

EIGHTY-SEVENTH DAY - MAY 26, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 26, 2011

PRAYER

The prayer was offered by Pastor Brett Klingenberg, First Mennonite Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Council who was excused; and Senator Karpisek who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

MESSAGE FROM THE GOVERNOR

May 26, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 142, 490, 675, and 699e were received in my office on May 20, 2011.

Engrossed Legislative Bills 521, 590, 590A, 642e, and 669e were received in my office on May 23, 2011.

Engrossed Legislative Bills 152, 667, and 667A were received in my office on May 24, 2011.

Engrossed Legislative Bills 397, 400, 700e, 701e, and 702e were received in my office on May 25, 2011.

These bills were signed and delivered to the Secretary of State on May 26, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORT

Transportation and Telecommunications

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

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board
Sammy Reagan - Nebraska Motor Vehicle Industry Licensing Board

Aye: 5 Senators Campbell, Dubas, Fischer, Hadley, Loudon. Nay: 0.
Absent: 3 Senators Janssen, Lautenbaugh, Price. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 344. Placed on General File with amendment.
AM1577

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. The Legislature finds that there is redundancy
- 4 in services currently being provided by governmental subdivisions
- 5 in counties which contain a city of the metropolitan class and
- 6 that an interjurisdictional planning commission should be created
- 7 to review and plan for the merger of governmental services within
- 8 such counties. Within ninety days after the effective date of this
- 9 act, an interjurisdictional planning commission shall be created
- 10 for each such county to study issues relating to the merger of
- 11 governmental services of the county and municipalities and to
- 12 develop a plan for merger of some or all of such services. The plan
- 13 shall be developed and approved by the commission by July 1, 2012.
- 14 The membership of a commission shall include:
- 15 (1) Two members selected by the mayor of the city of the
- 16 metropolitan class;
- 17 (2) Two members selected by the city council of the city
- 18 of the metropolitan class;
- 19 (3) Four members selected by the county board of the
- 20 county containing the city of the metropolitan class; and

21 (4) One member from each of the other municipalities
 22 within the county containing the city of the metropolitan class.

(Signed) Bill Avery, Chairperson

Executive Board

LEGISLATIVE BILL 576. Placed on General File with amendment.
 AM1555

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 49-707, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 49-707 The Revisor of Statutes shall cause the
 6 supplements and reissued volumes to be copyrighted under the
 7 copyright laws of the United States for the benefit of the people
 8 of Nebraska.
 9 The supplements and reissued or replacement volumes shall
 10 be sold and distributed by the Supreme Court at such price as shall
 11 be prescribed by the Executive Board of the Legislative Council,
 12 which price shall be sufficient to recover all costs of publication
 13 and distribution.
 14 The Supreme Court may sell for one dollar per volume
 15 any compilation or revision of the statutes of Nebraska that has
 16 been superseded by a later official revision, compilation, or
 17 replacement volume. The Supreme Court may dispose of any unsold
 18 superseded volumes in any manner it deems proper.
 19 All money received by the Supreme Court from the sale
 20 of the supplements and reissued or replacement volumes shall be
 21 paid into the state treasury to the credit of the ~~General Nebraska~~
 22 Statutes Cash Fund or the Nebraska Statutes Distribution Cash Fund,
 23 as appropriate. That portion of the money received that represents
 1 the costs of publication shall be credited to the Nebraska Statutes
 2 Cash Fund, and that portion of the money received that represents
 3 the costs of distribution shall be credited to the Nebraska
 4 Statutes Distribution Cash Fund. The court shall take receipts for
 5 all such money paid into the ~~state treasury.~~ funds.
 6 Supplements and reissued volumes shall be furnished and
 7 delivered free of charge in the same number and to the same parties
 8 as are designated in section 49-617.
 9 Sec. 2. The Nebraska Statutes Cash Fund is created. The
 10 fund shall consist of funds received pursuant to section 49-707.
 11 The fund shall be used by the Revisor of Statutes to perform the
 12 duties required by subdivision (4) of section 49-702 and section
 13 49-704, except that transfers may be made from the fund to the
 14 General Fund at the direction of the Legislature. Any money in
 15 the Nebraska Statutes Cash Fund available for investment shall be
 16 invested by the state investment officer pursuant to the Nebraska
 17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 The Nebraska Statutes Distribution Cash Fund is created.
 19 The fund shall consist of funds received pursuant to section
 20 49-707. The fund shall be used by the Supreme Court to perform the
 21 duties required by such section. Any money in the fund available
 22 for investment shall be invested by the state investment officer
 23 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 24 State Funds Investment Act.
 25 Sec. 3. Original section 49-707, Reissue Revised Statutes
 26 of Nebraska, is repealed.

(Signed) John Wightman, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 25, 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

Husch Blackwell, LLP
 Visiting Nurse Association

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 LB390 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 390. With Emergency Clause.

A BILL FOR AN ACT relating to state agencies; to amend sections 29-2252, 29-2255, 29-2261, 29-2521.02, 47-621, 47-622, 47-624, 47-624.01, 47-627, 47-628, 47-629, 47-632, 47-634, 81-8,239.01, 81-1403, 81-1404, 81-1423, 81-1425, 83-1,102, 83-1,107.02, 83-4,126, 83-4,131, and 84-1410, Reissue Revised Statutes of Nebraska; sections 29-2262.07, 81-1447, 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; 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 eliminate the Community Corrections Council, the Probation and Parole Services Study Act, and sentencing guidelines; to create and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to change

provisions relating to the Probation Program Cash Fund; to change powers, duties, and provisions relating to the Nebraska Commission on Law Enforcement and Criminal Justice, the Office of Violence Prevention, the Jail Standards Board, and the Nebraska Law Enforcement Training Center; to change and eliminate provisions relating to the Nebraska Crime Victim's Reparations Act and the Community Trust; to change provisions relating to closed sessions of public bodies; to eliminate obsolete provisions; to harmonize provisions; 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 operative dates; to repeal the original sections; to outright repeal sections 47-623, 47-625, 47-630, 47-631, 47-635, 47-636, 47-637, 47-638, and 47-639, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Karpisek

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 629. With Emergency Clause.

A BILL FOR AN ACT relating to pipelines; to adopt the Oil Pipeline Reclamation Act; to provide severability; and to declare an emergency.

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

emergency clause attached?" "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Karpisek

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 LB690 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to abortion; to amend sections 64-113, 71-6901, 71-6902, 71-6903, 71-6904, 71-6905, 71-6906, 71-6907, and 71-6908, Reissue Revised Statutes of Nebraska, and section 38-2021, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to consent and parental notification; to provide and change penalties; to require reports; to provide for confidentiality of declarations; to redefine malfeasance in office for notaries public; to harmonize provisions; to provide severability; 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, 41:

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

Voting in the negative, 6:

Campbell	Cook	Louden
Conrad	Haar, K.	McGill

Excused and not voting, 2:

Council	Karpisek
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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 703. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, 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, 39:

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

Voting in the negative, 7:

Bloomfield	Cook	Fischer	Louden
Conrad	Cornett	Krist	

Present and not voting, 1:

Mello

Excused and not voting, 2:

Council Karpisek

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

LEGISLATIVE BILL 704. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States 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, 31:

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

Voting in the negative, 15:

Avery	Cook	Harr, B.	Lathrop	Mello
Bloomfield	Cornett	Howard	Louden	Nordquist
Conrad	Haar, K.	Krist	McGill	Schumacher

Present and not voting, 1:

Harms

Excused and not voting, 2:

Council Karpisek

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

Voting in the affirmative, 32:

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

Voting in the negative, 15:

Avery	Cook	Harr, B.	Lathrop	Mello
Bloomfield	Cornett	Howard	Louden	Nordquist
Conrad	Haar, K.	Krist	McGill	Schumacher

Excused and not voting, 2:

Council Karpisek

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

COMMITTEE REPORT **Enrollment and Review**

Correctly Enrolled

The following bill was correctly enrolled: LB704.

(Signed) Tyson Larson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 390, 629, 690, 703, and 704.

MOTIONS - Approve Appointments

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1722:

Board of Parole

Miguel "Mike" Gomez

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Price Utter

Excused and not voting, 2:

Council Karpisek

The appointment was confirmed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Senator Krist moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1796:

State Racing Commission

Helen Abbott Feller

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Flood	McGill
Cornett	Heidemann	Pahls

Excused and not voting, 2:

Council	Karpisek
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The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found in this day's Journal:

Nebraska Motor Vehicle Industry Licensing Board
Dean Cerny
Sammy Reagan

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Howard	Krist	McGill
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Excused and not voting, 2:

Council	Karpisek
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The appointments were confirmed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 333. Read. Considered.

LEGISLATIVE RESOLUTION 334. Read. Considered.

LEGISLATIVE RESOLUTION 335. Read. Considered.

LEGISLATIVE RESOLUTION 336. Read. Considered.

LEGISLATIVE RESOLUTION 337. Read. Considered.

LEGISLATIVE RESOLUTION 339. Read. Considered.

LEGISLATIVE RESOLUTION 340. Read. Considered.

LEGISLATIVE RESOLUTION 341. Read. Considered.

LEGISLATIVE RESOLUTION 342. Read. Considered.

LEGISLATIVE RESOLUTION 343. Read. Considered.

LEGISLATIVE RESOLUTION 344. Read. Considered.

LEGISLATIVE RESOLUTION 345. Read. Considered.

LEGISLATIVE RESOLUTION 346. Read. Considered.

LEGISLATIVE RESOLUTION 347. Read. Considered.

LEGISLATIVE RESOLUTION 348. Read. Considered.

LEGISLATIVE RESOLUTION 349. Read. Considered.

LEGISLATIVE RESOLUTION 351. Read. Considered.

LEGISLATIVE RESOLUTION 352. Read. Considered.

LEGISLATIVE RESOLUTION 353. Read. Considered.

LEGISLATIVE RESOLUTION 354. Read. Considered.

LEGISLATIVE RESOLUTION 355. Read. Considered.

LRs 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 351, 352, 353, 354, and 355 were adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 325, 326, 327, 328, 329, 330, and 331 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 325, 326, 327, 328, 329, 330, 331, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 351, 352, 353, 354, and 355.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 2011, at 11:53 a.m. were the following: LBs 390e, 629e, 690, 703e, and 704.

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

UNANIMOUS CONSENT - Add Cointroducer

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB50. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bonnie and John Patrick "Jack" Fitzgerald from Omaha.

PRESIDENT SHEEHY PRESIDING**RECESS**

At 12:01 p.m., on a motion by Senator Pahls, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Council and Pahls who were excused.

MESSAGES FROM THE GOVERNOR

May 26, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 390e and 629e were received in my office on May 26, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

May 26, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 690 was received in my office on May 26, 2011.

I signed this bill and delivered it to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 498. Placed on General File with amendment.
AM1581

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 46-683.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-683.01 If during construction or operation a
- 6 permitholder determines (1) that an additional amount of water is
- 7 or will be required for the proposed use set forth in a permit

8 issued pursuant to section 46-683 or (2) that there is a need
9 to amend any condition set forth in the permit, the permitholder
10 may file an application to amend the permit. Following a hearing
11 conducted in the manner prescribed by section 46-680, the director
12 shall issue a written order containing specific findings of fact
13 either granting or denying the proposed amendment in accordance
14 with the public interest considerations enumerated in section
15 46-683. An application to amend a permit shall not be approved
16 if the amendment would increase the daily peak withdrawal or the
17 annual volume by more than twenty-five percent from the amounts
18 approved in the original permit, except for an amendment to
19 increase the maximum daily volumetric flow rate or annual volume
20 to levels authorized under a permit issued by the Department of
21 Environmental Quality pursuant to the Environmental Protection Act
22 as authorized under section 81-1531.02.

23 Sec. 2. Original section 46-683.01, Reissue Revised
1 Statutes of Nebraska, is repealed.

(Signed) Chris Langemeier, Chairperson

MOTION - Request Return of LB703 From Governor

Speaker Flood offered the following motion to LB703:
MO59

Request the Governor to return the bill to the Legislature for further action pursuant to Rule 7, Section 7(e).

The Flood motion prevailed with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

COMMUNICATION

May 26, 2011

The Honorable David Heineman
Governor-State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of LB703 to the Legislature for further consideration.

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

MESSAGE FROM THE GOVERNOR

May 26, 2011

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

Dear Mr. O'Donnell:

After passage by the Legislature, engrossed Legislative Bill 703e was received in my office at 11:53 a.m., today. Pursuant to the Legislature's formal request to return this bill for further action, I am returning LB 703e without having given any consideration to, or taken any action upon, this bill.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Reconsider Final Passage of LB703

Senator Langemeier offered the following motion to LB703:
MO60

Reconsider the vote on final passage with the emergency clause attached.

The Langemeier motion to reconsider prevailed with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 703. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-508, 50-1101, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts by the adoption of maps by reference; to provide for applicability of sections; to harmonize provisions; to repeal the original sections; to outright repeal sections 50-1102, 50-1103, 50-1104, 50-1105, 50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114, 50-1115, 50-1116, 50-1117, 50-1118, 50-1119.01, 50-1120, 50-1121, 50-1122, 50-1123, 50-1124, 50-1125, 50-1126, 50-1127, 50-1128, 50-1129, 50-1130, 50-1131, 50-1132, 50-1133, 50-1134, 50-1135, 50-1136, 50-1137, 50-1138, 50-1139, 50-1140, 50-1141.01, 50-1142, 50-1143, 50-1144, 50-1145, 50-1146, 50-1147, 50-1148, 50-1149, and 50-1150, 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, 37:

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

Voting in the negative, 9:

Bloomfield	Cook	Fischer	Krist	Louden
Conrad	Cornett	Karpisek	Lathrop	

Present and not voting, 1:

Mello

Excused and not voting, 2:

Council Pahls

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB703.

MOTION - Request Return of LB704 From Governor

Speaker Flood offered the following motion to LB704:

MO61

Request the Governor to return the bill to the Legislature for further action pursuant to Rule 7, Section 7(e).

The Flood motion prevailed with 36 ayes, 9 nays, 2 present and not voting, and 2 excused and not voting.

COMMUNICATION

May 26, 2011

The Honorable David Heineman
Governor-State of Nebraska
State Capitol Building
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of LB704 to the Legislature for further consideration.

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

MESSAGE FROM THE GOVERNOR

May 26, 2011

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

Dear Mr. O'Donnell:

After passage by the Legislature, reengrossed Legislative Bill 704 was received in my office at 11:53 a.m., today. Pursuant to the Legislature's formal request to return this bill for further action, I am returning LB 704 without having given any consideration to, or taken any action upon, this bill.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Reconsider Final Passage of LB704

Senator Langemeier offered the following motion to LB704:
MO62

Reconsider the vote on final passage with the emergency clause attached.

The Langemeier motion to reconsider prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 704. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States 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, 35:

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

Voting in the negative, 11:

Conrad	Harr, B.	Lathrop	Mello
Cook	Howard	Louden	Nordquist
Haar, K.	Karpisek	McGill	

Present and not voting, 1:

Avery

Excused and not voting, 2:

Council Pahls

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB704.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 2011, at 2:22 p.m. were the following: LBs 703e and 704e.

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

MOTION - Notify Governor

Senator Louden moved that a committee of five be appointed to notify the Governor that the One Hundred Second Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Brasch, Smith, Hansen, Avery, and Sullivan to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

MESSAGE FROM THE GOVERNOR

May 26, 2011

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 703e and reengrossed Legislative Bill 704e were received in my office on May 26, 2011.

These bills were signed and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Suspend Rules

Senator Flood renewed his motion, found on page 1767, to 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.

The Flood motion prevailed with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

MOTION - Journal, Session Laws, and Indexes

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

VISITOR

The Doctor of the Day was Dr. Susan Keasling from Omaha.

MOTION - Adjourn Sine Die

Senator Wightman moved that the Journal for the Eighty-Seventh Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred Second Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 2:51 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

