

EIGHTY-FIFTH DAY - MAY 24, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 24, 2011

PRAYER

The prayer was offered by Reverend Charlotte Abram, Omaha TRI Community United Methodist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 390. Placed on Select File with amendment. ER142 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

MOTION - Print in Journal

Senator Flood filed the following motion:

Suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 57, 80, 85, 139, 249, 296, 299, 336, 353, 359, 372, 430, 445, 528, 570, 618, 663, 668, and 697.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR256 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR256.

SELECT FILE

LEGISLATIVE BILL 397A. Senator Heidemann offered the following motion:

MO55

Indefinitely postpone.

The Heidemann motion to indefinitely postpone prevailed with 43 ayes, 0 nays, 2 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 LB152 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-120 and 48-120.04, Reissue Revised Statutes of Nebraska; to provide for a trauma services inpatient hospital fee schedule; to define terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Lautenbaugh Price

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 LB667 with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-306, 28-394, 29-215, 29-1917, 37-1238.01, 37-1254.01, 37-1254.02, 37-1254.03, 37-1254.05, 37-1254.07, 37-1254.08, 37-1295, 53-180, 53-180.05, 60-497.01, 60-498.01, 60-498.02, 60-498.03, 60-498.04, 60-4,115, 60-4,118.06, 60-4,129, 60-4,164, 60-601, 60-6,197, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,197.09, 60-6,198, and 60-6,211.05, Reissue Revised Statutes of Nebraska, and sections 28-101, 29-2259.01, and 37-1201, Revised Statutes Cumulative Supplement, 2010; to prohibit transportation of certain minors by a person under the influence of alcohol or drugs; to change provisions relating to motor vehicle homicide, operating a motorboat, personal watercraft, or motor vehicle under the influence, the Probation Cash Fund, regulation of vessels, procuring alcohol for a minor or a mentally incompetent person, administrative license revocation, ignition interlock permits and devices, and employment driving permits; to change fees; to create a fund; to provide for a public education campaign; to provide, change, and eliminate penalties; 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 | Hansen | Louden | Schumacher |
| Ashford | Cornett | Harms | McCoy | Smith |
| Avery | Council | Harr, B. | McGill | Sullivan |
| Bloomfield | Dubas | Heidemann | Mello | Utter |
| Brasch | Fischer | Howard | Nelson | Wallman |
| Campbell | Flood | Janssen | Nordquist | Wightman |
| Carlson | Fulton | Karpisek | Pahls | |
| Christensen | Gloor | Krist | Pankonin | |
| Coash | Haar, K. | Langemeier | Pirsch | |
| Conrad | Hadley | Lathrop | Schilz | |

Voting in the negative, 0.

Excused and not voting, 3:

Larson Lautenbaugh Price

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 667A.

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Lautenbaugh Price

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 152, 667, and 667A.

SELECT FILE

LEGISLATIVE BILL 703. Senator Krist withdrew his amendment, AM1552, found on page 1745.

Senator Krist renewed his amendment, AM1567, found on page 1762.

Senator Krist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

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

Voting in the affirmative, 10:

| | | | | |
|------------|-------------|----------|--------|---------|
| Bloomfield | Christensen | Karpisek | Louden | Schilz |
| Carlson | Harms | Krist | Pirsch | Wallman |

Voting in the negative, 25:

| | | | | |
|----------|----------|------------|-------------|------------|
| Adams | Cook | Hansen | Lathrop | Price |
| Ashford | Dubas | Heidemann | Lautenbaugh | Schumacher |
| Avery | Flood | Howard | McCoy | Smith |
| Campbell | Gloor | Janssen | Nelson | Sullivan |
| Conrad | Haar, K. | Langemeier | Pahls | Wightman |

Present and not voting, 13:

| | | | | |
|---------|---------|----------|-----------|-------|
| Brasch | Council | Hadley | Mello | Utter |
| Coash | Fischer | Harr, B. | Nordquist | |
| Cornett | Fulton | McGill | Pankonin | |

Excused and not voting, 1:

Larson

The Krist amendment lost with 10 ayes, 25 nays, 13 present and not voting,

and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2011, at 9:35 a.m. were the following: LBs 152, 667, and 667A.

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

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 629. Placed on Final Reading.

LEGISLATIVE BILL 704. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

2011 Resolutions calling for an Interim Study

LR338 Interim study to examine the boundaries and taxing authority of transit authorities
Urban Affairs

(Signed) John Wightman, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 390. ER142, found in this day's Journal, was adopted.

Senator Ashford withdrew his amendment, AM1541, found on page 1760.

Senator Ashford offered the following amendment:
AM1572

(Amendments to E & R amendments, ER142)

- 1 1. Insert the following new section:
- 2 Sec. 28. Section 83-4,131, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-4,131 Personnel of the Nebraska Commission on Law
- 5 Enforcement and Criminal Justice shall visit and inspect each
- 6 criminal detention facility and juvenile detention facility in the

7 state, except correctional facilities accredited by a nationally
 8 recognized correctional association pursuant to subsection (2) of
 9 section 83-4,126, for the purpose of determining the conditions of
 10 confinement, the treatment of persons confined in the facilities,
 11 and whether such facilities comply with the minimum standards
 12 established by the Jail Standards Board. A written report of
 13 each inspection shall be made within thirty days following such
 14 inspection to the appropriate governing body responsible for
 15 the criminal detention facility or juvenile detention facility
 16 involved. The report shall specify those areas in which the
 17 facility does not comply with the required minimum standards.

18 2. On page 8, line 16, strike "(15)" and insert "(17)".

19 3. On page 12, line 20, strike "as provided in section
 20 79-2262.07" and show as stricken; and in line 25 strike "as
 21 provided in section 83-1,107.02" and show as stricken.

22 4. Amend the operative date and repealer sections so that
 1 the section added by this amendment becomes operative July 1, 2011.

2 5. Renumber the remaining sections and correct internal
 3 references accordingly.

The Ashford amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB704 to Select File

Senator Council moved to return LB704 to Select File for the B. Harr specific amendment, AM1546, found on page 1760.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Council requested a roll call vote, in reverse order, on her motion to return.

Voting in the affirmative, 17:

| | | | | |
|---------|----------|----------|------------|---------|
| Avery | Council | Howard | McGill | Wallman |
| Conrad | Dubas | Karpisek | Mello | |
| Cook | Haar, K. | Krist | Nordquist | |
| Cornett | Harr, B. | Lathrop | Schumacher | |

Voting in the negative, 31:

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

Present and not voting, 1:

Louden

The Council motion to return failed with 17 ayes, 31 nays, and 1 present and not voting.

WITHDRAW - Amendment to LB704

Senator Karpisek withdrew his amendment, AM1547, found on page 1760, to LB704.

MOTIONS - Return LB704 to Select File

Senator Karpisek moved to return LB704 to Select File for his specific amendment, AM1548, found on page 1760.

Senator Karpisek requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

| | | | | |
|------------|----------|----------|------------|---------|
| Avery | Council | Karpisek | Mello | Wallman |
| Bloomfield | Dubas | Krist | Nordquist | |
| Conrad | Haar, K. | Lathrop | Pankonin | |
| Cook | Harr, B. | Louden | Schumacher | |
| Cornett | Howard | McGill | Sullivan | |

Voting in the negative, 27:

| | | | | |
|-------------|---------|-------------|--------|----------|
| Adams | Fischer | Harms | McCoy | Smith |
| Ashford | Flood | Heidemann | Nelson | Utter |
| Brasch | Fulton | Janssen | Pahls | Wightman |
| Campbell | Gloor | Langemeier | Pirsch | |
| Carlson | Hadley | Larson | Price | |
| Christensen | Hansen | Lautenbaugh | Schilz | |

Excused and not voting, 1:

Coash

The Karpisek motion to return failed with 21 ayes, 27 nays, and 1 excused

and not voting.

Senator Wallman moved to return LB704 to Select File for the following specific amendment:

AM1575

(Amendments to E & R amendments, ER141)

- 1 1. On page 3, strike line 23 and all amendments thereto
- 2 and insert "CON11-30001 and CON11-30001-1A.".

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 346. Introduced by K. Haar, 21.

WHEREAS, Daniel James Crosby of Troop 51, Lincoln, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Daniel started his scouting career in 1999 as a Tiger Cub in Cub Scouts with Pack 13 at Campbell Elementary School in Lincoln. In 2004, he joined Troop 756 where he continued to excel in leadership, service, and outdoor skills. In 2011, Troop 756 and Troop 31 combined to form Troop 51. Daniel is the first Eagle Scout from this new troop; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Daniel has learned, been tested on, and been recognized for various scouting skills. Daniel held the troop positions of Assistant Senior Patrol Leader and Patrol Leader and is also an Ordeal member of the Order of the Arrow; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Daniel earned 28 merit badges. For his Eagle Scout community service project, Daniel led the scouts of Troop 756 in welding and installing a new fire ring at Pawnee State Recreation Area; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on March 3, 2011, Daniel James Crosby was named an Eagle Scout and will be recognized at a Court of Honor on June 12, 2011. Through his hard work and perseverance, Daniel will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel James Crosby and his parents, Mark and Tammy Crosby, on Daniel achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daniel James Crosby.

Laid over.

LEGISLATIVE RESOLUTION 347. Introduced by K. Haar, 21.

WHEREAS, Willis Moreland has made a significant contribution to teachers' knowledge about Nebraska state government by sponsoring the Robert A. Taft Institute of Government at the University of Nebraska-Lincoln for many years; and

WHEREAS, Willis Moreland was born on May 29, 1923, at Jefferson City, Missouri, and served in the United States Navy in both the Pacific and Atlantic from 1943 to 1946; and

WHEREAS, Willis Moreland was a teacher and professor of political science who received his Master's Degree at the University of Nebraska and taught at Milford, Iowa; David City, Nebraska; Syracuse University; and the University of Nebraska-Lincoln; and

WHEREAS, Willis Moreland became involved with the Robert A. Taft Institute of Government and contacted Dick Marvel, who had taught at Nebraska Wesleyan University and was also a State Senator at the time, to participate with him at the Taft Institute where the primary emphasis was on government and how it operates—the practical aspects of government taught by the people currently involved in government—and Willis was involved with the Taft Institute until his retirement in 1988.

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

1. That Legislature recognizes Willis Moreland for his significant contribution to Nebraska through his work at the Taft Institute.
2. That a copy of this resolution be sent to Willis Moreland and his family.

Laid over.

LEGISLATIVE RESOLUTION 348. Introduced by Harms, 48.

WHEREAS, Aubree Worden, a senior at Scottsbluff High School, had a remarkable performance at the 2011 Class B Girls' State Track and Field Meet; and

WHEREAS, Ms. Worden won the gold medal in both the 3200-meter run and the 1600-meter run and set new state records in both races; and

WHEREAS, Ms. Worden finished her high school career as one of the greatest female prep distance runners from western Nebraska; 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 Aubree Worden on her outstanding performance at the 2011 Class B Girls' State Track and Field Meet.
2. That a copy of this resolution be sent to Aubree Worden.

Laid over.

VISITORS

Visitors to the Chamber were 53 fourth-grade students and teachers from Carriage Hill Elementary, Papillion; and 45 fourth-grade students, teachers, and sponsor from Swanson Elementary, Omaha.

RECESS

At 12:03 p.m., on a motion by Speaker Flood, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Senator Carlson presiding.

ROLL CALL

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

RESOLUTION

LEGISLATIVE RESOLUTION 349. Introduced by Price, 3.

WHEREAS, Jesse Craton Edwards passed away on May 10, 2011, at the age of 83; and

WHEREAS, Mr. Edwards was a national pioneering leader of physician assistant programs; and

WHEREAS, Mr. Edwards was the cofounder of the Physician Assistant Program at the University of Nebraska Medical Center in Omaha; and

WHEREAS, Mr. Edwards had a distinguished 23-year career in the United States Air Force working as a health care provider and in medical administration; and

WHEREAS, Mr. Edwards served in Washington, D.C., with the Air Force Surgeon General's office where he was a member of a select group of manpower specialists and played a significant role in establishing the first-ever scientific approach to determining the manpower specialty mix for Air Force medical treatment facilities; and

WHEREAS, Mr. Edwards served as President of the Physician Assistant Education Association from 1988 to 1989; and

WHEREAS, Mr. Edwards developed and implemented the use of the first computerized test item bank specifically intended to assist physician assistant students in self-evaluation efforts and was used by almost all

physician assistant programs for the purpose of evaluating student cognitive clinical knowledge; and

WHEREAS, Mr. Edwards served as a consultant to several emerging physician assistant programs and to the ARC-PA; and

WHEREAS, Mr. Edwards designed and implemented a distance learning program for the Master of Physician Assistant Studies degree in 1992; and

WHEREAS, Mr. Edwards was a well-known advocate for military physician assistants; and

WHEREAS, Mr. Edwards was recognized for his contributions to Air Force physician assistants in the creation of the Jesse Edwards Outstanding Company Grade Physician Assistant of the Year Award; and

WHEREAS, Mr. Edwards is an honorary member of the American Academy of Physician Assistants, the Nebraska Academy of Physician Assistants, the Society of Air Force Physician Assistants, and the Society of Army Physician Assistants; and

WHEREAS, Mr. Edwards received the Outstanding Service Award of the School of Allied Health Professions, the University of Nebraska Medical Center Distinguished Teaching Award, and the University of Nebraska Medical Center Certificate of Outstanding Professional Achievement; and

WHEREAS, Mr. Edwards received a Lifetime Achievement Award from the Veterans Caucus of the American Academy of Physician Assistants and was made an Admiral in the Great Navy of State of Nebraska; and

WHEREAS, Mr. Edwards received the Presidential Award from the Physician Assistant Education Association; and

WHEREAS, Jesse Craton Edwards is survived by his wife, Sharon Lynn Edwards; five children: Bonnie and Greg Shearer, Jesse and Naomi Edwards, Patty and Tim Wessling, Joyce and Jason Beaty, and Jennifer and James Valentine; twelve grandchildren; and one great-grandson.

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

1. That the Legislature honors Jesse Craton Edwards for his personal accomplishments and service to the physician assistant profession.

2. That the Legislature extends its sympathy and condolences to the family of Jesse Craton Edwards.

3. That a copy of this resolution be sent to the family of Jesse Craton Edwards.

Laid over.

MOTION - Return LB704 to Select File

The Wallman motion, found in this day's Journal, to return LB704 to Select File for his specific amendment, AM1575, found in this day's Journal, was renewed.

The Wallman motion to return prevailed with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 704. The Wallman specific amendment, AM1575, found in this day's Journal, was considered.

Pending.

EASE

The Legislature was at ease from 2:31 p.m. until 2:57 p.m.

SELECT FILE

LEGISLATIVE BILL 704. Senator Wallman withdrew his specific amendment AM1575, found in this day's Journal.

Readvanced to Final Reading.

MOTION - Return LB704 to Select File

Senator Langemeier moved to return LB704 to Select File for the following specific amendment:

AM1579

(Amendments to Final Reading copy)

- 1 1. On page 4, strike line 20; and in line 21
- 2 strike "CON11-18005-3A" and insert "CON11-30001-1, CON11-30001A,
- 3 CON11-30001-2, CON11-30001-3, CON11-30001-3A".

The Langemeier motion to return prevailed with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 704. The Langemeier specific amendment, AM1579, found in this day's Journal, was adopted with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 350. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Fischer, 43; Hadley, 37; Loudon, 49; Pankonin, 2; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to examine issues pertaining to the process and procedures used to value and equalize real property. The issues to be addressed by this study shall include, but not be limited to:

(1) Whether the comparable sales guidelines in section 77-1371 should be changed or stricken;

(2) An examination of how to affect intercounty equalization; and

(3) Review the equalization responsibilities of the Department of Revenue and the Tax Equalization and Review Commission.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 24, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 345e, 345Ae, 387, 387A, 389e, and 389Ae were received in my office on May 18, 2011.

These bills were signed and delivered to the Secretary of State on May 24, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

EASE

The Legislature was at ease from 3:05 p.m. until 4:12 p.m.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 390. Placed on Final Reading.
ST48

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

1. In the Ashford amendment, AM1572, on page 1, line 20, "79-2262.07" has been struck and "29-2262.07" inserted.

2. In the E & R amendments, ER142:

a. On page 46, line 3, "29" has been struck and "28" inserted; in line 4 "37, and 38" has been struck and "35, 38, and 39" inserted; and in line 13 "and" has been struck and "and 83-4,131," has been inserted after the last comma; and

b. On page 47, line 1, "83-4,131," has been inserted before "and".

LEGISLATIVE BILL 690. Placed on Final Reading.

ST47

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

1. In the Harr amendment, AM1573:

a. Sections 14 and 15 have been renumbered as sections 15 and 2, respectively;

b. Amendment 2 has been struck;

c. On page 1, line 3, "4, 5, 11, 13, and 14" has been struck and "5, 6, 12, 14, and 15" inserted; and

d. On page 3, line 2, "14" has been struck and "15" inserted.

2. In the Brasch amendment, AM1571, on page 1, line 6, "4" as been struck and "5" inserted.

3. In the E & R amendments, ER139:

a. On page 1, line 18; page 2, line 7; page 6, line 9; page 12, lines 8 and 9 and 13 and 14; page 13, line 12; page 14, lines 1 and 6 and 7; and page 15, lines 7 and 10, "4, 5, 11, and 13" has been struck and "5, 6, 12, 14, and 15" inserted; and

b. On page 5, line 15, "4" has been struck and "5" inserted.

4. On page 1, line 1, "64-113," has been inserted after "sections"; and in line 6 "provide for confidentiality of declarations; to redefine malfeasance in office for notaries public; to" has been inserted after the first "to".

LEGISLATIVE BILL 703. Placed on Final Reading.

LEGISLATIVE BILL 704. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 246. Indefinitely postponed.

LEGISLATIVE BILL 486. Indefinitely postponed.

LEGISLATIVE BILL 510. Indefinitely postponed.

LEGISLATIVE BILL 532. Indefinitely postponed.

(Signed) Jeremy Nordquist, Chairperson

REFERENCE COMMITTEE REPORT2011 Resolutions calling for an Interim Study

LR350 Interim study to examine issues pertaining to the process and procedures used to value and equalize real property Revenue

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 351. Introduced by Council, 11; Cook, 13.

WHEREAS, for more than 130 years, Juneteenth National Freedom Day has been the oldest and only African-American holiday observed in the United States; and

WHEREAS, Juneteenth is also known as Emancipation Day, Emancipation Celebration, Freedom Day, and Jun-Jun; and

WHEREAS, Juneteenth commemorates the strong survival instinct of African Americans who were first brought to this country stacked in the bottom of slave ships in a month-long journey across the Atlantic Ocean, known as the Middle Passage; and

WHEREAS, approximately 11.5 million African Americans survived the voyage to the New World. The number that died is likely greater; and

WHEREAS, events in the history of the United States which led to the Civil War centered around sectional differences between the North and the South that were based on the economic and social divergence caused by the existence of slavery; and

WHEREAS, President Abraham Lincoln was inaugurated as President of the United States in 1861, and he believed and stated that the paramount objective of the Civil War was to save the Union rather than save or destroy slavery; and

WHEREAS, President Lincoln also stated his wish was that all men everywhere could be free, thus adding to a growing anticipation by slaves that their ultimate liberty was at hand; and

WHEREAS, in 1862, the first clear signs that the end of slavery was imminent came when laws abolishing slavery in the territories of Nebraska, Oklahoma, Colorado, and New Mexico were passed; and

WHEREAS, in September of that same year, President Lincoln warned the eleven rebellious Confederate States that if they did not return to the Union by January 1, 1863, he would declare their slaves forever free via the celebrated Emancipation Proclamation; and

WHEREAS, enforcement of the Emancipation Proclamation only occurred in Confederate States once under Union Army control; and

WHEREAS, Congress subsequently passed the Thirteenth Amendment to the Constitution on January 31, 1865, abolishing slavery throughout the

United States and its territories. However, news of this action reached the states at different times. It was not until June 19, 1865, that the message of freedom reached the slaves in Texas, Oklahoma, Louisiana, Arkansas, and California; and

WHEREAS, spontaneous celebration erupted throughout the country when African Americans learned of their freedom. Juneteenth National Freedom Day illuminates the fact that slaves celebrated the abolishment of slavery with excitement and great joy. It is a reminder to all Americans of the status and importance of Americans of African descent as American citizens; and

WHEREAS, Juneteenth has been an unofficial holiday observed and celebrated by thousands of African Americans and other cultures in various communities throughout the United States and around the world; and

WHEREAS, the following twenty-two states and the District of Columbia observe Juneteenth as an official state holiday: Alaska, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Vermont, Washington, and Wyoming. The following states have passed resolutions: Colorado, Idaho, Oregon, and Virginia.

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

1. That the Legislature recognizes June 19, 2011, as Juneteenth National Freedom Day and encourages celebration of this day to honor and reflect on the significant roles that African Americans have played in the history of the United States.

2. That the Legislature acknowledges how African Americans have enriched society through their steadfast commitment to promoting freedom, brotherhood, and equality.

3. That a copy of this resolution be sent to Willie Williams.

Laid over.

MESSAGES FROM THE GOVERNOR

May 24, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 200 and LB 200A without my signature and with my objections.

LB 200 would provide \$150,000 in each year of the next biennium to increase access to healthy foods in low-income and high-poverty areas.

According to the United States Department of Agriculture (USDA), there are already nineteen federal programs currently available to support the development of projects that address access to healthy foods. Examples of assistance currently available include \$10 million through the Farmers Market Promotion Program and \$16 million through the Community Economic Development program. The Nebraska Cooperative Development Center also has announced the availability of grants to develop new retail food cooperatives in rural areas.

I support efforts to make healthy food more available; however, the financing provided in LB 200 duplicates assistance currently available through federal and other sources to support the development of sustainable healthy food programs.

For these reasons, I respectfully urge you to sustain my veto of LB 200 and LB 200A.

Sincerely,
(Signed) Dave Heineman
Governor

May 24, 2011

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

Dear Mr. President and Members of the Legislature:

I am returning LB 256 without my signature and with my objections.

The legislation proposes to change the terms of the commissioners of the Nebraska State Racing Commission. I do not object to those provisions. However, LB 256 would also authorize horse racing tracks to contract with other racetracks to conduct live races. The bill would allow a racetrack located in Lancaster County to contract out all of its live races until January 1, 2027, so that no live racing would be required at this track. Finally, the bill would allow a racetrack that contracts for live races to qualify for a simulcast license and conduct parimutuel wagering.

Article III, Section 24 of the Nebraska Constitution permits the Legislature to enact laws which allow parimutuel wagering "within a licensed racetrack enclosure." In the absence of any specific plans to replace the track in Lancaster County after the 2012 season, I presume the intent of LB 256 is to allow the track in Lancaster County to maintain a simulcast license in order

to conduct parimutuel wagering without having any physical racetrack enclosure. I asked the Attorney General for his formal legal opinion on this bill and he has concluded that, in the absence of running a live race, LB 256 would be unconstitutional as contrary to Article III, Section 24.

This legislation not only contradicts the spirit of the Constitution by circumventing the requirement that licensees host live horse races in order to conduct parimutuel wagering, but also expands gambling beyond what has currently been authorized by the voters in our Constitution. That fact, coupled with the legal expenses that our taxpayers will have to incur to defend against a likely legal court battle on this bill, compel my veto of LB 256.

For these reasons, I respectfully urge you to sustain my veto of LB 256.

Sincerely,
(Signed) Dave Heineman
Governor

May 24, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 106, 226, 252e, 289, 289A, 628, 673, 684, and 684A were received in my office on May 18, 2011.

Engrossed Legislative Bills 151e, 589e, and 617e were received in my office on May 19, 2011.

These bills were signed and delivered to the Secretary of State on May 24, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

MOTIONS - Print in Journal

Senator Karpisek filed the following motion to LB256:
MO56

Becomes law notwithstanding the objections of the Governor.

Senator Council filed the following motion to LB200:
MO57

Becomes law notwithstanding the objections of the Governor.

Senator Council filed the following motion to LB200A:
MO58

Becomes law notwithstanding the objections of the Governor.

VISITORS

Visitors to the Chamber were 19 students and teachers from OPS Migrant Education Program, Omaha; and Ray, Felicia, Steve, and Megan Keiser from Wayne.

The Doctor of the Day was Dr. Pamela Malley from Papillion.

ADJOURNMENT

At 4:18 p.m., on a motion by Senator Hansen, the Legislature adjourned until 1:30 p.m., Wednesday, May 25, 2011.

Patrick J. O'Donnell
Clerk of the Legislature