

SEVENTY-EIGHTH DAY - MAY 11, 2011
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 11, 2011

PRAYER

The prayer was offered by Senator Heidemann.

ROLL CALL

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

The roll was called and all members were present except Senators B. Harr, Krist, Loudon, and Wightman who were excused; and Senators Cook, Cornett, Lautenbaugh, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

COMMUNICATION

May 11, 2011

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

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB204 and LB204A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

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

PJO:jk

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 2011, at 3:40 p.m. were the following: LBs 575 and 575A.

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

RESOLUTION

LEGISLATIVE RESOLUTION 230. Introduced by Brasch, 16.

PURPOSE: To study issues relating to development and implementation of a biobased product program for government procurement in Nebraska as was proposed by LB691 in the 2011 legislative session.

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

1. That the Government, Military and Veterans 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.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB373 with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 373. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 314, section 31; Laws 2009, LB 315, section 216; Laws 2009, LB 603A, sections 1 and 2; Laws 2009, First Special Session, LB 1, sections 14, 91, 96, 100, 101, 103, 122, and 217; Laws 2010, LB 935, sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112; and section 90-519, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for transfer of funds; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Ashford	Harr, B.	Lautenbaugh	Mello
Cornett	Krist	Louden	Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB374 with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 374. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2013; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 375. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2011-12 and FY2012-13; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 376. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2011-12 and FY2012-13; to define terms; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB377 with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 377. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Karpisek

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB378 with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 378. With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 47-632, 48-1,103, 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22,

85-122, 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska, sections 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and 82-331, Revised Statutes Cumulative Supplement, 2010, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to provide for, change, and eliminate provisions relating to the use and transfer of funds; to create a fund; to eliminate funds; to harmonize provisions; to repeal the original sections; to outright repeal section 81-3606, Reissue Revised Statutes of Nebraska, and section 77-3,111, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB379 with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 379. With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2010; to provide for

fund transfers involving the Ethanol Production Incentive Cash Fund and the Cash Reserve Fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Krist	Louden
Harr, B.	Lautenbaugh	Wightman

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 380. With Emergency Clause.

A BILL FOR AN ACT relating to capital improvement projects; to amend sections 81-188.03 and 81-188.05, Reissue Revised Statutes of Nebraska, and section 81-188.01, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions governing depreciation charges; to provide an operative date; to repeal the original sections; to outright repeal sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B. Krist Lautenbaugh Louden Wightman

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 373, 374, 375, 376, 377, 378, 379, and 380.

MOTION - Return LB585 to Select File

Senator Howard moved to return LB585 to Select File for her specific amendment, AM1420, found on page 1487.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

Senator Howard withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 585. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

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

emergency clause attached?" "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

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

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to courts; to allow aids of execution in district court to cross county lines.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B. Krist Lautenbaugh Louden Wightman

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

LEGISLATIVE BILL 17.

A BILL FOR AN ACT relating to courts; to amend sections 25-1319, 25-1320, 25-1321, 25-2209, and 33-106, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the complete record of a case and court fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1323, 25-1324, and 25-1325, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B. Krist Lautenbaugh Louden Wightman

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

LEGISLATIVE BILL 56.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2010; to update the reference to the National Electrical Code; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB73 with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 73. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4217, 44-4219, 44-4220.02, 44-4223, 44-4224, 44-4225, and 77-918, Reissue Revised Statutes of Nebraska; to provide for a pool administrator under the Comprehensive Health Insurance Pool Act; to delete obsolete language; to harmonize provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 107. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4004, 2-4005, 2-4006, and 2-4007, Reissue Revised Statutes of Nebraska; to change Grain Sorghum Development, Utilization, and Marketing Board provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

LEGISLATIVE BILL 121.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Recruitment and Retention Act; to amend section 35-1309, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the State Fire Marshal; to harmonize provisions; to repeal the original section; and to outright repeal sections 35-1311.01 and 35-1321, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107 and 43-123.01, Reissue Revised Statutes of Nebraska; to include cultural history in the medical histories of the biological parents; and to repeal the original sections.

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

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 155.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-824.01, Revised Statutes Cumulative Supplement, 2010; to change sealed bid requirements for certain contracts entered into by a joint entity; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B. Krist Lautenbaugh Louden Wightman

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

LEGISLATIVE BILL 162.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1514, Reissue Revised Statutes of Nebraska; to change provisions relating to abstracts of property assessment rolls; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B. Krist Lautenbaugh Louden Wightman

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

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to the Relocation Assistance Act; to amend sections 76-1221 and 76-1228, Reissue Revised Statutes of Nebraska; to redefine displaced person; to authorize rules and regulations; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Harr, B.	Krist	Lautenbaugh	Louden	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Reissue Revised Statutes of Nebraska; to change provisions relating to county office and service facilities; and to repeal the original section.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to fires; to amend sections 81-520.01, 81-520.03, 81-520.04, and 81-520.05, Reissue Revised Statutes of Nebraska; to change provisions relating to burning permits and range-management burning; to provide for land-management burning; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 2:

Council	Utter
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Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 254.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide for applicability; 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	Conrad	Hadley	McCoy	Schilz
Ashford	Cook	Hansen	McGill	Schumacher
Avery	Cornett	Harms	Mello	Smith
Bloomfield	Dubas	Heidemann	Nelson	Sullivan
Brasch	Fischer	Howard	Nordquist	Wallman
Campbell	Flood	Janssen	Pahls	
Carlson	Fulton	Karpisek	Pankonin	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	

Voting in the negative, 0.

Present and not voting, 2:

Council	Utter
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Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB261 with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to provide a direct seller exemption; to adopt updated federal provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 265.

A BILL FOR AN ACT relating to family support; to amend section 81-3120, Reissue Revised Statutes of Nebraska; to change provisions relating to Department of Health and Human Services petty cash funds; and to repeal the original section.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to counties; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to provide for the advice of a visitors committee to the governing body of a county; and to repeal the original section.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 292. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend section 49-14,120, Reissue Revised Statutes of Nebraska; to eliminate per diems for members of the commission as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 309. With Emergency Clause.

A BILL FOR AN ACT relating to municipalities; to provide for reapportionment of special assessments as prescribed; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford Bloomfield

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 315. With Emergency Clause.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2024 and 21-2201, Reissue Revised Statutes of Nebraska; to permit organization under the Business Corporation Act or the Nebraska Professional Corporation Act by a designated broker under the Nebraska Real Estate License Act; to harmonize provisions; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

LEGISLATIVE BILL 394. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3745, 2-3746, 2-3747, 2-3748, and 2-3749, Reissue Revised Statutes of Nebraska; to change Dry Bean Commission provisions; to harmonize provisions; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Harr, B.	Lathrop	Louden
Krist	Lautenbaugh	Wightman

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 585, 15, 17, 56, 73, 107, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292, 309, 315, and 394.

MESSAGE FROM THE GOVERNOR

May 11, 2011

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 463e and 463Ae were received in my office on May 5, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 2011, at 9:53 a.m. were the following: LBs 373e, 374e, 375e, 376e, 377e, 378e, 379e, and 380e.

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

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB357:
AM1441

- 1 1. On page 2, line 3, reinstate the stricken "(1)"; and
- 2 after line 13 insert the following new subsection:
- 3 "(2) No sales and use tax shall be imposed at a rate
- 4 greater than one and one-half percent or increased to a rate
- 5 greater than one and one-half percent unless the municipality
- 6 and the county within which the municipality is located are
- 7 parties to an interlocal agreement pursuant to the Interlocal
- 8 Cooperation Act or a joint public agency agreement pursuant to

9 the Joint Public Agency Act which creates a separate legal or
 10 administrative entity and which interlocal agreement or joint
 11 public agency agreement contains provisions, including benchmarks,
 12 relating to the long-term development of unified governance of
 13 transportation, economic development, public safety services,
 14 education, or information technology services with respect to
 15 such parties. The Legislature may provide additional requirements
 16 for such agreements, including benchmarks, but such additional
 17 requirements shall not apply to any debt outstanding at the time
 18 the Legislature enacts such additional requirements. Any other
 19 public agency as defined in section 13-803 may be a party to such
 20 interlocal cooperation agreement or joint public agency agreement.
 21 A municipality is not required to use all of the additional revenue
 22 generated by a sales and use tax imposed at a rate greater than one
 23 and one-half percent under this subsection for the purposes of the
 1 interlocal cooperation agreement or joint public agency agreement
 2 set forth in this subsection.".

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 373e, 374e, 375e, 376e, 377e, 378e, and 379e.

(Signed) Brad Ashford

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 226. Placed on Final Reading.
LEGISLATIVE BILL 673. Placed on Final Reading.
LEGISLATIVE BILL 684. Placed on Final Reading.
LEGISLATIVE BILL 684A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 669. Placed on Select File with amendment. ER131 is available in the Bill Room.

LEGISLATIVE BILL 142. Placed on Select File with amendment. ER130

1 1. On page 1, strike beginning with "political" in line
 2 1 through line 17 and insert "the Campaign Finance Limitation Act;
 3 to amend section 32-1608, Reissue Revised Statutes of Nebraska;
 4 to change a contribution limit as prescribed; and to repeal the
 5 original section."

(Signed) Tyson Larson, Chairperson

MOTION - Override Veto on LB283

Senator K. Haar renewed his motion, MO45, found on page 1473, that LB283 becomes law notwithstanding the objections of the Governor

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 231. Introduced by Cornett, 45.

PURPOSE: To study and examine any aspect of the state tax structure and tax policy deemed necessary by the study committee.

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

1. That the Revenue 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 232. Introduced by Cornett, 45.

PURPOSE: To examine the fiscal impact of tax increment financing on taxpayers and governments throughout the state, including impacts on local governments, state government, and state aid.

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

1. That the Revenue 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 233. Introduced by Hadley, 37.

PURPOSE: The purpose of this interim study is to review the scope of the agricultural exemption from the One-Call Notification System Act. After an informal Attorney General opinion in January 2011 expressed some doubt with regard to the scope of the agricultural exemption, LB 484 was introduced to clarify that the scope of the exemption included third party soil samplers.

Due to the concern surrounding the exemption, third party soil samplers were working with the Diggers Hotline center to become integrated within the system. The committee will review the progress that has taken place, the process surrounding the One-Call system, and the policy implications of requiring or exempting third party soil samplers from participation in the One-Call notification process.

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

1. That the Transportation and Telecommunications 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 234. Introduced by Nordquist, 7; Mello, 5.

PURPOSE: The purpose of this resolution is to examine policy options and develop a long-term plan to support infrastructure development for the use of natural gas as a transportation fuel. The committee shall conduct a study that includes, but is not limited to, an examination of the following issues:

(1) A review of the potential economic and environmental benefits to the state of encouraging the use of natural gas as a transportation fuel for individuals and public and private fleets;

(2) A review of current statutes and regulations dealing with natural gas as a transportation fuel;

(3) An analysis of the infrastructure necessary to implement statewide use of compressed natural gas or liquefied natural gas to fuel public and private vehicles; and

(4) An analysis of potential incentives that would be most effective in encouraging infrastructure development and to whom those incentives should be made available.

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 235. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Association Act (2008) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. The study should include a review of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB317 (Conrad), which was introduced in 2011 and is pending in committee. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons, organizations, and state offices, including the practicing bar, the office of the Secretary of State, and the office of the Attorney General, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 REPORT

Revenue

LEGISLATIVE BILL 400. Placed on General File with amendment. AM1446 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 2011, at 11:20 a.m. were the following: LBs 585e, 15, 17, 56, 73e, 107e, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292e, 309e, 315e, and 394e.

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

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB373e.

(Signed) Heath Mello

VISITORS

Visitors to the Chamber were 82 sixth-grade students and teachers from Wayne; 20 third- and fourth-grade students from Lewiston; 70 fourth-grade students, teachers, and sponsors from Ashland Park Robbins, Omaha; and 16 fourth-grade students and teacher from High Plains Grade School, Polk.

RECESS

At 11:57 a.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators B. Harr, Krist, Loudon, and Wightman who were excused; and Senator Utter who was excused until he arrives.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 549. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 59-1608.04, Reissue Revised Statutes of Nebraska; to state intent; to create and provide for the Nebraska Youth Conservation Program; to provide duties for the commission; to provide for rules and regulations and a report; to create a fund; to provide for the transfer of funds; to change provisions relating to the State Settlement Cash Fund; to provide a duty for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

LEGISLATIVE BILL 549A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, 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	Conrad	Haar, K.	Larson	Pankonin
Ashford	Cook	Hadley	Lathrop	Pirsch
Avery	Cornett	Hansen	Lautenbaugh	Price
Bloomfield	Council	Harms	McCoy	Schilz
Brasch	Dubas	Heidemann	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Wallman
Coash	Gloor	Langemeier	Pahls	

Voting in the negative, 0.

Excused and not voting, 5:

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

WITHDRAW - Amendment to LB84

Senator Nordquist withdrew his amendment, AM1273, found on page 1247, to LB84.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 84.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to change distribution of sales and use tax revenue; 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, 33:

Adams	Christensen	Hadley	Larson	Price
Ashford	Coash	Hansen	Lautenbaugh	Schilz
Avery	Cornett	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Nelson	Smith
Brasch	Flood	Janssen	Pahls	Sullivan
Campbell	Fulton	Karpisek	Pankonin	
Carlson	Gloor	Langemeier	Pirsch	

Voting in the negative, 10:

Conrad	Council	Haar, K.	McGill	Nordquist
Cook	Dubas	Howard	Mello	Wallman

Present and not voting, 1:

Lathrop

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB229 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 229. With Emergency Clause.

A BILL FOR AN ACT relating to water resources; to amend sections 81-15,174 and 81-15,175, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the Water Resources Cash Fund and the Nebraska Environmental Trust Fund; to provide an additional consideration for grants from the Nebraska Environmental Trust Fund as prescribed; to provide for fund transfers; 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, 39:

Adams	Cornett	Hansen	Lathrop	Pirsch
Ashford	Dubas	Harms	Lautenbaugh	Price
Avery	Fischer	Heidemann	McCoy	Schilz
Bloomfield	Flood	Howard	Mello	Schumacher
Brasch	Fulton	Janssen	Nelson	Smith
Campbell	Gloor	Karpisek	Nordquist	Sullivan
Carlson	Haar, K.	Langemeier	Pahls	Wallman
Christensen	Hadley	Larson	Pankonin	

Voting in the negative, 5:

Coash	Conrad	Cook	Council	McGill
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Excused and not voting, 5:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 229A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, 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, 41:

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

Voting in the negative, 2:

Cook Council

Present and not voting, 1:

Coash

Excused and not voting, 5:

Harr, B. Krist Louden Utter Wightman

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

MOTION - Return LB386 to Select File

Senator Council moved to return LB386 to Select File for her specific amendment, FA22, found on page 1461.

Senator Council withdrew her motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 386. With Emergency Clause.

A BILL FOR AN ACT relating to job training grants; to amend section 81-1201.21, Revised Statutes Cumulative Supplement, 2010; to provide grants for internships; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 549, 549A, 84, 229, 229A, and 386.

SPEAKER FLOOD PRESIDING

MOTION - Override Veto on LB283

Senator K. Haar renewed his motion, MO45, found on page 1473 and considered in this day's Journal, that LB283 becomes law notwithstanding the objections of the Governor.

Senator K. Haar moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator K. Haar requested a roll call vote on his motion to override the Governor's veto.

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

Voting in the affirmative, 24:

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

Voting in the negative, 20:

Bloomfield	Fischer	Hansen	Langemeier	Nelson
Brasch	Flood	Harms	Larson	Price
Carlson	Fulton	Heidemann	Lautenbaugh	Schilz
Christensen	Gloor	Janssen	McCoy	Smith

Excused and not voting, 5:

Harr, B.	Krist	Louden	Utter	Wightman
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 236. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study maintenance payments for foster children by the Department of Health and Human Services and their subcontracting agencies, including, but not limited to a review of the following issues:

(1) The federal requirements for a methodology for determining foster care payments;

(2) The impact on the state of losing federal dollars under the Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. 670 et seq., or class action litigation requiring the development of such methodology;

(3) The methodology that other states utilize;

(4) The difference in payments between relative placements, specialized, enhanced specialized, and professional foster parents;

(5) The adequacy or appropriateness of subcontractors' "child needs assessments";

(6) The timeliness of payments;

(7) State oversight of lead and subcontracting agencies' rates; and

(8) The rates and methodologies used by the lead agencies and subcontracting agencies and whether there is a significant discrepancy by agency.

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 237. Introduced by Mello, 5; Conrad, 46; Hadley, 37; Harms, 48; McGill, 26.

PURPOSE: The purpose of this interim study is to examine issues surrounding the potential consolidation of the Department of Labor and the Department of Economic Development into a newly created Department of Economic and Workforce Development. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of possible cost savings and efficiencies which could be achieved by combining the two departments;

(2) A review of the time required to consolidate the personnel, property, contracts, services, and functions of the two departments;

(3) A review of the existing statutes governing the two departments and providing powers and duties for the Commissioner of Labor and the Director of Economic Development;

(4) An examination of the administrative structure of the two departments and possible structures for the new Department of Economic and Workforce Development;

(5) A review of the state and federal programs administered by the two departments and an assessment of whether any programs are duplicative or obsolete; and

(6) An examination of the physical locations of the office space and equipment used by the two departments and whether such offices and equipment could be consolidated.

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

1. That the Business and Labor 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 2011, at 2:05 p.m. were the following: LBs 549e, 549Ae, 84, 229e, 229Ae, and 386e.

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

PRESIDENT SHEEHY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 642. Title read. Considered.

Committee AM493, found on page 666, was considered.

Senator Cornett withdrew her amendment, AM1315, found on page 1355.

Senator Cornett renewed her amendment, AM1401, found on page 1499, to the committee amendment.

Pending.

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 152. Placed on General File with amendment. AM1449 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 667A. Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, One Hundred Second Legislature, First Session, 2011.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB669:
AM1448

(Amendments to E & R amendments, ER131)

- 1 1. Insert the following new sections:
- 2 Sec. 21. Section 29-404, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-404 No complaint shall be filed with the magistrate;
- 5 unless such complaint is in writing and ~~upon oath~~, signed by
- 6 the prosecuting attorney or by any other complainant. If the
- 7 complainant ~~be is a person~~ other than the prosecuting attorney
- 8 or a city or village attorney prosecuting the violation of a
- 9 municipal ordinance, he or she shall either have the consent of
- 10 the prosecuting attorney or shall furnish to the magistrate a bond
- 11 with good and sufficient sureties in such amount as the magistrate
- 12 shall determine to indemnify the person complained against for
- 13 wrongful or malicious prosecution. Whenever a complaint shall be
- 14 filed with the magistrate, charging any person with the commission
- 15 of an offense against the laws of this state, it shall be the duty
- 16 of such magistrate to issue a warrant for the arrest of the person
- 17 accused, if he ~~shall have~~ or she has reasonable grounds to believe
- 18 that the offense charged has been committed. The prosecuting
- 19 attorney shall consent to the filing of such complaint if he or she
- 20 is in possession of sufficient evidence to warrant the belief that
- 21 the person named as defendant in such complaint is guilty of the
- 22 crime alleged and can be convicted thereof. The Attorney General
- 1 shall have the same power to consent to the filing of complaints as
- 2 the prosecuting attorneys have in their respective counties.
- 3 Sec. 22. Section 29-1603, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-1603 (1) All informations shall be ~~verified by the~~
- 6 ~~oath of in writing and signed by~~ the county attorney, complainant,
- 7 or some other person, and the offenses charged therein shall be
- 8 stated with the same fullness and precision in matters of substance
- 9 as is required in indictments in like cases.
- 10 (2)(a) Any information charging a violation of section
- 11 28-303 and in which the death penalty is sought shall contain
- 12 a notice of aggravation which alleges one or more aggravating

13 circumstances, as such aggravating circumstances are provided in
 14 section 29-2523. The notice of aggravation shall be filed as
 15 provided in section 29-1602. It shall constitute sufficient notice
 16 to describe the alleged aggravating circumstances in the language
 17 provided in section 29-2523.

18 (b) The state shall be permitted to add to or amend a
 19 notice of aggravation at any time up to and including the thirtieth
 20 day prior to the trial of guilt.

21 (c) The existence or contents of a notice of aggravation
 22 shall not be disclosed to the jury until after the verdict is
 23 rendered in the trial of guilt.

24 (3) Different offenses and different degrees of the same
 25 offense may be joined in one information, in all cases in which the
 26 same might by different counts be joined in one indictment; and in
 27 all cases a defendant or defendants shall have the same right, as
 1 to proceedings therein, as the defendant or defendants would have
 2 if prosecuted for the same offense upon indictment.

3 2. On page 21, line 10, strike "25, 26, and 29" and
 4 insert "27, 28, and 31"; and in line 19 after "25-2805," insert
 5 "29-404, 29-1603,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 238. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its statutory provisions regarding the regulation and business organization of firms and individuals rendering professional services. The study should include a review of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB 315 (Langemeier), which was introduced in and passed 2011. In order to carry out the purpose of this resolution, the study committee should consider the input of interested persons, organizations, and state offices, including the office of the Secretary of State and the State Real Estate Commission, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 239. Introduced by Fischer, 43.

PURPOSE: The purpose of this interim study is to examine public school finance, particularly the Tax Equity and Educational Opportunities Support Act (TEEOSA), to determine potential revisions of this funding method or to determine if a new formula needs to be implemented. Since the inception of TEEOSA in 1990, the educational landscape in Nebraska has continued to evolve. Small school districts and large school districts have increasingly different needs. The number of nonequalized districts has doubled over the last five years to equal thirty-seven percent of Nebraska's school districts. The study shall include, but not be limited to:

(1) An examination of the role of property taxes in funding public school education;

(2) An examination of what level of funding is sufficient to meet state accreditation standards and fund essential educational opportunities in each school district in the state;

(3) An examination of the stability of the current funding mechanism and its sustainability into the future;

(4) A review of the appropriate mechanisms to address the uniqueness of Nebraska school districts;

(5) An identification of resource measurements for school district accountability in the use of state funds for education; and

(6) An examination of how to create a formula that meets statutory expectations but is also pragmatic and understandable.

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.

LEGISLATIVE RESOLUTION 240. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding direct repair programs operated by insurers. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of current regulation, if any, on direct repair programs in Nebraska;

(2) A review of legislation addressing direct repair programs that has been considered in other states; and

(3) An examination of the effect of direct repair programs on Nebraska's small businesses.

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

1. That the Banking, Commerce and Insurance 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 241. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding the Nebraska Redevelopment Act. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of applications made under the act prior to February 1, 2000;
- (2) An examination of potential changes to modernize the act; and
- (3) A comparison of the tax increment financing provisions in the act to provisions in the Community Development Law.

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.

GENERAL FILE

LEGISLATIVE BILL 642. The Cornett amendment, AM1401, found on page 1499 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Cornett withdrew her amendment.

Senator Pankonin offered the following amendment to the committee amendment:

FA23

Amend AM493

Strike lines 7 through 15 on page 1.

SENATOR LANGEMEIER PRESIDING

The Pankonin amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Committee AM493, found on page 666 and considered in this day's Journal, as amended, was renewed.

PRESIDENT SHEEHY PRESIDING

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Avery offered the following amendment:

FA25

Strike on page 2, lines 15 and 16 beginning with "contracts" through "73-204."

The Avery amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 296. Placed on General File.

LEGISLATIVE BILL 670. Placed on General File with amendment.
AM1447

- 1 1. On page 6, strike lines 9 through 11 and reletter
- 2 the remaining subdivisions accordingly; in line 18 after the comma
- 3 insert "submit to day reporting"; in line 21 after "any" insert
- 4 "drug court program or"; and in line 22 strike "by any problem
- 5 solving court".

LEGISLATIVE BILL 690. Placed on General File with amendment.
AM1429

- 1 1. Strike original section 14 and insert the following
- 2 new section:
- 3 Sec. 14. If any one or more provisions, sections,
- 4 subsections, sentences, clauses, phrases, or words of this act
- 5 or the application thereof to any person or circumstance is found
- 6 to be unconstitutional, the same is hereby declared to be severable
- 7 and the balance of this act shall remain effective notwithstanding
- 8 such unconstitutionality. The Legislature hereby declares that
- 9 it would have passed this act, and each provision, section,
- 10 subsection, sentence, clause, phrase, or word thereof, irrespective
- 11 of the fact that any one or more provisions, sections, subsections,
- 12 sentences, clauses, phrases, or words be declared unconstitutional.
- 13 2. On page 2, line 16; page 3, line 3; page 7, line 13;
- 14 page 13, line 23; page 14, line 3; page 15, lines 3 and 25; and
- 15 page 17, lines 1, 4, and 7, strike "13, and 14" and insert "and

16 13".

17 3. On page 7, strike lines 1 through 7 and insert

18 "written statement that she is a victim of abuse, sexual abuse as
 19 defined in section 28-367, or child abuse or neglect as defined in
 20 section 28-710 by either of her parents or her legal guardians,
 21 then the attending physician shall obtain the notarized written
 22 consent required by section 71-6902 from a grandparent specified by
 23 the pregnant woman.".

1 4. On page 8, strike lines 23 through 25 and insert "that
 2 there is evidence of abuse, sexual abuse as defined in section
 3 28-367, or child abuse or neglect as defined in section 28-710 of
 4 the pregnant woman by a parent or a guardian or that an abortion
 5 without the consent of a parent or a guardian is in".

6 5. On page 9, strike line 1.

7 6. On page 16, line 4, after "filed" insert "by the
 8 physician".

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 242. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to study the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications 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 243. Introduced by McGill, 26.

PURPOSE: To study the extent of human trafficking in Nebraska in connection with labor and sex trafficking and whether or not current statutes are adequate to address this issue. Issues addressed by this interim study should include, but are not limited to, the following:

(1) Collect and organize data on the nature and extent of human trafficking in Nebraska;

(2) Identify areas of correlation between human trafficking and immigration enforcement issues in Nebraska;

(3) Determine the occurrence of the utilization of the T Nonimmigrant Visa in Nebraska;

(4) Analyze existing state and criminal statutes for their adequacy in addressing human trafficking and, if such analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address human trafficking;

(5) Identify and evaluate statutory changes in other states as they relate to human trafficking, including, but not limited to:

(a) Laws which criminalize or increase penalties for human trafficking;

(b) Laws which create task forces, state commissions, or committees on human trafficking;

(c) Laws which provide services and protections to victims of human trafficking;

(d) Laws which establish extortion if there are threats of reporting a person's immigrant status; and

(e) Any other state laws that relate to human trafficking;

(6) Investigate collaborative models for protecting and identifying victims of human trafficking;

(7) Identify available federal, state, and local programs that provide services to victims of human trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, voluntary repatriation, and victim's compensation for which victims of human trafficking may qualify; and

(8) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking, protect and assist victims of human trafficking, and prosecute human traffickers and users of victims of human trafficking for forced labor services or commercial sexual activity.

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

1. That the Judiciary 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.

SELECT FILE

LEGISLATIVE BILL 617. ER84, found on page 1131, was adopted.

Senator Flood renewed his amendment, AM1443, found on page 1514.

The Flood amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 589. ER103, found on page 1340, was adopted.

Senator Smith renewed his amendment, AM1408, found on page 1514.

The Smith amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MESSAGES FROM THE GOVERNOR

May 11, 2011

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 421 without my signature and with my objections.

LB 421, as amended, proposes a 25% increase to the fee for an annual resident permit from \$20 to \$25. LB 421 increases the fee for an annual non-resident permit from \$25 to \$30, increases the temporary resident permit from four dollars to five dollars, and the temporary non-resident permit from five dollars to six dollars. In addition, LB 421 would increase the amount that permit agents may collect from thirty-five cents to one dollar.

Nebraska's eight state parks and 65 state recreation areas provide Nebraskans great opportunities for outdoor activities. Last week, I signed a proclamation declaring May 7 to 15 as "See Nebraska Week," which encourages Nebraskans and other visitors to learn more about vacation and travel options in Nebraska. Nebraska's travel industry has an important economic impact on the state. It continues to be the third largest revenue producer from outside the state, behind agriculture and manufacturing, and generates more than \$3 billion a year.

Raising fees during these economic times is not the appropriate way to better Nebraska's state parks; government should be analyzing how to reduce expenses. Nebraskans have had to cut their spending and they expect the same for government. Compounding these uncertain economic conditions are increasing energy costs, health insurance premiums, and fuel prices. In May 2010, the average price of gas was \$2.87 per gallon. Currently, the average price of gas is \$3.98 per gallon, and is expected to

increase during the summer months. With increasing fuel prices, Nebraskans are going to stay closer to home. Increasing park entry fees will discourage Nebraskans from enjoying the outdoors and visiting Nebraska's attractions.

For these reasons, I urge you to sustain my veto of LB 421.

Sincerely,
(Signed) Dave Heineman
Governor

May 11, 2011

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 137, 181, 181A, 305, 305A, 360e, 384e, 384Ae, 449, 500, 535, and 665e were received in my office on May 5, 2011.

These bills were signed and delivered to the Secretary of State on May 11, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 575 and 575A.

(Signed) Charlie Janssen

VISITORS

Visitors to the Chamber were 75 fourth-grade students and teachers from Ashland Park Robbins School, Omaha; and 19 fourth-grade students from Ponca.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 4:58 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, May 12, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

