

EIGHTY-FIRST DAY - MAY 18, 2011

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION**

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 18, 2011

PRAYER

The prayer was offered by Senator Fischer.

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 Cook, B. Harr, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 142. Placed on Final Reading.

LEGISLATIVE BILL 490. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

MESSAGES FROM THE GOVERNOR

May 17, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 373e, 374e, 375e, 376e, 377e, 378e, 379e, 380e, 585e, 15, 17, 56, 73e, 107e, 121, 124, 155, 162, 167, 234, 248, 254, 261, 265, 277, 292e, 309e, 315e, 394e, 549e, 549Ae, 229e, 229Ae, and 386e were received in my office on May 11, 2011.

These bills were signed and delivered to the Secretary of State on May 17, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

May 17, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 84 was received in my office on May 11, 2011. I signed this bill and delivered it to the Secretary of State on May 17, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 325. Introduced by Harms, 48.

WHEREAS, Maria Winn-Ratliff, coach of the Western Nebraska Community College Cougars softball team, was selected as Coach of the Year for Region IX; and

WHEREAS, Coach Winn-Ratliff led her team to their second straight Region IX Championship and their third appearance in four years at the national tournament; and

WHEREAS, under her leadership, Coach Winn-Ratliff's team won the Sportsmanship Award and members of her team also won the Player of the Year and Freshman of the Year honors.

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

1. That the Legislature congratulates Coach Maria Winn-Ratliff on being selected as Region IX Coach of the Year and for her team's continued success.

2. That a copy of this resolution be sent to Coach Maria Winn-Ratliff.

Laid over.

LEGISLATIVE RESOLUTION 326. Introduced by Harms, 48.

WHEREAS, the Western Nebraska Community College Cougars softball team captured its second straight championship at the 2011 Region IX Tournament; and

WHEREAS, the Cougars defeated Trinidad State Junior College 4-0 in the title game to advance to the national tournament for the third time in four years; and

WHEREAS, the Cougars received the Sportsmanship Award at the tournament; and

WHEREAS, the Cougars team members include Jordan Schoepflin, Allie Alverson, Ashton Hughes, Jacqui Cappuccilli, Amanda Saldivar, Megan Bourdon, Jocelyn Stubbs, Mariah Faifer, Chelsi Townsend, Sarah Hawryluk, Bree Bitton, Amanda Jones, Aria Agle, and Sarah Ward-Hadden.

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

1. That the Legislature congratulates the Western Nebraska Community College Cougars softball team for winning its second straight Region IX Championship.

2. That a copy of this resolution be sent to the Cougars and their coach, Maria Winn-Ratliff.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Harms, 48.

WHEREAS, Ben Castinado, Jr., a Scottsbluff native and lifelong resident, was named Grand Marshal by this year's Cinco de Mayo Committee; and

WHEREAS, Ben Castinado, Jr., was also given the Key to the City by Scottsbluff Mayor Randy Meininger; and

WHEREAS, Ben Castinado, Jr., has been a mentor to members of the Scottsbluff community and has served various organizations, including as a member of the board of directors of both the Scottsbluff/Gering United Chamber of Commerce and Leadership of Scottsbluff/Gering and as ABE Committee chairman for the State Department of Education, and was awarded the 1995 Trailblazer of the Year by the chamber; and

WHEREAS, Ben Castinado, Jr., and his wife, Billye, have been married for fifty-five years and have five children and several grandchildren and great grandchildren.

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

1. That the Legislature congratulates Ben Castinado, Jr., on being named Grand Marshal and for receiving the Key to the City of Scottsbluff.

2. That a copy of this resolution be sent to Ben Castinado, Jr.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-319, Reissue Revised Statutes of Nebraska; to define a term; to authorize the use of county sales and use taxes for public safety services 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, 43:

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

Voting in the negative, 3:

Flood	Heidemann	Pirsch
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Excused and not voting, 3:

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

LEGISLATIVE BILL 226.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to create the offense of assault with a bodily fluid against a public safety officer; to provide penalties; 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, 40:

Adams	Dubas	Heidemann	Lautenbaugh	Price
Ashford	Fischer	Howard	Louden	Schilz
Bloomfield	Flood	Janssen	McCoy	Schumacher
Brasch	Fulton	Karpisek	Mello	Smith
Campbell	Gloor	Krist	Nelson	Sullivan
Carlson	Hadley	Langemeier	Pahls	Utter
Christensen	Hansen	Larson	Pankonin	Wallman
Cornett	Harms	Lathrop	Pirsch	Wightman

Voting in the negative, 5:

Coash	Conrad	Council	McGill	Nordquist
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Present and not voting, 2:

Avery	Haar, K.
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Excused and not voting, 2:

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

LEGISLATIVE BILL 252. With Emergency Clause.

A BILL FOR AN ACT relating to cemeteries; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska, and section 12-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to Wyuka Cemetery; to exempt purchases from sales and use taxes as prescribed; to provide an operative date; 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	Cornett	Harms	Louden	Schumacher
Ashford	Council	Heidemann	McGill	Smith
Avery	Dubas	Howard	Mello	Sullivan
Bloomfield	Fischer	Janssen	Nelson	Utter
Brasch	Flood	Karpisek	Nordquist	Wallman
Campbell	Gloor	Langemeier	Pahls	Wightman
Carlson	Haar, K.	Larson	Pirsch	
Coash	Hadley	Lathrop	Price	
Conrad	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 4:

Christensen Fulton McCoy Pankonin

Present and not voting, 1:

Krist

Excused and not voting, 2:

Cook Harr, B.

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 256. With Emergency Clause.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska, and section 2-1201, Revised Statutes Cumulative Supplement, 2010; to change the terms of certain members of the State Racing Commission; to allow licensees to contract with other licensees to conduct live race meetings as prescribed; 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, 27:

Adams	Council	Janssen	McGill	Sullivan
Avery	Dubas	Karpisek	Mello	Wallman
Campbell	Gloor	Larson	Nordquist	Wightman
Coash	Haar, K.	Lathrop	Pahls	
Conrad	Hadley	Lautenbaugh	Schilz	
Cornett	Howard	Louden	Schumacher	

Voting in the negative, 18:

Ashford	Christensen	Hansen	McCoy	Smith
Bloomfield	Fischer	Harms	Nelson	Utter
Brasch	Flood	Heidemann	Pankonin	
Carlson	Fulton	Langemeier	Pirsch	

Present and not voting, 2:

Krist Price

Excused and not voting, 2:

Cook Harr, B.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Adams	Cornett	Howard	McGill	Wallman
Avery	Council	Janssen	Mello	Wightman
Campbell	Dubas	Karpisek	Nordquist	
Coash	Gloor	Larson	Schilz	
Conrad	Haar, K.	Lathrop	Schumacher	
Cook	Hadley	Lautenbaugh	Sullivan	

Voting in the negative, 17:

Ashford	Fischer	Harms	Nelson	Utter
Brasch	Flood	Heidemann	Pankonin	
Carlson	Fulton	Langemeier	Pirsch	
Christensen	Hansen	McCoy	Smith	

Present and not voting, 5:

Bloomfield	Krist	Louden	Pahls	Price
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Excused and not voting, 1:

Harr, B.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB289 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 289.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 14-3,113, 39-2215, 39-2215.01, 39-2216, 60-101, 60-119.01, 60-123, 60-137, 60-165, 60-301, 60-306, 60-336.01, 60-339, 60-386, 60-393, 60-395, 60-3,100, 60-3,113, 60-3,187, 60-3,190, 60-471, 60-501, 60-520,

60-547, 60-601, 60-605, 60-6,348, 60-6,349, 66-712, 66-738, 66-1405, and 77-1330, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2010; to allow operation of low-speed vehicles on highways as prescribed; to define and redefine terms; to require titling and registration for low-speed vehicles; to provide powers for counties; to change and eliminate provisions relating to the use of alternative fuels; to change provisions relating to motor vehicle titling and registration; to provide for additional registration fees; to change and provide fees relating to the use of alternative fuels; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, and 66-695, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 289A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 345. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska; to adopt the Small Business Innovation Act; to reduce the tax credit limits under the Community Development Assistance Act as prescribed; 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, 47:

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

Voting in the negative, 2:

Schumacher Smith

Not voting, 0.

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 345A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, 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, 47:

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

Voting in the negative, 2:

Schumacher Smith

Not voting, 0.

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 LB387 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 387.

A BILL FOR AN ACT relating to economic development; to adopt the Business Innovation Act; to eliminate funds and economic development acts and programs; to state intent regarding funding; to provide a termination date; to provide an operative date; and to outright repeal sections 2-5415, 2-5417, 2-5418, 2-5421, 2-5422, 2-5423, 2-5424, 81-1295, 81-1296,

81-1297, 81-1298, 81-1299, 81-12,100, 81-12,101, 81-12,102, 81-12,103, 81-12,104, 81-12,105, 81-12,126, 81-12,127, and 81-12,128, Reissue Revised Statutes of Nebraska, and sections 2-5413, 2-5414, 2-5416, 2-5419, 2-5420, 81-12,105.01, and 81-12,125, Revised Statutes Cumulative Supplement, 2010.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 387A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 387, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB389 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 389. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-27,187.02, Reissue Revised Statutes of Nebraska; to adopt the Angel Investment Tax Credit Act; to provide income tax credits; to provide funding; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 389A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Fischer

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 LB590 to Select File

Senator Cornett moved to return LB590 to Select File for her specific amendment, AM1418, found on page 1499.

The Cornett motion to return prevailed with 46 ayes, 0 nays, and 3 present and not voting.

SELECT FILE

LEGISLATIVE BILL 590. The Cornett specific amendment, AM1418, found on page 1499, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 628.

A BILL FOR AN ACT relating to personal property; to amend sections 23-3104, 23-3107, and 23-3115, Reissue Revised Statutes of Nebraska; to change provisions relating to the sale of surplus personal property under the County Purchasing Act; to provide for the donation of motor vehicles by certain political subdivisions 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, 43:

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

Voting in the negative, 1:

Bloomfield

Present and not voting, 5:

Fulton	Janssen	Krist	Nelson	Price
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.13, Reissue Revised Statutes of Nebraska; to change provisions relating to an advisory committee for travel and tourism; to authorize the Department of Economic Development to hire a consultant 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, 48:

Adams	Cook	Hansen	Lautenbaugh	Price
Ashford	Cornett	Harms	Louden	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.	Larson	Pankonin	
Conrad	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Langemeier

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

LEGISLATIVE BILL 684A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 684, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB673 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 673.

A BILL FOR AN ACT relating to family law; to amend sections 42-371, 43-2920, 43-2922, and 43-2929, Reissue Revised Statutes of Nebraska; to change provisions relating to release of judgment and subordination of support order liens; to define and redefine terms; to provide intent and procedures for child custody, child support, parenting time, and visitation proceedings involving a military parent; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

COMMITTEE REPORT Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB256.

(Signed) Tyson Larson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 106, 226, 252, 256, 289, 289A, 345, 345A, 387, 387A, 389, 389A, 628, 684, 684A, and 673.

MOTION - Reconsider Action on LB200

Senator Ashford renewed his motion, MO48, found on page 1601, to reconsider the vote on final passage of LB200.

SENATOR GLOOR PRESIDING

Senator Ashford requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 30:

Adams	Coash	Gloor	Krist	Pahls
Ashford	Conrad	Haar, K.	Larson	Pirsch
Avery	Cook	Hadley	Lathrop	Price
Brasch	Cornett	Harr, B.	McGill	Smith
Campbell	Council	Howard	Mello	Sullivan
Carlson	Dubas	Karpisek	Nordquist	Wallman

Voting in the negative, 18:

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

Present and not voting, 1:

Schilz

The Ashford motion to reconsider prevailed with 30 ayes, 18 nays, and 1 present and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 200.

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, 30:

Adams	Coash	Gloor	Krist	Pahls
Ashford	Conrad	Haar, K.	Larson	Pirsch
Avery	Cook	Hadley	Lathrop	Price
Brasch	Cornett	Harr, B.	McGill	Smith
Campbell	Council	Howard	Mello	Sullivan
Carlson	Dubas	Karpisek	Nordquist	Wallman

Voting in the negative, 16:

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

Present and not voting, 3:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 200A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 200, 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, 40:

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

Voting in the negative, 4:

Christensen	Hansen	McCoy	Utter
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Present and not voting, 5:

Bloomfield	Fischer	Janssen	Schilz	Schumacher
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 700. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 702. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 521. ER132, found on page 1605, was adopted.

Senator K. Haar offered the following amendment:

FA26

Strike the enacting clause.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2011, at 10:10 a.m. were the following: LBs 106, 226, 252e, 256, 289, 289A, 345e, 345Ae, 387, 387A, 389e, 389Ae, 628, 684, 684A, and 673.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 328. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, the South Omaha Neighborhood Alliance (SONA) recently named the recipients of its 2011 Project of Merit Award and 2011 Volunteer of the Year Award; and

WHEREAS, these awards are annually presented to recognize service and contributions to the South Omaha community; and

WHEREAS, the winner of the SONA 2011 Project of Merit Award is the Omaha South High Alumni Association, in recognition of the association's ongoing community commitment through student scholarships, teacher support and recognition, and the development of the Collin Field and Sports Complex and HP Smith Field; and

WHEREAS, the winner of the SONA 2011 Volunteer of the Year Award is Gary Kastrick, in recognition of his South Omaha history project and his dedication to preserving the artifacts and memories of Nebraska's "Magic City"; and

WHEREAS, these awards will be presented and winners recognized at the 2011 SONA banquet on June 2, 2011.

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

1. That the Legislature congratulates the Omaha South High Alumni Association on receiving the SONA 2011 Project of Merit Award and Gary Kastrick on receiving the SONA 2011 Volunteer of the Year Award.

2. That a copy of this resolution be sent to the Omaha South High Alumni Association and Gary Kastrick.

Laid over.

LEGISLATIVE RESOLUTION 329. Introduced by Schumacher, 22.

WHEREAS, Clarkson, Nebraska, located in Colfax County, is celebrating its 125th anniversary; and

WHEREAS, brave and strong people originating primarily in Czechoslovakia journeyed to the plains of Nebraska to homestead new land and seek the fruits of freedom and liberty; and

WHEREAS, these people began construction of the community of Clarkson at a location in anticipation of the coming of the railroad; and

WHEREAS, in true pioneer spirit, when the railroad chose an alternative route, they did likewise. They filed a new plat in 1886 and moved the community, including entire buildings, in time to greet the first train two months later; and

WHEREAS, Clarkson continues to take pride in its rich Czechoslovakian heritage, and the Clarkson Historical Society has been deemed to hold one of the best collections of Czech immigrant historical memorabilia in the United States; and

WHEREAS, Clarkson will culminate its quasiquicentennial celebration in conjunction with its 49th annual Czech Festival to be held June 17-19, 2011.

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

1. That the Legislature recognizes Clarkson's community spirit and congratulates the community of Clarkson on its quasiquicentennial celebration.

2. That a copy of this resolution be sent to the Clarkson City Council.

Laid over.

LEGISLATIVE RESOLUTION 330. Introduced by Hadley, 37.

WHEREAS, Natalie Wozniak of Kearney, Nebraska, earned a perfect score of 36 on her ACT college entrance exam; and

WHEREAS, Natalie was one of only sixteen graduating seniors in the State of Nebraska to earn a perfect score on the ACT; and

WHEREAS, last year nearly one million five hundred thousand graduating seniors took the ACT, and less than one-tenth of one percent earned a perfect score; and

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

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

1. That the Legislature congratulates Natalie Wozniak on earning a perfect score of 36 on her ACT.

2. That a copy of this resolution to sent to Natalie Wozniak.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB521. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 fifth- and sixth-grade students, teachers, and sponsors from Lawrence/Nelson School, Lawrence; 66 fourth-grade students, teachers, and sponsors from Rumsey Station Elementary, Papillion; 32 fourth-grade students and teacher from Sunny Slope Elementary, Omaha; Tim, Patty, Cooper, Spencer, Tucker, and Gunnar Knaak from Plainview; Senator Krist's niece, Teresa Malmberg, from Papillion; and 49 fourth-grade students, teachers, and sponsors from Hickory Hills, Papillion.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Dubas, Larson, Lathrop, Lautenbaugh, Schilz, Wallman, and Wightman who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 521. Senator K. Haar renewed his amendment, FA26, found in this day's Journal.

Senator K. Haar withdrew his amendment.

The Presiding Officer called for a machine vote on the advancement of the bill.

Senator Krist moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to Enrollment and Review for Engrossment with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Redistricting

LEGISLATIVE BILL 704. Placed on General File with amendment.
AM1492

- 1 1. On page 4, strike line 20 and insert "CON11-1804-1,
- 2 CON11-1804-1A, CON11-1804-2, and CON11-1804-3, filed".

LEGISLATIVE BILL 703. Placed on General File with amendment.
AM1493

- 1 1. On page 4, line 2, strike "LEG11-2, LEG11-2A"
- 2 and insert "LEG11-43002E-2, LEG11-43002E-2A"; in line 10 strike
- 3 "LEG11-43, LEG11-43A" and insert "LEG11-43002E-43"; and in line
- 4 11 strike "LEG11-47, LEG11-47A" and insert "LEG11-43002E-47" and
- 5 strike "LEG11-49" and insert "LEG11-43002E-49".

(Signed) Chris Langemeier, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 675. Placed on Final Reading.
ST41

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

1. In the E & R amendments, ER133, on page 1, line 9, "to provide an operative date;" has been inserted after the semicolon.
2. In the Standing Committee amendments, AM1380, on page 13, lines 15 and 17, "effective" has been struck and "operative" inserted.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 152. Placed on Select File with amendment.
ER136

- 1 1. In the Standing Committee amendments, AM1449:
- 2 a. On page 12, line 1, strike "this" and insert "the";
- 3 b. On page 13, line 14, strike "a"; and in line 27 strike

4 "the" and insert "each"; and
 5 c. On page 14, line 2, strike "the" and insert "each".
 6 2. On page 1, strike lines 2 through 4 and insert
 7 "amend sections 48-120 and 48-120.04, Reissue Revised Statutes
 8 of Nebraska; to provide for a Trauma Diagnostic Related Group
 9 inpatient hospital fee schedule; to define terms; to harmonize
 10 provisions; and to repeal the original sections."

LEGISLATIVE BILL 670. Placed on Select File with amendment.
 ER137

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 29-2262.06, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 29-2262.06 (1) Except as otherwise provided in this
 6 section, whenever a district court or county court sentences
 7 an adult offender to probation, the court shall require the
 8 probationer to pay a one-time administrative enrollment fee and
 9 thereafter a monthly probation programming fee. A juvenile court
 10 in the disposition of a juvenile who is placed upon probation may
 11 also order, as a condition of probation, the juvenile to be a
 12 participant in non-probation-based programs or services, and the
 13 court shall order payment of fees as provided in this section.
 14 (2) Participants in non-probation-based programs or
 15 services in which probation personnel or probation resources
 16 are utilized pursuant to an interlocal agreement authorized by
 17 subdivision (16) of section 29-2252 and in which all or a portion
 18 of the costs of such probation personnel or such probation
 19 resources are covered by funds provided pursuant to section
 20 29-2262.07 shall pay the one-time administrative enrollment fee
 21 described in subdivision (3)(a) of this section and the monthly
 22 probation programming fee described in subdivision (3)(c) of
 23 this section. In addition, the provisions of subsections (4),
 1 (7), and (10) of this section applicable to probationers apply
 2 to participants in non-probation-based programs or services.
 3 Any participant in a non-probation-based program or service who
 4 defaults on the payment of any such fees may, at the discretion
 5 of the court, be subject to removal from such non-probation-based
 6 program or service. This subdivision does not preclude a court or
 7 other governmental entity from charging additional local fees for
 8 participation in such non-probation-based programs and services or
 9 other similar non-probation-based programs and services.
 10 (3) The court shall establish the administrative
 11 enrollment fee and monthly probation programming fees as follows:
 12 (a) Adult probationers placed on either probation or
 13 intensive supervision probation and adult and juvenile participants
 14 in non-probation-based programs or services shall pay a one-time
 15 administrative enrollment fee of thirty dollars. The fee shall be

16 paid in a lump sum upon the beginning of probation supervision or
17 participation in a non-probation-based program or service;

18 (b) Adult probationers placed on probation shall pay a
19 monthly probation programming fee of twenty-five dollars, not later
20 than the tenth day of each month, for the duration of probation;
21 and

22 (c) Adult probationers placed on intensive
23 supervision probation and adult and juvenile participants in
24 non-probation-based programs or services shall pay a monthly
25 probation programming fee of thirty-five dollars, not later than
26 the tenth day of each month, for the duration of probation or
27 participation in a non-probation-based program or service.

1 (4) The court shall waive payment of the monthly
2 probation programming fees in whole or in part if after a hearing
3 a determination is made that such payment would constitute an
4 undue hardship on the offender due to limited income, employment or
5 school status, or physical or mental handicap. Such waiver shall be
6 in effect only during the period of time that the probationer or
7 participant in a non-probation-based program or service is unable
8 to pay his or her monthly probation programming fee.

9 (5) If a probationer defaults in the payment of monthly
10 probation programming fees or any installment thereof, the court
11 may revoke his or her probation for nonpayment, except that
12 probation shall not be revoked nor shall the offender be imprisoned
13 for such nonpayment if the probationer is financially unable to
14 make the payment, if he or she so states to the court in writing
15 under oath, and if the court so finds after a hearing.

16 (6) If the court determines that the default in payment
17 described in subsection (5) of this section was not attributable to
18 a deliberate refusal to obey the order of the court or to failure
19 on the probationer's part to make a good faith effort to obtain the
20 funds required for payment, the court may enter an order allowing
21 the probationer additional time for payment, reducing the amount
22 of each installment, or revoking the fees or the unpaid portion in
23 whole or in part.

24 (7) No probationer or participant in a
25 non-probation-based program or service shall be required to pay
26 more than one monthly probation programming fee per month. This
27 subsection does not preclude local fees as provided in subsection

1 (2) of this section.

2 (8) The imposition of monthly probation programming fees
3 in this section shall be considered separate and apart from the
4 fees described in subdivisions (2)(m) and (o) of section 29-2262.

5 (9) Any adult probationer received for supervision
6 pursuant to section 29-2637 or the Interstate Compact for
7 Adult Offender Supervision shall be assessed both a one-time
8 administrative enrollment fee and monthly probation programming
9 fees during the period of time the probationer is actively
10 supervised by Nebraska probation authorities.

11 (10) The probationer or participant in a
12 non-probation-based program or service shall pay the fees described
13 in this section to the clerk of the court. The clerk of the court
14 shall remit all fees so collected to the State Treasurer for credit
15 to the Probation Program Cash Fund.

16 Sec. 2. Section 43-286, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-286 (1) When any juvenile is adjudicated to be a
19 juvenile described in subdivision (1), (2), or (4) of section
20 43-247:

21 (a) The court may continue the dispositional portion of
22 the hearing, from time to time upon such terms and conditions
23 as the court may prescribe, including an order of restitution of
24 medical expenses incurred or any property stolen or damaged or an
25 order requiring the juvenile to participate in community service
26 programs, if such order is in the interest of the juvenile's
27 reformation or rehabilitation, and, subject to the further order of
1 the court, may:

2 (i) Place the juvenile on probation subject to the
3 supervision of a probation officer; and under any conditions deemed
4 by the court to insure that the juvenile will lead a law-abiding
5 life or deemed by the court to be reasonably related to the
6 rehabilitation of the juvenile, including, but not limited to, the
7 following:

8 (A) To obtain employment, attend school, or pursue a
9 prescribed secular course of study or vocational training and
10 to obey the rules where such education or training is provided,
11 including obtaining satisfactory grades or progress;

12 (B) To remain within the jurisdiction of the juvenile
13 court, report to the court or probation officer as directed, notify
14 the court or the probation officer of any change in the juvenile's
15 address or juvenile's employment or school program, permit the
16 probation officer or a law enforcement officer to visit the home,
17 school, or place of employment, submit to any searches requested by
18 a law enforcement or probation officer, submit to day reporting,
19 and agree to waive extradition if found in another jurisdiction;

20 (C) To participate in, follow all rules of, and
21 successfully complete any drug court program or problem solving
22 court program, including sanctions imposed;

23 (D) To refrain from the use of alcohol or drugs and
24 submit to testing to determine the presence of alcohol or drugs;

25 (E) To participate in any evaluations, offender
26 assessment screens, and rehabilitative treatment;

27 (F) To perform community service under the direction of
1 his or her probation officer;

2 (G) To be placed on house arrest or curfew monitored by
3 tracker or electronic surveillance device or system and to pay the
4 cost of such device or system if the juvenile has the financial
5 ability to pay;

6 (H) To pay for all costs imposed by the court if the
7 juvenile has the financial ability to pay;

8 (I) To comply with any sanctions imposed by the court
9 which are to take effect upon the violation of a condition of
10 probation by the juvenile; and

11 (J) To pay restitution for any property stolen or damaged
12 or for any medical expenses incurred if the juvenile has the
13 financial ability to pay;

14 (ii) Permit the juvenile to remain in his or her own home
15 or be placed in a suitable family home, subject to the supervision
16 of the probation officer with any conditions deemed appropriate by
17 the court as allowed in subdivision (1)(a)(i) of this section; or

18 (iii) Cause the juvenile to be placed in a suitable
19 family home or institution, subject to the supervision of the
20 probation officer with any conditions deemed appropriate by the
21 court as allowed in subdivision (1)(a)(i) of this section. If the
22 court has committed the juvenile to the care and custody of the
23 Department of Health and Human Services, the department shall pay
24 the costs of the suitable family home or institution which are not
25 otherwise paid by the juvenile's parents.

26 Under ~~subdivision (1)(a)~~ subdivisions (1)(a)(ii) and
27 (1)(a)(iii) of this section, upon a determination by the court that
1 there are no parental, private, or other public funds available for
2 the care, custody, and maintenance of a juvenile, the court may
3 order a reasonable sum for the care, custody, and maintenance of
4 the juvenile to be paid out of a fund which shall be appropriated
5 annually by the county where the petition is filed until a suitable
6 provision may be made for the juvenile without such payment; or

7 (b) The court may commit such juvenile to the Office
8 of Juvenile Services, but a juvenile under the age of twelve
9 years shall not be placed at the Youth Rehabilitation and
10 Treatment Center-Geneva or the Youth Rehabilitation and Treatment
11 Center-Kearney unless he or she has violated the terms of probation
12 or has committed an additional offense and the court finds that the
13 interests of the juvenile and the welfare of the community demand
14 his or her commitment. This minimum age provision shall not apply
15 if the act in question is murder or manslaughter.

16 (2) When any juvenile is found by the court to be a
17 juvenile described in subdivision (3)(b) of section 43-247, the
18 court may enter such order as it is empowered to enter under
19 subdivision (1)(a) of this section or enter an order committing or
20 placing the juvenile to the care and custody of the Department of
21 Health and Human Services.

22 (3) Beginning July 15, 1998, when any juvenile is
23 adjudicated to be a juvenile described in subdivision (1), (2),
24 (3)(b), or (4) of section 43-247 because of a nonviolent act or
25 acts and the juvenile has not previously been adjudicated to be
26 such a juvenile because of a violent act or acts, the court may,
27 with the agreement of the victim, order the juvenile to attend

1 juvenile offender and victim mediation with a mediator or at an
2 approved center selected from the roster made available pursuant to
3 section 25-2908.

4 (4)(a) When a juvenile is placed on probation or under
5 the supervision of the court and it is alleged that the juvenile is
6 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
7 of section 43-247, a petition may be filed and the same procedure
8 followed and rights given at a hearing on the original petition. If
9 an adjudication is made that the allegations of the petition are
10 true, the court may make any disposition authorized by this section
11 for such adjudications.

12 (b) When a juvenile is placed on probation or under
13 the supervision of the court for conduct under subdivision (1),
14 (2), (3)(b), or (4) of section 43-247 and it is alleged that the
15 juvenile has violated a term of probation or supervision or that
16 the juvenile has violated an order of the court, a motion to revoke
17 probation or supervision or to change the disposition may be filed
18 and proceedings held as follows:

19 (i) The motion shall set forth specific factual
20 allegations of the alleged violations and a copy of such motion
21 shall be served on all persons required to be served by sections
22 43-262 to 43-267;

23 (ii) The juvenile shall be entitled to a hearing before
24 the court to determine the validity of the allegations. At such
25 hearing the juvenile shall be entitled to those rights relating
26 to counsel provided by section 43-272 and those rights relating
27 to detention provided by sections 43-254 to 43-256. The juvenile
1 shall also be entitled to speak and present documents, witnesses,
2 or other evidence on his or her own behalf. He or she may confront
3 persons who have given adverse information concerning the alleged
4 violations, may cross-examine such persons, and may show that he
5 or she did not violate the conditions of his or her probation or,
6 if he or she did, that mitigating circumstances suggest that the
7 violation does not warrant revocation. The revocation hearing shall
8 be held within a reasonable time after the juvenile is taken into
9 custody;

10 (iii) The hearing shall be conducted in an informal
11 manner and shall be flexible enough to consider evidence, including
12 letters, affidavits, and other material, that would not be
13 admissible in an adversarial criminal trial;

14 (iv) The juvenile shall be given a preliminary hearing
15 in all cases when the juvenile is confined, detained, or otherwise
16 significantly deprived of his or her liberty as a result of his or
17 her alleged violation of probation. Such preliminary hearing shall
18 be held before an impartial person other than his or her probation
19 officer or any person directly involved with the case. If, as a
20 result of such preliminary hearing, probable cause is found to
21 exist, the juvenile shall be entitled to a hearing before the court
22 in accordance with this subsection;

23 (v) If the juvenile is found by the court to have
24 violated the terms of his or her probation, the court may modify
25 the terms and conditions of the probation order, extend the period
26 of probation, or enter any order of disposition that could have
27 been made at the time the original order of probation was entered;

1 and

2 (vi) In cases when the court revokes probation, it shall
3 enter a written statement as to the evidence relied on and the
4 reasons for revocation.

5 Sec. 3. Original sections 29-2262.06 and 43-286, Reissue
6 Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

MESSAGE FROM THE GOVERNOR

May 18, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 135, 165, 170, 286, 406, 413, 423, 424, 453, 454, 455, 458, 480, 494e, 502, 525, 525A, 542, 550, 573, 591, 641, and 687e were received in my office on May 12, 2011.

These bills were signed and delivered to the Secretary of State on May 18, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 669. ER131, found on page 1546, was adopted.

Senator Coash renewed his amendment, AM1448, found on page 1559.

The Coash amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Ashford renewed his amendment, AM1471, found on page 1627.

The Ashford amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Fulton renewed his amendment, AM1452, found on page 1628.

The Fulton amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 642. ER134, found on page 1605, was adopted.

Senator Cornett renewed the Cornett-Pankonin amendment, AM1468, found on page 1612.

The Cornett-Pankonin amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 699. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 331. Introduced by Campbell, 25.

WHEREAS, Jerry Baugh, who served in the United States Army in Vietnam, has continued to serve his country by helping veterans for forty years through his work at the Lincoln Regional Office of the United States Department of Veterans Affairs; and

WHEREAS, Jerry has served as congressional liaison to Nebraska's United States Senators and Representatives, receiving recognition of his excellent and timely work from members upon their retirement from Congress; and

WHEREAS, during his career, Jerry has been entrusted with many special duties, which currently include serving as attorney fee coordinator, manager of the Veterans on Active Duty Project, point of contact for the Committee on Waivers, manager of the Incarcerated Veterans Project, liaison with the Pension Management Center, trainer for personal hearings, manager of the Social Security Match Project, and manager of the Supplemental Social Security Income Inquiry Project; and

WHEREAS, the Lincoln Regional Office includes all 93 counties in Nebraska, has a potential clientele of approximately 159,500 veterans, oversees a program that awards over \$136 million annually in compensation and pension benefits, and serves veterans and beneficiaries as far as 500 miles from Lincoln; and

WHEREAS, the Lincoln Regional Office is comprised of several teams, and as the senior authorizer for all work completed by his team, Jerry reviews all cases before they are sent to the Veterans Affairs national office in Washington, D.C.; and

WHEREAS, during Jerry Baugh's forty years with the United States Department of Veterans Affairs, the Lincoln Regional Office has consistently ranked in the top three regional offices nationally and is currently first in the nation for work production and efficiency.

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

1. That the Legislature congratulates Jerry Baugh on his forty years of service with the United States Department of Veterans Affairs.

2. That a copy of this resolution be sent to Jerry Baugh.

Laid over.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 200 and 200A.

GENERAL FILE

LEGISLATIVE BILL 400. Title read. Considered.

Committee AM1446, found on page 1549, was considered.

Senator Christensen offered the following amendment to the committee amendment:

AM1501

(Amendments to Standing Committee amendments, AM1446)

- 1 1. On page 2, strike beginning with "through" in line 10
- 2 through line 11, show the old matter as stricken, and insert "except that such levy shall not continue for more than eight fiscal
- 3 years beginning with the first fiscal year immediately following
- 4 the imposition of such levy.".
- 5
- 6 2. On page 7, strike beginning with "through" in line 10
- 7 through line 11, show the old matter as stricken, and insert "except that such levy shall not continue for more than eight fiscal
- 8 years beginning with the first fiscal year immediately following
- 9 the imposition of such levy.".
- 10

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Christensen amendment lost with 4 ayes, 36 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 690. Title read. Considered.

Committee AM1429, found on page 1563, was considered.

SENATOR LANGEMEIER PRESIDING

Senator Schilz moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 30 ayes, 7 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2011, at 3:45 p.m. were the following: LBs 200 and 200A.

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

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB667:
AM1466 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 690. Senator McGill offered the following amendment:

AM1490

1 1. Insert the following new sections:

2 Section 1. Section 4-110, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 4-110 Verification of lawful presence in the United
5 States pursuant to section 4-108 is not required for:

6 (1) Any purpose for which lawful presence in the United
7 States is not restricted by law, ordinance, or regulation;

8 (2) Assistance for health care services and products,
9 not related to an organ transplant procedure, that are necessary
10 for the treatment of an emergency medical condition, including
11 emergency labor and delivery, manifesting itself by acute symptoms
12 of sufficient severity, including severe pain, such that the
13 absence of immediate medical attention could reasonably be expected
14 to result in (a) placing the patient's health in serious jeopardy,
15 (b) serious impairment to bodily functions, or (c) serious
16 dysfunction of any bodily organ or part;

17 (3) Short-term, noncash, in-kind emergency disaster
18 relief;

19 (4) Public health assistance for immunizations with
20 respect to diseases and for testing and treatment of symptoms
21 of communicable diseases, whether or not such symptoms are caused
22 by a communicable disease; or

23 (5) Programs, services, or assistance necessary for the
1 protection of life or safety, such as soup kitchens, crisis
2 counseling and intervention, and short-term shelter, which (a)
3 deliver in-kind services at the community level, including those
4 which deliver such services through public or private, nonprofit
5 agencies and (b) do not condition the provision of assistance, the
6 amount of assistance provided, or the cost of assistance provided
7 on the income or resources of the recipient.

8 The Legislature finds that unborn children do not have
9 immigration status and therefore are not within the scope of section
10 4-108. Prenatal care services that are available pursuant to
11 section 68-915 and section 5 of this act to unborn children, whose
12 eligibility is independent of the mother's eligibility status,
13 shall not be deemed to be tied to the immigration status of the
14 mother and therefore are not included in the restrictions imposed by
15 section 4-108.

16 Sec. 3. Section 68-901, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 68-901 Sections 68-901 to 68-969 and section 5 of this
19 act shall be known and may be cited as the Medical Assistance Act.

20 Sec. 4. Section 68-915, Reissue Revised Statutes of
21 Nebraska, is amended to read:

- 22 68-915 The following persons shall be eligible for
23 medical assistance:
- 24 (1) Dependent children as defined in section 43-504;
25 (2) Aged, blind, and disabled persons as defined in
26 sections 68-1002 to 68-1005;
- 27 (3) Children under nineteen years of age who are eligible
1 under section 1905(a)(i) of the federal Social Security Act;
2 (4) Persons who are presumptively eligible as allowed
3 under sections 1920 and 1920B of the federal Social Security Act;
4 (5) Children under nineteen years of age with a family
5 income equal to or less than two hundred percent of the Office
6 of Management and Budget income poverty guideline, as allowed
7 under Title XIX and Title XXI of the federal Social Security Act,
8 without regard to resources, and pregnant women with a family
9 income equal to or less than one hundred eighty-five percent of
10 the Office of Management and Budget income poverty guideline,
11 as allowed under Title XIX and Title XXI of the federal Social
12 Security Act, without regard to resources. Children described
13 in this subdivision and subdivision (6) of this section shall
14 remain eligible for six consecutive months from the date of
15 initial eligibility prior to redetermination of eligibility. The
16 department may review eligibility monthly thereafter pursuant to
17 rules and regulations adopted and promulgated by the department.
18 The department may determine upon such review that a child is
19 ineligible for medical assistance if such child no longer meets
20 eligibility standards established by the department;
- 21 (6) For purposes of Title XIX of the federal Social
22 Security Act as provided in subdivision (5) of this section,
23 children with a family income as follows:
- 24 (a) Equal to or less than one hundred fifty percent of
25 the Office of Management and Budget income poverty guideline with
26 eligible children one year of age or younger;
- 27 (b) Equal to or less than one hundred thirty-three
1 percent of the Office of Management and Budget income poverty
2 guideline with eligible children over one year of age and under six
3 years of age; or
- 4 (c) Equal to or less than one hundred percent of the
5 Office of Management and Budget income poverty guideline with
6 eligible children six years of age or older and less than nineteen
7 years of age;
- 8 (7) Persons who are medically needy caretaker relatives
9 as allowed under 42 U.S.C. 1396d(a)(ii);
- 10 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
11 disabled persons as defined in section 68-1005 with a family income
12 of less than two hundred fifty percent of the Office of Management
13 and Budget income poverty guideline and who, but for earnings in
14 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),
15 would be considered to be receiving federal Supplemental Security
16 Income. The department shall apply for a waiver to disregard any

17 unearned income that is contingent upon a trial work period in
 18 applying the Supplemental Security Income standard. Such disabled
 19 persons shall be subject to payment of premiums as a percentage of
 20 family income beginning at not less than two hundred percent of
 21 the Office of Management and Budget income poverty guideline. Such
 22 premiums shall be graduated based on family income and shall not be
 23 less than two percent or more than ten percent of family income;
 24 ~~and~~

25 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
 26 persons who:

27 (a) Have been screened for breast and cervical cancer
 1 under the Centers for Disease Control and Prevention breast and
 2 cervical cancer early detection program established under Title XV
 3 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
 4 in accordance with the requirements of section 1504 of such act, 42
 5 U.S.C. 300n, and who need treatment for breast or cervical cancer,
 6 including precancerous and cancerous conditions of the breast or
 7 cervix;

8 (b) Are not otherwise covered under creditable coverage
 9 as defined in section 2701(c) of the federal Public Health Service
 10 Act, 42 U.S.C. 300gg(c);

11 (c) Have not attained sixty-five years of age; and

12 (d) Are not eligible for medical assistance under any
 13 mandatory categorically needy eligibility group; ~~and-~~

14 (10) Persons receiving services described in section 5 of
 15 this act.

16 Eligibility shall be determined under this section
 17 using an income budgetary methodology that determines children's
 18 eligibility at no greater than two hundred percent of the Office
 19 of Management and Budget income poverty guideline and adult
 20 eligibility using adult income standards no greater than the
 21 applicable categorical eligibility standards established pursuant
 22 to state or federal law. The department shall determine eligibility
 23 under this section pursuant to such income budgetary methodology
 24 and subdivision (1)(q) of section 68-1713.

25 Sec. 5. (1) Prenatal care and pregnancy-related services
 26 described in subsection (2) of this section provided to a pregnant
 27 woman under the age of eighteen years who has an income equal
 1 to or less than one hundred eighty-five percent of the Office of
 2 Management and Budget income poverty guideline but who does not
 3 otherwise qualify for medical assistance under section 68-915 are
 4 eligible for reimbursement under the Medical Assistance Act.

5 (2) The services provided pursuant to this section shall
 6 be prenatal care and pregnancy-related services connected to the
 7 health of the unborn child, including: (a) Professional fees for
 8 labor and delivery, including live birth, fetal death, miscarriage,
 9 and ectopic pregnancy; (b) pharmaceuticals and prescription
 10 vitamins; (c) outpatient hospital care; (d) radiology, ultrasound,
 11 and other necessary imaging; (e) necessary laboratory testing; (f)

12 hospital costs related to labor and delivery; (g) services related
13 to conditions that could complicate the pregnancy, including those
14 for diagnosis or treatment of illness or medical conditions that
15 threaten the carrying of the unborn child to full term or the
16 safe delivery of the unborn child; and (h) other pregnancy-related
17 services approved by the department. Services not covered under
18 this subsection include medical issues separate to the mother and
19 unrelated to pregnancy.

20 (3) Such coverage shall be implemented through the
21 creation of a separate program as allowed under Title XXI of
22 the federal Social Security Act, as amended, and 42 C.F.R. 457.10,
23 solely for the unborn children of mothers who are ineligible for
24 coverage under Title XIX of the federal Social Security Act. All
25 other aspects of the medical assistance program relating to the
26 State Child Health Insurance Program remain a medicaid expansion
27 program as defined in 42 C.F.R. 457.10.

1 (4) The department shall receive the state and federal
2 funds appropriated or provided for benefits provided pursuant to
3 this section. Within thirty days after the effective date of this
4 act, the department shall submit a state plan amendment or waiver
5 for approval by the federal Centers for Medicare and Medicaid
6 Services to provide coverage under the medical assistance plan to
7 persons eligible under this section.

8 (5) Eligibility shall be determined under this section
9 using an income budgetary methodology that determines children's
10 eligibility at no greater than one hundred eighty-five percent of
11 the Office of Management and Budget income poverty guideline.

12 2. Amend the repealer, renumber the remaining sections,
13 and correct internal references accordingly.

Senator Brasch requested a ruling of the Chair on whether the McGill amendment is germane to the bill.

The Chair ruled the McGill amendment is not germane to the bill.

Senator McGill challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator McGill moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator McGill requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 16:

Ashford	Cornett	Haar, K.	Mello
Campbell	Council	Harr, B.	Nordquist
Conrad	Dubas	Howard	Schumacher
Cook	Gloor	McGill	Wallman

Voting in the negative, 28:

Adams	Coash	Harms	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	Louden	Smith
Bloomfield	Flood	Karpisek	McCoy	Sullivan
Brasch	Fulton	Krist	Nelson	Utter
Carlson	Hadley	Langemeier	Pirsch	
Christensen	Hansen	Larson	Price	

Excused and not voting, 5:

Janssen	Lathrop	Pahls	Pankonin	Wightman
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The McGill motion to overrule the Chair failed with 16 ayes, 28 nays, and 5 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator K. Haar offered the following amendment:

AM1510

- 1 1. On page 4, strike lines 17 through 21 and insert the
- 2 following new subdivision:
- 3 "(3) Consent means a notarized written statement that
- 4 does not mention the procedure sought, signed by a parent or
- 5 legal guardian of the pregnant woman or an alternate person as
- 6 described in section 4 of this act, declaring that the affiant has
- 7 been informed that the pregnant woman intends to seek a medical
- 8 procedure and that the affiant consents to the medical procedure;".

SENATOR CARLSON PRESIDING

Senator K. Haar withdrew his amendment.

Senator Council offered the following amendment:

FA27

Delete lines 20 through 24 beginning with the word "If" on line 20 on page 7, and by deleting lines 2 through 4 on line 8.

Senator Council withdrew her amendment.

Senator Schumacher offered the following amendment:

FA28

On page 4, line 19, strike "if" and insert "of".

Senator Schumacher withdrew his amendment.

Senator Council offered the following amendment:

FA29

On page 7, line 19, strike beginning with "If" to the end of line 24; and on page 8, strike lines 2 through 4.

Senator Council moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Conrad	Council	Howard
Campbell	Cook	Haar, K.	Karpisek

Voting in the negative, 24:

Adams	Dubas	Hadley	Langemeier	Schilz
Bloomfield	Fischer	Hansen	Louden	Schumacher
Brasch	Flood	Harms	McCoy	Sullivan
Carlson	Fulton	Heidemann	Nordquist	Utter
Christensen	Gloor	Krist	Pirsch	

Present and not voting, 9:

Ashford	Cornett	McGill	Nelson	Wallman
Coash	Harr, B.	Mello	Smith	

Excused and not voting, 8:

Janssen	Lathrop	Pahls	Price
Larson	Lautenbaugh	Pankonin	Wightman

The Council amendment lost with 8 ayes, 24 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

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

Voting in the affirmative, 33:

Adams	Dubas	Harms	McCoy	Schumacher
Bloomfield	Fischer	Heidemann	Mello	Smith
Brasch	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Utter
Christensen	Gloor	Langemeier	Pirsch	Wallman
Coash	Hadley	Larson	Price	
Cornett	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 7:

Avery	Conrad	Council	Howard
Campbell	Cook	Haar, K.	

Present and not voting, 3:

Ashford	Louden	McGill
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Excused and not voting, 6:

Harr, B.	Lathrop	Pankonin
Janssen	Pahls	Wightman

Advanced to Enrollment and Review Initial with 33 ayes, 7 nays, 3 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Harms filed the following amendment to LB703:
AM1494

(Amendments to Standing Committee amendments, AM1493)

- 1 1. On page 1, strike beginning with "in" in line
- 2 2 through line 5 and insert "and strike lines 8 through 11
- 3 and insert LEG11-32, LEG11-32A, LEG11-48006-33, LEG11-48006-34,
- 4 LEG11-48006-34A, LEG11-48006-35, LEG11-48006-36, LEG11-48006-36A,
- 5 LEG11-48006-37, LEG11-48006-37A, LEG11-48006-38, LEG11-38A,
- 6 LEG11-39, LEG11-48006-40, LEG11-48006-41, LEG11-42, LEG11-48006-43,
- 7 LEG11-48006-44, LEG11-45, LEG11-46, LEG11-48006-47, LEG11-48, and
- 8 LEG11-48006-49, filed'."

VISITORS

Visitors to the Chamber were 42 seventh- and eighth-grade students, teachers, and sponsors from Harvard; 60 fourth-grade students and teachers from Manchester Elementary, Omaha; 44 fourth-grade students and teachers from Stanton; and 72 fourth-grade students and teachers from Dudley

Elementary, Gothenburg.

The Doctor of the Day was Dr. Michael Schooff from Papillion.

ADJOURNMENT

At 9:20 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Thursday, May 19, 2011.

Patrick J. O'Donnell
Clerk of the Legislature