

SEVENTY-NINTH DAY - MAY 12, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 12, 2011

PRAYER

The prayer was offered by Reverend Gail Axen, Bethany Presbyterian Church, Carroll.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB84.

(Signed) Dennis Utter

MOTION - Print in Journal

Senator Pankonin filed the following motion to LB421:
MO46

Becomes law notwithstanding the objections of the Governor.

REPORT

The following report was received by the Legislature:

Retirement Systems, Public Employees
Annual Plan Review - December 31, 2010

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 11, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Haggerty, Patrick
Century Link (formerly Embarq Corp.)
Johnston, Brian
My Wireless.Org (Withdrawn 05/11/2011)
Karavas, Julie M.
GeneSeek, a Neogen Corporation Company (Withdrawn 05/06/2011)
Maxwell, Chip
Omaha Alliance for the Private Sector

MOTION - Approve Appointment

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1517:

Nebraska Liquor Control Commission
Bryan Tuma

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Council	Haar, K.	Janssen
Flood	Hansen	Langemeier

Excused and not voting, 3:

Ashford	Lautenbaugh	Louden
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

SPEAKER FLOOD PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 406.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2026, Reissue Revised Statutes of Nebraska, and section 38-2001, Revised Statutes Cumulative Supplement, 2010; to provide for reentry licenses; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Lautenbaugh Louden

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

LEGISLATIVE BILL 413.

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-706, Reissue Revised Statutes of Nebraska; to authorize support for programs benefiting homeless youth; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 423.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1901, 77-1902, 77-1909, 77-1914, 77-1915, and 77-1916, Reissue Revised Statutes of Nebraska; to change tax foreclosure provisions relating to liens of sanitary and improvement districts as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to bonds; to amend section 85-1738, Reissue Revised Statutes of Nebraska; to change provisions relating to personal liability on Nebraska Educational Finance Authority Act bonds; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 453.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate a fund; and to outright repeal section 81-1211, 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	Cornett	Hansen	Lautenbaugh	Price
Bloomfield	Council	Harr, B.	McCoy	Schilz
Brasch	Dubas	Heidemann	McGill	Schumacher
Campbell	Fischer	Howard	Mello	Smith
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Utter
Coash	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	Wightman
Cook	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Avery	Harms	Larson
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Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 454.

A BILL FOR AN ACT relating to the Department of Economic Development; to eliminate obsolete provisions relating to certain property controlled by the department; and to outright repeal sections 81-1222.01 and 81-1222.03, 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 455.

A BILL FOR AN ACT relating to economic development; to repeal the Venture Capital Network Act; and to outright repeal sections 81-1265, 81-1266, 81-1267, 81-1268, 81-1269, 81-1270, and 81-1271, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; 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, 47:

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

Voting in the negative, 1:

Wallman

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to public building commissions; to amend sections 13-1302 and 13-1304, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for agreements relating to the use of certain areas of a project; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 494. With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-914, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services regarding applications for medical assistance; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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 502.

A BILL FOR AN ACT relating to labor; to amend sections 48-1617, 48-1623, and 48-1624, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Workforce Investment Act; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Krist Sullivan

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to state intent; to require application for an amendment or waiver related to the medicaid state plan; to authorize transfers of funds to the University of Nebraska Medical Center; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 525A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 542.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to require general acute hospitals to offer vaccinations and to require hospital employees to be vaccinated as prescribed; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 550.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-606, Revised Statutes Cumulative Supplement, 2010; to clarify provisions regarding incumbent filing deadlines; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 60-6,232 and 81-829.36, Reissue Revised Statutes of Nebraska; to define storm spotter; to authorize the use of amber lights on motor vehicles used by emergency management workers and storm spotters; to provide duties for the Nebraska Emergency Management Agency; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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 LB591 with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 591.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-178, 38-182, 71-448, 71-529, 71-539, 71-540, 71-541, 71-542,

71-543, and 71-544, Reissue Revised Statutes of Nebraska; to provide for syndromic surveillance reporting by health care providers as prescribed; to require the Department of Health and Human Services to develop a syndromic surveillance program; to provide grounds for discipline of credentials for failure to report; to change provisions relating to the exchange of immunization information; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 1:

Louden

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 641.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-134 and 53-197, Reissue Revised Statutes of Nebraska; to provide for reporting of offenses to the commission by law enforcement officers as prescribed; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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

LEGISLATIVE BILL 687. With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Reissue Revised Statutes of Nebraska, and section 38-3301, Revised Statutes Cumulative Supplement, 2010; to provide for issuance of a veterinarian locum tenens; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Louden

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 406, 413, 423, 424, 453, 454, 455, 458, 480, 494, 502, 525, 525A, 542, 550, 573, 591, 641, and 687.

RESOLUTIONS

LEGISLATIVE RESOLUTION 244. Introduced by Avery, 28.

PURPOSE: The purpose of this study is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature that may arise during the interim.

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.

LEGISLATIVE RESOLUTION 245. Introduced by Avery, 28.

PURPOSE: In 2011, the Government, Military and Veterans Affairs Committee of the Legislature heard several bills that increased the use of technology in the election process, such as online voter registration and the use of electronic signatures on petitions.

The purpose of this study is to examine how technology may be used in elections to make the process more efficient and "user-friendly" for voters. The study shall explore an overall plan for the use of technology in the election process, including consideration of the costs of such technology and other future election costs the state may need to incur.

The Department of Motor Vehicles, the office of Chief Information Officer, the Secretary of State, and other interested parties will be invited to participate in this study.

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.

LEGISLATIVE RESOLUTION 246. Introduced by Avery, 28.

PURPOSE: (1) The purpose of this interim study is to review and assess an interagency agreement between the Department of Health and Human Services and the Department of Revenue for the purpose of preparing and developing model language for possible tax form revisions for identification of children who may be eligible for the children's medical assistance program and medicaid as prescribed in section 68-915.

(2) The committee should examine the possibility of sharing data between the Department of Revenue and the Department of Health and Human Services to streamline the process of identifying uninsured children who qualify for medicaid and the children's medical assistance program and enrolling uninsured children in Kids Connection. The committee should encourage the Department of Health and Human Services to seek federal grants and bonus funds for implementation of eligibility, outreach, and express lane eligibility options pursuant to the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3.

(3) The committee shall request that the Department of Health and Human Services:

(a) Enter into an interagency agreement with the Department of Revenue for the sole purpose of carrying out this resolution;

(b) Maintain the confidentiality of all information regarding eligibility for or recipients of health care assistance and use such information only for purposes related to this resolution or as otherwise permitted by federal law; and

(c) Prepare and submit a report of recommendations to the Health and Human Services Committee of the Legislature and the Revenue Committee of the Legislature not later than December 31, 2011.

(4) The committee shall request that the chief executive officer of the Department of Health and Human Services or his or her designee and the Tax Commissioner or his or her designee prepare and develop model language proposals under the interagency agreement to utilize income tax return information, including earned income tax credit information, for the purpose of eligibility determination of children for medicaid and the children's medical assistance program, which proposals shall include, but not be limited to:

(a) Revision of the Nebraska income tax form to include questions asking taxpayers to indicate whether any dependent children have health insurance at the time of filing;

(b) Revision of the Nebraska income tax form to include questions asking taxpayers to indicate whether dependent children are under nineteen years of age at the time of filing;

(c) Revision of the Nebraska income tax form to include consent and disclosure provisions or procedures to provide prior disclosure and reasonable opportunity for taxpayers to decline;

(d) Revision of the Nebraska income tax form to provide notice that taxpayers shall not be penalized for failure to provide information or failure to provide accurate information regarding any dependent's health insurance status; and

(e) Any further written instructions to taxpayers necessary to carry out the intent of this resolution.

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 on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by K. Haar, 21.

PURPOSE: To study issues related to the development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products and maximizing the opportunities for residents to recycle these products at the end of their useful lives. Local governments and solid waste agencies are receiving growing requests from citizens for recycling alternatives for consumer products but face challenges in increasing fees or taxes to fund these services. In addition, many Nebraska residents do not have access to convenient and no-cost alternatives to landfill disposal for selected consumer products. For example, only thirty Nebraska communities sponsored electronic waste collection events in 2009-2010. State grant funds that have historically provided funding for community services such as these efforts have been reduced by the Legislature.

Alternative funding approaches are available. They include advanced disposal fees paid by consumers at the time they purchase products or extended producer responsibility initiatives that call on companies that make a product to have a responsibility for their goods at the "end of life." The study shall focus on examining the various strategies to maximize the diversion of consumer products from landfill disposal, examining available financing options, identifying consumer products of concern, and

determining the advantages of establishing an overall strategy and financing policy structure for selected consumer products in Nebraska.

The Natural Resources Committee of the Legislature shall convene an advisory group comprised of individuals from Nebraska businesses, nonprofit organizations, and government to provide technical expertise and advice relevant to the study. Topics to be studied shall include, but not be limited to, the following:

(1) Examine existing strategies and financing mechanisms utilized in North America which maximize the amount of recycling for selected consumer products. This includes evaluating voluntary versus state-required diversion programs;

(2) Identify the advantages and disadvantages of various strategies and financing mechanisms. This shall include possible costs and benefits associated with each option;

(3) Recommend a strategy, financing mechanism, and process for designating consumer products for legislative action;

(4) Recommend methods to identify and monitor progress toward maximizing the recycling of selected consumer products; and

(5) Identify potential priority products for future legislative consideration.

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 248. Introduced by Nordquist, 7; Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Fulton, 29; Gloor, 35; Harms, 48; Heidemann, 1; Howard, 9; McGill, 26; Mello, 5; Wallman, 30.

PURPOSE: The purpose of this interim study is to examine the accessibility of health care providers for persons on medicaid in Nebraska. The committee shall conduct a study that includes, but is not limited to, an examination of the following issues:

(1) An analysis of the geographic distribution of medicaid providers by category of provider;

(2) A historical review of the impact of provider rates on the number of providers who accept medicaid;

(3) An analysis of the prevalence of providers who accept medicaid but limit the number of medicaid-eligible patients in their practice;

(4) A review of the impact of medicaid managed care on provider accessibility; and

(5) An examination of the potential impact on provider availability of the medicaid expansion as a result of the federal Patient Protection and Affordable Care Act, Public Law 111-148.

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

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

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

Referred to the Executive Board.

SENATOR CARLSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 699. Title read. Considered.

SPEAKER FLOOD PRESIDING

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 2011, at 10:14 a.m. were the following: LBs 406, 413, 423, 424, 453, 454, 455, 458, 480, 494e, 502, 525, 525A, 542, 550, 573, 591, 641, and 687e.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Introduced by B. Harr, 8; Ashford, 20; Campbell, 25; Carlson, 38; Fischer, 43; Flood, 19; Harms, 48; Karpisek, 32; Mello, 5; Pahls, 31.

PURPOSE: The purpose of this resolution is to study the impact of recidivism rates of persons convicted of driving under the influence. The committee shall:

(1) Review current procedures and studies that detail the rate of recidivism of persons convicted of driving under the influence;

(2) Determine how the State of Nebraska's recidivism rate ranks according to the national average;

(3) Compare current legislative measures in Nebraska with those in other states in addressing the problem of recidivism;

(4) Determine if there is a direct correlation between recidivism and either confinement or rehabilitative programs when addressing alcohol abuse in Nebraska;

(5) Determine Nebraska's current confinement numbers of those persons who have been convicted of a second or subsequent offense of driving under the influence;

(6) Determine the financial impact that recidivism has on county and state correctional facilities, public health agencies, and rehabilitation programs;

(7) Determine the success rate of rehabilitative programs in the United States, narrow the results to the top three most successful programs, and determine what methods and techniques such programs are utilizing and if Nebraska is currently using similar methods and techniques;

(8) Determine the success rate of a rehabilitation program versus confinement as a deterrent to a second or subsequent conviction of driving under the influence; and

(9) Determine sentencing data of persons convicted of driving under the influence in Nebraska by political subdivision.

The committee shall seek information from interested parties to aid in carrying out the study.

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.

LEGISLATIVE RESOLUTION 250. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study human trafficking in Nebraska. The study shall include, but not be limited to:

(1) Data collection and findings on the nature and extent of human trafficking in Nebraska;

(2) Identification of available federal, state, and local programs that provide services to human trafficking victims;

(3) Analysis and recommendations regarding the ability of existing state statutes to address human trafficking;

(4) Analysis of the relationship between human trafficking and illegal immigration; and

(5) Recommendations regarding the prevention of human trafficking, the prosecution of offenses, and victim assistance.

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.

LEGISLATIVE RESOLUTION 251. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to examine immigration-related marriage fraud in Nebraska.

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.

LEGISLATIVE RESOLUTION 252. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to examine the impact of illegal immigration on the state's budget. The Congressional Budget Office released a report in December 2007 entitled "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments." Estimates were made of such impact on several states, including Iowa, Minnesota, Missouri, and New Mexico, in the areas of education, health care, and law enforcement. Information of the impact on Nebraska's budget was not offered. The legislature would benefit from an estimate of the impact on the state's budget and an estimate of the number of illegal immigrants residing in Nebraska.

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

1. That the Appropriations 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 253. Introduced by Janssen, 15; Bloomfield, 17; Gloor, 35.

PURPOSE: The purpose of the resolution is to investigate the merits and costs of drug testing recipients and applicants of cash assistance benefits offered under the Welfare Reform Act. The study shall include, but not be limited to:

- (1) Investigating the dangers to children under the care of parents abusing illegal drugs;
- (2) Examining the effectiveness of providing assistance to recipients without accountability measures;
- (3) Examining possible constitutional challenges to drug testing applicants and recipients of cash assistance benefits; and
- (4) Examining the availability of substance abuse treatment in Nebraska.

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 254. Introduced by Ashford, 20.

PURPOSE: The purpose of this resolution is to study the Adam Walsh Child Protection and Safety Act of 2006, Nebraska's Sex Offender Registration Act, and the recent changes to Nebraska statutes contained in Laws 2009, LB 285. The study shall include, but not be limited to, the following issues:

- (1) A review of which state statutes trigger sex offender registration requirements;
- (2) A review of which state statutes do not pertain to children specifically or to specific sex crimes;
- (3) A review of the cost to the State of Nebraska and Nebraska's counties to comply with sex offender-related requirements;
- (4) A review of how often registrants are contacted by law enforcement and whether such contacts are entered into a law enforcement computer system so that other law enforcement agencies are aware of such contacts;
- (5) A review of whether the manner in which a change in information is required to be reported is beneficial to the state and whether such manner is a hardship on those required to register and leads to more frequent legal contacts and incarceration;
- (6) A review of the number of registrants that are recommitted to incarceration or detention because of criminal law violations;
- (7) A review of the financial effects of a state being deemed noncompliant; and

(8) A review of whether the state is best served by the current "offense based" registry requirements or whether the state should revert back to an "assessment based" registry for purposes of public safety.

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.

LEGISLATIVE RESOLUTION 255. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary 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 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.

LEGISLATIVE RESOLUTION 256. Introduced by Ashford, 20.

WHEREAS, Andrea Spaustat, the daughter of John and Karen Spaustat of Omaha, Nebraska, has received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, Andrea completed a project which created a volleyball camp for local children to learn basic volleyball skills and rules along with an instructional video to show at community centers; and

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

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

1. That the Legislature congratulates Andrea Spaustat for receiving the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Andrea Spaustat.

Laid over.

EASE

The Legislature was at ease from 11:01 a.m. until 11:25 a.m.

SENATOR COASH PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 667A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SPEAKER FLOOD PRESIDING**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to insurance; to adopt the Mandate Opt-Out and Insurance Coverage Clarification Act; to provide an operative date; and to provide severability.

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, 37:

Adams	Fischer	Harr, B.	McCoy	Schumacher
Bloomfield	Flood	Heidemann	Mello	Smith
Brasch	Fulton	Janssen	Nelson	Sullivan
Carlson	Gloor	Karpisek	Nordquist	Utter
Christensen	Haar, K.	Krist	Pankonin	Wallman
Coash	Hadley	Langemeier	Pirsch	
Cornett	Hansen	Larson	Price	
Dubas	Harms	Lathrop	Schilz	

Voting in the negative, 7:

Avery	Conrad	Council	McGill
Campbell	Cook	Howard	

Present and not voting, 2:

Lautenbaugh Wightman

Excused and not voting, 3:

Ashford Louden Pahls

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

LEGISLATIVE BILL 135.

A BILL FOR AN ACT relating to certificates of title; to amend section 60-161, Reissue Revised Statutes of Nebraska, and section 37-1287, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to remittance of fees; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 3:

Ashford Louden Pahls

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

LEGISLATIVE BILL 165.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-704, Reissue Revised Statutes of Nebraska; to change municipal occupation tax 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, 42:

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

Voting in the negative, 1:

Conrad

Present and not voting, 3:

Coash Lautenbaugh McGill

Excused and not voting, 3:

Ashford Louden Pahls

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 LB170 with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to the Motorcycle Safety Education Act; to amend sections 39-2215, 60-4,115, 60-4,127, 60-2120, 60-2121, 60-2125, 60-2126, 60-2127, 60-2128, 60-2129, 60-2130, 60-2131, and 60-2139, Reissue Revised Statutes of Nebraska; to eliminate a fund; to eliminate funding and grants to motorcycle instructors and motorcycle courses; to change provisions relating to regulation of motorcycle safety instructors, motorcycle trainers, and motorcycle safety courses; to change and provide powers and duties for the Department of Motor Vehicles and the Director of Motor Vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-2132, 60-2133, 60-2134, 60-2135, 60-2136, 60-2137, and 60-2138, 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	Cook	Hadley	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harms	Lathrop	Schilz
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gloor	Karpisek	Nordquist	Wightman
Conrad	Haar, K.	Krist	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Schumacher

Excused and not voting, 3:

Ashford Louden Pahls

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 200.

A BILL FOR AN ACT relating to community development; to amend sections 13-208 and 81-3603, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Healthy Food Financing Initiative Act; to create a fund; to provide funding; to change the tax credit limit under the Community Development Assistance Act; to harmonize provisions; and to repeal the original sections.

Senator Council requested a roll call vote.

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, 22:

Adams	Conrad	Gloor	Larson	Pirsch
Avery	Cook	Haar, K.	Lathrop	Wallman
Campbell	Cornett	Harr, B.	McGill	
Carlson	Council	Howard	Mello	
Coash	Dubas	Karpisek	Nordquist	

Voting in the negative, 18:

Bloomfield	Flood	Harms	McCoy	Utter
Brasch	Fulton	Heidemann	Nelson	Wightman
Christensen	Hadley	Janssen	Pankonin	
Fischer	Hansen	Langemeier	Schumacher	

Present and not voting, 5:

Krist	Price	Schilz	Smith	Sullivan
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Absent and not voting, 1:

Lautenbaugh

Excused and not voting, 3:

Ashford	Louden	Pahls
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 286.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipping license fee; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Lautenbaugh Louden Pahls

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 22, 135, 165, 170, and 286.

SENATOR GLOOR PRESIDING

SELECT FILE

LEGISLATIVE BILL 151. ER125, found on page 1432, was adopted.

Senator Lautenbaugh offered the following amendment:
AM1445

(Amendments to E & R amendments, ER125)

- 1 1. On page 3, line 15, strike beginning with "allowed"
- 2 through the comma, show as stricken, and insert "as provided in
- 3 section 45-103".

SPEAKER FLOOD PRESIDING

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 24:

Bloomfield	Coash	Heidemann	McCoy	Schumacher
Brasch	Fischer	Janssen	Nelson	Smith
Campbell	Flood	Karpisek	Pirsch	Sullivan
Carlson	Fulton	Larson	Price	Wightman
Christensen	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 14:

Adams	Conrad	Council	Harr, B.	Mello
Ashford	Cook	Dubas	Howard	Nordquist
Avery	Cornett	Haar, K.	Lathrop	

Present and not voting, 7:

Gloor	Krist	Pankonin	Wallman
Hadley	Langemeier	Utter	

Excused and not voting, 4:

Harms	Louden	McGill	Pahls
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The Lautenbaugh amendment lost with 24 ayes, 14 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:
AM1454

(Amendments to E & R amendments, ER125)

- 1 1. Strike sections 6, 18, 19, and 20 and insert the
- 2 following sections:
- 3 Sec. 17. Sections 6, 8, 17, 18, and 21 of this act become
- 4 operative on their effective date. The other sections of this act
- 5 become operative three calendar months after the adjournment of
- 6 this legislative session.
- 7 Sec. 18. Original sections 48-167 and 48-175.01, Reissue
- 8 Revised Statutes of Nebraska, are repealed.
- 9 Sec. 19. Original sections 48-125, 48-145.01, 48-153,
- 10 48-155, 48-156, 48-170, 48-177, 48-178, 48-180, 48-182, 48-185,
- 11 48-191, and 48-1,110, Reissue Revised Statutes of Nebraska, are
- 12 repealed.
- 13 2. On page 9, line 18, before "full" insert "a".
- 14 3. On page 13, strike beginning with "Such" in line 7
- 15 through the period in line 8.
- 16 4. On page 18, line 26; and page 19, line 3, after
- 17 "hearing" insert "on the merits".
- 18 5. On page 19, line 8, strike "16" and insert "15".
- 19 6. Renumber the remaining sections accordingly.

The Lathrop amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LB675:

AM1459

(Amendments to Standing Committee amendments, AM1380)

- 1 1. Insert the following new section:
- 2 Sec. 13. This act becomes operative on January 1, 2012.
- 3 2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Mello, 5; Krist, 10; Price, 3; Smith, 14.

PURPOSE: To study the flood control needs of Omaha and the greater Omaha metropolitan area and examine the resources that are available or that may be utilized to meet such needs, including compliance with various federal regulatory requirements. The study should examine the role that a natural resources district may play to meet such needs and accompanying federal regulatory requirements.

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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 2011, at 11:55 a.m. were the following: LBs 22, 135, 165, 170, and 286.

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

MOTION - Print in Journal

Senator Ashford filed the following motion to LB200:

MO48

Reconsider the vote on final passage.

UNANIMOUS CONSENT - Add Cointroducer

Senator Coash asked unanimous consent to add his name as cointroducer to LB629. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Utter's son, Ward Utter, from Devon, Pennsylvania; 14 fourth-grade students and teacher from St. Patrick's School, Lincoln; 20 eighth-grade students, teacher, and sponsors from St. Patrick's of McCook, McCook; 23 seventh- and eighth-grade students and teachers from Orchard; 17 fourth- and fifth-grade students, teachers, and sponsors from St. Joseph, Beatrice; Senator Hadley's wife, Marilyn Hadley, and Mike and Carol Renner from Kearney; 46 fourth-grade students and teachers from North Park Elementary, Columbus; and 34 seventh- and eighth-grade students, teachers, and sponsors from Trinity Lutheran, Fremont.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 1:11 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Tuesday, May 17, 2011.

Patrick J. O'Donnell
Clerk of the Legislature