

EIGHTY-SECOND DAY - MAY 19, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 19, 2011

PRAYER

The prayer was offered by Reverend Robert Hall, Cathedral of Love, Omaha.

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 Cornett, Fulton, Heidemann, Karpisek, Langemeier, Lautenbaugh, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 700. Placed on Select File.

LEGISLATIVE BILL 701. Placed on Select File.

LEGISLATIVE BILL 702. Placed on Select File.

LEGISLATIVE BILL 400. Placed on Select File with amendment.

ER138

- 1 1. On page 1, strike beginning with "the" in line
- 2 1 through line 10 and insert "natural resources districts; to
- 3 amend sections 2-3225 and 77-3442, Revised Statutes Cumulative
- 4 Supplement, 2010; to change tax levy authority as prescribed; and
- 5 to repeal the original sections."

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 521. Placed on Final Reading.**LEGISLATIVE BILL 590.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

MOTION - Approve Appointment

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1628:

Nebraska Accountability and Disclosure Commission

Timothy M. Schulz

Voting in the affirmative, 36:

Avery	Cook	Harms	Mello	Smith
Bloomfield	Council	Howard	Nelson	Sullivan
Brasch	Dubas	Janssen	Nordquist	Utter
Campbell	Fischer	Krist	Pahls	Wallman
Carlson	Flood	Larson	Pirsch	
Christensen	Gloor	Lathrop	Price	
Coash	Haar, K.	Louden	Schilz	
Conrad	Hadley	McGill	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Hansen	McCoy
Ashford	Harr, B.	Pankonin

Excused and not voting, 7:

Cornett	Heidemann	Langemeier	Wightman
Fulton	Karpisek	Lautenbaugh	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

MOTION - Ombudsman Appointment

Senator Nelson moved the reappointment, found on page 1611, of Marshall Lux as Public Counsel (Ombudsman), and asks that the Legislature vote its approval as required by Section 81-8,241. A two-thirds vote is required.

The motion prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

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

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB151 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 151. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-125, 48-145.01, 48-153, 48-155, 48-156, 48-167, 48-170, 48-175.01, 48-177, 48-178, 48-180, 48-182, 48-185, 48-191, and 48-1,110, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate powers and duties of the Nebraska Workers' Compensation Court and judges of the compensation court; to change provisions relating to hearings and appeals; to eliminate review by a three-judge panel; to authorize modification of awards and orders; to provide for applicability of changes; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 48-179, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann Karpisek Lautenbaugh Wightman

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB589 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 589. With Emergency Clause.

A BILL FOR AN ACT relating to state highways; to amend sections 13-901, 13-910, 39-1359, and 81-8,219, Reissue Revised Statutes of Nebraska; to allow for temporary use of the state highway system for special events held by a county, city, or village as prescribed; to provide liability and duties for the county, city, or village; to provide for applicability of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann Karpisek Lautenbaugh Wightman

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 617. With Emergency Clause.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 84-907, 84-907.09, and 84-920, Reissue Revised Statutes of Nebraska; to provide and change requirements and duties relating to adoption and promulgation of rules and regulations; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Heidemann Karpisek Lautenbaugh Wightman

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 151, 589, and 617.

SENATOR CARLSON PRESIDING

SELECT FILE

LEGISLATIVE BILL 667. ER135, found on page 1604, was adopted.

Senator Flood renewed his amendment, AM1466, found on page 1684.

The Flood amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 667A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 152. ER136, found on page 1675, was adopted.

Senator Lathrop offered the following amendment:
AM1503 is available in the Bill Room.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Committee AM1465, found on page 1610, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Sullivan withdrew her amendment, AM238, found on page 440.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 19, 2011, at 9:40 a.m. were the following: LBs 151e, 589e, and 617e.

(Signed) Kim Miranda
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 60 fourth-grade students and teachers from Engleman School, Grand Island; Aaron Kloke from Lincoln; Nicholas Schreiner from Seward; and 41 fourth-grade students, teachers, and sponsors from Stolley Park Elementary, Grand Island.

RECESS

At 11:43 a.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Cornett, Krist, and Wightman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 642. Placed on Final Reading.

LEGISLATIVE BILL 669. Placed on Final Reading.

ST42

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

1. In the Ashford amendment, AM1471, on page 1, lines 7 and 16, an underscored comma has been inserted after "board".

2. In the E & R amendments, ER131:

a. Sections 21 to 29 have been renumbered as sections 23 to 31, respectively; and

b. On page 22, line 3, "29-404, 29-1603," has been inserted after the first comma; and in line 8 "certain filing requirements," has been inserted after the first comma.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Thursday, May 31, 2011 1:00 p.m.

Dean Cerny (cancel)

Sammy Reagan (cancel)

Thursday, May 26, 2011 8:30 a.m.

Dean Cerny (reschedule)
Sammy Reagan (reschedule)

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 704. Title read. Considered.

Committee AM1492, found on page 1675, was considered.

SENATOR COASH PRESIDING

Senator Langemeier moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The committee amendment was adopted with 30 ayes, 11 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 690. Placed on Select File with amendment. ER139 is available in the Bill Room.

LEGISLATIVE BILL 629. Placed on Select File with amendment. ER140

- 1 1. On page 1, strike beginning with "Hazardous" in line 1
- 2 through "Recovery" in line 2 and insert "Oil Pipeline Reclamation".

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 704. Senator Mello offered the following amendment:

AM1508

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new section:
- 3 Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504 (1) Based on the ~~2000~~2010 Census of Population

6 by the United States Department of Commerce, Bureau of the Census,
7 the State of Nebraska is hereby divided into three districts for
8 electing Representatives in the Congress of the United States, and
9 each district shall be entitled to elect one representative. The
10 limits and designations of the three districts shall be as follows:

11 (1) The first district shall contain the counties of
12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,
13 Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,
14 Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of
15 Sarpy County not included in the second district, and that part
16 of Cedar County beginning at the intersection of the Cedar Dixon
17 County line and the northern boundary of Precinct 7, follow such
18 boundary west to the intersection of a north-south line extending
19 north from 574th Avenue, south along such line to 574th Avenue,
20 south on 574th Avenue to 886th Road, west on 886th Road to State
21 Highway 57, north on State Highway 57 to 887th Road, west on 887th
22 Road to the intersection of a north-south line extending north from
23 570th Avenue, south along such line to 570th Avenue, south on 570th
1 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on
2 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,
3 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd
4 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue
5 and continuing south along a north-south line extending south from
6 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,
7 west on 870th Road to 564th Avenue, south on 564th Avenue to the
8 Cedar-Wayne County line, east along the Cedar-Wayne County line to
9 the Cedar-Dixon County line, and north along the Cedar-Dixon County
10 line to the point of beginning;

11 (2) The second district shall contain Douglas County and
12 that part of Sarpy County beginning at the intersection of the
13 Douglas-Sarpy County line and South 156th Street, south on South
14 156th Street to Giles Road, east on Giles Road to South 132nd
15 Street, south on South 132nd Street to State Highway 370, east
16 on State Highway 370 to the western boundary of the Papillion-La
17 Vista Public School District, follow such boundary south to Schram
18 Road, east on Schram Road to the intersection of a north-south
19 line extending north from South 120th Street, south along such
20 line to the intersection of an east-west line extending west from
21 Maass Road, east along such line to South 114th Street, north
22 on South 114th Street to Schram Road, east on Schram Road to
23 the southern corporate limits of the city of Papillion, follow
24 the southern corporate limits of the city of Papillion east to
25 State Highway 370, east on State Highway 370 to South 72nd Street,
26 south on South 72nd Street to Capehart Road, east on Capehart Road
27 to South 60th Street, south on South 60th Street and continuing
1 south along a north-south line extending south from South 60th
2 Street to Platteview Road, east on Platteview Road to Dyson Hollow
3 Road, north on Dyson Hollow Road to the southern boundary of the
4 Bellevue Public School District, follow such boundary east to U.S.

5 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,
6 east along the Sarpy-Cass County line to the Nebraska-Iowa state
7 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy
8 County line, and west along the Douglas-Sarpy County line to the
9 point of beginning; and

10 (3) The third district shall contain the counties of
11 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,
12 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,
13 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,
14 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,
15 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,
16 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,
17 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,
18 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box
19 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that
20 part of Cedar County not included in the first district.

21 (2) The numbers and boundaries of the districts are
22 designated and established by a map identified and labeled as
23 map CON1-05003, filed with the Clerk of the Legislature, and
24 incorporated by reference as part of this legislative bill.

25 (3)(a) The Clerk of the Legislature shall transfer
26 possession of the map referred to in subsection (2) of this
27 section to the Secretary of State on the effective date of this
1 act.

2 (b) When questions of interpretation of district
3 boundaries arise, the map referred to in subsection (2) of this
4 section in possession of the Secretary of State shall serve as
5 the indication of the legislative intent in drawing the district
6 boundaries.

7 (c) Each election commissioner or county clerk shall
8 obtain copies of the map referred to in subsection (2) of this
9 section for the election commissioner's or clerk's county from the
10 Secretary of State.

11 (d) The Secretary of State shall also have available for
12 viewing on his or her web site the map referred to in subsection
13 (2) of this section identifying the boundaries for the districts.

SENATOR SULLIVAN PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Dubas	Karpisek	Mello
Conrad	Haar, K.	Lathrop	Nordquist
Cook	Harr, B.	Louden	Sullivan
Council	Howard	McGill	Wallman

Voting in the negative, 30:

Adams	Coash	Hansen	Larson	Price
Bloomfield	Fischer	Harms	Lautenbaugh	Schilz
Brasch	Flood	Heidemann	McCoy	Schumacher
Campbell	Fulton	Janssen	Nelson	Smith
Carlson	Gloor	Krist	Pankonin	Utter
Christensen	Hadley	Langemeier	Pirsch	Wightman

Excused and not voting, 3:

Ashford	Cornett	Pahls
---------	---------	-------

The Mello amendment lost with 16 ayes, 30 nays, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB704:
AM1517

(Amendments to Standing Committee amendments, AM1492)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 1. Strike original section 1 and all amendments thereto
- 4 and insert the following new section:
- 5 Section 1. Section 32-504, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 32-504 (1) Based on the ~~2000~~ 2010 Census of Population
- 8 by the United States Department of Commerce, Bureau of the Census,
- 9 the State of Nebraska is hereby divided into three districts for
- 10 electing Representatives in the Congress of the United States, and
- 11 each district shall be entitled to elect one representative. ~~The~~
- 12 ~~limits and designations of the three districts shall be as follows:~~
- 13 ~~(1) The first district shall contain the counties of~~
- 14 ~~Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,~~
- 15 ~~Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,~~
- 16 ~~Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of~~

17 Sarpy County not included in the second district, and that part
 18 of Cedar County beginning at the intersection of the Cedar Dixon
 19 County line and the northern boundary of Precinct 7, follow such
 20 boundary west to the intersection of a north-south line extending
 21 north from 574th Avenue, south along such line to 574th Avenue,
 22 south on 574th Avenue to 886th Road, west on 886th Road to State
 1 Highway 57, north on State Highway 57 to 887th Road, west on 887th
 2 Road to the intersection of a north-south line extending north from
 3 570th Avenue, south along such line to 570th Avenue, south on 570th
 4 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on
 5 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,
 6 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd
 7 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue
 8 and continuing south along a north-south line extending south from
 9 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,
 10 west on 870th Road to 564th Avenue, south on 564th Avenue to the
 11 Cedar-Wayne County line, east along the Cedar-Wayne County line to
 12 the Cedar-Dixon County line, and north along the Cedar-Dixon County
 13 line to the point of beginning;

14 (2) The second district shall contain Douglas County and
 15 that part of Sarpy County beginning at the intersection of the
 16 Douglas-Sarpy County line and South 156th Street, south on South
 17 156th Street to Giles Road, east on Giles Road to South 132nd
 18 Street, south on South 132nd Street to State Highway 370, east
 19 on State Highway 370 to the western boundary of the Papillion-La
 20 Vista Public School District, follow such boundary south to Schram
 21 Road, east on Schram Road to the intersection of a north-south
 22 line extending north from South 120th Street, south along such
 23 line to the intersection of an east-west line extending west from
 24 Maass Road, east along such line to South 114th Street, north
 25 on South 114th Street to Schram Road, east on Schram Road to
 26 the southern corporate limits of the city of Papillion, follow
 27 the southern corporate limits of the city of Papillion east to
 1 State Highway 370, east on State Highway 370 to South 72nd Street,
 2 south on South 72nd Street to Capehart Road, east on Capehart Road
 3 to South 60th Street, south on South 60th Street and continuing
 4 south along a north-south line extending south from South 60th
 5 Street to Platteview Road, east on Platteview Road to Dyson Hollow
 6 Road, north on Dyson Hollow Road to the southern boundary of the
 7 Bellevue Public School District, follow such boundary east to U.S.
 8 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,
 9 east along the Sarpy-Cass County line to the Nebraska-Iowa state
 10 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy
 11 County line, and west along the Douglas-Sarpy County line to the
 12 point of beginning; and

13 (3) The third district shall contain the counties of
 14 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,
 15 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,
 16 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,

17 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,
 18 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,
 19 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,
 20 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,
 21 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box
 22 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that
 23 part of Cedar County not included in the first district.

24 (2) The numbers and boundaries of the districts are
 25 designated and established by a map identified and labeled as
 26 map CON1-32001, filed with the Clerk of the Legislature, and
 27 incorporated by reference as part of this legislative bill.

1 (3)(a) The Clerk of the Legislature shall transfer
 2 possession of the map referred to in subsection (2) of this
 3 section to the Secretary of State on the effective date of this
 4 act.

5 (b) When questions of interpretation of district
 6 boundaries arise, the map referred to in subsection (2) of this
 7 section in possession of the Secretary of State shall serve as
 8 the indication of the legislative intent in drawing the district
 9 boundaries.

10 (c) Each election commissioner or county clerk shall
 11 obtain copies of the map referred to in subsection (2) of this
 12 section for the election commissioner's or clerk's county from the
 13 Secretary of State.

14 (d) The Secretary of State shall also have available for
 15 viewing on his or her web site the map referred to in subsection
 16 (2) of this section identifying the boundaries for the districts.

Senator Flood filed the following amendment to LB667:
 AM1514

(Amendments to AM1466)

1 1. On page 58, line 19, after "under" insert "subdivision
 2 (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of
 3 section 28-394,".

4 2. On page 78, line 16, after "Fund" insert "if such
 5 funds are available and".

Senator Mello filed the following amendment to LB704:
 AM1509

1 1. Strike original section 1 and all amendments thereto
 2 and insert the following new section:
 3 Section 1. Section 32-504, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 32-504 (1) Based on the 2000-2010 Census of Population
 6 by the United States Department of Commerce, Bureau of the Census,
 7 the State of Nebraska is hereby divided into three districts for
 8 electing Representatives in the Congress of the United States, and
 9 each district shall be entitled to elect one representative. ~~The~~
 10 limits and designations of the three districts shall be as follows:

11 (1) The first district shall contain the counties of
 12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,
 13 Saunders, Seward, Butler, Dodge, Washington, Colfax, Madison, Burt,
 14 Stanton, Cuming, Thurston, Wayne, Dixon, and Dakota, that part of
 15 Sarpy County not included in the second district, and that part
 16 of Cedar County beginning at the intersection of the Cedar Dixon
 17 County line and the northern boundary of Precinct 7, follow such
 18 boundary west to the intersection of a north-south line extending
 19 north from 574th Avenue, south along such line to 574th Avenue,
 20 south on 574th Avenue to 886th Road, west on 886th Road to State
 21 Highway 57, north on State Highway 57 to 887th Road, west on 887th
 22 Road to the intersection of a north-south line extending north from
 23 570th Avenue, south along such line to 570th Avenue, south on 570th
 1 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on
 2 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,
 3 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd
 4 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue
 5 and continuing south along a north-south line extending south from
 6 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,
 7 west on 870th Road to 564th Avenue, south on 564th Avenue to the
 8 Cedar Wayne County line, east along the Cedar Wayne County line to
 9 the Cedar Dixon County line, and north along the Cedar Dixon County
 10 line to the point of beginning;

11 (2) The second district shall contain Douglas County and
 12 that part of Sarpy County beginning at the intersection of the
 13 Douglas-Sarpy County line and South 156th Street, south on South
 14 156th Street to Giles Road, east on Giles Road to South 132nd
 15 Street, south on South 132nd Street to State Highway 370, east
 16 on State Highway 370 to the western boundary of the Papillion La
 17 Vista Public School District, follow such boundary south to Schram
 18 Road, east on Schram Road to the intersection of a north-south
 19 line extending north from South 120th Street, south along such
 20 line to the intersection of an east-west line extending west from
 21 Maass Road, east along such line to South 114th Street, north
 22 on South 114th Street to Schram Road, east on Schram Road to
 23 the southern corporate limits of the city of Papillion, follow
 24 the southern corporate limits of the city of Papillion east to
 25 State Highway 370, east on State Highway 370 to South 72nd Street,
 26 south on South 72nd Street to Capehart Road, east on Capehart Road
 27 to South 60th Street, south on South 60th Street and continuing
 1 south along a north-south line extending south from South 60th
 2 Street to Platteview Road, east on Platteview Road to Dyson Hollow
 3 Road, north on Dyson Hollow Road to the southern boundary of the
 4 Bellevue Public School District, follow such boundary east to U.S.
 5 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,
 6 east along the Sarpy-Cass County line to the Nebraska-Iowa state
 7 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy
 8 County line, and west along the Douglas-Sarpy County line to the
 9 point of beginning; and

10 (3) ~~The third district shall contain the counties of~~
 11 ~~Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,~~
 12 ~~Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,~~
 13 ~~Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,~~
 14 ~~Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,~~
 15 ~~Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,~~
 16 ~~Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,~~
 17 ~~Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,~~
 18 ~~Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box~~
 19 ~~Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that~~
 20 ~~part of Cedar County not included in the first district.~~

21 (2) The numbers and boundaries of the districts are
 22 designated and established by a map identified and labeled as
 23 map CON1-46001, filed with the Clerk of the Legislature, and
 24 incorporated by reference as part of this legislative bill.

25 (3)(a) The Clerk of the Legislature shall transfer
 26 possession of the map referred to in subsection (2) of this
 27 section to the Secretary of State on the effective date of this
 1 act.

2 (b) When questions of interpretation of district
 3 boundaries arise, the map referred to in subsection (2) of this
 4 section in possession of the Secretary of State shall serve as
 5 the indication of the legislative intent in drawing the district
 6 boundaries.

7 (c) Each election commissioner or county clerk shall
 8 obtain copies of the map referred to in subsection (2) of this
 9 section for the election commissioner's or clerk's county from the
 10 Secretary of State.

11 (d) The Secretary of State shall also have available for
 12 viewing on his or her web site the map referred to in subsection
 13 (2) of this section identifying the boundaries for the districts.

RESOLUTION

LEGISLATIVE RESOLUTION 332. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; K. Haar, 21; McCoy, 39; Schilz, 47; Smith, 14.

PURPOSE: The purpose of this interim study is to determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates. Such a study should include, but not be limited to, an examination of the following:

- (1) Loss of property tax receipts to a county due to reclassification of land;
- (2) Loss of productive cropland;
- (3) The ability of the Nebraska Environmental Trust to fund easements through the grant process;
- (4) The ability of the Nebraska Environmental Trust to hold land in fee or obtain easements;
- (5) The right of a county to refuse approval of such easements;

(6) The right of affected political subdivisions to receive notice prior to the granting of such easements;

(7) Limiting the easement to a set amount of time; and

(8) Limiting the tax benefits that landowners can realize by entering into easements.

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.

GENERAL FILE

LEGISLATIVE BILL 703. Title read. Considered.

Committee AM1493, found on page 1675, was considered.

Senator Harms renewed his amendment, AM1494, found on page 1691, to the committee amendment.

SENATOR COASH PRESIDING

Senator Harms moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Harms requested a roll call vote on his amendment to the committee amendment.

Voting in the affirmative, 12:

Avery	Council	Harms	Nordquist
Conrad	Fischer	Howard	Wallman
Cook	Haar, K.	Louden	Wightman

Voting in the negative, 28:

Adams	Flood	Heidemann	Lautenbaugh	Schilz
Campbell	Fulton	Janssen	McCoy	Smith
Carlson	Gloor	Karpisek	McGill	Sullivan
Christensen	Hadley	Krist	Nelson	Utter
Coash	Hansen	Langemeier	Pankonin	
Dubas	Harr, B.	Larson	Price	

Present and not voting, 6:

Bloomfield	Lathrop	Pirsch
Brasch	Mello	Schumacher

Excused and not voting, 3:

Ashford	Cornett	Pahls
---------	---------	-------

The Harms amendment lost with 12 ayes, 28 nays, 6 present and not voting, and 3 excused and not voting.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB397:
AM1528 is available in the Bill Room.

VISITORS

Visitors to the Chamber were Amanda Furlich and Senator Bloomfield's wife and son, Dee Boeckenhauer and Mark Bloomfield; Senator Coash's father-in-law, Bernie Niewohner, from West Point; 17 fourth-grade students, teacher, and sponsors from Axtell; and 50 fourth-grade students, teachers, and sponsors from Holy Cross School, Omaha.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 9:02 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:30 a.m., Friday, May 20, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

