

THIRTIETH DAY - FEBRUARY 21, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 2012

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad and Nordquist who were excused; and Senators Karpisek and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 723. Placed on Select File.

LEGISLATIVE BILL 794. Placed on Select File.

LEGISLATIVE BILL 831. Placed on Select File.

LEGISLATIVE BILL 871. Placed on Select File with amendment.

ER183

- 1 1. On page 1, line 4, after the first "to" insert
- 2 "financial eligibility of consumers and schedules of".

LEGISLATIVE BILL 686. Placed on Select File with amendment.

ER184

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 38-3321, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 38-3321 No person may practice veterinary medicine and

6 surgery in the state who is not a licensed veterinarian, no
7 person may perform delegated animal health care tasks in the
8 state who is not a licensed veterinary technician or an unlicensed
9 assistant performing such tasks within the limits established under
10 subdivision (2) of section 38-3326, and no person may perform
11 health care therapy on animals in the state who is not a licensed
12 animal therapist. The Veterinary Medicine and Surgery Practice Act
13 shall not be construed to prohibit:

14 (1) An employee of the federal, state, or local
15 government from performing his or her official duties;

16 (2) A person who is a student in a veterinary school from
17 performing duties or actions assigned by his or her instructors
18 or from working under the direct supervision of a licensed
19 veterinarian;

20 (3) A person who is a student in an approved veterinary
21 technician program from performing duties or actions assigned by
22 his or her instructors or from working under the direct supervision
23 of a licensed veterinarian or a licensed veterinary technician;

1 (4) Any merchant or manufacturer from selling feed or
2 feeds whether medicated or nonmedicated;

3 (5) A veterinarian regularly licensed in another state
4 from consulting with a licensed veterinarian in this state;

5 (6) Any merchant or manufacturer from selling from his or
6 her established place of business medicines, appliances, or other
7 products used in the prevention or treatment of animal diseases
8 or any merchant or manufacturer's representative from conducting
9 educational meetings to explain the use of his or her products or
10 from investigating and advising on problems developing from the use
11 of his or her products;

12 (7) An owner of livestock or a bona fide farm or
13 ranch employee from performing any act of vaccination, surgery,
14 pregnancy testing, retrievable transplantation of embryos on
15 bovine, including recovering, freezing, and transferring embryos on
16 bovine, or the administration of drugs in the treatment of domestic
17 animals under his or her custody or ownership nor the exchange of
18 services between persons or bona fide employees who are principally
19 farm or ranch operators or employees in the performance of these
20 acts;

21 (8) A member of the faculty of a veterinary school
22 or veterinary science department from performing his or her
23 regular functions, or a person lecturing or giving instructions
24 or demonstrations at a veterinary school or veterinary science
25 department or in connection with a continuing competency activity;

26 (9) Any person from selling or applying any pesticide,
27 insecticide, or herbicide;

1 (10) Any person from engaging in bona fide scientific
2 research which reasonably requires experimentation involving
3 animals;

4 (11) Any person from treating or in any manner caring for
5 domestic chickens, turkeys, or waterfowl, which are specifically
6 exempted from the Veterinary Medicine and Surgery Practice Act;

7 (12) Any person from performing dehorning or castrating
8 livestock, not to include equidae.

9 For purposes of the Veterinary Medicine and Surgery
10 Practice Act, castration shall be limited to the removal or
11 destruction of male testes; ~~or~~

12 (13) Any person who holds a valid credential in the State
13 of Nebraska in a health care profession or occupation regulated
14 under the Uniform Credentialing Act from consulting with a licensed
15 veterinarian or performing collaborative animal health care tasks
16 on an animal under the care of such veterinarian if all such tasks
17 are performed under the immediate supervision of such veterinarian;
18 or-

19 (14) A person from performing a retrievable
20 transplantation of embryos on bovine, including recovering,
21 freezing, and transferring embryos on bovine, if the procedure is
22 being performed by a person who (a) holds a doctorate degree with
23 an emphasis in reproductive physiology from an accredited college
24 or university and (b) has and can show proof of valid professional
25 liability insurance.

26 Sec. 2. Original section 38-3321, Revised Statutes
27 Cumulative Supplement, 2010, is repealed.

LEGISLATIVE BILL 849. Placed on Select File with amendment.
ER185

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. The Game and Parks Commission is authorized
4 to convey to the Lower Loup Natural Resources District for public
5 purposes the following described real estate, now known as Pibel
6 Lake State Recreation Area, situated in the county of Wheeler, in
7 the State of Nebraska, to-wit: A tract of land in the southeast
8 quarter of section 25, township 21 north, range 11 west of the 6th
9 principal meridian, Wheeler County, Nebraska, more fully described
10 as follows: Commencing at the southeast corner of section 25,
11 township 21 north, range 11 west of the 6th principal meridian,
12 (the east side of said section having an assumed bearing of north
13 0 degrees, 00 minutes east and the south side of said section an
14 assumed bearing of south 89 degrees, 25 minutes west); thence south
15 89 degrees, 25 minutes west a distance of 440 feet to the point of
16 beginning; thence south 89 degrees, 25 minutes west a distance of
17 1409.85 feet; thence north 0 degrees, 53 minutes east a distance of
18 890.25 feet; thence north 89 degrees, 25 minutes east a distance
19 of 396 feet; thence north 0 degrees, 00 minutes east a distance of
20 160 feet; thence north 89 degrees, 25 minutes east a distance of
21 160 feet; thence north 0 degrees, 00 minutes east a distance of
22 930 feet; thence south 89 degrees, 25 minutes west a distance of

23 480 feet; thence north 9 degrees, 18 minutes west a distance of
 1 367.51 feet; thence south 79 degrees, 13 minutes east a distance of
 2 1017.65 feet; thence south 42 degrees, 54 minutes east a distance
 3 of 220 feet; thence south 17 degrees, 13 minutes east a distance of
 4 580.15 feet; thence south 0 degrees, 58 minutes west a distance of
 5 586.0 feet; thence south 37 degrees, 44 minutes east a distance of
 6 111.0 feet; thence south 0 degrees, 00 minutes west a distance of
 7 750 feet to the point of beginning; excepting lots 49, 50, 77 and
 8 78 in the plat of Pibel Lake, a total of 53.4 acres.

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

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

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

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

19 (d) Buildings, roads, trails, and other structures and
 20 improvements shall be kept in reasonable repair throughout their
 21 estimated lifetime to prevent undue deterioration and to encourage
 22 public use, including the maintenance of the area's federally
 23 funded public boating access facilities existing on the property,
 24 which is specially assigned and required through 2024; and

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

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

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

6 37-201 Sections 37-201 to 37-811 and section 2 of this
 7 act shall be known and may be cited as the Game Law.

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

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

12 2. On page 1, strike beginning with "Game" in line 1
 13 through "commission" in line 6 and insert "recreation areas; to
 14 amend section 37-201, Revised Statutes Cumulative Supplement, 2010;
 15 to authorize the Game and Parks Commission to convey certain real
 16 estate; to prescribe conditions relating to the operation and
 17 maintenance of the real estate; to provide duties for the Lower
 18 Loup Natural Resources District".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1118. Placed on Final Reading.

ST61

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

1. On page 1, line 2, "77-5705, 77-5723," has been inserted after the second comma; and in line 6 "a term" has been struck and "and redefine terms" inserted.

2. On page 28, line 19, "77-5715," has been struck and "77-5705, 77-5715, 77-5723," inserted.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 735. Title read. Considered.

Committee AM1769, found on page 441, was considered.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1053. Placed on General File.

LEGISLATIVE BILL 1101. Placed on General File.

LEGISLATIVE BILL 14. Placed on General File with amendment.

AM1954 is available in the Bill Room.

LEGISLATIVE BILL 971. Placed on General File with amendment.

AM1970 is available in the Bill Room.

LEGISLATIVE BILL 1157. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

ANNOUNCEMENT

Speaker Flood designates LBs 14, 731, 756, 782, 793, 810, 817, 888, 908, 924, 928, 979, 990, 995, 1020, 1033, 1039, 1082, 1091, 1113, 1115, 1125, 1132, 1155, and 1158 as Speaker priority bills.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB975:
AM1937

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. This act shall be known and may be cited as
4 the Fair Bidding Act.

5 Sec. 2. The purposes of the Fair Bidding Act
6 are to provide for the efficient procurement of goods and
7 services by governmental units and to promote the economical,
8 nondiscriminatory, and efficient administration and completion
9 of construction projects funded, assisted, or awarded by a
10 governmental unit.

11 Sec. 3. For purposes of the Fair Bidding Act:

12 (1) Bidder means any individual, firm, partnership,
13 limited liability company, corporation, or other association of
14 persons that makes an offer to perform a public contract for a
15 governmental unit;

16 (2) Collective-bargaining agreement means an agreement
17 between any employer and a labor organization, whether or not a
18 third party is also a party to the agreement, which regulates terms
19 and conditions of employment;

20 (3) Construction means the business of construction,
21 alteration, repairing, dismantling, or demolition of airports,
22 bridges, buildings, canals, dams, disposal plants, levees,
23 pipelines, power lines, roads, sewers, streets, transmission lines,
1 viaducts, water and gas mains, water filters, water tanks, water
2 towers, water wells, and every other type of structure, project,
3 development, or improvement coming within the definition of real
4 property or personal property, whether such property is to be
5 occupied by the owner or held either for sale or rental;

6 (4) Governmental unit means the State of Nebraska, any
7 agency of the state, or any political subdivision of the state,
8 including any county, city, village, township, school district,
9 learning community, educational service unit, district, authority,
10 the University of Nebraska, the Nebraska state college system, the
11 Nebraska community college system, any entity created pursuant to
12 the Interlocal Cooperation Act or the Joint Public Agency Act, or
13 any public corporation or entity, whether organized and existing
14 under direct provisions of the Constitution of Nebraska or laws
15 of the State of Nebraska or by virtue of charter, corporate
16 articles, or other legal instruments executed under authority of
17 the constitution or laws and any agent, agency, board, commission,
18 authority, instrumentality, subdivision, or other body of any of
19 such entities;

20 (5) Public benefit means a grant, loan, tax abatement,
21 tax credit, or any other similar type of benefit awarded by a
22 governmental unit;

23 (6) Public contract means any contract, bid documents,
24 or other controlling documents for the performance of construction
25 between a governmental unit and a public contractor, including
26 those between a contractor and a subcontractor;

27 (7) Public contractor means any individual, firm,
1 partnership, limited liability company, corporation, or other
2 association of persons engaged in construction for a governmental
3 unit. Public contractor includes any subcontractor engaged in such
4 construction and any person who is providing or arranging for labor
5 for such construction for a contractor, either as an employee or as
6 an independent contractor;

7 (8) Real property means real estate that is improved.
8 Real property includes public land and any leasehold, tenement, or
9 improvement placed on the real property; and

10 (9) Subcontractor means a person or entity that has
11 contracted to furnish labor or materials to, or performed
12 labor or supplied materials for, a public contractor or another
13 subcontractor in connection with a contract for construction.
14 Subcontractor includes materialmen and suppliers.

15 Sec. 4. Unless otherwise required by federal law, a
16 governmental unit shall ensure that any requests for proposals
17 or bid specifications for a public contract or the procurement
18 procedures for a public contract do not contain:

19 (1) A term that requires, prohibits, encourages, or
20 discourages bidders, public contractors, or subcontractors from
21 entering into or adhering to a collective-bargaining agreement
22 relating to construction under the public contract; or

23 (2) A term that discriminates against bidders, public
24 contractors, or subcontractors based on status as a party or
25 nonparty to, or the willingness or refusal to enter into, a
26 collective-bargaining agreement relating to construction under the
27 public contract.

1 Sec. 5. A governmental unit shall not award a public
2 benefit that is conditioned upon a requirement that the recipient
3 of the public benefit include a term described in section 4 of this
4 act in a public contract for any construction that is the subject
5 of the public benefit. Any such included term is void and of no
6 effect.

7 Sec. 6. A governmental unit shall not place any of the
8 terms described in section 4 of this act in requests for proposals
9 or bid specifications for a public contract or in the procurement
10 procedures for a public contract. Any such included term is void
11 and of no effect.

12 Sec. 7. The requirements of sections 4 to 6 of this
13 act do not apply to public benefits awarded or public contracts
14 executed before the effective date of this act.

15 Sec. 8. Nothing in the Fair Bidding Act shall:

16 (1) Prohibit employers or other parties from entering
17 into agreements or engaging in any other activity protected under

18 federal law, including the National Labor Relations Act, 29 U.S.C.
 19 151 et seq., as amended; or
 20 (2) Interfere with labor relations of parties that are
 21 protected under federal law, including the National Labor Relations
 22 Act, 29 U.S.C. 151 et seq., as amended.

Senator Smith filed the following amendment to LB773:
 AM2047

(Amendments to Standing Committee amendments, AM1714)

- 1 1. On page 2, line 2, after "credentialing" insert "or
- 2 renewal".

BILL ON FIRST READING

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

LEGISLATIVE BILL 793A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 158; to appropriate funds to aid in carrying out the provisions of Legislative Bill 793, One Hundred Second Legislature, Second Session, 2012; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 735. Senator Louden offered the following amendment to the committee amendment:

FA35

Amend AM1769

On page 3, line 8, after the word act insert "nor shall these methods of communication be used for approval of budget."

PRESIDENT SHEEHY PRESIDING

Senator Louden withdrew his amendment.

Committee AM1769, found on page 441 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 209. Title read. Considered.

Committee AM1949, found on page 514, was considered.

SENATOR GLOOR PRESIDING

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 996. Title read. Considered.

Pending.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1139. Placed on General File.

LEGISLATIVE BILL 824. Placed on General File with amendment.
AM2080

1 1. Insert the following new sections:
2 Sec. 5. Section 53-160, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 53-160 (1) For the purpose of raising revenue, a tax
5 is imposed upon the privilege of engaging in business as a
6 manufacturer or a wholesaler at a rate of thirty-one cents per
7 gallon on all beer; ninety-five cents per gallon for wine, except
8 for wines produced and released from bond in farm wineries; six
9 cents per gallon for wine produced and released from bond in farm
10 wineries; and three dollars and seventy-five cents per gallon on
11 alcohol and spirits manufactured and sold by such manufacturer or
12 shipped for sale in this state by such wholesaler in the course of
13 such business. The gallonage tax imposed by this subsection shall
14 be imposed only on alcoholic liquor upon which a federal excise tax
15 is imposed.

16 (2) Manufacturers or wholesalers of alcoholic liquor
17 shall be exempt from the payment of the gallonage tax on such
18 alcoholic liquor upon satisfactory proof, including bills of lading
19 furnished to the commission by affidavit or otherwise as the
20 commission may require, that such alcoholic liquor was manufactured
21 in this state but shipped out of the state for sale and consumption
22 outside this state.

23 (3) Dry wines or fortified wines manufactured or shipped
1 into this state solely and exclusively for sacramental purposes and
2 uses shall not be subject to the gallonage tax.

3 (4) The gallonage tax shall not be imposed upon any
4 alcoholic liquor, whether manufactured in or shipped into this
5 state, when sold to a licensed nonbeverage user for use in
6 the manufacture of any of the following when such products are
7 unfit for beverage purposes: Patent and proprietary medicines and

8 medicinal, antiseptic, and toilet preparations; flavoring extracts,
9 syrups, food products, and confections or candy; scientific,
10 industrial, and chemical products, except denatured alcohol; or
11 products for scientific, chemical, experimental, or mechanical
12 purposes.

13 (5) The gallonage tax shall not be imposed upon the
14 privilege of engaging in any business in interstate commerce or
15 otherwise, which business may not, under the Constitution and
16 statutes of the United States, be made the subject of taxation by
17 this state.

18 (6) The gallonage tax shall be in addition to all other
19 occupation or privilege taxes imposed by this state or by any
20 municipal corporation or political subdivision thereof.

21 (7) The commission shall collect the gallonage tax and
22 shall account for and remit to the State Treasurer at least once
23 each week all money collected pursuant to this section. If any
24 alcoholic liquor manufactured in or shipped into this state is
25 sold to a licensed manufacturer or wholesaler of this state to be
26 used solely as an ingredient in the manufacture of any beverage
27 for human consumption, the tax imposed upon such manufacturer or
1 wholesaler shall be reduced by the amount of the taxes which have
2 been paid as to such alcoholic liquor so used under the Nebraska
3 Liquor Control Act. The net proceeds of all revenue arising under
4 this section shall be credited to the General Fund.

5 Sec. 6. Section 53-164.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-164.01 Payment of the tax provided for in section
8 53-160 on alcoholic liquor shall be paid by the manufacturer or
9 wholesaler as follows:

10 (1)(a) All manufacturers or wholesalers, except farm
11 winery producers, whether inside or outside this state shall, on
12 or before the twenty-fifth day of each calendar month following
13 the month in which shipments were made, submit a report to the
14 commission upon forms furnished by the commission showing the total
15 amount of alcoholic liquor in gallons or fractional parts thereof
16 shipped by such manufacturer or wholesaler, whether inside or
17 outside this state, during the preceding calendar month;

18 (b) All beer wholesalers shall, on or before the
19 twenty-fifth day of each calendar month following the month in
20 which shipments were made, submit a report to the commission
21 upon forms furnished by the commission showing the total amount
22 of beer in gallons or fractional parts thereof shipped by all
23 manufacturers, whether inside or outside this state, during the
24 preceding calendar month to such wholesaler;

25 (c)(i) Except as provided in subdivision (ii) of this
26 subdivision, farm winery producers which paid less than one
27 thousand dollars of excise taxes pursuant to section 53-160 for the
1 previous calendar year and which will pay less than one thousand
2 dollars of excise taxes pursuant to section 53-160 for the current

3 calendar year shall, on or before the twenty-fifth day of the
4 calendar month following the end of the year in which wine was
5 packaged ~~or bottled for sale, and released from bond~~, submit a
6 report to the commission upon forms furnished by the commission
7 showing the total amount of wine in gallons or fractional parts
8 thereof packaged ~~or bottled and released from bond~~ by such producer
9 during the preceding calendar year; and

10 (ii) Farm winery producers which paid one thousand
11 dollars or more of excise taxes pursuant to section 53-160 for
12 the previous calendar year or which become liable for one thousand
13 dollars or more of excise taxes pursuant to section 53-160 during
14 the current calendar year shall, on or before the twenty-fifth
15 day of each calendar month following the month in which wine was
16 packaged ~~or bottled for sale, and released from bond~~, submit a
17 report to the commission upon forms furnished by the commission
18 showing the total amount of wine in gallons or fractional parts
19 thereof packaged ~~or bottled and released from bond~~ by such producer
20 during the preceding calendar month. A farm winery producer which
21 becomes liable for one thousand dollars or more of excise taxes
22 pursuant to section 53-160 during the current calendar year shall
23 also pay such excise taxes immediately;

24 (d) A craft brewery shall, on or before the twenty-fifth
25 day of each calendar month following the month in which the beer
26 was ~~produced-released from bond~~ for sale, submit a report to the
27 commission on forms furnished by the commission showing the total
1 amount of beer in gallons or fractional parts thereof produced for
2 sale by the craft brewery during the preceding calendar month;

3 (e) A microdistillery shall, on or before the
4 twenty-fifth day of each calendar month following the month in
5 which the distilled liquor was ~~produced-released from bond~~ for
6 sale, submit a report to the commission on forms furnished by
7 the commission showing the total amount of distilled liquor in
8 gallons or fractional parts thereof produced for sale by the
9 microdistillery during the preceding calendar month; and

10 (f) Reports submitted pursuant to subdivision (a), (b),
11 or (c) of this subdivision shall also contain a statement of
12 the total amount of alcoholic liquor, except beer, in gallons or
13 fractional parts thereof shipped to licensed retailers inside this
14 state and such other information as the commission may require;

15 (2) The wholesaler or farm winery producer shall at the
16 time of the filing of the report pay to the commission the tax
17 due on alcoholic liquor, except beer, shipped to licensed retailers
18 inside this state at the rate fixed in accordance with section
19 53-160. The tax due on beer shall be paid by the wholesaler on beer
20 shipped from all manufacturers;

21 (3) The tax imposed pursuant to section 53-160 shall be
22 due on the date the report is due less a discount of one percent
23 of the tax on alcoholic liquor for submitting the report and paying
24 the tax in a timely manner. The discount shall be deducted from the

25 payment of the tax before remittance to the commission and shall be
26 shown in the report to the commission as required in this section.

27 If the tax is not paid within the time provided in this section,
1 the discount shall not be allowed and shall not be deducted from
2 the tax;

3 (4) If the report is not submitted by the twenty-fifth
4 day of the calendar month or if the tax is not paid to the
5 commission by the twenty-fifth day of the calendar month, the
6 following penalties shall be assessed on the amount of the tax:
7 One to five days late, three percent; six to ten days late, six
8 percent; and over ten days late, ten percent. In addition, interest
9 on the tax shall be collected at the rate of one percent per month,
10 or fraction of a month, from the date the tax became due until
11 paid;

12 (5) No tax shall be levied or collected on alcoholic
13 liquor manufactured inside this state and shipped or transported
14 outside this state for sale and consumption outside this state;

15 (6) In order to insure the payment of all state taxes
16 on alcoholic liquor, together with interest and penalties, persons
17 required to submit reports and payment of the tax shall, at
18 the time of application for a license under sections 53-124 and
19 53-124.01, enter into a surety bond with corporate surety, both the
20 bond form and surety to be approved by the commission. Subject to
21 the limitations specified in this subdivision, the amount of the
22 bond required of any taxpayer shall be fixed by the commission and
23 may be increased or decreased by the commission at any time. In
24 fixing the amount of the bond, the commission shall require a bond
25 equal to the amount of the taxpayer's estimated maximum monthly
26 excise tax ascertained in a manner as determined by the commission.

27 Nothing in this section shall prevent or prohibit the commission
1 from accepting and approving bonds which run for a term longer
2 than the license period. The amount of a bond required of any one
3 taxpayer shall not be less than one thousand dollars. The bonds
4 required by this section shall be filed with the commission; and

5 (7) When a manufacturer or wholesaler sells and delivers
6 alcoholic liquor upon which the tax has been paid to any
7 instrumentality of the armed forces of the United States engaged
8 in resale activities as provided in section 53-160.01, the
9 manufacturer or wholesaler shall be entitled to a credit in
10 the amount of the tax paid in the event no tax is due on such
11 alcoholic liquor as provided in such section. The amount of the
12 credit, if any, shall be deducted from the tax due on the following
13 monthly report and subsequent reports until liquidated.

14 2. On page 2, line 21, strike "and 53-103.03" and insert
15 ", 53-103.03, 53-160, and 53-164.01,".

16 3. Renumber the remaining section accordingly.

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Christensen filed the following amendment to LB653:
AM2028

(Amendments to Standing Committee amendments, AM1844)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1090A. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, One Hundred Second Legislature, Second Session, 2012.

RESOLUTION

LEGISLATIVE RESOLUTION 402. Introduced by Campbell, 25.

WHEREAS, the Waverly Community Library held its grand opening on Monday, February 13, 2012, in the Waverly Community Foundation Building, 11120 North 141st Street, with an official ceremony and ribbon cutting, a Mark Twain monologue, and a poetry slam; and

WHEREAS, the library opened with about 2,000 donated books in two rooms remodeled by volunteers after two years of work by the Waverly Library Board, residents, local groups, and companies.

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

1. That the Legislature congratulates the Waverly Community Library on its grand opening.
2. That a copy of this resolution be sent to Ms. Lynn Wallasky, chair of the Waverly Library Board.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Larson asked unanimous consent to add his name as cointroducer to LB209. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 members of Leadership Lincoln County; members of Nebraska Federation of Business and Professional Women;

League of Women Voters of Nebraska; American Association of University Women - Nebraska; and Nebraska for Civic Reform.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 2012.

Patrick J. O'Donnell
Clerk of the Legislature