

SEVENTY-SIXTH DAY - MAY 9, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 9, 2011

PRAYER

The prayer was offered by Senator Hansen.

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 Christensen and Cornett who were excused; and Senators Coash and Council who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 397. Placed on Select File with amendment. ER128 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

MOTION - Print in Journal

Senator K. Haar filed the following motion to LB283:
MO45

Becomes law notwithstanding the objections of the Governor.

RESOLUTIONS**LEGISLATIVE RESOLUTION 205.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the potential establishment of a statewide electronics recycling program in the State of Nebraska. The issues addressed by the study shall include, but not be limited to:

- (1) An analysis of the demand for electronics recycling in Nebraska;
- (2) An analysis of the availability of electronics recycling programs within Nebraska, with emphasis on availability in rural areas of the state;
- (3) A review of the cost to establish a statewide electronics recycling program and possible funding sources;
- (4) An analysis of the effect of adopting a statewide electronics recycling program, if any, on small businesses in Nebraska;
- (5) A review of the health and ecological risks associated with electronic waste; and
- (6) A comparative review of electronics recycling statutes that have been adopted in other states.

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

1. That the Natural Resources 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 206. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine funding streams available to adult education programs to better transition adults into postsecondary education through "bridge programs." The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of current investments made in adult education at the state, local, and federal levels;
- (2) An examination of the federal Supplemental Nutrition Assistance Program (SNAP) Employment and Training plan, which allows states to provide education and training services to SNAP participants, and whether current or additional funding in the program could be used to support bridge programs;
- (3) A review of the current use of funds received by the state under the federal College Access Challenge Grant Program and whether such funds could be used to support bridge programs;

(4) An examination of the Temporary Assistance for Needy Families rainy day fund in the Department of Health and Human Services and whether the fund could be used to support bridge programs;

(5) A review of the current use of discretionary funds received by the state through the Workforce Investment Act for adult and dislocated workers and whether such funds could be used to support bridge programs; and

(6) An examination of additional existing funding streams that could be used to fund bridge programs.

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

1. That the Appropriations and Education Committees 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 490. Committee AM595, found on page 689 and considered on page 858, was renewed.

Senator Karpisek withdrew his amendment, AM760, found on page 859.

Senator Avery withdrew his amendment, AM759, found on page 864.

Senator McCoy withdrew his amendment, AM778, found on page 864.

Senator Karpisek renewed his amendment, AM840, found on page 1444, to the committee amendment.

The Karpisek amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

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

SELECT FILE

LEGISLATIVE BILL 256. Senator Karpisek withdrew his amendment, AM597, found on page 702 and considered on page 846.

Senator Karpisek renewed his amendment, AM1195, found on page 1444.

Senator McCoy offered the following amendment to the Karpisek amendment:

AM1403

(Amendments to Karpisek amendments, AM1195)

1 1. Strike sections 2 to 4 and insert the following new
2 sections:

3 Sec. 2. Section 2-1205, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 2-1205 If the commission is satisfied that its rules and
6 regulations and all provisions of sections 2-1201 to 2-1218 have
7 been and will be complied with, it may issue a license for a period
8 of not more than one year. The license shall set forth the name
9 of the licensee, the place where the races or race meetings are
10 to be held, and the time and number of days during which racing
11 may be conducted by such licensee. Any such license issued shall
12 not be transferable or assignable. The commission shall have the
13 power to revoke any license issued at any time for good cause upon
14 reasonable notice and hearing. No license shall be granted to any
15 corporation or association except upon the express condition that
16 it shall not, by any lease, contract, understanding, or arrangement
17 of whatever kind or nature, grant, assign, or turn over to any
18 person, corporation, or association the operation or management of
19 any racing or race meeting licensed under such sections or of the
20 parimutuel system of wagering described in section 2-1207 or in any
21 manner permit any person, corporation, or association other than
22 the licensee to have any share, percentage, or proportion of the
1 money received for admissions to the racing or race meeting or from
2 the operation of the parimutuel system; and any violation of such
3 conditions shall authorize and require the commission immediately
4 to revoke such license. Notwithstanding the provisions of this
5 section to the contrary, a racetrack licensee may contract with
6 another licensee under sections 2-1201 to 2-1218 to conduct all but
7 one day of live race meetings on its behalf. The contract shall
8 specify that the days of live race meetings conducted on behalf
9 of another licensee shall be in addition to the days of live race
10 meetings conducted by the licensee to meet its requirements for
11 licensure under sections 2-1201 to 2-1228.

12 Sec. 3. Section 2-1228, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-1228 (1) Any racetrack issued a license under sections
15 2-1201 to 2-1223 ~~(1)-(a)~~ conducting primarily quarterhorse races
16 in the year immediately preceding the year for which application
17 is made, regardless of the total number of days of live
18 racing conducted in such year, ~~or (2)-(b)~~ conducting primarily
19 thoroughbred horseraces in the year immediately preceding the year
20 for which application is made which conducted live racing on at
21 least seventy percent of the days for which it was authorized
22 to conduct live racing in 1988 unless the commission determines

23 that such racetrack licensee was unable to conduct live racing on
 24 the required number of days due to factors beyond its control,
 25 including, but not limited to, fire, earthquake, tornado, or
 26 other natural disaster, or (c) meeting the requirements for live
race meets under section 2-1205, may apply to the commission
 1 for an interstate simulcast facility license. An application for
 2 such license shall be in a form prescribed by the commission
 3 and shall contain such information, material, or evidence as the
 4 commission may require. Any racetrack licensee issued an interstate
 5 simulcast facility license may conduct the interstate simulcast
 6 of any horserace permitted under its license, and parimutuel
 7 wagering shall be allowed on such horserace. The commission
 8 shall not authorize interstate simulcasting for any racetrack
 9 licensee pursuant to sections 2-1201 to 2-1223 unless all of the
 10 thoroughbred racetracks together applied for and received authority
 11 to conduct at least one hundred eighty live racing days in the
 12 calendar year in which the application is made.

13 (2) If any racetrack licensee, other than a racetrack
 14 licensee meeting the requirements for live race meets under section
 15 2-1205, conducts live racing for less than seventy percent of
 16 the days assigned such racetrack licensee in 1988, (a) such
 17 racetrack licensee shall be precluded from conducting interstate
 18 simulcasts and (b) the number of live racing days conducted
 19 by such racetrack licensee shall be subtracted from an amount
 20 equal to seventy percent of all the days assigned such racetrack
 21 licensee in 1988 and the amount remaining shall be deducted
 22 from the one-hundred-eighty-day total required by this section.
 23 If any racetrack licensee ceases to conduct live racing, other
 24 than a racetrack licensee meeting the requirements for live
 25 race meets under section 2-1205, seventy percent of the days
 26 assigned such racetrack licensee in 1988 shall be deducted from the
 27 one-hundred-eighty-day total required by this section.

1 2. On page 4, line 13, strike ", 2-1226,".

2 3. Renumber the remaining section accordingly.

Senator McCoy moved for a call of the house. The motion prevailed with 39
 ayes, 0 nays, and 10 not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Avery	Fischer	Harms	Pankonin	Utter
Bloomfield	Flood	Heidemann	Price	Wightman
Brasch	Fulton	McCoy	Schumacher	
Carlson	Hansen	Nelson	Smith	

Voting in the negative, 21:

Adams	Dubas	Howard	McGill	Wallman
Ashford	Gloor	Karpisek	Mello	
Campbell	Haar, K.	Krist	Nordquist	
Conrad	Hadley	Larson	Schilz	
Cook	Harr, B.	Lautenbaugh	Sullivan	

Present and not voting, 4:

Janssen	Lathrop	Pahls	Pirsch
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Excused and not voting, 6:

Christensen	Cornett	Langemeier
Coash	Council	Louden

The McCoy amendment lost with 18 ayes, 21 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Karpisek amendment was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 373. Placed on Final Reading.

LEGISLATIVE BILL 374. Placed on Final Reading.
ST37

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

1. In the Heidemann amendments, AM1313, on page 1, line 10, "balance" has been struck and "balances" inserted; and in line 11 "is" has been struck and "are" inserted.

2. In the Standing Committee amendments, AM902, on page 173, line 22, "2011" has been struck and "2009" inserted.

LEGISLATIVE BILL 375. Placed on Final Reading.

LEGISLATIVE BILL 376. Placed on Final Reading.

LEGISLATIVE BILL 377. Placed on Final Reading.

LEGISLATIVE BILL 378. Placed on Final Reading.

LEGISLATIVE BILL 379. Placed on Final Reading.

LEGISLATIVE BILL 380. Placed on Final Reading.

LEGISLATIVE BILL 585. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 207. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study the formation and governance of sanitary and improvement districts.

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 208. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to determine the best manner in which to license certified applied behavioral analysts in Nebraska. Such masters and doctoral level professionals are trained to conduct empirically based behavioral therapy and are not currently licensed under Nebraska law. LB 630 (2011) proposes a method for licensure, however modifications are needed. The committee should review LB 630 and any proposed amendments to find a solution to the issue.

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.

LEGISLATIVE RESOLUTION 209. Introduced by Urban Affairs Committee; McGill, 26, Chairperson; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

PURPOSE: The purpose of this resolution is to examine all of the building codes in Nebraska, including, but not limited to, the state building code, the state plumbing code, the Nebraska Energy Code, and the state electrical code, and to work towards the development of a consistent long-term policy for code adoption and enforcement in the state. The committee specifically intends to explore the following areas:

(1) The current method of code adoption and amendment by political subdivisions, the ability or difficulty of code adoption at the local level, and statutory harmonization of local procedures of code adoption, amending procedures, and enforcement;

(2) Other states' methods or policies on code adoption;

(3) The current method of code adoption in Nebraska and any potential issues with unconstitutional delegation of legislative authority that exist in statute, as discussed in *Clemens v. Harvey*, 247 Neb. 77 (1994); and

(4) The compatibility of the International Energy Conservation Code and the International Residential Code, and which code takes priority on any conflicting sections of these codes.

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.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 667. Placed on General File with amendment. AM162 is available in the Bill Room.

LEGISLATIVE BILL 675. Placed on General File with amendment. AM1380 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were 6 first- through sixth-grade students, teacher, and sponsor from Platte Valley, Grand Island; and 16 fourth-grade students, teacher, and sponsor from Anselmo-Merna Public School, Merna.

RECESS

At 11:49 a.m., on a motion by Speaker Flood, 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 Christensen, Cornett, and Loudon who were excused; and Senators Conrad, Flood, and Lautenbaugh who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 106. Placed on Final Reading.

LEGISLATIVE BILL 252. Placed on Final Reading.

LEGISLATIVE BILL 345. Placed on Final Reading.

LEGISLATIVE BILL 345A. Placed on Final Reading.

LEGISLATIVE BILL 549. Placed on Final Reading.

LEGISLATIVE BILL 549A. Placed on Final Reading.

LEGISLATIVE BILL 590. Placed on Final Reading.

ST35

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

1. In the Gloor amendment, AM1387, on page 1, line 6, "24" has been struck and "25" inserted;

2. In the Gloor amendment, AM1364, on page 2, line 25, "22" has been struck and "23" inserted.

3. In the E & R amendments, ER111:

a. On page 2, lines 24 and 25; page 3, line 13; page 4, line 2; page 15, line 2; page 32, line 25; page 40, lines 6 and 7; page 43, line 9; page 53, line 25; page 54, lines 8 and 20; page 55, lines 3, 9, and 15; page 57, line 4; page 60, line 20; page 61, line 9; page 63, lines 19 and 27; page 64, line 17; page 65, lines 14 and 15, 18 and 19, and 26; page 66, lines 14 and 15 and 18 and 19; page 67, lines 5, 10, and 15; and page 68, lines 5 and 6 and 24, "21, 22, 24, and 26" has been struck and "22, 23, 25, and 27" inserted;

b. On page 9, line 16; page 16, line 20; page 17, line 4; page 27, line 18; page 32, line 11; page 37, line 20; page 50, line 20; page 52, line 27; page 62, line 7; and page 66, line 23, "24" has been struck and "25" inserted;

c. On page 11, line 18; page 13, line 3; page 23, line 13; page 51, line 24; and page 56, line 23, "22" has been struck and "23" inserted;

d. On page 32, lines 3 and 5; page 37, line 3; and page 41, lines 9 and 11, "26" has been struck and "27" inserted;

e. On page 52, line 5, "21 and 24" has been struck and "22 and 25" inserted;

f. On page 53, line 16, "21, 22, and 24" has been struck and "22, 23, and 25" inserted;

g. On page 55, line 12, "(4)" has been struck and "(3)" inserted;

h. On page 70, line 5, "22 and 38" has been struck and "23 and 39" inserted; and in line 25 "to provide additional uses for dedicated revenue under the Nebraska Health Care Funding Act;" has been inserted after the semicolon; and

i. On page 70, lines 11 and 17, "71-7606," has been inserted after "69-2711,".

LEGISLATIVE BILL 590A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

WITHDRAW - Amendment to LB176

Senator Avery withdrew his amendment, AM1357, found on page 1383, to LB176.

MOTION - Return LB176 to Select File

Senator Avery moved to return LB176 to Select File for the following specific amendment:

AM1410

(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 by the deadline designated in or with the survey or
8 questionnaire are included in the document or compilation, and
9 the document or other compilation does not express support for or
10 opposition to the election of any candidate.

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

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

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

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

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

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

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

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

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

2 (2) Such a corporation, labor organization, or industry,
 3 trade, or professional association shall not be required to
 4 file reports of independent expenditures or electioneering
 5 communications pursuant to section 49-1467, but if it makes a
 6 contribution, ~~or~~ expenditure, or electioneering communication,
 7 or provides personal services, with a value of more than two
 8 hundred fifty dollars, it shall file a report with the commission
 9 within ten days after the end of the calendar month in which
 10 the contribution, ~~or~~ expenditure, or electioneering communication
 11 is made or the personal services are provided. The report shall
 12 include:

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

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

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

24 (3) A corporation, labor organization, or industry,
 25 trade, or professional association may not receive contributions
 26 unless it establishes and administers a separate segregated

- 27 political fund which shall be utilized only in the manner set forth
 1 in sections 49-1469.05 and 49-1469.06.
 2 Sec. 8. Original sections 49-1401, 49-1403, 49-1467,
 3 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of
 4 Nebraska, are repealed.
 5 2. On page 1, strike beginning with "49-14,126" in
 6 line 2 through line 6 and insert "49-1401, 49-1403, 49-1467,
 7 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of
 8 Nebraska; to define a term; to require reporting regarding
 9 electioneering communication; to provide for payment of hearing
 10 costs by violators in certain cases as prescribed; to provide
 11 for distribution of proceeds; to eliminate obsolete provisions; to
 12 harmonize provisions; and to repeal the original sections."
 13 3. Renumber the remaining sections accordingly.

Senator Avery requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Adams	Conrad	Howard	Nordquist	Wallman
Ashford	Cook	Karpisek	Pankonin	
Avery	Council	Lathrop	Pirsch	
Campbell	Dubas	McGill	Schumacher	
Coash	Haar, K.	Mello	Sullivan	

Voting in the negative, 10:

Bloomfield	Carlson	Hansen	Langemeier	McCoy
Brasch	Fulton	Krist	Larson	Nelson

Present and not voting, 13:

Fischer	Harms	Lautenbaugh	Schilz	Wightman
Gloor	Heidemann	Pahls	Smith	
Hadley	Janssen	Price	Utter	

Excused and not voting, 5:

Christensen	Cornett	Flood	Harr, B.	Louden
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The Avery motion to return failed with 21 ayes, 10 nays, 13 present and not voting, and 5 excused and not voting.

MOTION - Return LB289 to Select File

Senator Fischer moved to return LB289 to Select File for her specific amendment, AM1376, found on page 1437.

The Fischer motion to return prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 289. The Fischer specific amendment, AM1376, found on page 1437, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 15. Placed on Final Reading.
LEGISLATIVE BILL 17. Placed on Final Reading.
LEGISLATIVE BILL 107. Placed on Final Reading.
LEGISLATIVE BILL 121. Placed on Final Reading.
LEGISLATIVE BILL 155. Placed on Final Reading.
LEGISLATIVE BILL 167. Placed on Final Reading.
LEGISLATIVE BILL 248. Placed on Final Reading.
LEGISLATIVE BILL 261. Placed on Final Reading.
LEGISLATIVE BILL 309. Placed on Final Reading.
LEGISLATIVE BILL 424. Placed on Final Reading.
LEGISLATIVE BILL 453. Placed on Final Reading.
LEGISLATIVE BILL 454. Placed on Final Reading.
LEGISLATIVE BILL 455. Placed on Final Reading.
LEGISLATIVE BILL 458. Placed on Final Reading.
LEGISLATIVE BILL 550. Placed on Final Reading.
LEGISLATIVE BILL 573. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 210. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Mello, 5; Pankonin, 2.

PURPOSE: The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State

Patrol Retirement System, and the Nebraska Judges Retirement System. The committee may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The committee shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems 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.

GENERAL FILE

LEGISLATIVE BILL 669. Title read. Considered.

Committee AM1342, found on page 1399, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB585:
AM1420

(Amendments to Final Reading copy)

- 1 1. On page 3, line 10, strike "\$50,000.00" and
- 2 insert "\$550,000.00" and after the last comma insert "including
- 3 \$500,000.00 for mental health services to be provided for Mariah
- 4 La Frenz".
- 5 4. On page 4, line 12, strike "\$1,480,000.00" and insert
- 6 "\$1,980,000.00"; and in line 15 strike "\$1,579,666.37" and insert
- 7 "\$2,079,666.37".

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 56. Placed on Final Reading.

LEGISLATIVE BILL 73. Placed on Final Reading.

LEGISLATIVE BILL 124. Placed on Final Reading.

LEGISLATIVE BILL 162. Placed on Final Reading.

LEGISLATIVE BILL 234. Placed on Final Reading.

LEGISLATIVE BILL 254. Placed on Final Reading.

LEGISLATIVE BILL 265. Placed on Final Reading.

ST36

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

1. On page 1, line 3, "department" has been struck and "Department of Health and Human Services" inserted.

LEGISLATIVE BILL 277. Placed on Final Reading.

LEGISLATIVE BILL 292. Placed on Final Reading.

LEGISLATIVE BILL 315. Placed on Final Reading.

LEGISLATIVE BILL 394. Placed on Final Reading.

LEGISLATIVE BILL 406. Placed on Final Reading.

LEGISLATIVE BILL 413. Placed on Final Reading.

LEGISLATIVE BILL 423. Placed on Final Reading.

LEGISLATIVE BILL 480. Placed on Final Reading.

LEGISLATIVE BILL 494. Placed on Final Reading.

LEGISLATIVE BILL 502. Placed on Final Reading.

LEGISLATIVE BILL 525. Placed on Final Reading.

LEGISLATIVE BILL 525A. Placed on Final Reading.

LEGISLATIVE BILL 542. Placed on Final Reading.

LEGISLATIVE BILL 591. Placed on Final Reading.

LEGISLATIVE BILL 641. Placed on Final Reading.

LEGISLATIVE BILL 687. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 211. Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Council, 11; K. Haar, 21; Howard, 9; Schilz, 47; Sullivan, 41.

PURPOSE: To study the offering of elementary and secondary courses and high school diplomas through electronic means in Nebraska by monitoring the cooperative efforts of educational service units, school districts, the State Department of Education, and the University of Nebraska in expanding and enhancing opportunities for students to access such courses and to earn high school diplomas through electronic means. The committee may also develop legislation to facilitate the expansion and enhancement of such offerings utilizing existing resources.

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

1. That the Education 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.

GENERAL FILE

LEGISLATIVE BILL 142. Committee AM934, found on page 1307 and considered on pages 1414 and 1418, was renewed.

SENATOR CARLSON PRESIDING

Senator Janssen offered the following amendment to the committee amendment:

AM1419

(Amendments to Standing Committee amendments, AM934)

- 1 1. Strike sections 1 to 19 and insert the following new
- 2 sections:
- 3 Section 1. Section 32-1608, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-1608 During the election period, no candidate for a
- 6 covered elective office shall accept contributions from independent
- 7 committees, businesses, including corporations, unions, industry,
- 8 trade, or professional associations, and political parties which,
- 9 when aggregated, are in excess of ~~fifty-seventy-five~~ percent of the
- 10 spending limitation for the office set pursuant to section 32-1604.
- 11 The commission shall calculate the limitation on contributions
- 12 under this section at the time it calculates the adjustments on the
- 13 campaign spending limitations under section 32-1604. The commission
- 14 shall publish the new contribution limits on its web site and shall
- 15 notify any candidate who files for an office which is subject to
- 16 the spending limitation of the contribution limits applicable at
- 17 the time of filing.
- 18 Sec. 2. Original section 32-1608, Reissue Revised
- 19 Statutes of Nebraska, is repealed.

The Janssen amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SPEAKER FLOOD PRESIDING

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

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 173, 175, 176, 177, and 178 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 173, 175, 176, 177, and 178.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB684:
AM1421

(Amendments to Standing Committee amendments, AM375)

- 1 1. On page 1, line 13, after the first comma insert "one
- 2 representative from the Department of Roads".

RESOLUTION

LEGISLATIVE RESOLUTION 212. Introduced by Gloor, 35; Bloomfield, 17; Campbell, 25; Cook, 13; Krist, 10; Wallman, 30.

PURPOSE: The purpose of this study is to review the operations and usefulness of the Nebraska Regulation of Health Professions Act, sections 71-6201 to 71-6229. The act has been in existence for over twenty-five years and has never been revisited by the Legislature despite significant changes in the health care field and in the delivery of health care. The issues addressed by this interim study shall include, but not be limited to:

(1) Whether the act, known as the 407 program, fulfills its original purpose of providing the Legislature with valuable information for the purpose of making informed legislative decisions regarding the licensure and scope of practice of regulated health professionals;

(2) Whether provisions and procedures utilized by the Division of Public Health of the Department of Health and Human Services in administering the act are fair and impartial to the parties involved in the reviews;

(3) Whether the criteria set out in law for the review of proposals for initial licensure of a health profession and the expansion of the scope of practice of an already licensed health profession are central to the interests and concerns of the Legislature in the review and consideration of such proposals;

(4) Whether the well-being and safety of consumers are adequately reflected by the review criteria in statute as administered by the division and whether those interests are appropriately balanced in relation to advantages of enabling consumer access to new services, technology, or providers; and

(5) The act authorized the division to promulgate regulations for the conduct of 407 reviews, though such regulations have never been promulgated. Would the 407 program be well served by the promulgation of such regulations at this time?

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.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from Twin River Public School, Genoa; and 44 fourth-grade students and teachers from Woodland Park, Norfolk.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 5:24 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Tuesday, May 10, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

