

**SEVENTY-FIFTH DAY - MAY 5, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 5, 2011

**PRAYER**

The prayer was offered by Senator Utter.

**ROLL CALL**

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

The roll was called and all members were present except Senator Carlson who was excused; and Senators Karpisek and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 673.** Placed on Select File with amendment. ER127 is available in the Bill Room.

**LEGISLATIVE BILL 226.** Placed on Select File with amendment. ER126

- 1 1. On page 1, lines 2 and 3, strike "provide for" and
- 2 insert "create the offense of".

(Signed) Tyson Larson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 590A.** Advanced to Enrollment and Review for Engrossment.

**REPORTS**

The following reports were received by the Legislature:

**Administrative Services, Department of**

- Division of Risk Management – Tort Claims Payments
- Division of Risk Management – State Insurance Fund Claims Payments
- Division of Risk Management – Indemnification Claims Payments
- Division of Risk Management – Miscellaneous Claims Payments
- Division of Risk Management – Workers Compensation Payments

**Investment Finance Authority, Nebraska (NIFA)**

- 2009 Series A, B, C, D, E and F Community Development Loan Notes  
(City of Lincoln Program-2009) as of March 31, 2011

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 137.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction relief; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 3:

Carlson            Karpisek            Lautenbaugh

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

**LEGISLATIVE BILL 181.**

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-1,108, 54-1,121, 54-1,122, and 54-1,122.02, Reissue Revised Statutes of Nebraska; to establish a surcharge; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 3:

Carlson      Karpisek      Lautenbaugh

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

**LEGISLATIVE BILL 181A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 181, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 3:

Carlson          Karpisek          Lautenbaugh

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

### **LEGISLATIVE BILL 305.**

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Reissue Revised Statutes of Nebraska; to change permitted uses of the Commercial Feed Administration Cash Fund; to require the Director of Agriculture to report regarding implementation of a state program of meat and poultry inspection; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Conrad

Present and not voting, 2:

Avery            McGill

Excused and not voting, 3:

Carlson        Karpisek        Lautenbaugh

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

**LEGISLATIVE BILL 305A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery            Conrad            Council

Excused and not voting, 3:

Carlson        Karpisek        Lautenbaugh

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 LB360 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 360.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend 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.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Harr, B.          Larson

Excused and not voting, 2:

Carlson          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.

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB384 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 384.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-617, 77-123, 77-202.12, 77-702, 77-1301, 77-1303, 77-1311, 77-1311.03, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1504, 77-1504.01, 77-1514, 77-3519, 77-5001, 77-5003, 77-5005, 77-5008, 77-5015, 77-5017, 77-5022, 77-5024.01, and 77-5027, Reissue Revised Statutes of Nebraska, and sections 77-202.04, 77-1502, 77-1507, 77-5004, 77-5007, 77-5016, 77-5018, and 77-5019, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to preliminary real property valuations and notices, filings, hearings, protests, and appeals regarding property taxes as prescribed; to change provisions relating to homestead exemptions and county boards of equalization; to change provisions relating to membership and powers and duties of the Tax Equalization and Review Commission; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; 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, 36:

Adams	Cornett	Hansen	Lathrop	Smith
Ashford	Dubas	Harms	McCoy	Sullivan
Avery	Fischer	Heidemann	Pahls	Utter
Bloomfield	Flood	Janssen	Pankonin	Wightman
Brasch	Fulton	Karpisek	Pirsch	
Campbell	Gloor	Krist	Price	
Christensen	Haar, K.	Langemeier	Schilz	
Coash	Hadley	Larson	Schumacher	

Voting in the negative, 11:

Conrad	Harr, B.	McGill	Nordquist
Cook	Howard	Mello	Wallman
Council	Louden	Nelson	

Excused and not voting, 2:

Carlson           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 384A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 384, 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, 44:

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

Voting in the negative, 2:

Cook           Council

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Carlson           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 421.**

A BILL FOR AN ACT relating to motor vehicle park entry permits; to amend section 37-438, Reissue Revised Statutes of Nebraska, and section 37-440, Revised Statutes Cumulative Supplement, 2010; to change fees for



annual and temporary permits and fees for issuance of the permits; to change a provision relating to display of permits; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 41:

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

Voting in the negative, 5:

Bloomfield	Brasch	Howard	Janssen	Pirsch
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Present and not voting, 1:

Mello

Excused and not voting, 2:

Carlson      Lautenbaugh

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 LB449 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 449.**

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-208, 32-305, 32-312, 32-615, 32-616, 32-811, 32-903, 32-947, 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-606, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election commissioners, deputy registrars, voter

registration, filing for office, nominations without opposition, creation of precincts, procedures for voting early, payment of costs of elections, recall petitions, and recall elections; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Carlson           Lautenbaugh

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 LB463 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 463.** With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 43-286, 43-412, 43-416, and 43-3701, Reissue Revised Statutes of Nebraska, and sections 28-416, 29-2258, 29-2262.08, 29-3921, 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, 43-2,108.05, 43-2,129, 79-209, 79-2104, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and transfer provisions relating to certain violations of the Uniform Controlled Substances Act by minors, powers and duties of probation officers relating to juveniles, revocation of probation of a juvenile, sealed juvenile records, and policies regarding excessive absenteeism; to provide for and eliminate transfers from the Commission on Public Advocacy Operations Cash Fund;

to eliminate provisions relating to a study and assessment; to provide duties for the Office of Juvenile Services; to state intent and provide for grants for court appointed special advocate programs; to create a fund; to require reports; to provide for funding for and a plan regarding excessive absenteeism; to harmonize provisions; to provide operative dates; 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, 46:

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

Voting in the negative, 2:

Fulton            Janssen

Excused and not voting, 1:

Carlson

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 463A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 463, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Janssen            Karpisek

Excused and not voting, 1:

Carlson

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 500.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,182 and 60-6,256, Reissue Revised Statutes of Nebraska; to change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Karpisek

Excused and not voting, 1:

Carlson

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 LB535 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 535.**

A BILL FOR AN ACT relating to insurance; to amend section 44-102.01, Reissue Revised Statutes of Nebraska; to adopt the Portable Electronics Insurance Act; to redefine service contract; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Carlson

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

declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 665.** With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to criminal child enticement and to define a term; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery	Heidemann	Karpisek
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Excused and not voting, 1:

Carlson

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

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 137, 181, 181A, 305, 305A, 360, 384, 384A, 421, 449, 463, 463A, 500, 535, and 665.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 202.** Introduced by Nordquist, 7; Campbell, 25; Council, 11; Gloor, 35; Howard, 9; McGill, 26; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study public assistance programs with income-based eligibility criteria in Nebraska and the program rules that contribute or detract from asset building and economic stability for participating families. In some assistance programs, a small increase in income leads to the abrupt termination or substantial reduction in public assistance. This leaves families in a more precarious financial situation despite an increase in income due to the loss of public assistance. The committee shall conduct a study that assesses options for removing public assistance program policy barriers to asset building and increased work participation.

**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 of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Council filed the following amendment to LB386:

FA22

Insert the phrase "or the intern resides in a distressed area" after "area" on page 2, line 26.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 4, 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

Johnson, DeMaris - The Johnson Group

LeadingAge (formerly Homes and Services for the Aging, Nebraska Association of) (Withdrawn 05/02/2011)

**SELECT FILE**

**LEGISLATIVE BILL 380.** ER108, found on page 1418, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 379.** ER109, found on page 1418, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 378.** ER116, found on page 1419, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 377.** ER122, found on page 1419, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 376.** ER105, found on page 1419, was adopted.

Senator Heidemann renewed his amendment, AM1384, found on page 1437.

The Heidemann amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 374.** ER124, found on page 1419, was adopted.

Senator Heidemann renewed his amendment, AM1397, found on page 1435.

The Heidemann amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 373.** ER117, found on page 1420, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 585.** ER123, found on page 1420, was adopted.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 550.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 15.** ER106, found on page 1387, was adopted.

Senator Wightman offered the following amendment:  
AM1388

(Amendments to E & R amendments, ER106)

- 1 1. On page 1, line 9, after "property" insert "or wages".

The Wightman amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 17.** ER107, found on page 1387, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 424.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 453.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 454.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 455.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 167.** ER110, found on page 1390, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 107.** Senator Wallman offered the following amendment:

AM1369

- 1 1. On page 2, line 3, strike "seven", show as stricken,
- 2 and insert "grower"; in line 12 strike "by the Governor"; and in
- 3 line 13 after "appointed" insert "by the Governor".
- 4 2. On page 4, line 6, before "on" insert "to the board".
- 5 3. On page 8, line 4, after the first "of" insert
- 6 "appointed".

The Wallman amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 155.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 248.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 261.** ER112, found on page 1395, was adopted.

Senator Lathrop offered the following amendment:

AM1356

- 1 1. On page 18, strike beginning with "program" in line
- 2 10 through "12511(17)(B)" in line 11, show as stricken, and insert
- 3 "organization receiving assistance under the national service laws
- 4 through which the participant is engaging in service pursuant to 42
- 5 U.S.C. 12511(30)(B)".

The Lathrop amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 121.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 309.** ER113, found on page 1396, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 573.** ER114, found on page 1397, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 458.** ER115, found on page 1397, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 423.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 480.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 254.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 641.** ER119, found on page 1403, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 413.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 525.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 525A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 591.** Senator Gloor renewed his amendment, AM1398, found on page 1435.

The Gloor amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 687.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 542.** ER120, found on page 1405, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 265.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 406.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 315.** ER118, found on page 1406, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 277.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 292.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 394.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 162.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 494.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 124.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 73.** ER121, found on page 1406, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 234.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 502.** Advanced to Enrollment and Review for Engrossment.

#### **MOTION - Return LB628 to Select File**

Senator Bloomfield moved to return LB628 to Select File for his specific amendment, AM1263, found on page 1365.

The Bloomfield motion to return failed with 3 ayes, 29 nays, 15 present and not voting, and 2 excused and not voting.

#### **WITHDRAW - Amendment to LB628**

Senator Cook withdrew her amendment, AM1261, found on page 1415, to LB628.

#### **MOTION - Return LB628 to Select File**

Senator Cook moved to return LB628 to Select File for her specific amendment, AM1400, found on page 1443.

The Cook motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 628.** The Cook specific amendment, AM1400, found on page 1443, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Bloomfield requested a record vote on the advancement of the bill.

Voting in the affirmative, 40:

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

Voting in the negative, 1:

Bloomfield

Present and not voting, 6:

Ashford	Fulton	Harr, B.
Avery	Hadley	Louden

Excused and not voting, 2:

Carlson          Janssen

Advanced to Enrollment and Review for Reengrossment with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

### BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 700.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 701.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections

85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 702.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Mello, 5; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311 and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 703.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 704.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Fischer, 43; Lautenbaugh, 18; Nelson, 6; Schilz, 47.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States by the adoption of maps by reference; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB700	Redistricting
LB701	Redistricting
LB702	Redistricting
LB703	Redistricting
LB704	Redistricting

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Redistricting

Room 1525

Friday, May 13, 2011 1:00 p.m.

HEARING WILL BEGIN AT 1:00 P.M. CENTRAL DAYLIGHT TIME

LB700  
LB701  
LB702  
LB703  
LB704

VIDEOCONFERENCE SITES:

CHECK REDISTRICTING COMMITTEE WEBSITE FOR SPECIFIC  
LOCATIONS IN EACH TOWN

North Platte, NE  
Hastings, NE  
McCook, NE  
Alliance, NE

Friday, May 13, 2011 9:00 a.m.

HEARING WILL BEGIN AT 9:00 A.M. CENTRAL DAYLIGHT TIME

LB700  
LB701  
LB702  
LB703  
LB704

VIDEOCONFERENCE SITES:

CHECK REDISTRICTING COMMITTEE WEBSITE FOR SPECIFIC  
LOCATIONS IN EACH TOWN

Columbus, NE  
Norfolk, NE  
Scottsbluff, NE  
Omaha, NE

(Signed) Chris Langemeier, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 203.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding vacant residential and commercial properties. This study shall include an examination of current tools available to Nebraska municipalities to address vacant residential and commercial properties as well as a comparative study of tools available to municipalities in other states.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 204.** Introduced by Council, 11; Cook, 13; McGill, 26; Mello, 5; Nordquist, 7.

**WHEREAS,** the Republic of Turkey and the United States of America are long-standing allies, both cherishing the universal values of freedom, democracy, and human rights; and

**WHEREAS,** in its alliances with the United States, Turkey has demonstrated its commitment to peace and liberty, as well as its political and religious tolerance; and

**WHEREAS,** there are approximately five hundred thousand Turkish Americans in the United States and a growing number in Nebraska; and

**WHEREAS,** Nebraska values its vibrant and mutually beneficial relationship with Turkey, the world's fifteenth largest economy and Europe's sixth largest economy, and is excited at the prospect of future growth; and

**WHEREAS,** expanding the relationship between Nebraska and Turkey is economically and culturally worthy; and



WHEREAS, a prominent project spearheaded by the University of Nebraska in the post-war era was the founding of Ataturk University in 1955. University of Nebraska faculty was involved for thirteen years in helping the country establish a new university based on the American land-grant model; and

WHEREAS, many Turkish scholars and professors have been teaching and studying at Nebraska universities for decades; and

WHEREAS, agricultural practices of Turkey and Nebraska have enjoyed improvement as a result of many exchanges of information; and

WHEREAS, agricultural productivity in Turkey has been profoundly improved by the irrigation systems produced by Nebraska companies; and

WHEREAS, the Niagara Foundation of Nebraska, a not-for-profit organization subsidized by citizens of Turkey and America, has recognized the efforts of influential Nebraskans for their contributions to the atmosphere of tolerance and diversity in Nebraska; and

WHEREAS, the Turkish American Society of Nebraska, a not-for-profit organization, is instrumental in assisting many displaced immigrants invited to Nebraska; and

WHEREAS, it is in the best interest of the State of Nebraska to further cultivate the relationship with Turkey and other Turkic nations; and

WHEREAS, the friendship between Nebraska and the Republic of Turkey is important and merits recognition.

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

1. That the Legislature honors the friendship between Nebraska and the Republic of Turkey.

2. That a copy of this resolution be sent to Ismail Ozcan, Executive Director of the Niagara Foundation of Nebraska.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 5, 2011, at 10:08 a.m. were the following: LBs 137, 181, 181A, 305, 305A, 360e, 384e, 384Ae, 421, 449, 463e, 463Ae, 500, 535, and 665e.

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

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

Senator Coash asked unanimous consent to add his name as cointroducer to LB252. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 19 third- through fifth-grade students and teachers from Clarkson; 40 fourth-grade students and teachers from Knickrehm Elementary, Grand Island; 12 fourth-grade students and teacher from Trinity Lutheran, Grand Island; 40 fourth-grade students and teachers from Lincoln Elementary, Hastings; and 47 fourth-grade students and sponsors from Beals Elementary, Omaha.

**ADJOURNMENT**

At 11:33 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, May 9, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature