

FORTY-SECOND DAY - MARCH 13, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 2012

PRAYER

The prayer was offered by Pastor Peggy Hall, Immanuel Communities, Omaha.

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 Carlson, Conrad, Council, Dubas, Karpisek, Lautenbaugh, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 782. Placed on Select File with amendment.
ER206

- 1 1. On page 3, strike lines 7 through 13 and insert
- 2 "reports and other information submitted to the Legislature, Clerk
- 3 of the Legislature, Executive Board of the Legislative Council,
- 4 Legislative Fiscal Analyst, members of the Legislature, committees
- 5 of the Legislature, and a task force be submitted electronically;
- 6 to provide powers and duties for the Clerk of the Legislature;
- 7 to eliminate provisions involving obsolete reports, plans, a task
- 8 force, transfers of funds, and a program; to harmonize provisions;
- 9 to provide operative dates; to repeal".
- 10 2. On page 52, line 18, strike "commission", show as
- 11 stricken, and insert "Nebraska Commission on Law Enforcement and
- 12 Criminal Justice".
- 13 3. On page 87, line 9, after "Act" insert "of 1998".
- 14 4. On page 163, line 2, after "Legislature" insert "on".

15 5. On page 233, line 12, strike "educational service unit
16 coordinating council", show as stricken, and insert "Educational
17 Service Unit Coordinating Council".

18 6. On page 253, line 3, strike "Chairperson", show as
19 stricken, and insert "chairperson".

20 7. On page 261, line 10, strike the new matter and
21 reinstate the stricken matter.

22 8. On page 278, line 23, after the first comma insert
23 "the".

1 9. On page 280, line 12, after the first comma insert
2 "cities of the".

3 10. On page 301, line 24, after "2014" insert an
4 underscored comma.

5 11. On page 337, line 20, strike "him", show as stricken,
6 and insert "the administrator"; and in lines 20 and 21 strike
7 "sections 81-1201 to 81-1226," show as stricken, and insert "the
8 Records Management Act".

LEGISLATIVE BILL 810. Placed on Select File.

LEGISLATIVE BILL 1039. Placed on Select File.

LEGISLATIVE BILL 995. Placed on Select File with amendment.
ER204 is available in the Bill Room.

LEGISLATIVE BILL 1090. Placed on Select File with amendment.
ER205

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

3 Section 1. For purposes of sections 1 to 3 of this act:

4 (1) Department means the State Department of Education;
5 and

6 (2) Service institution means a public or private
7 nonprofit school food authority, local, municipal, or county
8 government, public or private nonprofit higher education
9 institution participating in the National Youth Sports Program, or
10 residential public or private nonprofit summer camp that develops
11 special summer or school vacation programs providing food service
12 similar to food service made available to children during the
13 school year under the school lunch program or the school breakfast
14 program under the Child Nutrition Act of 1966, 42 U.S.C. 1771 et
15 seq.

16 Sec. 2. (1) Because children are susceptible to hunger
17 in the summertime, resulting in negative health effects, the
18 Legislature intends, as a state nutrition and health policy,
19 that the State of Nebraska's participation in the Summer Food
20 Service Program of the United States Department of Agriculture be
21 strengthened where it is needed to provide adequate nutrition for
22 children.

23 (2) To encourage participation and utilization of the

- 1 Summer Food Service Program, the department shall:
 2 (a) Provide information to schools concerning the
 3 benefits and availability of the Summer Food Service Program; and
 4 (b) Award grants of up to fifteen thousand dollars per
 5 site on a competitive basis to service institutions approved by
 6 the department. Grants awarded under this section may be used for
 7 nonrecurring expenses incurred in initiating or expanding services
 8 under the Summer Food Service Program, including, but not limited
 9 to, the acquisition of equipment, salaries of staff, training of
 10 staff in new capacities, outreach efforts to publicize new or
 11 expanded services under the Summer Food Service Program, minor
 12 alterations to accommodate new equipment, computer point-of-service
 13 systems for food service, and the purchase of vehicles for
 14 transporting food to schools. Funds shall not be used for food,
 15 computers, except point-of-service systems, or capital outlay. The
 16 total amount of grants awarded under this section shall be limited
 17 to one hundred forty thousand dollars per fiscal year.
 18 (3) In awarding grants under this section, the department
 19 shall give preference in the following order of priority to:
 20 (a) Service institutions located within the boundaries of
 21 school districts in which fifty percent or more of the students
 22 apply and qualify for free and reduced-price lunches or located
 23 within the boundaries of a census tract in which fifty percent or
 24 more of the children fall under the poverty threshold as defined by
 25 the United States Department of Agriculture;
 26 (b) Service institutions in which health and education
 27 activities are emphasized; and
 1 (c) Service institutions that currently participate in
 2 the Summer Food Service Program.
 3 (4) Service institutions may apply for grants under this
 4 section by:
 5 (a) Submitting to the department a plan to start or
 6 expand services under the Summer Food Service Program;
 7 (b) Agreeing to operate the Summer Food Service Program
 8 for a period of not less than two years; and
 9 (c) Assuring that the expenditure of funds from state and
 10 local resources for the maintenance of the school breakfast program
 11 or the Summer Food Service Program shall not be diminished as a
 12 result of grants received under this section.
 13 Sec. 3. The department shall collect data regarding the
 14 number of sites, the number of service institutions, and the
 15 number of children served as a result of the grants awarded under
 16 section 2 of this act. The department shall submit a report to the
 17 Education Committee of the Legislature on this data not later than
 18 December 1 each year.
 19 2. On page 1, line 3, after the semicolon insert "and".

LEGISLATIVE BILL 1090A. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File.

LEGISLATIVE BILL 1079. Placed on Select File with amendment. ER207 is available in the Bill Room.

LEGISLATIVE BILL 998. Placed on Select File with amendment. ER208

- 1 1. In the Krist amendment, AM2332:
- 2 a. On page 7, lines 24 and 27, reinstate the stricken
- 3 matter; and in line 27 strike the new matter;
- 4 b. On page 8, strike lines 1 and 2;
- 5 c. On page 9, line 22, after the first comma insert
- 6 "provide";
- 7 d. On page 10, lines 1 and 5, before "Foster" insert
- 8 "State"; and in line 3 after "Office" insert an underscored comma;
- 9 e. On page 13, line 16, strike "recommendation" and
- 10 insert "recommendations"; and
- 11 f. On page 14, line 10, after "addition" insert an
- 12 underscored comma; and in line 20 after "director" insert "of the
- 13 office".
- 14 2. On page 1, line 9, after "Office" insert "and a
- 15 committee"; in line 11 strike "to provide an operative date."; in
- 16 line 12 strike "and"; and in line 13 after "Nebraska" insert "; and
- 17 to declare an emergency".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209. Placed on Final Reading. ST69

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

1. In the Cornett amendment, AM2277, on page 1, line 3, "(a)" has been struck; in line 8 the colon has been struck and "that" inserted; in line 9 "(b) If" and the paragraphing has been struck and "if" inserted; in line 15 "subdivision (2)(a) of this section" has been struck and "this subsection" inserted; and in line 16 "(c)" and the paragraphing has been struck.

2. On page 1, the matter beginning with the semicolon in line 2 through line 4 has been struck and ", and section 77-2711, Revised Statutes Cumulative Supplement, 2010; to provide for review of tax returns by certified municipal employees; to provide for delayed deductions of refunds from municipal sales and use tax receipts; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 536. Placed on Final Reading Second.

LEGISLATIVE BILL 735. Placed on Final Reading.

LEGISLATIVE BILL 820. Placed on Final Reading.

LEGISLATIVE BILL 820A. Placed on Final Reading.

LEGISLATIVE BILL 821. Placed on Final Reading.

ST67

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

1. In the Lathrop amendment, AM2336, on page 1, line 4, "is" has been struck and "are" inserted; and in line 16 the second "General" has been struck and "General's" inserted.

2. In the Campbell amendment, AM2304:

a. On page 3, line 16, "pilot project" has been struck;

b. On page 6, line 13, "(c)" has been struck and "(d)" inserted;

c. On page 8, line 22, "agency" has been struck and "agency's" inserted;

d. On page 9, line 22, an underscored comma has been inserted after "Commission";

e. On page 15, line 18, "licensed" has been inserted after the second "a";

f. On page 21, line 22, "record" has been inserted after "original"; and

g. On page 24, line 8, "with" has been struck and "to" inserted.

3. In the E & R amendments, ER196, on page 31, line 21, "to create a fund;" has been struck.

LEGISLATIVE BILL 821A. Placed on Final Reading.**LEGISLATIVE BILL 861.** Placed on Final Reading.**LEGISLATIVE BILL 949.** Placed on Final Reading.**LEGISLATIVE BILL 961.** Placed on Final Reading.**LEGISLATIVE BILL 1160.** Placed on Final Reading.

ST68

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

1. In the Campbell amendment, AM2280:

a. On page 1, line 8, "and" has been struck; and in line 12 "and" has been inserted after the semicolon;

b. On page 17, line 25, "department" has been struck and "office" inserted; and

c. On page 19, line 23, "services" has been struck and shown as stricken.

2. In the E & R amendments, ER193, on page 22, line 10, "71-827," has been inserted after the third comma.

LEGISLATIVE BILL 1160A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 1054. Placed on General File with amendment.

AM2369

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

3 Section 1. Section 44-3521, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-3521 For purposes of the Motor Vehicle Service
6 Contract Reimbursement Insurance Act:

7 (1) Director means the Director of Insurance;

8 (2) Incidental costs means expenses specified in a motor
9 vehicle service contract that are incurred by the service contract
10 holder due to the failure of a vehicle protection product to
11 perform as provided in the contract. Incidental costs include, but
12 are not limited to, insurance policy deductibles, rental vehicle
13 charges, the difference between the actual value of the stolen
14 vehicle at the time of theft and the cost of a replacement vehicle,
15 sales taxes, registration fees, transaction fees, and mechanical
16 inspection fees. Incidental costs may be reimbursed in either
17 a fixed amount specified in the motor vehicle service contract
18 or sales agreement or by use of a formula itemizing specific
19 incidental costs incurred by the service contract holder;

20 ~~(2)-(3)~~ Mechanical breakdown insurance means a policy,
21 contract, or agreement that undertakes to perform or provide repair
22 or replacement service, or indemnification for such service, for
23 the operational or structural failure of a motor vehicle due to
1 defect in materials or workmanship or normal wear and tear and that
2 is issued by an insurance company authorized to do business in this
3 state;

4 ~~(3)-(4)~~ Motor vehicle means any motor vehicle as defined
5 in section 60-339;

6 ~~(4)-(5)(a)~~ Motor vehicle service contract means a
7 contract or agreement given for consideration over and above
8 the lease or purchase price of a motor vehicle that undertakes
9 to perform or provide repair or replacement service, or
10 indemnification for such service, for the operational or structural
11 failure of a motor vehicle due to defect in materials or
12 workmanship or normal wear and tear but does not include mechanical
13 breakdown insurance;

14 (b) Motor vehicle service contract also includes a
15 contract or agreement that is effective for a specified duration
16 and paid for by means other than the purchase of a motor vehicle to
17 perform any one or more of the following:

18 (i) The repair or replacement of tires or wheels on a
19 motor vehicle damaged as a result of coming into contact with road
20 hazards;

21 (ii) The removal of dents, dings, or creases on a motor
22 vehicle that can be repaired using the process of paintless dent
23 removal without affecting the existing paint finish and without
24 replacing vehicle body panels, sanding, bonding, or painting;

25 (iii) The repair of chips or cracks in or replacement
26 of motor vehicle windshields as a result of damage caused by road
27 hazards;

1 (iv) The replacement of a motor vehicle key or keyfob in

2 the event the key or keyfob becomes inoperable or is lost;
 3 (v) The payment of specified incidental costs as the
 4 result of a failure of a vehicle protection product to perform as
 5 specified; and
 6 (vi) Other products and services approved by the
 7 director;
 8 ~~(5)-(6)~~ Motor vehicle service contract provider means a
 9 person who issues, makes, provides, sells, or offers to sell a
 10 motor vehicle service contract, except that motor vehicle service
 11 contract provider does not include an insurer as defined in section
 12 44-103;

13 ~~(6)-(7)~~ Motor vehicle service contract reimbursement
 14 insurance policy means a policy of insurance meeting the
 15 requirements in section 44-3523 that provides coverage for all
 16 obligations and liabilities incurred by a motor vehicle service
 17 contract provider under the terms of motor vehicle service
 18 contracts issued by the provider; ~~and~~

19 (8) Road hazards means hazards that are encountered
 20 during normal driving conditions, including, but not limited to,
 21 potholes, rocks, wood debris, metal parts, glass, plastic, curbs,
 22 or composite scraps;

23 ~~(7)-(9)~~ Service contract holder means a person who
 24 purchases a motor vehicle service contract; ~~and-~~

25 (10)(a) Vehicle protection product means a vehicle
 26 protection device, system, or service that:

27 (i) Is installed on or applied to a vehicle;
 1 (ii) Is designed to prevent loss or damage to a vehicle
 2 from a specific cause; and

3 (iii) Includes a written warranty.

4 (b) Vehicle protection product includes, but is not
 5 limited to, chemical additives, alarm systems, body part marking
 6 products, steering locks, window etch products, pedal and ignition
 7 locks, fuel and ignition kill switches, and electronic, radio, and
 8 satellite tracking devices.

9 Sec. 2. Section 44-3526, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 44-3526 The Motor Vehicle Service Contract Reimbursement
 12 Insurance Act shall not apply to

13 (1) Motor ~~motor~~ vehicle service contracts ~~(1)(a)-(a)(i)~~
 14 issued by a motor vehicle manufacturer or importer for the motor
 15 vehicles manufactured or imported by that manufacturer or importer
 16 and ~~(b)-(ii)~~ sold by a franchised motor vehicle dealer licensed
 17 pursuant to the Motor Vehicle Industry Regulation Act or ~~(2)~~
 18 ~~(b)~~ issued and sold directly by a motor vehicle manufacturer or
 19 importer licensed pursuant to the Motor Vehicle Industry Regulation
 20 Act for the motor vehicles manufactured or imported by that
 21 manufacturer or importer; ~~or-~~

22 (2) Product warranties governed by the Magnuson-Moss
 23 Warranty - Federal Trade Commission Improvement Act, 15 U.S.C.

24 2301 et seq., or to any other warranties, indemnity agreement, or
 25 guarantees that are not provided incidental to the purchase of a
 26 vehicle protection product.

27 Sec. 3. Original sections 44-3521 and 44-3526, Reissue
 1 Revised Statutes of Nebraska, are repealed.

(Signed) Rich Pahls, Chairperson

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

LR365 Developmental Disabilities Special Investigative Committee

Coash
 Cornett
 Harms (VC)
 Karpisek
 Krist
 Lathrop (C)
 Wallman

(Signed) John Wightman, Chairperson
 Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Tuesday, March 27, 2012 9:00 a.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Greg Adams, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 453, 454, 455, 456, and 457 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 431, 432, 433, 434, 435, 436, 437, 438,

439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 453, 454, 455, 456, and 457.

MOTION - Approve Appointment

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 802:

Commission of Industrial Relations
 J. L. Spray

Voting in the affirmative, 34:

Adams	Cook	Harms	Louden	Schumacher
Ashford	Fischer	Howard	McCoy	Seiler
Bloomfield	Flood	Janssen	Mello	Smith
Brasch	Fulton	Lambert	Nordquist	Sullivan
Campbell	Gloor	Langemeier	Pahls	Wallman
Christensen	Haar, K.	Larson	Pirsch	Wightman
Coash	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Hansen	Heidemann	McGill
Cornett	Harr, B.	Krist	Nelson

Excused and not voting, 7:

Carlson	Council	Karpisek	Price
Conrad	Dubas	Lautenbaugh	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1079A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 963. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Committee AM2023, found on page 540, was considered.

SENATOR COASH PRESIDING

The committee amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 463. Introduced by Wallman, 30.

WHEREAS, the four original pages of the Homestead Act of 1862, signed by President Abraham Lincoln on May 20, 1862, will be on display at the Homestead National Monument of America from April 25, 2012, through May 28, 2012; and

WHEREAS, the United States National Archives and Records Administration considers the Homestead Act of 1862 to be one of the one hundred most important documents in American history; and

WHEREAS, Nebraska has the distinguished honor of being the state in which the first homestead was claimed under the Homestead Act of 1862; and

WHEREAS, the Homestead Act of 1862 influenced the course of United States history through growth of agriculture and industry; and

WHEREAS, the Homestead Act of 1862 provided equality for all in that women, African Americans, and immigrants were allowed to obtain land under the act; and

WHEREAS, the United States gave away two hundred seventy million acres to one and one-half million private individuals; and

WHEREAS, the Homestead Act of 1862 was one of the most enduring pieces of legislation, lasting one hundred twenty-three years, from 1863 to 1986; and

WHEREAS, today it is estimated that as many as ninety-three million people are descendants of homesteaders.

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

1. That the Homestead Act of 1862, which forever changed Nebraska, be held in a place of honor.

Laid over.

LEGISLATIVE RESOLUTION 464. Introduced by Smith, 14.

PURPOSE: The purpose of this interim study is to examine the procurement procedures of governmental units with respect to contracts for publicly funded construction projects. The study shall explore the processes utilized by all levels of government to ensure the efficient use of public funds and the effective administration and completion of such projects, including procurement procedures that give preference to a contractor or subcontractor's willingness to enter into or adhere to a collective-bargaining agreement.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 465. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study the impact of the pulse oximetry procedure in testing for critical congenital heart disease (CCHD) in newborns. The study shall include an examination of the prevalence of newborns born with CCHD, the long-term costs associated with CCHD, the potential to decrease morbidity rates associated with delayed diagnosis, and the cost benefits of early detection. In addition, the study shall consider the costs associated with the pulse oximetry procedure, the ability of birthing facilities in areas with limited healthcare resources to carry out the procedure, the means for reimbursement of the costs associated with the procedure, and the appropriate entity to develop and enforce guidelines in carrying out the procedure and necessary follow-up evaluations for abnormal results.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 466. Introduced by Lambert, 2; Heidemann, 1.

WHEREAS, Lourdes Central Catholic High School in Nebraska City won the 2012 Nebraska Academic Decathlon State Championship in the small-school division; and

WHEREAS, to encourage academic versatility, the Academic Decathlon requires participants to prepare for ten academic events, which focus on a different theme each year; and

WHEREAS, many community members and school faculty helped students prepare for and practice speeches, interviewing skills, and essay writing; and

WHEREAS, the Academic Decathlon was founded in 1981 and has come to be recognized as the most prestigious high school academic team competition in the United States; and

WHEREAS, the team from Lourdes Central Catholic High School has qualified every year to compete at the state level since the team's inception at the school seventeen years ago; and

WHEREAS, for the past ten years, the team from Lourdes Central Catholic High School has been the state champion eight times and the runner-up twice; and

WHEREAS, the 2012 team from Lourdes Central Catholic High School had the second-highest score in the state for schools of all sizes; and

WHEREAS, over the years, students from Lourdes Central Catholic High School have been awarded over sixty thousand dollars for their efforts.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molly Reuland, on winning the 2012 Nebraska Academic Decathlon State Championship in the small-school division.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molly Reuland.

Laid over.

AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB985A:
AM2371

(Amendments to AM2189)

- 1 1. Insert the following new section:
- 2 Sec. 2. On July 1, 2012, or as soon thereafter as
- 3 administratively possible, the State Treasurer shall transfer
- 4 \$226,750 from the Community Corrections Uniform Data Analysis
- 5 Cash Fund to the General Fund as authorized under section 47-632.
- 6 2. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB391:
AM2402

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 18. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 9, strike "and"; and in line 10 after
- 5 "sections" insert "; and to declare an emergency".
- 6 3. Strike beginning with "except" on page 2, line 25,
- 7 through the period on page 3, line 3, and insert "except when
- 8 authorized commission personnel or the owner of a conveyance, or a
- 9 person authorized by such owner, is removing an aquatic invasive
- 10 species from a conveyance to be killed or immediately disposed of
- 11 in a manner determined by the commission.".
- 12 4. On page 8, line 4, after the period insert "Members
- 13 of the council shall serve without compensation and shall not
- 14 be reimbursed for expenses associated with their service on the
- 15 council. The Game and Parks Commission shall provide administrative
- 16 support to the council to carry out the council's duties, and the
- 17 commission may adopt and promulgate rules and regulations to carry
- 18 out sections 11 to 16 of this act."; in line 5 after "council"
- 19 insert "shall be appointed by the Governor and"; in lines 6 and
- 20 22 strike "designated"; in line 18 after "large" insert "appointed
- 21 by the Governor"; and in line 20 strike beginning with the comma
- 22 through "Governor".
- 1 5. On page 9, strike lines 6 and 7 and insert
- 2 "(5) The council may seek additional advisory support
- 3 from representatives of relevant federal, state, or local agencies
- 4 as it deems necessary to accomplish its duties.
- 5 (6) The council shall select a chairperson from among its
- 6 members. The council shall meet at the call of the chairperson or
- 7 upon the request of a majority of the members.".

Senator McCoy filed the following amendment to LB344:
AM2384

(Amendments to AM1577)

- 1 1. On page 1, line 7, strike "review and plan for the
- 2 merger of" and insert "study the possibility of merging"; in line
- 3 10 strike "the" and insert "a possible"; strike beginning with
- 4 the second "and" in line 11 through line 13 and all amendments
- 5 thereto and insert ". The study shall include, but not be limited
- 6 to, monetary savings that could result, any legislative changes
- 7 that might be required, and offices and services that could be
- 8 merged. The commission shall recommend whether or not governmental
- 9 services should be merged based upon the findings of the study.
- 10 The study and recommendations shall be completed by July 1,
- 11 2013. The commission shall present the results of the study and
- 12 its recommendations to the governing bodies of the county and

13 municipalities."; and in line 20 after "class" insert ", one of
14 whom shall represent agricultural land owners and one of whom shall
15 represent rural fire protection districts".

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1079A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 540A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 540, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB963. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Brownell-Talbot School, Omaha.

RECESS

At 11:51 a.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators Conrad and Lautenbaugh who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 467. Introduced by Price, 3; Cornett, 45; Lambert, 2; Louden, 49; Smith, 14.

WHEREAS, Jack Turman, a junior at Papillion-La Vista South High School, won the 500 yard freestyle at the 2012 Boys' State Swimming Championship; and

WHEREAS, Jack also finished in third place in the 200 yard freestyle; and

WHEREAS, Jack brought great pride to his school, his team, his community, and his friends and family as he demonstrated discipline, tenacity, and good sportsmanship at the 2012 Boys' State Swimming Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jack Turman and his coach, Lynn Weaver, for winning the 500 yard freestyle at the 2012 Boys' State Swimming Championship.

2. That a copy of this resolution be sent to Jack Turman and his coach, Lynn Weaver.

Laid over.

LEGISLATIVE RESOLUTION 468. Introduced by Harms, 48.

WHEREAS, the Scottsbluff Bearcats won the 2012 Class B Boys' State Basketball Championship; and

WHEREAS, the Bearcats defeated South Sioux City 64-61 in the championship game to give the Bearcats their first state title since 1955; and

WHEREAS, the Bearcats finished their outstanding season with a record of 25-3; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Scottsbluff Bearcats on winning the 2012 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bearcats and their head coach, Tony Siske.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 968. Title read. Considered.

Committee AM2123, found on page 830, was considered.

Senator Flood withdrew his amendment, FA38, found on page 832.

Senator Cornett withdrew her amendment, FA47, found on page 878.

SENATOR COASH PRESIDING

The committee amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Cornett withdrew her amendment, FA46, found on page 878.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 469. Introduced by Nelson, 6; Council, 11; Howard, 9; Lathrop, 12; Nordquist, 7; Pirsch, 4.

WHEREAS, the Omaha Central Eagles won the 2012 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles became the first undefeated Class A boys' basketball state champion in twenty-three years; and

WHEREAS, the Eagles defeated their opponents by more than ten points per game, the most in any class in sixty-two years; and

WHEREAS, the victory gave the Eagles their third state championship in a row and sixth state championship in the last seven years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2012 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Eric Behrens.

Laid over.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Conrad 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.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB1104:
AM2367

(Amendments to Standing Committee amendments, AM2077)

- 1 1. On page 13, line 2, after "board" insert "of a
- 2 community college area with a campus located on the site of a
- 3 former ammunition depot".

BILL ON FIRST READING

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

LEGISLATIVE BILL 541A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

COMMITTEE REPORT

Nebraska Retirement Systems

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

Ron Ecklund - Public Employees Retirement Board

Aye: 6 Heidemann, Karpisek, Lambert, Loudon, Mello, Nordquist. Nay: 0.
Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 970. Placed on General File with amendment.
AM2391 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

VISITORS

Visitors to the Chamber were 30 members of Leadership Kearney; 7 members of Nebraska Women Involved in Farm Economics from across the state; and 7 members of NE Optometric Association Leadership Class from across the state.

ADJOURNMENT

At 5:10 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 2012.

Patrick J. O'Donnell
Clerk of the Legislature