

TWENTY-FOURTH DAY - FEBRUARY 8, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 2012

PRAYER

The prayer was offered by Father Jason Emerson, Church of the Resurrection, 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 Conrad and Karpisek who were excused; and Senators Flood and Heidemann who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 540. Placed on Select File with amendment.
ER173

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-911, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-911 (1) Medical assistance shall include coverage for
- 6 health care and related services as required under Title XIX of the
- 7 federal Social Security Act, including, but not limited to:
- 8 (a) Inpatient and outpatient hospital services;
- 9 (b) Laboratory and X-ray services;
- 10 (c) Nursing facility services;
- 11 (d) Home health services;
- 12 (e) Nursing services;
- 13 (f) Clinic services;
- 14 (g) Physician services;

15 (h) Medical and surgical services of a dentist;
 16 (i) Nurse practitioner services;
 17 (j) Nurse midwife services;
 18 (k) Pregnancy-related services;
 19 (l) Medical supplies; and
 20 (m) Early and periodic screening and diagnosis and
 21 treatment services for children.

22 (2) In addition to coverage otherwise required under this
 23 section, medical assistance may include coverage for health care
 1 and related services as permitted but not required under Title XIX
 2 of the federal Social Security Act, including, but not limited to:

3 (a) Prescribed drugs;
 4 (b) Intermediate care facilities for the mentally
 5 retarded;
 6 (c) Home and community-based services for aged persons
 7 and persons with disabilities;
 8 (d) Dental services;
 9 (e) Rehabilitation services;
 10 (f) Personal care services;
 11 (g) Durable medical equipment;
 12 (h) Medical transportation services;
 13 (i) Vision-related services;
 14 (j) Speech therapy services;
 15 (k) Physical therapy services;
 16 (l) Chiropractic services;
 17 (m) Occupational therapy services;
 18 (n) Optometric services;
 19 (o) Podiatric services;
 20 (p) Hospice services;
 21 (q) Mental health and substance abuse services;
 22 (r) Hearing screening services for newborn and infant
 23 children; and
 24 (s) Administrative expenses related to administrative
 25 activities, including outreach services, provided by school
 26 districts and educational service units to students who are
 27 eligible or potentially eligible for medical assistance.

1 (3) No later than July 1, 2009, the department
 2 shall submit a state plan amendment or waiver to the federal
 3 Centers for Medicare and Medicaid Services to provide coverage
 4 under the medical assistance program for community-based secure
 5 residential and subacute behavioral health services for all
 6 eligible recipients, without regard to whether the recipient has
 7 been ordered by a mental health board under the Nebraska Mental
 8 Health Commitment Act to receive such services.

9 (4) No later than July 1, 2012, the department shall
 10 apply for a waiver or an amendment to an existing waiver under
 11 section 1115 of the federal Social Security Act, as amended, 42
 12 U.S.C. 1315, for the purpose of providing medical assistance for
 13 family planning services for persons whose family's earned income

14 is at or below one hundred eighty-five percent of the federal
 15 poverty level. No state funds shall be utilized to pay for abortion
 16 services or to promote elective abortion services. The department
 17 shall ensure that any funds received under this subsection shall
 18 not be spent or used in any way to contract with any entity that
 19 performs or promotes elective abortion services or with any entity
 20 that affiliates with any entity that performs or promotes elective
 21 abortions.

22 Sec. 2. Original section 68-911, Reissue Revised Statutes
 23 of Nebraska, is repealed.

24 Sec. 3. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

LEGISLATIVE BILL 886. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File.

LEGISLATIVE BILL 854. Placed on Select File with amendment.
 ER174

- 1 1. On page 1, line 4, strike "sections 21-152 and
- 2 21-2611" and insert "section 21-152"; and in line 6 after
- 3 "dissolution" insert ", revocation,".

LEGISLATIVE BILL 911. Placed on Select File.

LEGISLATIVE BILL 942. Placed on Select File.

(Signed) Tyson Larson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 2012, at 11:53 a.m. were the following: LBs 705, 706, 707, 708, 709, 710, 946e, 415, and 503.

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

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 15, 2012 1:30 p.m.

Michael Hansen - Commission for the Blind and Visually Impaired

Room 1510

Thursday, February 16, 2012 1:30 p.m.

Johnson, Julie (cancel)

Room 1510

Wednesday, February 15, 2012 1:30 p.m.

Johnson, Julie (reschedule)

(Signed) Kathy Campbell, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Brasch has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1035. Placed on General File with amendment.
AM1900

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 32-610, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 32-610 No person shall be allowed to file a candidate
6 filing form as a partisan candidate or to have his or her
7 name placed upon a primary election ballot of a political party
8 unless (1) he or she is a registered voter of the political
9 party if required pursuant to section 32-702 and (2) at the last
10 election, one of the two immediately preceding statewide general
11 elections, (a) a candidate nominated by the political party polled
12 at least five percent of the entire vote in the state, county,
13 political subdivision, or district in which the candidate seeks the
14 nomination for office, in a statewide race or (b) a combination
15 of candidates nominated by the political party for a combination
16 of districts that encompass all of the voters of the entire
17 state polled at least five percent of the vote in each of their
18 respective districts. A candidate filing form filed in violation of
19 this section shall be void.
20 Sec. 2. Section 32-811, Revised Statutes Supplement,
21 2011, is amended to read:
22 32-811 (1) If the names of candidates properly filed
23 for nomination at the primary election for directors of natural
1 resources districts, directors of public power districts, directors
2 of reclamation districts, members of airport authority boards
3 elected pursuant to sections 32-547 to 32-549, members of the
4 boards of governors of community college areas, members of the
5 boards of Class III or Class V school districts which nominate

6 candidates at a primary election, and officers of cities of the
7 first or second class and cities having a city manager plan of
8 government do not exceed two candidates for each position to
9 be filled, any such candidates shall be declared nominated and
10 their names shall not appear on any primary election ballots. The
11 official abstract of votes kept by the county or state shall show
12 the names of such candidates with the statement Nominated Without
13 Opposition. The election commissioner or county clerk shall place
14 the names of such automatically nominated candidates on the general
15 election ballot as provided in section 32-814.

16 (2) Candidates shall not appear on the ballot in the
17 primary election for the board of directors in public power
18 districts receiving annual gross revenue of less than forty million
19 dollars, for county weed district boards, and for the board of
20 trustees in villages.

21 (3) If the number of candidates for delegates to a county
22 or national political party convention are the same in number or
23 less than the number of candidates to be elected, the names shall
24 not appear on the primary election ballot and those so filed shall
25 receive a certificate of election.

26 Sec. 3. Section 32-1031, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 32-1031 (1) After counting the ballots under section
2 32-1027, the county canvassing board shall proceed with the
3 official canvass of votes cast on election day. If in the
4 process of canvassing the votes for any candidate or measure
5 in any precinct the election commissioner or county clerk or the
6 canvassing board determines that there is an obvious error in
7 the certification of the votes, the error shall be corrected. The
8 county canvassing board may open the ballots-cast container and
9 recount the ballots for any candidate or any measure which appears
10 to be in error. If the county canvassing board finds and corrects
11 any such error, it shall make the correction entry in the precinct
12 sign-in register, the precinct list of registered voters, and the
13 official summary or summaries of votes cast and shall attach a
14 letter of explanation to each book where the correction was made.
15 The letter shall be signed by all members of the county canvassing
16 board.

17 (2) When it has been determined that the returns in all
18 precincts are correct, the county canvassing board shall ~~enter the~~
19 ~~same in a permanent ledger. The permanent ledger shall be preserved~~
20 ~~by provide a record of the results to the election commissioner or~~
21 ~~county clerk either in a ledger or by using a computer printout.~~
22 The election commissioner or county clerk shall preserve the record
23 of the results for the period of time specified by the State
24 Records Administrator pursuant to the Records Management Act, and
25 then it may be transferred to the State Archives of the Nebraska
26 State Historical Society for permanent preservation.

- 27 (3) Any recesses or adjournments of the county canvassing
 1 board shall be to a fixed time and publicly announced. When a
 2 recess is called, all ballots that have not been counted and
 3 all other supplies shall be placed in a fireproof safe or other
 4 suitable location which is locked until such board reconvenes.
 5 Sec. 4. Original sections 32-610 and 32-1031, Reissue
 6 Revised Statutes of Nebraska, and section 32-811, Revised Statutes
 7 Supplement, 2011, are repealed.
 8 Sec. 5. The following section is outright repealed:
 9 Section 32-718, Reissue Revised Statutes of Nebraska.

(Signed) Bill Avery, Chairperson

SELECT FILE

LEGISLATIVE BILL 190. ER144, found on page 294, was adopted.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA31, found on page 381, and replace it with his substitute amendment, AM1815, found on page 450. No objections. So ordered.

SENATOR GLOOR PRESIDING

Senator Lautenbaugh withdrew his amendment.

Pending.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 22, 2012 1:30 p.m.

Carl Rennerfeldt - Board of Emergency Medical Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

James Smith - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB541:
AM1914

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 68-901, Revised Statutes Supplement,
4 2011, is amended to read:
5 68-901 Sections 68-901 to 68-971 and sections 2 and 3 of
6 this act shall be known and may be cited as the Medical Assistance
7 Act.
8 Sec. 2. The Legislature finds that the medical assistance
9 program would benefit from increased efforts to (1) prevent
10 improper payments to service providers, including, but not
11 limited to, enforcement of eligibility criteria for recipients
12 of benefits, enforcement of enrollment criteria for providers of
13 benefits, determination of third-party liability for benefits,
14 review of claims for benefits prior to payment, and identification
15 of the extent and cause of improper payment, (2) identify
16 and recoup improper payments, including, but not limited to,
17 identification and investigation of questionable payments for
18 benefits, administrative recoupment of payments for benefits, and
19 referral of cases of fraud to the state medicaid fraud control
20 unit for prosecution, and (3) collect postpayment reimbursement,
21 including, but not limited to, maximizing prescribed drug rebates
22 and maximizing recoveries from estates for paid benefits.
1 Sec. 3. (1) The department shall contract with one or
2 more recovery audit contractors to promote the integrity of the
3 medical assistance program and to assist with cost-containment
4 efforts and recovery audits. The contract or contracts shall
5 include services for (a) cost-avoidance through identification of
6 third-party liability, (b) cost recovery of third-party liability
7 through postpayment reimbursement, (c) casualty recovery of
8 payments by identifying and recovering costs for claims that
9 were the result of an accident or neglect and payable by a
10 casualty insurer, and (d) reviews of claims submitted by providers
11 of services or other individuals furnishing items and services
12 for which payment has been made to determine whether providers
13 have been underpaid or overpaid and take actions to recover any
14 overpayments identified.
15 (2) The department shall contract with one or more
16 persons to support a health insurance premium assistance payment
17 program.
18 (3) The department may enter into any other contracts
19 deemed to increase the efforts to promote the integrity of the
20 medical assistance program.
21 (4) Contracts entered into under the authority of this
22 section may be on a contingent fee basis and are exempt from

23 section 73-203. Contracts entered into on a contingent fee
 24 basis shall provide that contingent fee payments are based upon
 25 amounts recovered, not amounts identified, and that contingent fee
 26 payments are not to be paid on amounts subsequently repaid due
 27 to determinations made in appeal proceedings. Contracts shall be
 1 in compliance with federal law and regulations when pertinent, and
 2 initial contracts shall be entered into as soon as practicable
 3 under such federal law and regulations.

4 (5) The department shall by December 1, 2012, report to
 5 the Legislature the status of the contracts, including the parties,
 6 the programs and issues addressed, the estimated cost recovery, and
 7 the savings accrued as a result of the contracts.

8 (6) For purposes of this section:

9 (a) Person means bodies politic and corporate,
 10 societies, communities, the public generally, individuals,
 11 partnerships, limited liability companies, joint-stock companies,
 12 and associations; and

13 (b) Recovery audit contractor means private entities
 14 with which the department contracts to audit claims for medical
 15 assistance, identify underpayments and overpayments, and recoup
 16 overpayments.

17 Sec. 4. Original section 68-901, Revised Statutes
 18 Supplement, 2011, is repealed.

19 Sec. 5. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

21 2. On page 1, line 2, strike "Cumulative Supplement,
 22 2010" and insert "Supplement, 2011".

Senator Langemeier filed the following amendment to LB849:
AM1873

(Amendments to Standing Committee amendments, AM1777)

1 1. Strike the original amendment and insert the following
 2 amendments:

3 1. Strike sections 2 and 3 and insert the following
 4 sections:

5 Sec. 2. (1) Property conveyed by the commission pursuant
 6 to section 1 of this act shall be operated and maintained as
 7 follows:

8 (a) The property shall be maintained so as to appear
 9 attractive and inviting to the public;

10 (b) Sanitation and sanitary facilities shall be
 11 maintained in accordance with applicable health standards;

12 (c) The property shall be kept reasonably open,
 13 accessible, and safe for public use. Fire prevention and similar
 14 activities shall be maintained for proper public safety;

15 (d) Buildings, roads, trails, and other structures and
 16 improvements shall be kept in reasonable repair throughout their
 17 estimated lifetime to prevent undue deterioration and to encourage
 18 public use, including the maintenance of the area's federally

19 funded public boating access facilities existing on the property,
 20 which is specially assigned and required through 2024; and

21 (e) The facility shall be kept open for public use at
 22 reasonable hours and times of the year, according to the type of
 1 area or facility.

2 (2) The Lower Loup Natural Resources District shall be
 3 responsible for compliance and enforcement of the requirements set
 4 forth in subsection (1) of this section.

5 Sec. 3. Section 37-201, Revised Statutes Cumulative
 6 Supplement, 2010, is amended to read:

7 37-201 Sections 37-201 to 37-811 and section 2 of this
 8 act shall be known and may be cited as the Game Law.

9 Sec. 4. Original section 37-201, Revised Statutes
 10 Cumulative Supplement, 2010, is repealed.

11 2. Renumber the remaining section accordingly.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Sullivan has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

SELECT FILE

LEGISLATIVE BILL 190. Senator Council renewed her amendment, AM1847, found on page 421.

The Council amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Lautenbaugh requested a machine vote on the advancement of the bill.

Senator Council moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Adams	Campbell	Dubas	Larson	Smith
Ashford	Coash	Gloor	Lathrop	Sullivan
Avery	Cook	Haar, K.	McGill	Wallman
Bloomfield	Cornett	Harr, B.	Nordquist	
Brasch	Council	Howard	Schumacher	

Voting in the negative, 15:

Carlson	Hadley	Krist	Lautenbaugh	Pahls
Flood	Hansen	Lambert	McCoy	Price
Fulton	Janssen	Langemeier	Nelson	Seiler

Present and not voting, 9:

Christensen	Harms	Louden	Pirsch	Wightman
Fischer	Heidemann	Mello	Schilz	

Excused and not voting, 2:

Conrad	Karpisek
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Failed to advance to Enrollment and Review for Engrossment with 23 ayes, 15 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 60. Senator Krist renewed his amendment, AM1840, found on page 419.

Senator Krist offered the following motion:

MO79

Unanimous consent to bracket until April 1, 2012.

No objections. So ordered.

LEGISLATIVE BILL 459. ER149, found on page 351, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 473. ER151, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 633. ER150, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 19CA. ER153, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 426. ER152, found on page 366, was adopted.

Senator Cornett renewed her amendment, AM1783, found on page 373.

The Cornett amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. ER154, found on page 368, was adopted.

Senator McGill offered the following amendment:

AM1917

(Amendments to E & R amendments, ER154)

1 1. On page 6, line 3, after "injury" insert "For
2 purposes of this subdivision, credible threat means a verbal or
3 written threat, including a threat performed through the use of an
4 electronic communication device, or a threat implied by a pattern
5 of conduct or a combination of verbal, written, or electronically
6 communicated statements and conduct that is made by a person with
7 the apparent ability to carry out the threat so as to cause the
8 person who is the target of the threat to reasonably fear for
9 his or her safety or the safety of his or her family. It is not
10 necessary to prove that the person making the threat had the intent
11 to actually carry out the threat. The present incarceration of the
12 person making the threat shall not prevent the threat from being
13 deemed a credible threat under this section".

The McGill amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 612. ER155, found on page 372, was adopted.

Senator Pirsch renewed his amendment, AM1896, found on page 457.

The Pirsch amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216. ER157, found on page 396, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216A. ER158, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 391. ER159, found on page 401, was adopted.

Senator Schilz withdrew his amendment, AM1804, found on page 384.

Senator Schilz renewed his amendment, AM1831, found on page 447.

The Schilz amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Schilz renewed his amendment, AM1830, found on page 448.

The Schilz amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Schilz offered the following amendment:

AM1928

(Amendments to E & R amendments, ER159)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 37-201, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 37-201 Sections 37-201 to 37-811 and sections 3 to 7 of
- 5 this act shall be known and may be cited as the Game Law.
- 6 Sec. 2. Section 37-202, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 37-202 For purposes of the Game Law, unless the context
- 9 otherwise requires, the definitions found in sections 37-203 to
- 10 37-247 and sections 3 to 5 of this act are used.
- 11 Sec. 3. Aquatic invasive species means exotic or
- 12 nonnative aquatic organisms listed in rules and regulations of
- 13 the commission which pose a significant threat to the aquatic
- 14 resources, water supplies, or water infrastructure of this state.
- 15 Sec. 4. Authorized inspector means a person who meets the
- 16 requirements established in rules and regulations of the commission
- 17 to inspect for aquatic invasive species and includes, but is not
- 18 limited to, a conservation officer and a peace officer as defined
- 19 in section 49-801.
- 20 Sec. 5. Conveyance means a motorboat as defined in
- 21 section 37-1204, a personal watercraft as defined in section
- 22 37-1204.01, a vessel as defined in section 37-1203, a trailer, or
- 1 any associated equipment or containers which may contain or carry
- 2 aquatic invasive species.
- 3 Sec. 6. (1) No person shall possess, import, export,
- 4 purchase, sell, or transport aquatic invasive species except when
- 5 a species is being removed from a conveyance and is caught
- 6 and immediately killed or disposed of properly as determined by
- 7 the commission. The commission shall adopt and promulgate rules
- 8 and regulations governing the inspection, decontamination, and
- 9 treatment of conveyances capable of containing or transporting
- 10 aquatic invasive species.
- 11 (2) Any person who (a) fails or refuses to submit to
- 12 an inspection of a conveyance requested by an authorized inspector
- 13 or (b) refuses to permit or prevents proper decontamination or
- 14 treatment of a conveyance as prescribed by the authorized inspector
- 15 is guilty of a Class III misdemeanor and upon conviction shall be

16 fined not less than five hundred dollars. Such person's conveyance
17 shall also be subject to impoundment.

18 Sec. 7. The commission shall adopt and promulgate rules
19 and regulations to carry out section 6 of this act.

20 Sec. 8. Section 37-524, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-524 (1) It shall be unlawful for any person,
23 partnership, limited liability company, association, or corporation
24 to import into the state or possess aquatic invasive species,
25 the animal known as the San Juan rabbit, or any other species
26 of wild vertebrate animal, including domesticated cervine animals
27 as defined in section 54-701.03, declared by the commission
1 following public hearing and consultation with the Department of
2 Agriculture to constitute a serious threat to economic or ecologic
3 conditions, except that the commission may authorize by specific
4 written permit the acquisition and possession of such species for
5 educational or scientific purposes. It shall also be unlawful to
6 release to the wild any nonnative bird or nonnative mammal without
7 written authorization from the commission. Any person, partnership,
8 limited liability company, association, or corporation violating
9 the provisions of this subsection shall be guilty of a Class IV
10 misdemeanor.

11 (2) Following public hearing and consultation with the
12 Department of Agriculture, the commission may, by rule and
13 regulation, regulate or limit the importation and possession of
14 any aquatic invasive species or wild vertebrate animal, including a
15 domesticated cervine animal as defined in section 54-701.03, which
16 is found to constitute a serious threat to economic or ecologic
17 conditions.

18 Sec. 9. Section 37-547, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-547 It is the intent of the Legislature to prevent the
21 release or importation into the State of Nebraska of any aquatic
22 invasive species or any live wildlife which may cause economic
23 or ecologic harm or be injurious to human beings, agriculture,
24 horticulture, forestry, water, or wildlife or wildlife resources of
25 the state. It is further the intent of the Legislature to prevent
26 the commercial exploitation or exportation of any aquatic invasive
27 species or any dead or live wildlife taken from the wild.

1 Sec. 10. Section 37-548, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-548 (1) It shall be unlawful for any person to import
4 into the state or release to the wild any aquatic invasive species
5 or any live wildlife including the viable gametes, eggs or sperm,
6 except those which are approved by rules and regulations of the
7 commission or as otherwise provided in the Game Law. It shall
8 be unlawful to commercially exploit or export from the state any
9 aquatic invasive species or dead or live wildlife taken from the
10 wild except those which are exempted by rules and regulations

11 of the commission. Any person violating this subsection shall be
12 guilty of a Class III misdemeanor.

13 (2) The commission shall adopt and promulgate rules
14 and regulations to carry out subsection (1) of this section.
15 In adopting such rules and regulations, the commission shall
16 be governed by the Administrative Procedure Act. Such rules and
17 regulations shall include a listing of (a) the aquatic invasive
18 species or wildlife which may be released or imported into the
19 state and (b) the aquatic invasive species or wildlife taken from
20 the wild which may be commercially exploited or exported from
21 the state. The rules and regulations for release, importation,
22 commercial exploitation, and exportation of species other than
23 commercial fish and bait fish shall include, but not be limited to,
24 requirements for annual permits for release or importation or for
25 commercial exploitation or exportation, permit fees, the number of
26 individual animals of a particular species that may be released,
27 imported, collected, or exported under a permit, and the manner
1 and location of release or collection of a particular species.

2 The rules and regulations may be amended, modified, or repealed
3 from time to time, based upon investigation and the best available
4 scientific, commercial, or other reliable data.

5 (3) The commission shall establish permit fees as
6 required by subsection (2) of this section to cover the cost of
7 permit processing and enforcement of the permits and research into
8 and management of the ecological effects of release, importation,
9 commercial exploitation, and exportation. The commission shall
10 remit the fees to the State Treasurer for credit to the Wildlife
11 Conservation Fund.

12 (4) The commission may determine that the release,
13 importation, commercial exploitation, or exportation of aquatic
14 invasive species or wildlife causes economic or ecologic harm
15 by utilizing the best available scientific, commercial, and
16 other reliable data after consultation, as appropriate, with
17 federal agencies, other interested state and county agencies, and
18 interested persons and organizations.

19 (5) The commission shall, upon its own recommendation or
20 upon the petition of any person who presents to the commission
21 substantial evidence as to whether such additional species will or
22 will not cause ecologic or economic harm, conduct a review of any
23 listed or unlisted species proposed to be removed from or added to
24 the list published pursuant to subdivision (2)(a) of this section.
25 The review shall be conducted pursuant to subsection (4) of this
26 section.

27 (6) The commission shall, upon its own recommendation or
1 upon the petition of any person who presents to the commission
2 substantial evidence that commercial exploitation or exportation
3 will cause ecologic or economic harm or significant impact to a
4 an aquatic or wildlife population, conduct a review of any listed
5 or unlisted species proposed to be added to or removed from the

- 6 list published pursuant to subdivision (2)(b) of this section.
7 The review shall be conducted pursuant to subsection (4) of this
8 section.
9 Sec. 17. Original sections 37-202, 37-524, 37-547, and
10 37-548, Reissue Revised Statutes of Nebraska, and section 37-201,
11 Revised Statutes Cumulative Supplement, 2010, are repealed.
12 2. Renumber the remaining sections and correct internal
13 references accordingly.

The Schilz amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 507. ER161, found on page 405, was adopted.

Senator Harms renewed his amendment, AM1837, found on page 450.

The Harms amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 40. ER160, found on page 407, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 427. ER165, found on page 417, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 800. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 446. Title read. Considered.

Pending.

COMMITTEE REPORT

Education

The Education 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.

Riko Bishop - Coordinating Commission for Postsecondary Education
 Joyce Simmons - Coordinating Commission for Postsecondary Education
 Carol Zink - Coordinating Commission for Postsecondary Education

Aye: 8 Adams, Avery, Cornett, Council, K. Haar, Howard, Seiler, Sullivan.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 996. Placed on General File.

LEGISLATIVE BILL 809. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 810. Placed on General File.

(Signed) Rich Pahls, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 898. Placed on General File.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB992:
 AM1905

- 1 1. On page 2, line 9, strike "or" and after "restaurant"
- 2 insert ", a grocery store, a convenience store, or a pharmacy".

RESOLUTION

LEGISLATIVE RESOLUTION 396. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 3, 2012, at the annual Statehood Day Dinner held in the Nebraska State Capitol, presents the Distinguished NEBRASKAlander Award to three honorees; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to Ken Gnadt of Grand Island, who has been an active force in government and

civic affairs in central Nebraska. Serving as Grand Island mayor from 1994 to 2002, he was instrumental in securing the Interstate 80 South Locust interchange, instituting the Wood River Flood Control Project, building the Heartland Events Center, and preserving the Case-IH manufacturing plant. He has been active in Rotary, the Grand Island Chamber of Commerce, Husker Harvest Days, the Stuhr Museum, and the relocation of the Nebraska State Fair to Grand Island; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to David Karnes of Omaha, who has had a distinguished career in the practice of law, government service, and business. He has been with the Kutak Rock law firm since 1989 and has served on the board of directors of numerous companies. He is a former United States Senator from Nebraska, and his federal government experience includes positions with the Federal Home Loan Bank, White House, and United States Advisory Committee for Trade Policy and Negotiations. He has been involved in a wide range of civic organizations, including founding Liz's Legacy Fund for cancer research; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to Roger Wehrbein of Plattsmouth, who has displayed outstanding political and civic leadership for Nebraska and his community. He served twenty years in the Nebraska Legislature and was a longtime Appropriations Committee chairperson. He has been an avid supporter of higher education, agriculture, economic development, ethanol, and wind energy. He served as a Cass County commissioner and has been active in economic development efforts in the county. A farmer and livestock producer, he has been a strong advocate of agriculture through numerous organizations.

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

1. That the Legislature extends its appreciation to the aforesaid honorees for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will hold an executive session Thursday, February 9, 2012, at 8:45 a.m., in Room 2102.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB887, LB963, and LB965. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB893. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Langemeier's wife and sons, Kerri, Jakub, and Aaron; Lora, Logan, and Dillon Johnson and Austin Hall from Schuyler; and 24 members of Leadership Hastings.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2012.

Patrick J. O'Donnell
Clerk of the Legislature