenditure, or electioneering communication
 10 is made or the personal services are provided. The report shall
 11 include:

12 (a) The nature, date, and value of the contribution
 13 or expenditure and the name of the candidate or committee or a
 14 description of the ballot question to or for which the contribution
 15 or expenditure was made; ~~and~~

16 (b) The nature, date, and value of the electioneering
 17 communication and the name of the candidate identified in the
 18 electioneering communication; and

19 ~~(b)-(c)~~ A description of any personal services provided,
 20 the date the services were provided, and the name of the candidate
 21 or committee or a description of the ballot question to or for
 22 which the personal services were provided.

23 (3) A corporation, labor organization, or industry,
 24 trade, or professional association may not receive contributions
 25 unless it establishes and administers a separate segregated
 26 political fund which shall be utilized only in the manner set forth
 27 in sections 49-1469.05 and 49-1469.06.

1 Sec. 8. Original sections 49-1401, 49-1403, 49-1467,
 2 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of
 3 Nebraska, are repealed.

4 2. On page 1, strike beginning with "49-14,126" in
 5 line 2 through line 6 and insert "49-1401, 49-1403, 49-1467,
 6 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of
 7 Nebraska; to define a term; to require reporting regarding
 8 electioneering communication; to provide for payment of hearing
 9 costs by violators in certain cases as prescribed; to provide
 10 for distribution of proceeds; to eliminate obsolete provisions; to
 11 harmonize provisions; and to repeal the original sections."

12 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 377. Title read. Considered.

Committee AM903, found on page 1330, was considered.

Senator Karpisek offered the following amendment to the committee amendment:

AM1358

(Amendments to Standing Committee amendments, AM903)

- 1 1. Strike original section 31.
- 2 2. Renumber the remaining sections accordingly.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 590. Placed on Select File with amendment.
ER111 is available in the Bill Room.

LEGISLATIVE BILL 684. Placed on Select File with amendment.
ER104

- 1 1. On page 1, line 4, after the semicolon insert
- 2 "to authorize the Department of Economic Development to hire a
- 3 consultant as prescribed;".

LEGISLATIVE BILL 684A. Placed on Select File.

LEGISLATIVE BILL 550. Placed on Select File.

LEGISLATIVE BILL 15. Placed on Select File with amendment.
ER106

- 1 1. Strike the original section and all amendments thereto
- 2 and insert the following new section:
- 3 Section 1. Any person having a judgment rendered by
- 4 a district court may request the clerk of such court to issue
- 5 execution on the judgment in the same manner as execution is
- 6 issued upon other judgments rendered in the district court and
- 7 direct the execution on the judgment to any county in the state.
- 8 Such person may request that garnishment, attachment, or any other
- 9 aid to execution for personal property be directed to any county
- 10 without the necessity of filing a transcript of the judgment in the
- 11 receiving county, and any hearing or proceeding with regard to such
- 12 execution or aid in execution shall be heard in the court in which
- 13 the judgment was originally rendered. Such execution shall not
- 14 serve as a lien on real estate in a county other than the county
- 15 where the judgment was rendered unless a transcript of the judgment
- 16 is filed with the clerk of the district court in the county in
- 17 which the real estate is located.

LEGISLATIVE BILL 17. Placed on Select File with amendment.
ER107

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 25-1319, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 25-1319 The clerk shall make a complete record of every
- 6 ~~cause, civil, criminal, and appeal case filed in the court as soon~~
- 7 ~~as it is finally determined, unless such record, or some part~~
- 8 ~~thereof, is duly waived.~~
- 9 Sec. 2. Section 25-1320, Reissue Revised Statutes of

10 Nebraska, is amended to read:

11 25-1320 The clerk shall make up ~~such the complete~~ record
12 ~~in each case, required under section 25-1319~~ in the vacation next
13 after the term at which the same was determined, and the presiding
14 judge of such court shall, at its next term thereafter, subscribe
15 the same.

16 Sec. 3. Section 25-1321, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 25-1321 The complete record shall include the complaint,
19 the process, the return, the pleadings subsequent thereto, reports,
20 verdicts, orders, judgments, and all material acts and proceedings
21 of the court maintained in the state's electronic case management
22 system and either in paper form or on microfilm. All journal
23 entries and all such filings as are required to be entered in full
1 in the ~~appearance docket, register of actions~~ shall, by reference,
2 be made a part of the complete record for all purposes, including
3 the taxing of fees and costs, ~~and need not be reentered in the~~
4 ~~making up of such record; but if the items of an account or the~~
5 ~~copies of a paper attached to the pleadings are voluminous, the~~
6 ~~court may order the record to be made by abbreviating the same,~~
7 ~~by inserting a pertinent description thereof, or by omitting them~~
8 ~~entirely~~. Evidence introduced at any proceeding is not part of the
9 complete record of the cause.

10 Sec. 4. Section 25-2209, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 25-2209 The clerk of the district court shall keep
13 records to be called the appearance docket, the trial docket,
14 the journal, the complete record, the execution docket, the fee
15 book, the general index, and the judgment record. Such records
16 may be compiled, filed, and maintained on a computer system.
17 Effective not later than October 1, 1992, provision for dockets and
18 records of the district courts shall be established by rule of the
19 Supreme Court. The journal ~~and complete record~~ may be compiled and
20 filed on microfilm. The recording of all instruments by the roll
21 form of microfilm may be substituted for the method of recording
22 instruments in books. If this method of recording instruments on
23 microfilm is used, a security copy on silver negative microfilm
24 in roll form must be maintained and filed off premises under safe
25 conditions to insure the protection of the records. The internal
26 reference copies or work copies of the instruments recorded on
27 microfilm may be in any photographic form to provide the necessary
1 information as may be determined by the official in charge, and
2 shall meet the microfilm standards as prescribed by the State
3 Records Administrator.

4 Sec. 5. Section 33-106, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 33-106 (1) In addition to the judges retirement fund
7 fee provided in section 24-703 and the fee provided in section
8 33-106.03 and except as otherwise provided by law, the fees of the

9 clerk of the district court shall be as follows: There shall be a
10 docket fee of forty-two dollars for each civil and criminal case
11 except (a) a case commenced by filing a transcript of judgment as
12 hereinafter provided, (b) proceedings under the Nebraska Workers'
13 Compensation Act and the Employment Security Law, when provision
14 is made for the fees that may be charged, and (c) a criminal case
15 appealed to the district court from any court inferior thereto as
16 hereinafter provided. There shall be a docket fee of twenty-five
17 dollars for each case commenced by filing a transcript of judgment
18 from another court in this state for the purpose of obtaining
19 a lien. There shall be a docket fee of twenty-seven dollars for
20 each criminal case appealed to the district court from any court
21 inferior thereto.

22 (2) In all cases, other than those appealed from an
23 inferior court or original filings which are within jurisdictional
24 limits of an inferior court and when a jury is demanded in district
25 court, the docket fee shall cover all fees of the clerk, except
26 that the clerk shall be paid for each copy or transcript ordered of
27 any pleading, record, or other paper and that the clerk shall be
1 entitled to a fee of fifteen dollars for making a complete record
2 of a case.

3 (3) The fee for making a complete record of a case shall
4 be taxed as a part of the costs of the case, ~~except when~~
5 ~~expressly waived by the parties to the action. In a Title IV-D~~
6 ~~case, in a case filed pursuant to sections 25-2301 to 25-2310, or~~
7 ~~in a case filed by a county attorney, the fee for making a complete~~
8 ~~record of a case shall be waived.~~ In all civil cases, except habeas
9 corpus cases in which a poverty affidavit is filed and approved
10 by the court, and for all other services, the docket fee or other
11 fee shall be paid by the party filing the case or requesting the
12 service at the time the case is filed or the service requested.

13 (4) For any other service which may be rendered or
14 performed by the clerk but which is not required in the discharge
15 of his or her official duties, the fee shall be the same as that of
16 a notary public but in no case less than one dollar.

17 Sec. 6. This act becomes operative on January 1, 2012.

18 Sec. 7. Original sections 25-1319, 25-1320, 25-1321,
19 25-2209, and 33-106, Reissue Revised Statutes of Nebraska, are
20 repealed.

21 Sec. 8. The following sections are outright repealed:

22 Sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of
23 Nebraska.

24 2. On page 1, line 2, after the first comma insert
25 "25-2209,".

LEGISLATIVE BILL 424. Placed on Select File.

LEGISLATIVE BILL 453. Placed on Select File.

LEGISLATIVE BILL 454. Placed on Select File.

LEGISLATIVE BILL 455. Placed on Select File.

LEGISLATIVE BILL 167. Placed on Select File with amendment.
ER110

- 1 1. On page 1, strike beginning with "add" in line 3
- 2 through "persons" in line 4 and insert "redefine displaced person".

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 377. The Karpisek amendment, AM1358, found in this day's Journal, to the committee amendment, was renewed.

Senator Karpisek moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 5:

Howard	Karpisek	Larson	Louden	Wallman
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Voting in the negative, 37:

Adams	Conrad	Haar, K.	McGill	Schumacher
Ashford	Cornett	Hadley	Mello	Smith
Avery	Council	Harms	Nelson	Sullivan
Brasch	Dubas	Harr, B.	Nordquist	Utter
Campbell	Fischer	Heidemann	Pahls	Wightman
Carlson	Flood	Janssen	Pirsch	
Christensen	Fulton	Lautenbaugh	Price	
Coash	Gloor	McCoy	Schilz	

Present and not voting, 3:

Bloomfield	Hansen	Lathrop
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Excused and not voting, 4:

Cook	Krist	Langemeier	Pankonin
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The Karpisek amendment lost with 5 ayes, 37 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM903, found on page 1330 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 376. Title read. Considered.

Committee AM1300, found on page 1330, 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.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Committee AM902, found on page 1331, was considered.

Senator Heidemann asked unanimous consent to withdraw his amendment, AM1307, found on page 1331, and replace it with his substitute amendment, AM1360, to the committee amendment. No objections. So ordered.
AM1360

(Amendments to Standing Committee amendments, AM902)

- 1 Intent: Restore half of the funding for the Railroad
- 2 Inspection Program at the Public Service Commission.
- 3 Amendment:
- 4 1. On page 31, strike line 13 and insert: "GENERAL FUND
- 5 1,794,170 1,818,807"; strike line 15 and insert: PROGRAM TOTAL
- 6 3,045,683 2,891,164"; and strike line 16 and insert: "SALARY LIMIT
- 7 1,154,587 1,180,689".

The Heidemann amendment was adopted with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

Senator Heidemann renewed his amendment, AM1313, found on page 1331, to the committee amendment.

The Heidemann amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays,

9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 373. Title read. Considered.

Committee AM901, found on page 1331, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

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

AMENDMENTS - Print in Journal

Senator Conrad filed the following amendment to LB22:
AM1365

- 1 1. On page 4, line 7, after "coverage" insert "(a)"; and
- 2 in line 9 after the first "to" insert "(i)", after "women" insert
- 3 "(ii) avert serious risk of substantial and irreversible physical
- 4 impairment of a major bodily function of the woman, or (iii)
- 5 preserve the life of an unborn child", and strike "to coverage" and
- 6 insert "(b)".
- 7 2. On page 5, line 7, after "to" insert "(i)"; and in
- 8 line 8 before the period insert "(ii) avert serious risk of
- 9 substantial and irreversible physical impairment of a major bodily
- 10 function of the female, or (iii) preserve the life of an unborn
- 11 child".

Senator Cornett filed the following amendment to LB357:
AM1305

- 1 1. On page 2, after line 13 insert the following new
- 2 paragraph:
- 3 "Any incorporated municipality that proposes to impose a
- 4 municipal sales and use tax of two percent or to increase its sales
- 5 and use tax to two percent shall submit the question of such tax
- 6 or increase at the municipality's primary or general election. Any
- 7 such tax or increase shall terminate no more than ten years after
- 8 its effective date or, if bonds are issued and the local option
- 9 sales and use tax revenue is pledged for payment of such bonds,
- 10 upon payment of such bonds and any refunding bonds, whichever date
- 11 is later. Sections 13-518 to 13-522 apply to the revenue from any
- 12 such tax or increase.".
- 13 2. On page 4, line 21, strike "The", show as stricken,
- 14 and insert "Except as otherwise provided by section 77-27,142,
- 15 the".
- 16 3. In the E & R amendment, ER89, on page 1, line 4,
- 17 reinstate the stricken matter; and in line 5 reinstate the stricken
- 18 "77-27,142," and "the" and strike "The".

Senator Lathrop filed the following amendment to LB585:
AM1348

(Amendments to Standing Committee amendments, AM1253)

- 1 1. On page 2, line 25, after "to" insert "Carroll T.
- 2 White, personal representative of the estate of".

VISITORS

Visitors to the Chamber were Kenny Zoeller from Seward; 50 fourth-grade students and teachers from Alcott Elementary, Hastings; 50 fourth-grade students and teachers from Beemer Elementary and West Point Elementary, West Point; 10 fourth-grade students and sponsors from Bellevue Christian, Bellevue; 16 third- and fourth-grade students, teachers, and sponsor from Litchfield; and 6 guests from Afghanistan and two escorts from the State Department of Education.

ADJOURNMENT

At 5:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, May 3, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

