

EIGHTY-THIRD DAY - MAY 20, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 20, 2011

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Council and K. Haar who were excused; and Senator Heidemann who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 19, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Hammer, Mike L.

Hammer, Mike L. (Withdrawn 05/12/2011)

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Public Official Bonds

Natural Resources, Department of

Preliminary Report of the Republican River Basin Water Sustainability

Retirement Systems, Public Employees

County Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2013

County Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for Fiscal Year Ending June 30, 2012

State Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2013

State Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2011 for State Fiscal Year Ending June 30, 2012

Roads, Nebraska Department of

Forty-First Annual Report of the Board of Examiners for County Highway and City Street Superintendents for the period January 1, 2010 to December 1, 2010

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 699. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change boundaries of the Supreme Court judicial districts by the adoption of maps by reference; 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	Hansen	Lautenbaugh	Pirsch
Ashford	Cook	Harms	Louden	Price
Avery	Cornett	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Schumacher
Brasch	Fischer	Janssen	Mello	Smith
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Utter
Christensen	Gloor	Langemeier	Pahls	Wallman
Coash	Hadley	Larson	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council Haar, K. Heidemann Lathrop

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 LB675 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 675.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-106, 60-498.02, 60-4,129, 60-601, 60-697, 60-698, 60-6,197.02, 60-6,197.03, 60-6,198, and 83-1,135, Reissue Revised Statutes of Nebraska; to change penalties for Class W misdemeanors; to change provisions relating to the duty to stop in the event of an accident, employment driving permits, and driving under the influence of alcohol or drugs; to change and provide penalties; to provide requirements for parole eligibility; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Council Haar, K. Heidemann

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 490.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-607, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change restrictions on keno; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Louden Schumacher

Excused and not voting, 3:

Council Haar, K. Heidemann

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

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend section 32-1608, Reissue Revised Statutes of Nebraska; to change a contribution limit 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Louden Wallman

Excused and not voting, 3:

Council Haar, K. Heidemann

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 699, 675, 490, and 142.

MOTION - Return LB667 to Select File

Senator Flood moved to return LB667 to Select File for his specific amendment, AM1514, found on page 1705.

The Flood motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 667. The Flood specific amendment, AM1514, found on page 1705, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 700. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 701. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 702. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 400. ER138, found on page 1693, was adopted.

Senator Cornett offered the following amendment:
AM1512

(Amendments to Standing Committee amendments, AM1446)

- 1 1. On page 10, line 18, after "levies" insert "(a)";
- 2 in line 23 after the comma insert "(b)"; in line 24 after the
- 3 last comma insert "(c)" and strike "bonded indebtedness", show as
- 4 stricken, and insert "bonds as defined in section 10-134"; and in
- 5 line 27 before "for" insert "(d)".

The Cornett amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 152. Placed on Final Reading.

ST44

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

1. In the E & R amendments, ER136, on page 1, line 8, "Trauma Diagnostic Related Group" has been struck and "trauma services" inserted.

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 397A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 397, One Hundred Second Legislature, First Session, 2011.

SELECT FILE

LEGISLATIVE BILL 397. ER128, found on page 1473, was adopted.

Senator Lathrop renewed his amendment, AM1528, found on page 1709.

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Lathrop offered the following amendment to his amendment: AM1534

(Amendments to AM1528)

- 1 1. On page 4, line 8, after "school" insert "district,
- 2 educational service unit, or community college".
- 3 2. On page 7, line 14, after "disputes" insert "where the
- 4 matter at issue is the comparability of wages, benefits, and terms
- 5 and conditions of employment".
- 6 3. On page 8, line 6, before "Except" insert "(1)"; in
- 7 line 16 after "commission" insert "except as provided in subsection
- 8 (2) of this section"; and in line 17 before "If" insert "(2)".
- 9 4. On page 9, after line 1 insert
- 10 "(3) Subsection (2) of this section does not apply
- 11 to public employers subject to the State Employees Collective
- 12 Bargaining Act."; in line 19 strike "petitioner" and insert
- 13 "respondent"; in line 23 after "offer" insert "and file a
- 14 subsequent pleading indicating the result"; and in line 27 after

15 the period insert "This subsection does not apply to public
 16 employers subject to the State Employees Collective Bargaining
 17 Act.".

18 5. On page 21, line 1, strike "shall" and insert "may".

19 6. On page 7, strike beginning with "as" in line 7
 20 through "benefit" in line 8 and insert ". For fringe benefits,
 21 prevalent shall be the midpoint between the arithmetic mean and
 22 the arithmetic median as long as a majority of the array members
 1 provide the benefit".

2 7. On page 28, strike beginning with "subject" in line
 3 12 through "value" in line 13 and insert "hourly rate value of the
 4 bargaining unit's members or classification".

5 8. On page 29, line 7; page 35, line 2; and page 54, line
 6 27, after "which" insert "the sum of the".

7 9. On page 32, line 15, after "the" insert "year
 8 preceding the"; and in line 19 after "79-1022" insert "for the
 9 contract year in question".

10 10. On page 34, line 7, strike beginning with "subject"
 11 through "compensation" and insert "total compensation of the
 12 members of the bargaining unit or classification".

13 11. On page 54, strike beginning with "subject" in line 5
 14 through "compensation" in line 6 and insert "total compensation of
 15 the members of the bargaining unit or classification".

16 12. On page 55, line 12, strike "and"; in line 13 strike
 17 the period and insert "; and

18 (iv) Nothing in subdivision (2)(c) of this section shall
 19 prevent parties from stipulating to an array member that does not
 20 otherwise meet the criteria in such subdivision, and nothing in
 21 such subdivision shall prevent parties from stipulating to less
 22 than seven or more than nine array members.".

The Lathrop amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Heidemann offered the following amendment to the Lathrop amendment:

AM1538

(Amendments to AM1528)

- 1 1. On page 29, line 6; page 34, line 27, and page
- 2 35, line 1; and page 54, line 26, strike "quarters immediately
- 3 preceding" and insert "nearest quarters in time, excluding the
- 4 immediately preceding quarter, to".

The Heidemann amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 40. Placed on General File with amendment.
AM1519

- 1 1. On page 4, line 17, strike "October 1, 2011" and
- 2 insert "July 1, 2012".

(Signed) Abbie Cornett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2011, at 11:30 a.m. were the following: LBs 699e, 675, 490, and 142.

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

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 667. Placed on Final Reading.
ST43

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

1. In the Flood amendment, AM1466:
 - a. On page 30, line 2, an underscored comma has been inserted after "arrest"; and in line 8 an underscored comma has been inserted after "director"; and
 - b. On page 33, line 7, an underscored comma has been inserted after "person"; and in line 8 the comma has been struck.
2. In the E & R amendments, ER135, on page 2, line 3, "60-497.01," has been inserted after the third comma.

LEGISLATIVE BILL 667A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 704. Placed on Select File with amendment.
ER141

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 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 maps identified and labeled as maps
 23 CON11-18004-1, CON11-18004-1A, CON11-18004-2, and CON11-18004-3,
 24 filed with the Clerk of the Legislature, and incorporated by
 25 reference as part of this legislative bill.

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

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

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

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

15 Sec. 2. Section 32-505, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 32-505 ~~The descriptions of districts in~~ For purposes
 18 of section 32-504, the Legislature adopts the official population
 19 figures and maps ~~are taken from the 2000-2010 Census Redistricting~~
 20 (Public Law 94-171) TIGER/Line files Shapefiles published by the
 21 United States Department of Commerce, Bureau of the Census.

22 Sec. 3. Original sections 32-504 and 32-505, Reissue
 23 Revised Statutes of Nebraska, are repealed.

24 Sec. 4. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 390A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to amend sections 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011; and section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Second Legislature, First Session, 2011; to change appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency.

COMMITTEE REPORT

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Miguel "Mike" Gomez - Board of Parole

Aye: 5 Senators Ashford, Coash, B. Harr, Larson, McGill. Nay: 0. Absent: 3 Senators Council, Lathrop, Lautenbaugh. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by Conrad, 46; Ashford, 20; Avery, 28; Campbell, 25; Cook, 13; Council, 11; Dubas, 34; Gloor, 35; Harms, 48; Howard, 9; McGill, 26; Mello, 5; Nordquist, 7; Pankonin, 2; Wallman, 30.

WHEREAS, the Nebraska Appleseed Center for Law in the Public Interest was incorporated March 15, 1996; and

WHEREAS, Nebraska Appleseed celebrated its fifteen-year anniversary of sowing the seeds of justice in Nebraska on March 15, 2011; and

WHEREAS, Nebraska Appleseed advocates on behalf of low-income families, children in foster care, immigrants, and people who lack access to health care; and

WHEREAS, Nebraska Appleseed uses targeted litigation, public policy advocacy, and community education and engagement to promote equal justice and full opportunity for all Nebraskans; and

WHEREAS, Nebraska Appleseed seeks to build a Nebraska where all people have a real chance to achieve the American dream; and

WHEREAS, Nebraska Appleseed works to ensure that all Nebraskans have access to quality, affordable health care; and

WHEREAS, Nebraska Appleseed promotes strong, vibrant, integrated, and engaged communities; and

WHEREAS, Nebraska Appleseed champions a child welfare system that provides safety, stability, and a strong future for Nebraska's children; and

WHEREAS, Nebraska Appleseed energizes Nebraskans' civic participation and empowers people to become more effective advocates for their own rights; and

WHEREAS, Nebraska Appleseed thrives under the leadership of its present Board of Directors, which includes Steve Achelpohl, Clark Bellin, Beatty Brasch, Terrence Ferguson, E. Susan Gourley, Janice Gradwohl, Matt Johnson, Taylor Keen, Forrest Krutter, Herb Friedman, Max Larsen, Jose Miguel Lemus, D. Milo Mumgaard, Othello Meadows, III, Tom Pansing, Thomas Schleich, Jim Seacrest, Allen Overcash, DiAnna Schimek, John Smolsky, Don Witt, Megan Sebastian Wright, Patricia Zieg, and Arthur Zygielbaum; and

WHEREAS, Nebraska Appleseed's past members of the Board of Directors have played an important role in the organization's first fifteen years. These past members include Andre Barry, Paul Bryant, Fritz Cassman, Robert Crosby, William Ditrack, David Domina, Lourdes Gouveia, Taylor Greer, William Hoppner, Vard Johnson, Connie Kearney, Melody Loughry, Dianne Lozier, Raneta Mack, Sam Mehr, Michael Mullin, Ronald Palagi, Charles Piper, Mary Pipher, Rod Rehm, Herb Schimek, Sonya Smith, Elaine Spire, Cassia Spohn, Bruce Vosburg, Georgine Wagoner, Jim Wolf, and Bob Wolfson; and

WHEREAS, Nebraska Appleseed was founded by the following incorporators: D. Milo Mumgaard, Jeff Kirkpatrick, and Kathryn Bellman; and

WHEREAS, the Legislature recognizes Nebraska Appleseed's contributions to the State of Nebraska.

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

1. That the Legislature congratulates the Nebraska Appleseed Center for Law in the Public Interest on celebrating fifteen years of advocacy for equal justice and full opportunity in Nebraska.

2. That a copy of this resolution be sent to the Nebraska Appleseed Center for Law in the Public Interest.

Laid over.

SELECT FILE

LEGISLATIVE BILL 397. Senator Krist offered the following amendment to the Lathrop amendment:

AM1539

(Amendments to AM1528)

- 1 1. In the Lathrop amendment, AM1534, strike amendment 5
- 2 and renumber the remaining amendments.
- 3 2. In AM1528, on page 21, line 1, after "utilities"
- 4 insert "with annual revenue of five hundred million dollars or
- 5 more"; and in line 2 before the first "public" insert "comparable"
- 6 and after the period insert "Arrays for public utilities with
- 7 annual revenue of less than five hundred million dollars may
- 8 include both comparable public and privately owned utilities.".

The Krist amendment was adopted with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

The Lathrop amendment, AM1528, found on page 1709 and considered in this day's Journal, as amended, was renewed.

The Lathrop amendment, as amended, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

EASE

The Legislature was at ease from 1:46 p.m. until 2:07 p.m.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 390. Placed on General File with amendment. AM1537 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Carlson asked unanimous consent to add his name as cointroducer to LB400. No objections. So ordered.

VISITORS

Visitors to the Chamber were 70 fourth-grade students from Newell Elementary, Grand Island; Bob Schmill; Marilyn Buhl from York and Dion and Rob Buhl from Osceola; 70 fourth-grade students, teachers, and sponsors from Cather Elementary, Omaha; and 40 fourth-grade students and

teachers from Sandoz Elementary, Omaha.

The Doctor of the Day was Dr. Kathleen Dylla from Omaha.

ADJOURNMENT

At 2:07 p.m., on a motion by Senator Ashford, the Legislature adjourned until 10:00 a.m., Monday, May 23, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

