

FIFTIETH DAY - MARCH 27, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 2012

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Seiler who was excused; and Senators Conrad and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1145. Placed on Select File with amendment.
ER228

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 10 and insert "section 28-802, Reissue Revised
- 3 Statutes of Nebraska; to change the penalty for pandering; to
- 4 create a task force relating to human trafficking; to provide
- 5 powers and duties; to require the placement of posters and the
- 6 training of certain officials regarding human trafficking; and to
- 7 repeal the original section."

LEGISLATIVE BILL 806. Placed on Select File with amendment.
ER229

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-1203.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1203.01 The State Racing Commission shall:

6 (1) Enforce all state laws covering horseracing as
 7 required by sections 2-1201 to 2-1242 and enforce rules and
 8 regulations adopted and promulgated by the commission under the
 9 authority of section 2-1203;

10 (2) License racing industry participants, race officials,
 11 mutuel employees, telercing facility employees, telephone deposit
 12 center employees, concessionaires, and such other persons as deemed
 13 necessary by the commission and approve and license telercing
 14 facilities and telephonic wagering if the license applicants meet
 15 eligibility standards established by the commission;

16 (3) Prescribe and enforce security provisions, including,
 17 but not limited to, the restricted access to areas within track
 18 enclosures, backstretch areas, and telercing facilities, and
 19 prohibitions against misconduct or corrupt practices;

20 (4) Determine or cause to be determined by chemical
 21 testing and analysis of body fluids whether or not any prohibited
 22 substance has been administered to the winning horse of each race
 23 and any other horse selected by the board of stewards;

1 (5) Verify the certification of horses registered as
 2 being Nebraska-bred under section 2-1213; ~~and~~

3 (6) Collect and verify the amount of revenue received by
 4 the commission under section 2-1208; ~~and~~.

5 (7) Be authorized to license and regulate parimutuel
 6 wagering on historic horseraces as defined in section 2 of this act
 7 within a licensed racetrack enclosure as provided in sections 2 to
 8 4 of this act.

9 Sec. 2. (1) For purposes of licensure and regulation
 10 pursuant to subdivision (7) of section 2-1203.01, historic
 11 horserace means a form of horserace that creates a parimutuel pool
 12 from wagers placed on a horserace previously held.

13 (2) The commission may adopt and promulgate rules and
 14 regulations to implement subdivision (7) of section 2-1203.01.

15 (3) As part of the regulation under subdivision (7)
 16 of section 2-1203.01, the commission shall require enough of the
 17 historic horserace to be televised so as to maintain the integrity
 18 of such horserace before another wager takes place or before
 19 beginning another historic horserace.

20 (4) As part of the regulation under subdivision (7) of
 21 section 2-1203.01, the commission shall impose an initial, one-time
 22 licensing fee of one thousand dollars for each machine used for
 23 parimutuel wagering on historic horseraces. The commission shall
 24 remit the fees to the State Treasurer for credit to the Historic
 25 Horseracing Distribution Fund.

26 Sec. 3. (1) In lieu of any other tax imposed under
 27 sections 2-1201 to 2-1242 on a licensed racetrack enclosure and in
 1 lieu of any other tax otherwise applicable to parimutuel wagering,
 2 (a) there is hereby imposed a tax on the gross sum wagered by the
 3 parimutuel method at each licensed racetrack enclosure on historic
 4 horseraces at a rate of one percent of the first one hundred

5 million dollars collected from wagering on historic horseraces
 6 at the licensed racetrack enclosure, one and one-half percent of
 7 the second one hundred million dollars collected from wagering
 8 on historic horseraces at the licensed racetrack enclosure, and
 9 two percent on all additional money collected from wagering on
 10 historic horseraces and (b)(i) if the racetrack enclosure is not
 11 located within the corporate limits of a city, the licensee of the
 12 racetrack enclosure shall remit one-tenth of one percent of the
 13 gross sum wagered under this section to the county treasurer of
 14 the county in which the racetrack enclosure is located for credit
 15 to the county general fund, and (ii) if the racetrack enclosure
 16 is located within the corporate limits of a city, the licensee of
 17 the racetrack enclosure shall remit five-hundredths of one percent
 18 of the gross sum wagered to such county treasurer for credit to
 19 the county general fund and five-hundredths of one percent of the
 20 gross sum wagered to the city treasurer of the city in which the
 21 racetrack enclosure is located for credit to the city general fund.

22 (2) A return as required by the Tax Commissioner shall
 23 be filed for a racetrack enclosure for each month during which
 24 wagers on historic horseraces are accepted at the enclosure. The
 25 return shall be filed with and the tax due pursuant to subdivision
 26 (1)(a) of this section shall be paid to the Department of Revenue
 27 on the tenth day of the month following receipt of the tax. The Tax
 1 Commissioner shall remit all revenue collected or received from the
 2 tax imposed under subdivision (1)(a) of this section to the State
 3 Treasurer for credit to the Historic Horseracing Distribution Fund.

4 Sec. 4. (1) The Historic Horseracing Distribution Fund
 5 is hereby created in the Department of Revenue. All costs for
 6 administration of the fund shall be paid from such fund.

7 (2) All receipts in the Historic Horseracing Distribution
 8 Fund in excess of the amounts sufficient to cover the costs of
 9 administration shall be distributed as follows:

10 (a) One-half of all such receipts shall be credited to
 11 the Racing Commission's Cash Fund to be used by the State Racing
 12 Commission for equitable treatment of equine species; and

13 (b) One-half of all such receipts shall be credited to
 14 the Compulsive Gamblers Assistance Fund.

15 (3) Any money in the Historic Horseracing Distribution
 16 Fund available for investment shall be invested by the state
 17 investment officer pursuant to the Nebraska Capital Expansion Act
 18 and the Nebraska State Funds Investment Act.

19 Sec. 5. Section 2-1215, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 2-1215 (1) Except as otherwise provided in subsection (2)
 22 of this section, it shall be a Class I misdemeanor for:

23 (a) Any person, corporation, or association ~~holding or~~
 24 ~~conducting to hold or conduct~~ any horserace or horserace meeting,
 25 in connection with which the ~~said~~-parimutuel system of wagering is
 26 used or to be used, without a license duly issued by the State

27 Racing Commission; ~~or any~~

1 ~~(b) Any person, corporation, or association holding or~~
 2 ~~conducting to hold or conduct~~ horseraces or horserace meetings, in
 3 connection with which any wagering is permitted, ~~in a otherwise~~
 4 ~~than in the manner hereinbefore specified~~ not authorized by law; or
 5 ~~any~~

6 ~~(c) Any person, corporation, or association violating to~~
 7 ~~violate~~ any of the provisions of sections 2-1201 to 2-1218 or any
 8 of the rules and regulations prescribed by the commission, ~~shall~~
 9 ~~be guilty of a Class I misdemeanor.~~

10 (2) It shall be a Class III misdemeanor to use a device
 11 for parimutuel wagering on historic horseraces as defined in
 12 section 2 of this act outside the premises of a licensed racetrack
 13 enclosure.

14 Sec. 6. Section 2-1222, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 2-1222 (1) There is hereby created the Racing
 17 Commission's Cash Fund from which shall be appropriated such
 18 amounts as are available therefrom and as shall be considered
 19 incident to the administration of the State Racing Commission's
 20 office and for purposes of equitable treatment of equine species as
 21 provided in subsection (3) of this section.

22 (2) The fund shall contain all license fees and gross
 23 receipt taxes collected by the commission as provided under
 24 sections 2-1203, 2-1203.01, 2-1208, and 2-1242 but shall not
 25 include taxes collected pursuant to section 2-1208.01, and such
 26 fees and taxes collected shall be remitted to the State Treasurer
 27 for credit to the Racing Commission's Cash Fund.

1 (3) The amount transferred to the fund under section 4 of
 2 this act shall be used by the State Racing Commission for equitable
 3 treatment of equine species.

4 (4) Any money in the fund available for investment
 5 shall be invested by the state investment officer pursuant to
 6 the Nebraska Capital Expansion Act and the Nebraska State Funds
 7 Investment Act.

8 Sec. 7. Original sections 2-1203.01, 2-1215, and 2-1222,
 9 Reissue Revised Statutes of Nebraska, are repealed.

10 2. On page 1, line 1, strike "and" and insert a comma;
 11 in line 2 after the comma insert "and 2-1222,"; and in line 5
 12 after the last semicolon insert "to change penalty provisions; to
 13 change provisions relating to the source and use of the Racing
 14 Commission's Cash Fund;".

LEGISLATIVE BILL 806A. Placed on Select File.

LEGISLATIVE BILL 715. Placed on Select File with amendment.
 ER230

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

3 Section 1. Section 86-101, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 86-101 Sections 86-101 to ~~86-163 and section 86-165 and~~
6 section 3 of this act shall be known and may be cited as the
7 Nebraska Telecommunications Regulation Act.

8 Sec. 2. Section 86-103, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-103 For purposes of the Nebraska Telecommunications
11 Regulation Act, unless the context otherwise requires, the
12 definitions found in sections 86-104 to 86-121 and section 3 of
13 this act apply.

14 Sec. 3. Advanced telecommunications capability service
15 means high-speed, broadband telecommunications capability provided
16 by a local exchange carrier that enables users to originate
17 and receive high-quality voice, data, graphics, and video
18 communications using any technology.

19 Sec. 4. Section 86-135, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 86-135 (1) Any person may file an application with the
22 commission to obtain ~~the advanced telecommunications capability~~
23 service furnished by a telecommunications company in the local
1 exchange service-area adjacent to the territory-local exchange area
2 in which the applicant resides, or operates.

3 (2) The commission shall serve upon each
4 telecommunications company directly affected a copy of the
5 application and notice of the hearing at least thirty days prior
6 to the hearing on the application, which shall be held if all
7 of the telecommunications companies involved do not consent to
8 the application.

9 (3) If an application for the revision of an exchange
10 service area includes more than one customer in a particular
11 exchange, the commission shall consider the circumstances of
12 each customer and the impact to the obligations of any affected
13 telecommunications company which has not consented to the
14 application.

15 Sec. 5. Section 86-136, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 86-136 Upon the completion of the hearing on such an
18 application made pursuant to section 86-135, if a hearing is
19 required, the commission may grant the application, in whole or in
20 part, if the evidence establishes ~~all of the following~~:

21 (1) That such applicant is not receiving, and will not
22 within a reasonable time receive, reasonably adequate exchange
23 telephone-reasonable advanced telecommunications capability
24 service from the telecommunications company which furnishes such
25 telecommunications service in the local exchange service-area
26 in which the applicant resides; or operates. The fact that an
27 applicant is required to pay toll charges for long distance
1 telephone calls to an exchange service area adjacent to the

2 territory in which the applicant resides or operates shall not be
 3 deemed to constitute inadequate exchange telephone service from the
 4 telecommunications company which furnishes such service;

5 (2) ~~The~~ That the revision of the exchange service area
 6 required to grant the application ~~will not create a duplication~~
 7 ~~of facilities,~~ is economically sound, ~~and~~ will not impair the
 8 capability of any telecommunications company affected to serve
 9 the remaining subscribers in any affected exchanges, and will
 10 not impose an undue and unreasonable technological or engineering
 11 burden on any affected telecommunications company; and-

12 (3) ~~The community of interest in the general territory is~~
 13 ~~such that the public offering of each telecommunications company~~
 14 ~~in its own exchange service area involved should include all the~~
 15 ~~territory in its service area as revised by the commission's order;~~
 16 ~~and~~

17 (4) ~~The~~ (3) That the applicant is willing and, unless
 18 waived by the affected telecommunications company, will ~~be~~
 19 ~~required to pay~~ such construction and other costs and rates
 20 as are fair and equitable and will reimburse the affected
 21 telecommunications company for any ~~necessary loss of undepreciated~~
 22 investment in existing property as determined by the commission.
 23 The amount of any payment by the applicant for construction and
 24 other costs associated with providing service to the applicant
 25 may be negotiated between the applicant and the affected
 26 telecommunications company.

27 Sec. 6. Section 86-137, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 86-137 After the commission has lawfully granted an
 3 application pursuant to section 86-136, the telecommunications
 4 company ordered to provide the ~~exchange telephone advanced~~
 5 telecommunications capability service shall be issued a certificate
 6 of convenience and necessity to serve that ~~portion of the territory~~
 7 area added to its local exchange service area by the commission,
 8 if necessary. The commission shall set the date when the ~~exchange~~
 9 ~~telephone~~ service granted shall take effect and, in doing so, shall
 10 take into consideration any construction or major repair which will
 11 be required of the telecommunications company involved.

12 Sec. 7. Section 86-138, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 86-138 ~~When~~ If the commission refuses to grant an
 15 application made pursuant to section 86-135, no new application for
 16 the same ~~exchange telephone advanced telecommunications capability~~
 17 service shall be filed or shall be considered by the commission
 18 until one year has elapsed after the date of mailing of the
 19 commission order.

20 Sec. 8. Original sections 86-103, 86-135, 86-136, 86-137,
 21 and 86-138, Reissue Revised Statutes of Nebraska, and section
 22 86-101, Revised Statutes Cumulative Supplement, 2010, are repealed.

LEGISLATIVE BILL 905. Placed on Select File with amendment.
ER232

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 2-2301, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 2-2301 Sections 2-2301 to ~~2-2319~~ 2-2321 shall be known
 6 and may be cited as the Nebraska Wheat Resources Act.
 7 Sec. 2. Section 2-2302, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 2-2302 There is hereby established the Nebraska Wheat
 10 Development, Utilization, and Marketing Board. ~~The present members~~
 11 ~~of the Nebraska Wheat Development, Utilization, and Marketing~~
 12 ~~Committee shall serve as members of such board until the expiration~~
 13 ~~of their respective terms, after which time members~~ Members shall
 14 be appointed by the Governor to the board pursuant to section
 15 2-2305.
 16 Sec. 3. Section 2-2303, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 2-2303 For purposes of the Nebraska Wheat Resources Act,
 19 unless the context otherwise requires:
 20 (1) Board ~~shall mean means~~ the Nebraska Wheat
 21 Development, Utilization, and Marketing Board;
 22 (2) Commercial channels means the sale of wheat for
 23 any use when sold to any commercial buyer, dealer, processor,
 1 cooperative, or any person, public or private, who resells any
 2 wheat or product produced from wheat;
 3 (3) First purchaser means any person, public or private
 4 corporation, association, partnership, or limited liability company
 5 buying, accepting for shipment, or otherwise acquiring the property
 6 in or to wheat from a grower and includes a mortgagee, pledgee,
 7 lienor, or other person, public or private, having a claim against
 8 the grower when the actual or constructive possession of such wheat
 9 is taken as part payment or in satisfaction of such mortgage,
 10 pledge, lien, or claim;
 11 (2)-(4) ~~Grower shall mean means~~ any landowner personally
 12 engaged in growing wheat, a tenant of the landowner personally
 13 engaged in growing wheat, and both the owner and the tenant
 14 jointly and shall include includes a person, partnership, limited
 15 liability company, association, corporation, cooperative, trust,
 16 sharecropper, and other business units, devices, and arrangements;
 17 (3) ~~First purchaser shall mean any person, public~~
 18 ~~or private corporation, association, partnership, or limited~~
 19 ~~liability company buying, accepting for shipment, or otherwise~~
 20 ~~acquiring the property in or to wheat from a grower, and shall~~
 21 ~~include a mortgagee, pledgee, lienor, or other person, public or~~
 22 ~~private, having a claim against the grower when the actual or~~
 23 ~~constructive possession of such wheat is taken as part payment or~~
 24 ~~in satisfaction of such mortgage, pledge, lien, or claim;~~

25 ~~(4) Commercial channels shall mean the sale of wheat~~
 26 ~~for any use when sold to any commercial buyer, dealer, processor,~~
 27 ~~cooperative, or any person, public or private, who resells any~~
 1 ~~wheat or product produced from wheat; and~~

2 (5) Net market price means the sales price, or other
 3 value, per volumetric unit received by a producer for wheat after
 4 adjustment for any premium or discount;

5 (6) Net market value means the value found by multiplying
 6 the net market price by the appropriate quantity of the volumetric
 7 units or the minimum value in a production contract received by a
 8 producer for wheat after adjustments for any premium or discount.

9 For wheat pledged as collateral for a loan issued under any
 10 Commodity Credit Corporation price support loan program, net market
 11 value means the principal amount of the loan; and

12 ~~(5)-(7) Sale shall also include includes any pledge or~~
 13 ~~mortgage of wheat after harvest to any person, public or private.~~

14 Sec. 4. Section 2-2306, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 2-2306 All voting members of the board shall be entitled
 17 to actual and necessary expenses, as provided for in sections
 18 81-1174 to 81-1177, ~~for state employees,~~ while attending meetings
 19 of the board or while engaged in the performance of official
 20 responsibilities as determined by the board.

21 Sec. 5. Section 2-2310, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 2-2310 The board may establish an administrative office
 24 in the State of Nebraska at such place as may be suitable
 25 for the furtherance of ~~sections 2-2301 to 2-2319, the Nebraska~~
 26 Wheat Resources Act. The board shall not purchase, construct, or
 27 otherwise obtain title to its own administrative office, but shall
 1 be limited to leasing state or commercial office space.

2 Sec. 6. Section 2-2311, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 2-2311 (1) ~~Commencing July 1, 1988, there is hereby~~
 5 ~~levied an excise tax of one cent per bushel upon all wheat sold~~
 6 ~~through commercial channels in the State of Nebraska. Commencing~~
 7 ~~July 1, 1989, the board may levy an excise tax of not to exceed~~
 8 ~~one and one fourth cents per bushel upon all wheat sold through~~
 9 ~~commercial channels in the State of Nebraska. Commencing July 1,~~
 10 ~~1990, the board may levy an excise tax of not to exceed one and~~
 11 ~~one-half cents per bushel upon all wheat sold through commercial~~
 12 ~~channels in the State of Nebraska. Commencing on the operative~~
 13 ~~date of this section, there is hereby levied an excise tax of~~
 14 ~~four-tenths percent of the net market value of wheat sold through~~
 15 ~~commercial channels in the State of Nebraska. The tax shall be~~
 16 ~~levied and imposed on the grower at the time of sale or delivery~~
 17 ~~and shall be collected by the first purchaser. Under the Nebraska~~
 18 ~~Wheat Resources Act, no wheat shall be subject to the tax more than~~
 19 ~~once.~~

20 (2) The board shall have the power to reduce the excise
 21 tax for such period as it shall deem justified, but not less than
 22 one year, whenever it shall determine that the excise tax provided
 23 by this section is yielding more than is required to carry out
 24 the intent and purposes of the Nebraska Wheat Resources Act. If
 25 the board, after reducing such excise tax, finds that sufficient
 26 revenue is not being produced by such excise tax, it may restore in
 27 full or in part such excise tax not to exceed the amount per bushel
 1 authorized in subsection (1) of this section.

2 (2) After October 1, 2014, the board may, whenever it
 3 determines that the excise tax levied by this section is yielding
 4 more or less than is required to carry out the intent and purposes
 5 of the Nebraska Wheat Resources Act, reduce or increase such levy
 6 for such period as it deems justifiable, but not less than one
 7 year, and such levy shall not exceed five-tenths percent of the
 8 net market value. Any adjustment to the levy shall be by rule and
 9 regulation adopted and promulgated by the board in accordance with
 10 the Administrative Procedure Act.

11 Sec. 7. Section 2-2313, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 2-2313 The tax, provided for by the provisions of section
 14 2-2311, shall be deducted, as provided by sections 2-2301 to
 15 2-2319, the Nebraska Wheat Resources Act, whether such wheat is
 16 stored in this or any other state.

17 Sec. 8. Section 2-2317, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 2-2317 The State Treasurer is hereby directed to
 20 establish and set up in the treasury of the State of Nebraska a
 21 fund to be known as the Nebraska Wheat Development, Utilization,
 22 and Marketing Fund, to which fund shall be credited, for the
 23 uses and purposes of the Nebraska Wheat Resources Act and its
 24 enforcement, all taxes collected by the board pursuant to the
 25 act. After appropriation, the Director of Administrative Services
 26 shall, upon receipt of proper vouchers approved by an officer of
 27 the board, issue his or her warrants on such fund and the State
 1 Treasurer shall pay the same out of the money credited to such
 2 fund. The Nebraska Wheat Development, Utilization, and Marketing
 3 Fund is created. All taxes collected by the board pursuant to the
 4 Nebraska Wheat Resources Act and any repayments relating to the
 5 fund, including license fees or royalties, shall be remitted to the
 6 State Treasurer for credit to the fund. The fund shall be used to
 7 carry out the act. The board shall at each regular meeting review
 8 and approve all expenditures made since its last regular meeting.
 9 Any money in the fund available for investment shall be invested
 10 by the state investment officer pursuant to the Nebraska Capital
 11 Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 9. Section 2-2318, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 2-2318 The Nebraska Wheat Development, Utilization, and

15 Marketing Board shall not be authorized to set up research or
 16 development units or agencies of its own, but shall limit its
 17 activity to cooperation and contracts, ~~not exceeding one year~~
 18 ~~in duration~~, with the Department of Agriculture, University of
 19 Nebraska Institute of Agriculture and Natural Resources, or other
 20 proper local, state, or national organizations, public or private,
 21 in carrying out the ~~purposes of sections 2-2301 to 2-2319~~. Nebraska
 22 Wheat Resources Act.

23 Sec. 10. Section 2-2319, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 2-2319 Any person violating ~~any of the provisions of~~
 26 ~~sections 2-2301 to 2-2319~~ the Nebraska Wheat Resources Act shall be
 27 guilty of a Class III misdemeanor.

1 Sec. 11. Sections 6 and 12 of this act becomes operative
 2 on October 1, 2012. The other sections of this act become operative
 3 on their effective date.

4 Sec. 12. Original section 2-2311, Reissue Revised
 5 Statutes of Nebraska, is repealed.

6 Sec. 13. Original sections 2-2301, 2-2302, 2-2303,
 7 2-2306, 2-2310, 2-2313, 2-2317, 2-2318, and 2-2319, Reissue Revised
 8 Statutes of Nebraska, are repealed.

9 2. On page 1, strike lines 4 through 7 and insert "define
 10 and redefine terms; to change provisions relating to an excise
 11 tax and a fund under the Nebraska Wheat Resources Act; to change
 12 powers and duties of the Nebraska Wheat Development, Utilization,
 13 and Marketing Board; to eliminate obsolete language; to harmonize
 14 provisions; to provide operative dates; and to repeal the original
 15 sections."

LEGISLATIVE BILL 905A. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File with amendment.
 ER233

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

3 Section 1. Section 2-3602, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 2-3602 It is declared to be the public policy of the
 6 State of Nebraska to protect and foster the health, prosperity,
 7 and general welfare of its people by protecting and stabilizing
 8 the corn industry and the economy of the areas producing corn.
 9 The Corn Development, Utilization, and Marketing Board shall be the
 10 agency of the State of Nebraska for such purpose. In connection
 11 with and in furtherance of such purpose, it is declared to be in
 12 the interest of the public welfare of the state that the producers
 13 of corn be permitted and encouraged to develop, carry out, and
 14 participate in programs of research, education, market development,
 15 and promotion. It is the purpose of sections 2-3601 to 2-3635 ~~the~~
 16 Nebraska Corn Resources Act to provide the authorization and to

17 prescribe the necessary procedures whereby corn producers in this
 18 state may finance programs to achieve the activities expressed in
 19 ~~sections 2-3601 to 2-3635, the act.~~

20 Sec. 2. Section 2-3623, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 2-3623 There is hereby levied a fee of ~~not to exceed~~
 23 ~~four-tenths~~ five-tenths of a cent per bushel upon all corn sold
 1 through commercial channels in Nebraska or delivered in Nebraska.
 2 The fee shall be paid by the grower at the time of sale or delivery
 3 and shall be collected by the first purchaser. Under the Nebraska
 4 Corn Resources Act, no corn shall be subject to the fee more than
 5 once.

6 Sec. 3. Section 2-3632, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 2-3632 The board shall ~~make and publish~~ prepare and make
 9 available an annual report on or before January 1 of each year,
 10 which report shall set forth in detail the income received from the
 11 corn assessment for the previous year and shall include:

12 (1) The expenditure of all funds by the board during the
 13 previous year for the administration of ~~sections 2-3601 to 2-3635;~~
 14 the Nebraska Corn Resources Act;

15 (2) The action taken by the board on all contracts
 16 requiring the expenditure of funds by the board;

17 (3) ~~Copies~~ A description of all such contracts;

18 (4) ~~Detailed~~ A detailed explanation of all programs
 19 relating to the ~~discovery,~~ promotion, and development of markets
 20 and industries for the utilization of corn, the direct expense
 21 associated with each program, and copies of such programs if in
 22 writing; and

23 (5) The name and address of each member of the board and
 24 a copy of all rules and regulations promulgated by the board.

25 Such report and a copy of all contracts requiring
 26 expenditure of funds by the board shall be available to the
 27 public upon request.

1 Sec. 4. Section 2-3633, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 2-3633 ~~The State Treasurer is hereby directed to~~
 4 ~~establish and set up in the treasury of the State of Nebraska a~~
 5 ~~fund to be known as the~~ The Nebraska Corn Development, Utilization,
 6 and Marketing Fund, to which fund is created. All fees collected
 7 pursuant to the Nebraska Corn Resources Act and any repayments
 8 relating to the fund, including license fees or royalties, shall be
 9 credited; ~~to the fund~~ for the uses and purposes of the Nebraska
 10 ~~Corn Resources Act act and its enforcement, all taxes collected~~
 11 ~~by the board pursuant to the act.~~ Such fund shall be expended
 12 solely for the administration of the act. Any money in the fund
 13 available for investment shall be invested by the state investment
 14 officer pursuant to the Nebraska Capital Expansion Act and the
 15 Nebraska State Funds Investment Act.

16 Sec. 5. Sections 2 and 6 of this act become operative on
 17 October 1, 2012. The other sections of this act become operative on
 18 their effective date.

19 Sec. 6. Original section 2-3623, Reissue Revised Statutes
 20 of Nebraska, is repealed.

21 Sec. 7. Original sections 2-3602, 2-3632, and 2-3633,
 22 Reissue Revised Statutes of Nebraska, are repealed.

23 2. On page 1, strike lines 3 through 6 and insert "to
 24 restate intent; to change a fee, reporting requirements, and the
 25 source and use of a fund under the Nebraska Corn Resources Act; to
 26 provide operative dates; and to repeal the original sections."

LEGISLATIVE BILL 1057A. Placed on Select File.

LEGISLATIVE BILL 721. Placed on Select File.

LEGISLATIVE BILL 766. Placed on Select File.

LEGISLATIVE BILL 779. Placed on Select File with amendment.
 ER231

1 1. On page 8, line 3, reinstate the stricken matter.

LEGISLATIVE BILL 719. Placed on Select File with amendment.
 ER238

1 1. On page 1, line 2, strike "81-118.01,"; and strike
 2 beginning with "change" in line 10 through line 17 and insert
 3 "define and redefine terms; to change provisions of the Records
 4 Management Act; to restate intent; to change powers and duties
 5 of the State Records Board and the network manager; to change
 6 provisions relating to the technical advisory committee, fees,
 7 agency procedures, reports, and a fund; to provide requirements
 8 for certain electronic information and services; to eliminate
 9 provisions relating to public bidding, certain public records
 10 requests, and obsolete provisions regarding equipment; to harmonize
 11 provisions; to repeal the original sections; and to outright repeal
 12 sections 84-1205.04, 84-1205.06, and 84-1223, Reissue Revised
 13 Statutes of Nebraska."

14 2. On page 2, strike lines 1 through 4.

15 3. On page 15, line 4, strike "such", show as stricken,
 16 and insert "state or local".

17 4. On page 32, line 10, after "agencies" insert an
 18 underscored comma; and in line 14 strike the third comma and show
 19 as stricken.

20 5. On page 38, line 23, after the comma insert "Reissue
 21 Revised Statutes of Nebraska,".

LEGISLATIVE BILL 729. Placed on Select File.

LEGISLATIVE BILL 1035. Placed on Select File with amendment.
ER237

1 1. On page 1, strike beginning with "airport" in line
2 1 through line 4 and insert "elections; to amend sections 32-610
3 and 32-1031, Reissue Revised Statutes of Nebraska, and section
4 32-811, Revised Statutes Supplement, 2011; to change and eliminate
5 provisions relating to political parties and filing for office;
6 to provide for automatic nomination of candidates for airport
7 authority boards as prescribed; to change provisions relating
8 to the canvass of votes; to repeal the original sections; and
9 to outright repeal section 32-718, Reissue Revised Statutes of
10 Nebraska."

LEGISLATIVE BILL 896. Placed on Select File with amendment.
ER234

1 1. On page 1, line 4, strike "and"; and in line 5 after
2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 898. Placed on Select File.

LEGISLATIVE BILL 772. Placed on Select File.

LEGISLATIVE BILL 823. Placed on Select File with amendment.
ER235

1 1. On page 1, line 3, after the first semicolon insert
2 "to authorize the county treasurer to hold certain school district
3 funds as prescribed;"

LEGISLATIVE BILL 761. Placed on Select File.

LEGISLATIVE BILL 743. Placed on Select File.

LEGISLATIVE BILL 742. Placed on Select File with amendment.
ER239

1 1. On page 1, strike beginning with "section" in line
2 1 through line 5 and insert "sections 70-1014 and 70-1014.01,
3 Revised Statutes Cumulative Supplement, 2010; to change provisions
4 relating to applications for approval of transmission lines and
5 related facilities and development of renewable energy sources; and
6 to repeal the original sections."

LEGISLATIVE BILL 1049. Placed on Select File.

LEGISLATIVE BILL 398. Placed on Select File with amendment.
ER236

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 23-1307, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 23-1307 All county clerks and election commissioners

6 and their deputies shall have authority to administer oaths
 7 and affirmations in all cases where oaths and affirmations are
 8 required; and to take acknowledgments of deeds, mortgages, and all
 9 other instruments in writing, ~~and shall attest the same~~ attesting
 10 to such with the county seal.

11 Sec. 2. Section 64-101, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 64-101 (1) The Secretary of State may appoint and
 14 commission such number of persons to the office of notary public as
 15 he or she deems necessary.

16 (2) There shall be one class of such appointments which
 17 shall be valid in the entire state and referred to as general
 18 notaries public.

19 (3) The term effective date, as used with reference to
 20 a commission of a notary public, shall mean the date of the
 21 commission unless the commission states when it goes into effect,
 22 in which event that date shall be the effective date.

23 (4) A general commission may refer to the office as
 1 notary public and shall contain a provision showing that the person
 2 therein named is authorized to act as a notary public anywhere
 3 within the State of Nebraska or, in lieu thereof, may contain the
 4 word general or refer to the office as general notary public.

5 (5) No person shall be appointed a notary public unless
 6 he or she has taken and passed a written examination on the
 7 duties and obligations of a notary public as provided in section
 8 64-101.01.

9 (6) No appointment shall be made if such applicant has
 10 been convicted of (a) a felony or other (b) a crime involving fraud
 11 or dishonesty within the previous five years.

12 (7) No appointment shall be made until such applicant
 13 has attained the age of nineteen years nor unless such applicant
 14 certifies to the Secretary of State under oath that he or she has
 15 carefully read and understands the laws relating to the duties of
 16 notaries public and will, if commissioned, faithfully discharge the
 17 duties pertaining to the office and keep records according to law.

18 (8) No person shall be appointed a notary public unless
 19 he or she resides in the State of Nebraska, except that the
 20 Secretary of State may appoint and commission a person as a
 21 notary public who resides in a state that borders the State of
 22 Nebraska if such person is employed in or has a regular place
 23 of work or business in this state and the Secretary of State has
 24 obtained evidence of an address of the physical location of such
 25 employment or place of work or business prior to such appointment
 26 and commission.

27 ~~(8)-(9)~~ Each person appointed a notary public shall hold
 1 office for a term of four years from the effective date of his or
 2 her commission unless sooner removed.

3 Sec. 3. Section 64-104, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 64-104 Commissions for general notaries public may be
 6 renewed within thirty days prior to the date of expiration by
 7 filing a renewal application along with the payment of the fee
 8 prescribed in section 33-102 and a new bond with the Secretary of
 9 State. The bond required for a renewal of such commission shall
 10 be in the same manner and form as provided in section 64-102. The
 11 renewal application shall be in the manner and form as prescribed
 12 by the Secretary of State. ~~Such renewal application made prior to~~
 13 ~~the date of the expiration of any general notary public commission~~
 14 ~~need not be accompanied by any petition.~~ Any renewal application
 15 for such commission made after the date of expiration of the
 16 commission shall be made in the same manner as a new application
 17 for such commission as a general notary public.

18 Sec. 4. Section 64-105.01, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 64-105.01 A notary public is disqualified from performing
 21 a notarial act as authorized by Chapter 64, articles 1 and 2, if
 22 the notary

23 (1) Is is a spouse, ancestor, descendant, or sibling of
 24 the principal, including in-law, step, or half relatives;:

25 (2) Except in the performance of duties pursuant to
 26 sections 64-211 to 64-215, has a financial or beneficial interest
 27 in the transaction other than receipt of the ordinary notarial fee
 1 or is individually named as a party to the transaction; or

2 (3) Does not understand the acknowledgment or notarial
 3 certificate used to certify the performance of his or her duties.

4 Sec. 5. Section 64-107, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 64-107 A notary public is authorized and empowered,
 7 within the state: (1) To administer oaths and affirmations in
 8 all cases; (2) to take depositions, acknowledgments, and proofs
 9 of the execution of deeds, mortgages, powers of attorney, and
 10 other instruments in writing, to be used or recorded in this
 11 or another state; and (3) to demand acceptance or payment of
 12 any foreign, inland, domestic bill of exchange, promissory note
 13 or other obligation in writing, and to protest the same for
 14 nonacceptance or nonpayment, as the case may be, and give notice
 15 to endorsers, makers, drawers or acceptors of such demand or
 16 nonacceptance or nonpayment; and (4) to exercise and perform such
 17 other powers and duties as authorized by the laws of this state.
 18 by the law of nations, and according to commercial usage, or
 19 by the laws of the United States, or of any other state or
 20 territory of the United States, or of any other government or
 21 country, may be exercised and performed by notaries public. Over
 22 his or her signature and official seal, he or she shall certify
 23 the performance of such duties so exercised and performed under
 24 ~~the provisions of this section. Such, which~~ certificate shall be
 25 received in all courts of this state as presumptive evidence of the
 26 facts therein certified to.

27 Sec. 6. Section 64-113, Revised Statutes Supplement,
1 2011, is amended to read:
2 64-113 (1) Whenever charges of malfeasance in office are
3 preferred to the Secretary of State against any notary public in
4 this state, or whenever the Secretary of State has reasonable cause
5 to believe any notary public in this state is guilty of acts
6 of malfeasance in office, the Secretary of State may appoint any
7 disinterested person, not related by consanguinity to either the
8 notary public or person preferring the charges, and authorized by
9 law to take testimony of witnesses by deposition, to notify such
10 notary public to appear before him or her on a day and at an
11 hour certain, after at least ten days from the day of service of
12 such notice. ~~Such appointee may summon witnesses, in the manner~~
13 ~~provided by section 64-108, to appear at the time specified in the~~
14 ~~notice, and he or she may take the testimony of such witnesses~~
15 ~~in writing, in the same manner as is by law provided for taking~~
16 ~~depositions, and certify the same to the Secretary of State. At~~
17 ~~such appearance, the notary public may show cause as to why his~~
18 ~~or her commission should not be canceled or temporarily revoked.~~
19 The appointee may issue subpoenas to require the attendance and
20 testimony of witnesses and the production of any pertinent records,
21 papers, or documents, may administer oaths, and may accept any
22 evidence he or she deems pertinent to a proper determination of the
23 charge. The notary public may appear, at such time and place, and
24 cross-examine witnesses and produce witnesses in his or her behalf,
25 ~~, which cross examination and testimony shall be likewise certified~~
26 ~~to the Secretary of State.~~ Upon the receipt of such examination,
27 duly certified in the manner prescribed for taking depositions
1 to be used in suits in the district courts of this state, the
2 Secretary of State shall examine the same, and if therefrom he or
3 she is satisfied that the charges are substantially proved, finds
4 that the notary public is guilty of acts of malfeasance in office,
5 he or she may remove the person charged from the office of notary
6 public or temporarily revoke such person's commission. Within
7 fifteen days after such removal or revocation and notice thereof,
8 such notary public shall deposit, with the Secretary of State, the
9 commission as notary public and notarial seal. The commission shall
10 be canceled or temporarily revoked by the Secretary of State. A
11 person so removed from office shall be forever disqualified from
12 holding the office of notary public. A person whose commission
13 is temporarily revoked shall be returned his or her commission
14 and seal upon completion of the revocation period and passing the
15 examination described in section 64-101.01. The fees for taking
16 such testimony shall be paid by the state at the same rate as
17 fees for taking depositions by notaries public. The failure of the
18 notary public to deposit his or her commission and seal with the
19 Secretary of State as required by this section shall subject him or
20 her to a penalty of one thousand dollars, to be recovered in the
21 name of the state.

22 (2) For purposes of this section, malfeasance in office
 23 means, while serving as a notary public, (a) failure to follow
 24 the requirements and procedures for notarial acts provided for in
 25 Chapter 64, articles 1 and 2, (b) violating the confidentiality
 26 provisions of section 71-6911, or (c) being convicted of a felony
 27 or other crime involving fraud or dishonesty.

1 Sec. 7. The Secretary of State may adopt and promulgate
 2 rules and regulations relating to the administration of, but not
 3 inconsistent with, the provisions of sections 64-101 to 64-118.

4 Sec. 8. The Revisor of Statutes shall assign section 7 of
 5 this act within Chapter 64, article 1.

6 Sec. 9. Original sections 23-1307, 64-101, 64-104,
 7 64-105.01, and 64-107, Reissue Revised Statutes of Nebraska, and
 8 section 64-113, Revised Statutes Supplement, 2011, are repealed.

9 2. On page 1, strike beginning with "notaries" in line 1
 10 through line 9 and insert "attestations; to amend sections 23-1307,
 11 64-101, 64-104, 64-105.01, and 64-107, Reissue Revised Statutes of
 12 Nebraska, and section 64-113, Revised Statutes Supplement, 2011;
 13 to provide powers for election commissioners; to change provisions
 14 relating to eligibility for appointment, renewal of a commission,
 15 and powers and duties of a notary public; to change removal
 16 provisions for a commission issued to a notary public; to provide
 17 for rules and regulations; to provide a duty for the Revisor of
 18 Statutes; and to repeal the original sections."

LEGISLATIVE BILL 1101. Placed on Select File with amendment.
 ER240

- 1 1. On page 6, line 1, after "Nebraska" insert ", as
- 2 amended by this legislative bill".

LEGISLATIVE BILL 1042. Placed on Select File.

LEGISLATIVE BILL 788. Placed on Select File with amendment.
 ER241

- 1 1. On page 1, line 4, after "and" insert "to".

LEGISLATIVE BILL 1062. Placed on Select File with amendment.
 ER242

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

3 Section 1. Before a final decree of adoption is issued,
 4 the Department of Health and Human Services and the adoptive parent
 5 or parents shall enter into a written adoption assistance agreement
 6 stating the terms of assistance as provided for by sections
 7 43-117 to 43-118 if the child is eligible for such assistance and
 8 designating a guardian for the child in case of the death of the
 9 adoptive parent or parents.

10 Sec. 2. Payment of adoption assistance provided for by
 11 section 43-117 ceases upon the death of the adoptive parent or

12 parents except (1) in cases in which the adoption assistance
 13 agreement provides for assignment to a guardian or conservator or
 14 (2) for up to six months pending the appointment of a guardian or
 15 conservator if the child is placed in the temporary custody of a
 16 family member or other individual.

17 Payment of adoption assistance provided by section 43-117
 18 ceases upon placement of the child with the Department of Health
 19 and Human Services or a child placement agency.

20 Sec. 3. Section 43-118, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 43-118 All actions of the Department of Health and
 23 Human Services under the programs authorized by sections 43-117 to
 1 43-117.02 and sections 1 and 2 of this act shall be subject to the
 2 following criteria:

3 (1) The child so adopted shall have been a child for whom
 4 adoption would not have been possible without the financial aid
 5 provided for by sections 43-117 to 43-117.02 and sections 1 and 2
 6 of this act; and

7 (2) The department shall adopt and promulgate rules and
 8 regulations for the administration of sections 43-117 to 43-118 and
 9 sections 1 and 2 of this act.

10 Sec. 4. Section 43-147, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 43-147 The Legislature finds that:

13 (1) Finding adoptive families for children for whom state
 14 assistance is provided pursuant to sections 43-117 ~~and 43-118~~
 15 to 43-118 and sections 1 and 2 of this act and assuring the
 16 protection of the interests of the children affected during the
 17 entire assistance period require special measures when the adoptive
 18 parents move to other states or are residents of another state; and

19 (2) Providing medical and other necessary services for
 20 children, with state assistance, is more difficult when the
 21 services are provided in other states.

22 Sec. 5. Original sections 43-118 and 43-147, Reissue
 23 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1030. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File.

LEGISLATIVE BILL 880. Placed on Select File with amendment.
 ER244

- 1 1. On page 10, lines 10 and 14, after "historical" insert
- 2 an underscored comma; in line 19 strike "and" and show as stricken,
- 3 and strike "if any", show as stricken, and insert "of"; in line
- 4 20 after the first "records" insert ", if any,"; in line 22
- 5 after "accurate" insert an underscored comma; and in line 24 after
- 6 "standards" insert an underscored comma.

LEGISLATIVE BILL 999. Placed on Select File.

LEGISLATIVE BILL 1116. Placed on Select File.

LEGISLATIVE BILL 1141. Placed on Select File.

LEGISLATIVE BILL 819. Placed on Select File with amendment.
ER243

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 69-1301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 69-1301 As used in the Uniform Disposition of Unclaimed
- 6 Property Act unless the context otherwise requires:
- 7 (a) Banking organization means any bank, trust company,
- 8 savings bank, industrial bank, land bank, or safe deposit company.
- 9 (b) Business association means any corporation,
- 10 joint-stock company, business trust, partnership, limited liability
- 11 company, or association for business purposes of two or more
- 12 individuals, but does not include a public corporation.
- 13 (c) Financial organization means any savings and
- 14 loan association, building and loan association, credit union,
- 15 cooperative bank, or investment company, doing business in this
- 16 state.
- 17 (d) General-use prepaid card means a plastic card or
- 18 other electronic payment device usable with multiple, unaffiliated
- 19 sellers of goods or services.
- 20 (e) Holder means any person in possession of property
- 21 subject to the act belonging to another, or who is trustee in case
- 22 of a trust, or is indebted to another on an obligation subject to
- 23 the act.
- 1 (f) Life insurance corporation means any association
- 2 or corporation transacting within this state the business of
- 3 insurance on the lives of persons or insurance appertaining
- 4 thereto, including, but not limited to, endowments and annuities.
- 5 (g) Military medal means any decoration or award that may
- 6 be presented or awarded to a member of a unit of the United States
- 7 Armed Forces or National Guard.
- 8 ~~(g)-(h)~~ (h) Owner means a depositor in case of a deposit, a
- 9 beneficiary in case of a trust, a creditor, claimant, or payee in
- 10 case of other choses in action, or any person having a legal or
- 11 equitable interest in property subject to the act, or his or her
- 12 legal representative.
- 13 ~~(h)-(i)~~ (i) Person means any individual, business
- 14 association, governmental or political subdivision, public
- 15 corporation, public authority, estate, trust, two or more persons
- 16 having a joint or common interest, or any other legal or commercial
- 17 entity.
- 18 ~~(i)-(j)~~ (j) Utility means any person who owns or operates
- 19 within this state, for public use, any plant, equipment, property,
- 20 franchise, or license for the transmission of communications or the
- 21 production, storage, transmission, sale, delivery, or furnishing of

22 electricity, water, steam, or gas.

23 Sec. 2. Any military medal that is removed from a safe
 24 deposit box or any other safekeeping repository or agency or
 25 collateral deposit box on which the lease or rental period has
 26 expired due to nonpayment of rental charges or other reasons shall
 27 not be sold or otherwise disposed of but shall be retained by the
 1 holder for the lessee of the box until reported and delivered to
 2 the State Treasurer in accordance with this section. Such report
 3 shall be made in compliance with section 69-1310. The holder shall,
 4 at the time of filing the report and with the report, deliver the
 5 military medal to the State Treasurer for safekeeping by the State
 6 Treasurer in accordance with section 3 of this act.

7 Sec. 3. The State Treasurer, upon receiving military
 8 medals, shall hold and maintain the military medals for ten years
 9 or until the original owner or the owners' respective heirs or
 10 beneficiaries can be identified and the military medals returned.
 11 After ten years, the State Treasurer may designate a veteran's
 12 organization, an awarding agency, or a governmental entity as
 13 the custodian of the military medals. Once the military medals
 14 are turned over to a veteran's organization, an awarding agency,
 15 or a governmental entity, the State Treasurer will no longer be
 16 responsible for the safekeeping of the military medals.

17 Sec. 4. Section 69-1329, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 69-1329 Sections 69-1301 to 69-1329 and sections 2 and
 20 3 of this act shall be known and may be cited as the Uniform
 21 Disposition of Unclaimed Property Act.

22 Sec. 5. Original sections 69-1301 and 69-1329, Reissue
 23 Revised Statutes of Nebraska, are repealed.

24 2. On page 1, line 2, strike ", 69-1302,"; and in line 3
 25 after the semicolon insert "to define a term;".

LEGISLATIVE BILL 869. Placed on Select File.

LEGISLATIVE BILL 1122. Placed on Select File.

LEGISLATIVE BILL 1077. Placed on Select File with amendment.
 ER245

- 1 1. On page 1, line 5, strike "sections" and insert
- 2 "section".

LEGISLATIVE BILL 1083. Placed on Select File.

LEGISLATIVE BILL 734. Placed on Select File.

LEGISLATIVE BILL 737. Placed on Select File.

LEGISLATIVE BILL 768. Placed on Select File.

LEGISLATIVE BILL 805. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File.

LEGISLATIVE BILL 941. Placed on Select File.

LEGISLATIVE BILL 1148. Placed on Select File.

LEGISLATIVE BILL 740. Placed on Select File with amendment.
ER246

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through line 5 and insert "section 60-6,290, Reissue
- 3 Revised Statutes of Nebraska; to provide a length exception for
- 4 semitrailers transporting baled livestock forage; and to repeal the
- 5 original section."

LEGISLATIVE BILL 851. Placed on Select File.

LEGISLATIVE BILL 1106. Placed on Select File.

LEGISLATIVE BILL 1026. Placed on Select File with amendment.
ER247

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 eliminate obsolete provisions;"

LEGISLATIVE BILL 1140. Placed on Select File with amendment.
ER249

- 1 1. On page 1, line 11, before "licensure" insert "the
- 2 State Board of Landscape Architects and".

LEGISLATIVE BILL 936. Placed on Select File with amendment.
ER248

- 1 1. On page 1, line 4, strike "and" and after "section"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 897. Placed on Select File.

LEGISLATIVE BILL 822. Placed on Select File.

LEGISLATIVE BILL 1038. Placed on Select File with amendment.
ER251

- 1 1. On page 1, strike beginning with "amend" in line 1
- 2 through line 9 and insert "provide for the establishment of a lead
- 3 poisoning prevention program as prescribed; and to provide duties
- 4 for the Department of Health and Human Services."

LEGISLATIVE BILL 1005. Placed on Select File with amendment.
ER250

- 1 1. On page 1, line 1, strike "Voluntary" and insert
- 2 "Volunteer".

LEGISLATIVE BILL 997. Placed on Select File with amendment.
ER259 is available in the Bill Room.

LEGISLATIVE BILL 899. Placed on Select File with amendment.
ER252

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

3 Section 1. Section 42-353, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 42-353 The pleadings required by sections 42-347 to
6 42-381 shall be governed by the rules of pleading in civil actions
7 promulgated under section 25-801.01. The complaint shall include
8 the following:

9 (1) The name and address of the plaintiff and his or her
10 attorney, except that a plaintiff who is living in an undisclosed
11 location because of safety concerns is only required to disclose
12 the county and state of his or her residence and, in such case,
13 shall provide an alternative address for the mailing of notice;

14 (2) The name and address, if known, of the defendant;

15 (3) The date and place of marriage;

16 (4) The name and year of birth of each child whose
17 custody or welfare may be affected by the proceedings and whether
18 (a) a parenting plan as provided in the Parenting Act has been
19 developed and (b) child custody, parenting time, visitation, or
20 other access or child support is a contested issue;

21 (5) If the plaintiff is a party to any other pending
22 action for divorce, separation, or dissolution of marriage, a
23 statement as to where such action is pending;

1 (6) Reference to any existing restraining orders,
2 protection orders, or criminal no-contact orders regarding any
3 party to the proceedings;

4 (7) A statement of the relief sought by the plaintiff,
5 including adjustment of custody, property, and support rights; and
6 (8) An allegation that the marriage is irretrievably
7 broken if the complaint is for dissolution of marriage or an
8 allegation that the two persons who have been legally married shall
9 thereafter live separate and apart if the complaint is for a legal
10 separation.

11 Sec. 2. In a legal separation proceeding:

12 (1) If both of the parties state under oath or
13 affirmation that they shall thereafter live separate and apart,
14 or one of the parties so states and the other does not deny it,
15 the court, after hearing, shall make a finding whether the legal
16 separation should be granted and if so may enter a decree of legal
17 separation;

18 (2) If one of the parties has denied under oath or
19 affirmation that they will thereafter live separate and apart,
20 the court shall, after hearing, consider all relevant factors,
21 including the circumstances that gave rise to the filing of the
22 complaint and the prospect of reconciliation, and shall make a
23 finding whether the legal separation should be granted and if so
24 may enter a decree of legal separation; or

25 (3) Sixty days or more after perfection of service of
26 process, the court may enter a decree of legal separation without
27 a hearing if:

1 (a) Both parties waive the requirement of the hearing

2 and the court has sufficient basis to make a finding that it has
3 subject matter jurisdiction over the legal separation proceeding
4 and personal jurisdiction over both parties; and

5 (b) Both parties have certified in writing that they
6 shall thereafter live separate and apart, both parties have
7 certified that they have made every reasonable effort to effect
8 reconciliation, all documents required by the court and by statute
9 have been filed, and the parties have entered into a written
10 agreement, signed by both parties under oath, resolving all issues
11 presented by the pleadings in their legal separation proceeding.

12 Sec. 3. Section 43-2935, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-2935 (1) After a hearing on the record, the court
15 shall determine whether the submitted parenting plan meets all of
16 the requirements of the Parenting Act and is in the best interests
17 of the child. If the parenting plan lacks any of the elements
18 required by the act or is not in the child's best interests, the
19 court shall modify and approve the parenting plan as modified,
20 reject the parenting plan and order the parties to develop a new
21 parenting plan, or reject the parenting plan and create a parenting
22 plan that meets all the required elements and is in the best
23 interests of the child. The court may include in the parenting
24 plan:

25 ~~(1)-(a)~~ A provision for resolution of disputes that arise
26 under the parenting plan, including provisions for suspension of
27 parenting time, visitation, and other access when new findings of
1 child abuse or neglect, domestic intimate partner abuse, criminal
2 activity affecting the best interests of a child, or the violation
3 of a protection order, restraining order, or criminal no-contact
4 order occur, until a modified custody order or parenting plan with
5 provisions for safety or a transition plan, or both, is in place;
6 and

7 ~~(2)-(b)~~ Consequences for failure to follow parenting plan
8 provisions.

9 (2) A hearing is not required under this section if both
10 parties have waived the requirement for a hearing under section
11 42-361 or section 2 of this act.

12 Sec. 4. The Revisor of Statutes shall assign section 2 of
13 this act within sections 42-347 to 42-381, and all references to
14 such sections shall be deemed to include section 2 of this act.

15 Sec. 5. Original sections 42-353 and 43-2935, Reissue
16 Revised Statutes of Nebraska, are repealed.

17 2. On page 1, strike beginning with "husband" in line
18 1 through line 5 and insert "legal procedure; to amend sections
19 42-353 and 43-2935, Reissue Revised Statutes of Nebraska; to
20 provide procedures for entering a legal separation decree; to
21 change requirements for hearings regarding parenting plans; to
22 provide a duty for the Revisor of Statutes; and to repeal the
23 original sections."

LEGISLATIVE BILL 722. Placed on Select File with amendment.
ER253

- 1 1. On page 1, line 3, strike "a defendant's cash bond"
- 2 and insert "an offender's bond as prescribed".

LEGISLATIVE BILL 865. Placed on Select File.

LEGISLATIVE BILL 1051. Placed on Select File with amendment.
ER254

- 1 1. In the Standing Committee amendments, AM2314:
- 2 a. On page 2, line 10, reinstate the first stricken
- 3 comma;
- 4 b. On page 5, line 6, after "exploitation" insert an
- 5 underscored comma; and
- 6 c. On page 7, line 22, strike "in" and insert "into".
- 7 2. On page 1, strike line 2 and insert "28-349, 28-350,
- 8 28-351, 28-352, 28-355, 28-358, 28-370, 28-372, 28-373, 28-374,
- 9 28-386, 28-387, "; and in line 6 after "abuse" insert ", neglect,
- 10 and exploitation".

LEGISLATIVE BILL 1121. Placed on Select File.

LEGISLATIVE BILL 1126. Placed on Select File with amendment.
ER255

- 1 1. On page 1, strike beginning with "cities" in line 1
- 2 through line 5 and insert "villages; to amend sections 13-327 and
- 3 13-328, Reissue Revised Statutes of Nebraska; to provide for a
- 4 county to cede and transfer extraterritorial jurisdiction of land
- 5 to a village as prescribed; and to repeal the original sections."

LEGISLATIVE BILL 738. Placed on Select File with amendment.
ER256

- 1 1. On page 2, line 8, strike the semicolon, show as
- 2 stricken, and insert an underscored comma.
- 3 2. On page 3, lines 1 and 5, strike "be", show as
- 4 stricken, and insert "are".

LEGISLATIVE BILL 1087. Placed on Select File with amendment.
ER257

- 1 1. In the Standing Committee amendments, AM2364, on page
- 2 1, lines 21 and 23, strike "this" and insert "the".
- 3 2. On page 1, strike beginning with "compressed" in line
- 4 1 through line 6 and insert "natural gas; to create the Natural Gas
- 5 Fuel Board; and to provide powers and duties."

LEGISLATIVE BILL 1054. Placed on Select File with amendment.
ER258

- 1 1. On page 1, strike beginning with "ancillary" in line
- 2 1 through line 5 and insert "insurance; to amend sections 44-3521
- 3 and 44-3526, Reissue Revised Statutes of Nebraska; to define and
- 4 redefine terms; to change contract coverage under the Motor Vehicle
- 5 Service Contract Reimbursement Insurance Act; and to repeal the
- 6 original sections."

(Signed) Tyson Larson, Chairperson

MESSAGE FROM THE GOVERNOR

March 21, 2012

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Board of Parole:

R. L. (Bob) Boozer, 1258 South 163rd Avenue, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

NOTICE OF COMMITTEE HEARING Health and Human Services

Room 1510

Tuesday, April 3, 2012 12:30 p.m.

Thomas Pristow - Division of Children and Family Services

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 463, 466, 467, 468, 469, 470, 471, 472, 474, 475, 477, 484, 485, 497, and 499 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 463, 466, 467, 468, 469, 470, 471, 472, 474, 475, 477, 484, 485, 497, and 499.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1042:

Commission for the Deaf and Hard of Hearing
 Steven Manning
 Diane Muelleman

Voting in the affirmative, 35:

Adams	Cook	Hadley	Langemeier	Pirsch
Ashford	Dubas	Hansen	Larson	Price
Bloomfield	Fischer	Harms	Lathrop	Schilz
Brasch	Flood	Heidemann	Lautenbaugh	Schumacher
Campbell	Fulton	Howard	Mello	Smith
Carlson	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Lambert	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Avery	Cornett	Harr, B.	Krist	McGill
Christensen	Council	Janssen	McCoy	Nelson

Excused and not voting, 4:

Conrad	Louden	Seiler	Sullivan
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1042:

Board of Emergency Medical Services
 Linda Jensen

Scott Wiebe

Voting in the affirmative, 33:

Adams	Fulton	Janssen	Mello	Schumacher
Ashford	Gloor	Karpisek	Nelson	Smith
Avery	Haar, K.	Lambert	Nordquist	Sullivan
Campbell	Hadley	Langemeier	Pahls	Wallman
Cook	Hansen	Lathrop	Pirsch	Wightman
Fischer	Harms	Lautenbaugh	Price	
Flood	Howard	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Christensen	Council	Heidemann	McGill
Brasch	Coash	Dubas	Krist	
Carlson	Cornett	Harr, B.	Larson	

Excused and not voting, 3:

Conrad	Louden	Seiler
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 949A. ER226, found on page 1055, was adopted.

Senator Harms renewed his amendment, AM2608, found on page 1081.

The Harms amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 131. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2011; to delete obsolete transfer

provisions; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Council

Present and not voting, 3:

Christensen Cook Larson

Excused and not voting, 2:

Louden Seiler

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB968 with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 968. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 24, 46, 47, 66, 91, 92, 93, 94, 98, 100, 101, 102, 104, 105, 107, 109, 112, 115, 132, 181, 200, 218, 220, 221, 222, 226, 235, 249, 260, and 267; Laws 2011, LB376, section 19; Laws 2011, LB377, sections 8 and 38; and Laws 2011, LB390, sections 33 and 34; to define terms; to provide,

change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for and change transfers of funds; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 2:

Council Larson

Excused and not voting, 2:

Louden Seiler

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB969 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 969. With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 68-965, 71-7611, and 71-8805, Reissue Revised Statutes of Nebraska, section 82-332, Revised Statutes Cumulative Supplement, 2010, sections 13-2704, 29-3921, 58-703, 66-1345.04, and 82-331, Revised Statutes Supplement, 2011, and Laws 2011, LB378, section 14; to state and restate intent; to provide for transfers of funds; to change and eliminate provisions relating to certain transfers of funds; to create funds; to provide for a study; to change the source and use of funds; to provide operative dates; to repeal the original

sections; to outright repeal Laws 2011, LB378, sections 8 and 10; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 3:

Council	Karpisek	Larson
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Excused and not voting, 2:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1072 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1072. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 4:

Flood	Larson	Lautenbaugh	Nelson
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Present and not voting, 1:

Campbell

Excused and not voting, 2:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132, 18-1915, and 23-172, Reissue Revised Statutes of Nebraska; to update references to the 2009 Uniform Plumbing Code for counties, cities, and villages; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1018 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to business entities; to amend sections 21-2001, 21-20,128, 21-20,130, 67-296, and 67-450, Reissue Revised Statutes of Nebraska, and sections 21-2005 and 67-248.02, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to mergers, consolidations, and conversions; to define terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to provide for meetings of a community college board of governors or governing bodies of certain public power districts or public power and irrigation districts to be held by videoconferencing or telephone conference; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to sale hours; and to repeal the original section.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Howard Nelson

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 131, 968, 969, 1072, 42, 1018, 735, and 861.

WITHDRAW - Amendment to LR40CA

Senator Council withdrew her amendment, FA48, found on page 878, to LR40CA.

SENATOR COASH PRESIDING**MOTION - Return LR40CA to Select File**

Senator Council moved to return LR40CA to Select File for the following specific amendment:

AM2631

(Amendments to Final Reading (second) copy)

- 1 1. On page 1, lines 9 and 10, strike "including by the
- 2 use of traditional methods."; and strike beginning with "Public" in
- 3 line 13 through the period in line 14.
- 4 2. On page 2, strike beginning with the second "and" in
- 5 line 8 through "controlling" in line 10 and insert ", subject only
- 6 to laws, rules, and regulations regarding participation and that
- 7 promote wildlife conservation and management and that preserve the
- 8 future of hunting, fishing, and harvesting of".

The Council motion to return failed with 5 ayes, 27 nays, 16 present and not voting, and 1 excused and not voting.

SPEAKER FLOOD PRESIDING**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 40CA.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 25 to Article XV:

XV-25 The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations regarding participation and that promote wildlife conservation and management and that preserve the future of hunting, fishing, and harvesting of wildlife. Public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass or property rights. This section shall not be construed to modify any provision of law relating to Article XV, section 4, Article XV, section 5, Article XV, section 6, or Article XV, section 7, of this constitution.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to establish the right to hunt, to fish, and to harvest wildlife and to state that public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife.
 For
 Against.

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

Voting in the affirmative, 41:

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

Voting in the negative, 3:

Cook	Council	McGill
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Present and not voting, 4:

Avery	Christensen	Howard	Louden
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Excused and not voting, 1:

Seiler

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR40CA.

MOTION - Return LB310 to Select File

Senator McGill moved to return LB310 to Select File for her specific amendment, AM2259, found on page 878.

SENATOR COASH PRESIDING

The McGill motion to return prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 310. The McGill specific amendment, AM2259, found on page 878, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB391 to Select File

Senator Schilz moved to return LB391 to Select File for his specific amendment, AM2402, found on page 899.

The Schilz motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 391. The Schilz specific amendment, AM2402, found on page 899, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB902

Senator Langemeier withdrew his amendment, AM2469, found on page 952, to LB902.

MOTION - Return LB902 to Select File

Senator Schumacher moved to return LB902 to Select File for his specific amendment, AM2472, found on page 960.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1145A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1145, One Hundred

Second Legislature, Second Session, 2012.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 2012, at 10:53 a.m. were the following: LBs 131e, 968e, 969e, 1072e, 42, 1018, 735, and 861.

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

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 27, 2012, at 11:30 a.m. was the following: LR40CA.

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

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB727:
AM2629

(Amendments to E & R amendments, ER200)

- 1 1. Insert the following new section:
- 2 Sec. 39. Sales and use taxes shall not be imposed on
- 3 the gross receipts from the sale, lease, or rental of and the
- 4 storage, use, or other consumption in this state of building
- 5 materials purchased by contractors and subcontractors for use in
- 6 the building, erection, alteration, or repair of a structure or
- 7 other public work owned and used by the United States Department
- 8 of Defense or the United States Department of Veterans Affairs that
- 9 is located in a county in which there is located a city of the
- 10 metropolitan class or at least three cities of the first class.
- 11 2. On page 65, line 27; and page 66, line 5, strike "and
- 12 37" and insert ", 37, and 39".
- 13 3. Renumber the remaining sections and correct internal
- 14 references and the operative date section so that the new section
- 15 added by this amendment becomes operative on July 1, 2012.

Senator Larson filed the following amendment to LB1057:
AM2294

(Amendments to Standing Committee amendments, AM2170)

- 1 1. Strike amendments 1 and 4 and insert the following new
- 2 amendments:
- 3 1. Strike sections 5 and 7 and insert the following new
- 4 sections:
- 5 Section 1. Section 2-3601, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 2-3601 Sections 2-3601 to 2-3635 and section 4 of this

8 act shall be known and may be cited as the Nebraska Corn Resources
9 Act.

10 Sec. 4. A grower who has sold corn and has had an
11 assessment deducted from the sale price may by written application
12 to the board secure a refund of one-fourth cent per bushel sold.
13 The grower shall have ninety days after the date of sale to
14 request a refund. The refund shall be payable by the board upon
15 application within ninety days after receipt of the refund request.
16 Each application for refund by a grower shall have attached thereto
17 proof of the assessment deducted.

18 Sec. 7. Sections 3 and 8 of this act become operative on
19 October 1, 2012. The other sections of this act become operative on
20 their effective date.

21 Sec. 8. Original section 2-3623, Reissue Revised Statutes
22 of Nebraska, is repealed.

1 4. On page 5, line 6, after "sections" insert "2-3601,"
2 and strike "2-3623,".

Senator Christensen filed the following amendment to LB514:
AM1603

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

3 Section 1. Section 44-359, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-359 (1) In all cases when the beneficiary or other
6 person entitled thereto brings an action upon any type of
7 insurance policy, except workers' compensation insurance, or upon
8 any certificate issued by a fraternal benefit society, against
9 any company, person, or association doing business in this state,
10 the court, upon rendering judgment against such company, person,
11 or association, shall allow the plaintiff a reasonable sum as ~~an~~
12 ~~attorney's fee~~ attorney's fees in addition to the amount of his or
13 her recovery, to be taxed as part of the costs. If such cause is
14 appealed, the appellate court shall likewise allow a reasonable sum
15 as ~~an attorney's fee~~ attorney's fees for the appellate proceedings,
16 except that if the plaintiff fails to obtain judgment for more
17 than may have been offered by such company, person, or association
18 in accordance with section 25-901, then the plaintiff shall not
19 recover the attorney's ~~fee~~ fees provided by this section.

20 (2) If a plaintiff's recovery awarded under subsection
21 (1) of this section was unreasonably delayed or denied, the court
22 may allow an additional recovery amount for compensatory or actual
23 damages sustained due to such delay or denial of up to one times
1 the recovery and reasonable attorney's fees as liquidated damages.
2 This subsection applies only to property and casualty insurance.

3 Sec. 2. If any section in this act or any part of any
4 section is declared invalid or unconstitutional, the declaration
5 shall not affect the validity or constitutionality of the remaining
6 portions.

7 Sec. 3. Original section 44-359, Reissue Revised Statutes
8 of Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING

Revenue

Room 1524

Tuesday, April 3, 2012 12:00 p.m.

AM2629 to LB727

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORT

Rules

The Rules Committee met on the proposed rules change to Rule 3, Sec. 2, found on page 1018. The proposal was adopted by the Rules Committee with a unanimous vote on March 27, 2012, and recommends its adoption by the full Legislature.

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 527. Introduced by Flood, 19.

WHEREAS, the Huse name has been synonymous with newspapers since 1871, when William Huse moved his family and a hand press from Wisconsin to Ponca, where William published the first newspaper in northern Nebraska; and

WHEREAS, in 1888, Huse and his son, W.N., bought the Elkhorn Valley News, a weekly paper located in Norfolk, and the Norfolk Daily News, which had been converted from a weekly to a daily paper the year before. William Huse continued to operate the paper in Ponca, while W.N. moved to Norfolk to run that operation. In 1892, W.N. became owner of the Norfolk Daily News; and

WHEREAS, despite the fact that Nebraska was experiencing an economic depression, W.N. bought a lot on North Fourth Street in Norfolk and constructed a new building in 1894. Through the years, the building was expanded to accommodate the equipment needed to acquire and disseminate news quickly and efficiently; and

WHEREAS, William Huse died in 1913, leaving the operation of the company to his sons, Gene and Norris. Prior to their father's death, Gene and Norris learned the business by working in each of the paper's departments. Gene eventually settled on the manufacturing and mechanical side of the business, while Norris managed the editorial side. Norris Huse left the

organization in 1917 and moved to New York where he worked for the Associated Press; and

WHEREAS, a few years after Norris moved to New York, Gene Huse bought out his brother's interest in the company. During Gene's watch, the company continually improved its facilities and upgraded its equipment. In 1909, he built the last addition to the plant and installed a press capable of printing eighteen thousand papers in an hour; and

WHEREAS, Gene's son, Jerry, joined the organization in 1950 after graduating from the University of Minnesota. He, like his father and uncle Norris, worked in every department prior to taking over as publisher in 1956, when his father became seriously ill; and

WHEREAS, in 1963, the Norfolk Daily News moved from its longtime location on North Fourth Street into new quarters at 525 Norfolk Avenue. An addition to the building was completed in 1989; and

WHEREAS, during the past fifty-five years, Jerry has directed ongoing improvements to the building and the equipment, including the conversion to offset printing from letterpress; and

WHEREAS, through the years, the technology used to gather news and assemble and print the paper has continually evolved; and

WHEREAS, now eighty-four years old, Jerry continues to serve as publisher of the Norfolk Daily News, which serves the people living in twenty-two counties in northeast Nebraska; and

WHEREAS, the Norfolk Daily News is celebrating one hundred twenty-five years in business in 2012.

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

1. That the Legislature congratulates the Norfolk Daily News on the celebration of one hundred twenty-five years in business.

2. That a copy of this resolution be sent to Jerry Huse.

Laid over.

LEGISLATIVE RESOLUTION 528. Introduced by Larson, 40.

PURPOSE: Under section 54-1,109, Knox County is one of the few counties where a portion of the county is included in the brand inspection area and a portion of the county is outside the brand inspection area. The purpose of this study is to evaluate whether Knox County producers and sales facilities would benefit from the entire county being either inside or outside the brand inspection area.

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

1. That the Agriculture 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 529. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to provide for the review and assessment and the making of recommendations relating to the entry of children into the child welfare system. The issues addressed by the study shall include, but not be limited to:

(1) A review of the process of child protection removals, including the utilization and interaction between the centralized hotline reporting system, law enforcement, the Division of Children and Family Services of the Department of Health and Human Services, child advocacy centers, and the courts;

(2) An analysis of the data available regarding the relationship between poverty, including housing, financial support, and access to health care, and child welfare placement in Nebraska compared to states with lower poverty-related child welfare placements;

(3) An examination of the availability and need for family support and family preservation services to assist families with addressing issues early to prevent involvement with the child welfare system;

(4) A review of the child welfare safety assessment process, including structured decision making, to assess training, implementation, outcomes, and effectiveness of current practices;

(5) An analysis of the correlation between mental health treatment for children and custody relinquishment;

(6) A review of family group conferencing for effectiveness and the level of utilization;

(7) An examination of differential response programs and the resources and implementation requirements needed to effect successful change; and

(8) An analysis of national and state data to understand how statistics are used to compare performance in child welfare systems.

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 530. Introduced by Hadley, 37.

WHEREAS, Iola Fougeron won the 2012 Kearney Hub Freedom Award in the Medical and Health category; and

WHEREAS, Iola is a club secretary and 20-year member of Golden K Kiwanis and participates in the club's endeavors, including the YoungChildren: Priority One Dental program and the Aktion Club, a Kiwanis-sponsored program for disabled adults. She also volunteers at the Kearney Police Department and is an active member at Family Christ Church in Kearney; and

WHEREAS, Iola was nominated for the award by Karen Sorenson, creator of the YoungChildren: Priority One Dental program and Jane Musil, Kearney Police Department records supervisor; and

WHEREAS, Iola works in Gibbon, Kearney, and Lexington to deliver dental supplies and preventive fluoride treatments to thousands of children and worked to obtain a grant of \$5,000 from the Kiwanis Foundation for the YoungChildren: Priority One Dental program.

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

1. That the Legislature congratulates Iola Fougeron on winning the 2012 Kearney Hub Freedom Award in the Medical and Health category.
2. That a copy of this resolution be sent to Iola Fougeron.

Laid over.

LEGISLATIVE RESOLUTION 531. Introduced by Hadley, 37.

WHEREAS, Kaelin Hynes, son of Kevin and Kim Hynes, won the 2012 Kearney Hub Freedom Award in the Youths Who Care category; and

WHEREAS, Kaelin, a junior at Gibbon High School, was nominated by Gibbon guidance counselor Marlen Ronnfeldt and Debra Stroh, his Future Business Leaders of America adviser; and

WHEREAS, Kaelin is a student council officer, a member of the National Honor Society, Future Business Leaders of America, and show choir, and participates in football and track; and

WHEREAS, Kaelin has coordinated blood drives at his school and helped raise money for fellow students in need; 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 Kaelin Hynes on winning the 2012 Kearney Hub Freedom Award in the Youths Who Care category.
2. That a copy of this resolution be sent to Kaelin Hynes.

Laid over.

LEGISLATIVE RESOLUTION 532. Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to assess mechanisms in place for school districts to detect any cause and correlation of unusual health

patterns and complaints among staff and students arising during construction, renovation, or other school projects in public school buildings or otherwise. The study should review observation, collection, recording, and reporting requirements so that preemptive and curative action can be taken.

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 533. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study whether there are enough resources currently present in schools to detect and treat mental illness in school-age children. The study should include an examination of issues surrounding bullying, harassment, teen suicide, and trauma. The study should include an examination of the following, including whether there are any cultural or racial disparities present in the data:

(1) The number of children attending Nebraska schools that have been diagnosed with a mental health disorder and what the procedure is if staff of the school suspect a child has a mental health disorder;

(2) The number of children attending Nebraska schools that are receiving treatment for a mental health disorder;

(3) The number of children attending Nebraska schools that lack insurance for mental health treatment and what other barriers, if any, might prevent a child from receiving mental health treatment;

(4) The types of mental health treatment offered in Nebraska schools and whether there is a formal process for mental health screenings in such schools and if so, what that process is; and

(5) Which Nebraska schools have mental health and social services staff and the responsibilities of such staff.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the State Department of Education and the Department of Health and Human Services and should consider the input of interested persons as the committee deems necessary and beneficial.

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 534. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to determine what services are available in Nebraska for victims of sex trafficking and labor trafficking. The committee should identify and study the current practices of law enforcement, child protective services, immigration services, and other applicable services around the state to screen for sex and labor trafficking and the process for referral of victims to such services. The committee should examine how many victims are formally identified in Nebraska each year and what types of services those victims received.

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

1. That the Judiciary 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 535. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers. The study will also make policy recommendations to properly ensure high-risk youth have the secure treatment environment necessary for rehabilitation and that the youth rehabilitation and treatment centers are properly positioned in a comprehensive juvenile justice continuum of care. Elements of this interim study may include, but are not limited to:

(1) Information on the decision to place youth at a youth rehabilitation and treatment center, including data on the type of offense committed, use of risk assessments, and other significant factors that lead to their placements, as well as information on how other states make decisions on eligibility for placement at state correctional institutions;

(2) The safety of youth and staff at the youth rehabilitation and treatment centers, including data on the number of youth assaulted by other youth, the number of youth assaulted by staff, the number of staff assaulted by youth, the youth placed in seclusion and the length of their seclusion, the frequency and type of restraints used, and information about youth who have at least three assaults or attempts to escape, including their age and other significant characteristics;

(3) Information on training and support provided to staff at both youth rehabilitation and treatment centers, especially as it relates to adolescent development and behavior, providing support and rehabilitation to youth, and resolving conflicts and maintaining safety. Data on the impact of training by the Department of Correctional Services shall also be included;

(4) The treatment model and opportunities for rehabilitation at each of the youth rehabilitation and treatment centers, as well as information on how they compare to evidence-based practice and successful models in other states and how they take adolescent development into account;

(5) Information on the cost of providing services at the youth rehabilitation and treatment centers, as well as information on the cost, availability, and effectiveness of community-based alternatives to placement at the youth rehabilitation and treatment centers for low-risk and non-violent youth; and

(6) The current availability and effectiveness of services to facilitate reentry into the community and recidivism rates for both juvenile and adult court as compared to practices and models used in other states.

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

1. That the Judiciary 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 536. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to explore the methods used by schools in Nebraska to foster creativity, critical thinking, and innovation in their students. The committee should determine if Nebraska schools are offering education in manufacturing and encouraging entrepreneurial skills in addition to properly educating their students in science, technology, mathematics, and engineering. The availability of classes and before and after-school programs offered by Nebraska schools, including business clubs, entrepreneurship classes, arts education, debate clubs, science fairs, theater performances, concerts, filmmaking programs, and independent research programs, should be examined. If the committee determines that such education is lacking, it should determine what resources are necessary to provide such education. The committee should seek input from interested persons.

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

1. That the Education 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 537. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to gather data and develop recommendations on the unmet needs of and gaps in services available to youth who transition or "age out" of Nebraska's foster care system. In conducting the study, the committee shall consult with youth with foster care experience, the Department of Health and Human Services, and other parties who may have relevant information. This interim study may include, but shall not be limited to:

(1) A collection of data on issues identified as part of LR 305 (2011), including those issues identified by youth who participated in LR 305, such as gaps in the Former Ward Program and issues involving homelessness, access to health care, availability of independent living services, and lack of permanency. Methods of data collection may include gathering and analyzing existing data and conducting statewide focus groups of youth with foster care experience and other stakeholders;

(2) An examination of the experiences of other states that have extended foster care services to youth up to age twenty-one or that offer other extended services, which may include analyzing trends and outcomes in other states and seeking feedback from youth and young adults who received extended foster care services; and

(3) Consideration of how solutions to issues facing older youth in foster care and those who age out of the system may be incorporated into the statewide strategic plan discussed in LB 821 (2012), if LB 821 is adopted, and other child welfare reform efforts.

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 538. Introduced by Dubas, 34.

PURPOSE: To study eminent domain authority and judicial approval and interpretation of the public interest determination.

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

1. That the Judiciary 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 539. Introduced by Schilz, 47.

PURPOSE: To study ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas.

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

1. That the Natural Resources 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 540. Introduced by Schilz, 47.

PURPOSE: To study the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market. The State of Nebraska could repay a philanthropic investment, with interest, resulting in a cost savings for the state and a profit for the philanthropic entity. The study should include an exploration into what areas of state government such investments could be made and a calculation of the appropriate formula to provide such cost savings and profit.

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

1. That the Appropriations 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 541. Introduced by Schilz, 47.

PURPOSE: To study whether the reference to twenty-five percent given in subsection (2) of section 77-27,144 should be changed to a different percentage to more effectively accommodate those municipalities that have been adversely affected by large municipal sales and use tax refunds under sections 77-4105 and 77-5725. In determining the proper percentage to use, the study committee should look at the average size of municipal sales and use tax refunds under sections 77-4105 and 77-5725.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 542. Introduced by Mello, 5; Ashford, 20.

PURPOSE: The purpose of this interim study is to examine issues surrounding the creation of a state infrastructure bank. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the benefits of an infrastructure bank to the Department of Roads and counties and municipalities in Nebraska;

(2) An examination of potential funding sources for an infrastructure bank, including both initial capitalization and ongoing revenue; and

(3) A review of infrastructure banks currently operating in other states.

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

1. That the Revenue and Transportation and Telecommunications Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 543. Introduced by Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine the potential adoption of an energy efficiency resource standard (EERS) in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the benefits of adopting an EERS, including lower energy costs, reduced air pollution, improved energy reliability, and reduced need to construct new power plants;

(2) A review of the unique opportunities and challenges to adoption of an EERS presented by the State of Nebraska's unique public power system; and

(3) A review of EERS targets that have been adopted in other states.

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

1. That the Natural Resources 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 544. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine economic development programs designed to promote international trade. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax credits, tax exemptions, workforce development programs, and economic development programs designed to promote international trade and exportation of manufactured Nebraska goods;

(2) A review of tax credits, tax exemptions, workforce development programs, and economic development programs used in other states to promote international trade; and

(3) An examination of current international trade efforts utilized by the Department of Economic Development.

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

1. That the Banking, Commerce and Insurance 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 545. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study Nebraska statutes and regulations that deal with the Nebraska Power Review Board's approval of major investments in electric utility power plants. Nebraska electric utilities

are considering major investments to upgrade power plants and to meet new environmental regulations, and those investments could cost more than the cost of building the power plants originally. Although the Nebraska Power Review Board is charged with reviewing proposals to build new electrical generation, under current law it appears these major new investments will not be subject to Nebraska Power Review Board review even though they could have substantial impacts on ratepayers. The committee should study current laws and regulations in Nebraska, the treatment of similar investments in other states, and the need for changes to Nebraska statutes.

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

1. That the Natural Resources 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 546. Introduced by Nordquist, 7; Campbell, 25; Mello, 5.

PURPOSE: Under the federal Patient Protection and Affordable Care Act, Public Law 111-148, states will play a large role in the implementation of the major provisions of federal health care reform, including expanding medicaid eligibility, establishing health insurance exchanges, regulating private insurance, and developing coordinated eligibility and enrollment systems and processes. Reported fiscal impacts of the act on aggregate and individual state budgets have varied widely. While all estimates show some new costs for states associated with the large expansion of medicaid, the act also creates new savings and revenue for all states, along with opportunities for states to achieve further, often longer-term state savings. It is fiscally responsible to include projections of state spending and savings as a result of the act in future budgets.

The purpose of this interim study is to examine the potential impact of implementing the federal Patient Protection and Affordable Care Act on the state budget in upcoming years. The interim study will examine health care financing and delivery options available through the act and prepare for new state funding obligations, as well as state savings or increased revenue that will occur as a result of the act.

Issues considered by the committee may include, but shall not be limited to:

(1) A review of existing funding obligations in state health safety net programs, the need for which will become obsolete once access to affordable health care and health insurance has been made available to all Nebraskans through various provisions of the federal Patient Protection and Affordable Care Act;

(2) An evaluation of federal grants and other funding opportunities to support the implementation of the act and various payment and service delivery reforms therein;

(3) An examination of the budgetary impact of the medicaid eligibility expansion and changes to the state children's health insurance program;

(4) A review of estimated costs to the state associated with the operation of a potential health insurance exchange; and

(5) An examination of the budgetary impact of the act on state employee health insurance and coverage.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 547. Introduced by Nordquist, 7.

PURPOSE: The federal Patient Protection and Affordable Care Act, Public Law 111-148, ensures Americans have access to quality, affordable health insurance. To achieve this goal, the law ensures health plans offered in the individual and small group markets offer a comprehensive package of items and services known as essential health benefits.

Recent federal guidance indicates that states will be given the flexibility to define essential health benefits by selecting a benchmark from certain existing employer-sponsored health plans offered in a state. This approach recognizes the differing needs and offers flexibility to states in defining what health benefits are essential to their residents. According to federal guidance, states can choose from the following benchmark plan types:

(1) The largest plan by enrollment in any of the three largest small group insurance products in the state's small group market;

(2) Any of the three largest state employee health benefit plans by enrollment;

(3) Any of the three largest Federal Employees Health Benefits Program options by enrollment; or

(4) The largest insured commercial non-medicare health maintenance organization plan operating in the state.

The purpose of this interim study is to gather information about what health benefits are important to Nebraskans, to evaluate benchmark plan options available to our state, and to allow public input into the process of selecting what benefits will be available through individual and small group health plans.

Issues considered by the committee may include, but shall not be limited to: Comparing the benchmark options available to the State of Nebraska to

choose what benefits the state deems to be essential; evaluating the benchmark plan choices based upon the needs of children and other vulnerable populations; and ensuring that the evaluation, selection, and updating of benchmark plans is conducted in a transparent manner, which includes input from the consumers and a wide variety of health care and health insurance stakeholders.

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

1. That the Banking, Commerce and Insurance 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 on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 548. Introduced by Cook, 13.

PURPOSE: The purpose of this interim study is to examine the Nebraska state 529 educational savings plan and make recommendations on ways to increase plan participation. In conducting the study, the committee shall consult with the office of the State Treasurer, the plan administrator, First National Bank, the Department of Revenue, and other interested parties. Issues considered by the committee shall include, but not be limited to:

(1) Strategies for raising awareness about and encouraging plan participation, especially among lower income families;

(2) The relationship between educational savings and the likelihood of pursuing a higher education;

(3) Current plan participation rates and the demographics of plan participants with regard to family income, race, geographic location, and other variables; and

(4) The logistical details of allowing state tax refunds to be directly deposited into 529 educational savings accounts.

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

1. That the Education 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 549. Introduced by Conrad, 46.

PURPOSE: Over the next several years the State of Nebraska health care delivery system will be absorbing 220,000 uninsured Nebraskans which will require significant allocation and reallocation of existing health care resources, and future health service needs will increase.

The state's major targeted health care financing resource supporting a wide array of health care services is the Nebraska Health Care Cash Fund. A comprehensive review of the financial stability of the fund and a review of the fund's ability to leverage federal funds and other revenue streams, endowment sustainability, and targeted investment is warranted.

The purpose of this study is to determine the range of investment returns on the Nebraska Health Care Cash Fund over the next ten years and the actual demands upon the current recipients of the funds over the next ten years, especially related to the federal Patient Protection and Affordable Care Act, Public Law 111-148, and to prepare two scenarios for consideration for the 2013 Legislature: (1) The formalization of a long-term endowment of the fund as opposed to the enhanced spending within the recipient categories and (2) a determination of ways in which to meet the future needs of each of the current recipients and their health care area.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 550. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to examine the impact of the federal cuts to Nebraska anticipated due to the Budget Control Act of 2011, Public Law 112-25.

The study committee shall examine the potential impact of the Budget Control Act of 2011 to Nebraska. As part of the passage of this law, Congress raised the debt limit to pay its bills in exchange for direct budget cuts and spending control mechanisms. Funding cuts are expected to equal approximately two trillion dollars over the next decade. Just under half of the cuts will be achieved through spending limits; the other half will be taken by automatic cuts of about nine percent in 2013 followed by reductions in each of the following eight years.

Because the bipartisan "Super Committee" failed to come to agreement on how to achieve the cuts within the specified time, services are to be reduced through across-the-board budget cuts, a process known as "sequestration." Sequestration is set to begin in January 2013. The cuts to programs in 2013 are to be across-the-board but allow Congress more flexibility in 2014

through 2021. It will therefore be harder for Nebraska to predict the impact of the Budget Control Act of 2011 in future years.

The purpose of this study is to improve the Legislature's understanding of these potential federal budget cuts. Specifically, the committee shall estimate Nebraska's potential loss of federal funds in 2013 and beyond at the program level, as well as any potential impact on the number of Nebraskans served.

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

1. That the Appropriations 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 551. Introduced by Conrad, 46.

PURPOSE: Changes have been made in public benefits administration in Nebraska. These changes, called ACCESSNebraska, have made use of modern technology and new partnerships with community-based organizations.

The purpose of this study is to assess the effectiveness of ACCESSNebraska for clients, community-based partners, and workers using qualitative and quantitative analysis.

The study shall address, but shall not be limited to:

- (1) The experiences of clients in utilizing ACCESSNebraska;
- (2) The experiences of community-based partners in utilizing ACCESSNebraska;
- (3) The experiences of Department of Health and Human Services workers in utilizing ACCESSNebraska; and
- (4) Suggestions from clients, community-based partners, and workers in developing ongoing improvements.

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 on or before November 15, 2012.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Senator Janssen asked unanimous consent to add his name as cointroducer to LB947. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 fourth- though seventh-grade students, teachers, and sponsors from Community Christian School in Scottsbluff and exchange students from China; a group of fourth-grade students and teachers from Crete; and 40 members of Council of Catholic Women from across the state.

RECESS

At 12:00 p.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Ashford, Conrad, Cook, and Heidemann who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 552. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study economic development in the more rural areas of the state, with a focus on cities of the first and second class and villages.

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

1. That the Urban 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 553. Introduced by Nordquist, 7; Cornett, 45; B. Harr, 8; Howard, 9; McGill, 26; Mello, 5.

PURPOSE: To examine strategies to promote the restoration and revitalization of historic business districts throughout Nebraska.

The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of existing tax incentives to generate private investment in historic properties and business districts; and
- (2) The potential utilization of business improvement districts to restore historic properties and business districts as a tool for sustainable community development, specifically to prevent property abandonment and revitalize economically distressed neighborhoods.

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

1. That the Revenue Committee and Urban Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 554. Introduced by Adams, 24.

WHEREAS, on March 16, 2012, Aaron Madsen was recognized in Topeka, Kansas, at the District V meeting of the National Athletic Trainers' Association and presented with the 2011 George F. Sullivan Athletic Trainer of the Year Award; and

WHEREAS, this award is given to a Nebraska athletic trainer who, over the past year, has gone above and beyond the call of duty in promoting and improving the profession while performing his or her normal duties as an athletic trainer; and

WHEREAS, Aaron Madsen is in his eighth year at Concordia University, Nebraska and currently serves as the Assistant Athletic Trainer and Rehabilitation Coordinator for the Concordia University Bulldogs. Madsen covers the Bulldogs men's and women's soccer, volleyball, competitive dance and cheer, wrestling, men's and women's indoor and outdoor track, softball, and men's and women's tennis teams; and

WHEREAS, Madsen, a 2001 graduate from the University of Nebraska at Kearney, obtained degrees in exercise science and athletic training. He began his career with a clinical internship at the University of Nebraska-Lincoln with the Nebraska Athletic Medicine department; and

WHEREAS, in addition to his duties at Concordia University, he is a certified firefighter and EMT with the City of Seward Fire and Rescue department; and

WHEREAS, Madsen holds a number of certifications, including as a certified athletic trainer, a Nebraska state licensed athletic trainer, a nationally registered emergency medical technician, a Nebraska state licensed emergency medical technician, and a certified medication aide. He

is certified in advanced airway management, CPR, and AED, has been a CPR instructor for the American Heart Association, and is also a Nebraska certified firefighter; and

WHEREAS, Madsen is a health care professional and member of the National Athletic Trainers' Association, Mid-America Athletic Trainers' Association, Nebraska State Athletic Trainers' Association, College Athletic Trainers Society, American College of Sports Medicine, National Academy of Sports Medicine, Nebraska School Activities Association sports medicine team, Cornhusker State Games medical team, National Registry of Emergency Medical Technicians, Nebraska Emergency Medical Services Association, and the Nebraska State Volunteer Firefighters Association; and

WHEREAS, Aaron Madsen represents the very best of Nebraska athletic trainers and the work they do in helping people prevent injuries and stay healthy and active.

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

1. That the Legislature congratulates Aaron Madsen on being named 2011 Athletic Trainer of the Year and recognizes his leadership, initiative, and dedication to his profession.

2. That a copy of this resolution be sent to Aaron Madsen.

Laid over.

LEGISLATIVE RESOLUTION 555. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to review and examine the ongoing issues within Nebraska's Medicaid Insurance for Workers with Disabilities (MIWD), otherwise known as Nebraska's Medicaid Buy-in, which was enacted in 1999. The intent of the program is to address work disincentives, such as loss of medical benefits, by allowing states to expand medicaid coverage to working persons with disabilities whose income and assets would otherwise make them ineligible for coverage. The issues addressed by the study shall include, but not be limited to:

(1) A study of the original intent of Nebraska's Medicaid Insurance for Workers with Disabilities;

(2) Reoccurring implementation problems, including inaccurate disability determination and policy changes regarding social security; and

(3) A review of the difficulties in finding employment based on inaccurate implementation of MIWD and medicaid eligibility.

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 556. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the current ground water policy contained in Nebraska's statutes.

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

1. That the Natural Resources 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.

MOTION - Return LB902 to Select File

Senator Schumacher renewed his motion, found in this day's Journal, to return LB902 to Select File for his specific amendment, AM2472, found on page 960.

Senator Schumacher withdrew his motion to return.

WITHDRAW - Amendment to LB902

Senator B. Harr withdrew his amendment, AM2473, found on page 964, to LB902.

MOTION - Return LB902 to Select File

Senator B. Harr moved to return LB902 to Select File for his specific amendment, AM2563, found on page 1022.

The B. Harr motion to return prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The B. Harr specific amendment, AM2563, found on page 1022, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB902 to Select File

Senator Schumacher moved to return LB902 to Select File for the following specific amendment:

AM2638

(Amendments to Final Reading copy)

- 1 1. On page 1, line 5, after the semicolon insert "to
 2 require voter approval in order to qualify for exemptions as
 3 prescribed;".
- 4 2. On page 2, line 16, after "thereunder" insert ". If
 5 the property to be beneficially owned by a governmental subdivision
 6 has a total acquisition cost that exceeds the threshold amount
 7 or will be used as the site of a public building with a total
 8 estimated construction cost that exceeds the threshold amount, then
 9 such property shall qualify for an exemption under this section
 10 only if the question of acquiring such property or constructing
 11 such public building has been submitted at a primary, general, or
 12 special election held within the governmental subdivision and has
 13 been approved by the voters of the governmental subdivision. For
 14 purposes of this subdivision, threshold amount means the greater of
 15 fifty thousand dollars or six-tenths of one percent of the total
 16 actual value of real and personal property of the governmental
 17 subdivision that will beneficially own the property as of the end
 18 of the governmental subdivision's prior fiscal year".
- 19 3. On page 7, line 16, after the period insert
 20 "If a nonprofit corporation will be making purchases under a
 21 lease-purchase agreement, financing lease, or other instrument
 22 as part of a project with a total estimated cost that exceeds
 1 the threshold amount, then such purchases shall qualify for an
 2 exemption under this section only if the question of proceeding
 3 with such project has been submitted at a primary, general, or
 4 special election held within the governmental unit that will be a
 5 party to the lease-purchase agreement, financing lease, or other
 6 instrument and has been approved by the voters of such governmental
 7 unit. For purposes of this subdivision, (i) project means the
 8 acquisition of real property or the construction of a public
 9 building and (ii) threshold amount means the greater of fifty
 10 thousand dollars or six-tenths of one percent of the total actual
 11 value of real and personal property of the governmental unit that
 12 will be a party to the lease-purchase agreement, financing lease,
 13 or other instrument as of the end of the governmental unit's prior
 14 fiscal year.".

The Schumacher motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The Schumacher specific amendment, AM2638, found in this day's Journal, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 557. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the progress of the creation of a blender fuel pump infrastructure in Nebraska and programs utilized in other states to aid retailer deployment of ethanol blender pumps. The study shall further examine the role of state commodity promotion programs in helping to build this infrastructure.

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

1. That the Agriculture 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 558. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine legislation that has been proposed or enacted in several states to protect against disruptions of agricultural operations, including acts of deliberate sabotage and false representations of persons seeking agricultural employment for purposes of such disruptions. It is a goal of the study to examine means of balancing societal interests in whistleblowing and undercover investigations with the privacy and security of agricultural organizations.

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

1. That the Agriculture 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 559. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level.

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

1. That the Agriculture 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 560. Introduced by Harms, 48.

PURPOSE: When a customer makes a purchase by credit card or debit card at a business such as a gas station, hotel, restaurant, or other business where the total bill is not immediately known, the business often places a hold on the card for more than the amount of the purchase. The hold can be significantly higher than the final total of the bill and can remain on the account for two to three days. This makes funds in the customer's account inaccessible until the hold is lifted and that is a problem for many Nebraskans who live on a tight budget and need that money immediately for necessary items.

The interim study shall include, but not be limited to:

(1) A review of federal and state laws and regulations currently in place on this subject;

(2) Testimony by constituents and businesses who are affected by these laws and regulations; and

(3) Possible solutions that would help customers have access to their money when they need it.

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

1. That the Banking, Commerce and Insurance 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 on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 561. Introduced by Harms, 48; Mello, 5.

PURPOSE: The purpose of this study is to examine the feasibility of a merger between the Department of Economic Development and the Department of Labor as proposed by LB 971, introduced in 2012. The two agencies have very different functions, funding sources, constituents served, general culture, legislative priorities, and core missions. The merging of these two agencies requires a definite plan for the specifics of how the merger will occur. The study should determine whether the merger should occur and if so, how best to accomplish it.

The interim study shall include, but not be limited to:

(1) Research into which states have similar agencies to the Department of Economic Development and the Department of Labor and whether any of these states have merged the two agencies and if so, how it was accomplished and whether the merger was successful;

(2) A review of positions, duties, core missions, funding sources, functions, general culture, constituents served, legislative priorities, and any other relevant areas within the two departments; and

(3) Whether it is advisable to merge the departments, and if so, recommendations for a plan to accomplish the merger.

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 on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 562. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study the impact of the banking and finance industry on the economy of the state.

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

1. That the Banking, Commerce and Insurance 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.

SELECT FILE

LEGISLATIVE BILL 782. ER206, found on page 887, was adopted.

Senator McCoy renewed his amendment, AM2392, found on page 981.

The McCoy amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 810. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1039. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 995. ER204, found on page 888, was adopted.

Advanced to Enrollment and Review for Engrossment.

SENATOR LANGEMEIER PRESIDING

LEGISLATIVE BILL 863. ER203, found on page 812, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1130. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 965. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 373CA. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 830. Senator Hadley renewed his amendment, AM2209, found on page 694.

The Hadley amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 882. Senator McCoy withdrew his amendments, AM2355 and AM2361, found on pages 843 and 844.

Senator Schilz withdrew his amendment, AM2356, found on page 844.

Senator Cornett renewed her amendment, AM2162, found on page 844.

Senator Cornett withdrew her amendment.

Senator McCoy withdrew his amendments, AM2357 and AM2354, found on page 845.

Senator Schilz withdrew his amendment, AM2353, found on page 885.

Senator Nordquist offered the following amendment:

AM2435

- 1 1. On page 2, line 11, strike "cancer" and insert
- 2 "anticancer"; and in line 19 after "treatment" insert "involving
- 3 intravenously administered or injected anticancer medications".
- 4 2. On page 3, line 8, strike "the effective date of this
- 5 act" and insert "October 1, 2012"; and after line 8 insert the
- 6 following new subsection:
- 7 "(6) This section terminates on December 31, 2015.".

SENATOR COASH PRESIDING

The Nordquist amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209A. Placed on Final Reading.

LEGISLATIVE BILL 949A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Boozer, R. L. (Bob)-Board of Parole-Judiciary

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTIONS**LEGISLATIVE RESOLUTION 563.** Introduced by Christensen, 44.

PURPOSE: The purpose of this study resolution is to examine the constitutionality of AM1603 to LB514 (2011) which would provide an additional recovery amount for compensatory or actual damages sustained due to an unreasonable delay or denial by an insurance company of a property and casualty insurance claim of up to one times the recovery award, including reasonable attorney's fees, as liquidated damages. The study shall include, but not be limited to:

(1) A review of the issues in *Abel vs. Conover*, 170 Neb. 926, 104 N.W.2d 684 (1960) and any other relevant cases;

(2) A review of Colorado's laws regarding unreasonable delay or denial of insurance claims, and the effect of such laws since their enactment; and

(3) Research and development of findings on the appropriate changes necessary to ensure reasonable timeframes and treatment of claims.

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

1. That the Banking, Commerce and Insurance 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 564. Introduced by Christensen, 44.

PURPOSE: The purpose of this study resolution is to examine the constitutionality of creating standing secondary surface water appropriation rights to unappropriated surface water for interbasin transfers to mitigate flood damage which are inferior in right to any future surface water appropriations that may be issued in the basin of origin as outlined in AM1844 to LB653 (2011). The study shall include, but not be limited to:

(1) The review of laws and court cases regarding surface water appropriations; and

(2) Research and development of findings on any appropriate changes necessary to provide such transfers of unappropriated surface water to mitigate flood damages.

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

1. That the Natural Resources 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 565. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to tax incentives for affordable housing, including, but not limited to, whether other states allow such tax incentives to be used for graffiti removal and abatement.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 566. Introduced by Cornett, 45.

PURPOSE: The purpose of this interim study is to examine a funding mechanism for all cities and villages in the State of Nebraska to assist in the financing of new projects that will address the need for Nebraska residents currently leaving the state to experience retail, dining, tourist, and other destinations that are currently not located in Nebraska. This leakage in sales tax dollars is estimated to exceed more than \$1.15 billion annually from the Omaha metropolitan statistical area alone. These new projects will provide opportunities to attract new-to-market retailers, hoteliers, entertainment, and other industries, as well as assist in the financing of community betterment projects through local philanthropists. The purpose of the redevelopment district is to grow the state and local tax base, promote tourism, create jobs, and stimulate economic development. This can also help retain and recruit young professionals, as identified in the October 2010 Batelle study prepared for the Department of Economic Development. In addition, these new projects will reinvigorate such communities and further attract non-Nebraska residents to the state, thereby creating new tax dollars.

The redevelopment districts will focus on developing outdated or blighted projects that currently experience a declining sales tax base, but, due to their location, have high potential for major redevelopment and economic growth.

The interim study shall, at a minimum, examine the following criteria for a redevelopment district and qualified project: District size; private investment; technology investment; total project cost; new jobs created; retail sales generated from outside the city or village; local support through interested businesses and developers; the city or county governing board and

the school district; developer's annual marketing commitment to the redevelopment district; and the impact on community betterment and philanthropy opportunities.

The interim study will also examine the authorization of cities to issue bonds, of which the proceeds will be issued to assist in partially financing the redevelopment project, as well as the ability of the state to "turnback" an increment of new sales tax created by the redevelopment project within that district.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 567. Introduced by Cornett, 45.

PURPOSE: To examine tax burdens and fiscal conditions in Nebraska communities.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 568. Introduced by Cornett, 45.

PURPOSE: To study and examine any aspect of the state tax structure and tax policy deemed necessary by the study committee.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 569. Introduced by Fulton, 29.

PURPOSE: The Legislature holds important interests in improving health care for employees who suffer work-related injuries, reducing medical costs, and ensuring best practices with regard to the Nebraska Workers' Compensation Court. Utilization and treatment guidelines provide a framework for consistent and reliable decisionmaking regarding the diagnosis, management, and treatment of an injury or illness and are not designed to serve as absolute prescriptions for care or to replace the judgment of individual healthcare practitioners.

At least twenty-three states have adopted utilization and treatment guidelines for workers' compensation cases using a variety of approaches, including the establishment of state specific guidelines to define treatment standards and ranges for specific injuries or disabilities and the adoption of external guidelines, including the Work Loss Data Institute's Official Disability Guidelines and Treatment in Workers' Compensation and the American College of Occupational and Environmental Medicine Practice Guidelines. It appears that the states that have experienced the greatest success with utilization and treatment guidelines have invested in a medical director to oversee and manage the development and implementation of the guidelines and to promote acceptance of the guidelines by the medical community. The study committee should conduct a study regarding the implementation of utilization and treatment guidelines in cases before the Nebraska Workers' Compensation Court.

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

1. That the Business and Labor 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 570. Introduced by Fulton, 29.

WHEREAS, more than a century ago, hunters, anglers, and trappers were among the first conservationists who realized America's natural resources were in peril and could not sustain unregulated harvest and habitat destruction; and

WHEREAS, hunters, anglers, and trappers took it upon themselves to support laws that stopped excessive harvesting of fish and wildlife, established game and fish agencies to protect fish and wildlife and their habitat, and supported special fishing and hunting license fees to help fund the new agencies' efforts to provide for healthy natural resources for future generations; and

WHEREAS, state legislatures then and now recognize that the primary authority to protect and manage fish and resident wildlife within a state's borders resides in state fish and wildlife agencies; and

WHEREAS, upon realizing that license fees alone were insufficient to restore and sustain healthy fish and wildlife populations, hunters, anglers, and trappers supported excise taxes on firearms, ammunition, archery equipment, hunting equipment, and fishing equipment to raise additional funds to support restoration and enhancement efforts of the state fish and wildlife agencies; and

WHEREAS, these efforts became known as the Wildlife and Sport Fish Restoration Program that began 75 years ago with the passage of the Pittman-Robertson Wildlife Restoration Act in 1937 and then was bolstered with the passage of the Dingell-Johnson Sport Fish Restoration Act in 1950; and

WHEREAS, the combined contribution of the Wildlife and Sport Fish Restoration Program to state fish and wildlife agencies since 1939 exceeds thirteen billion dollars, more than any other single conservation effort in American history; and

WHEREAS, the fish and wildlife industry has collected the excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics, and motorboat fuel and provided these funds to the states through the United States Fish and Wildlife Service; and

WHEREAS, the fish and wildlife industry has supported the Wildlife and Sport Fish Restoration Program and continues to exhibit a spirit of cooperation with state fish and wildlife agencies; and

WHEREAS, this cooperative partnership between the fish and wildlife industry, hunters, anglers, trappers, boaters, recreational shooters, the United States Fish and Wildlife Service, and state fish and wildlife agencies has resulted in the most successful model of fish and wildlife management in the world, restoring populations from coast to coast and in Alaska and Hawaii.

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

1. That the Legislature recognizes America's hunters, anglers, trappers, boaters, recreational shooters, fish and wildlife industry, state fish and wildlife agencies, and the United States Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife, and other natural resources, both game and nongame, to the abundance we see today.

2. That a copy of this resolution be provided to the Game and Parks Commission and each member of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 571. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary 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 572. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to study the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications 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 573. Introduced by Hadley, 37.

PURPOSE: To examine reporting provisions for tax incentives and analysis methods used to analyze the impacts of tax incentives.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 574. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to monitor and review the anticipated disease traceability final rule by the Animal and Plant Health Inspection Service of the United States Department of Agriculture associated with the Animal Disease Traceability Comprehensive Report and

Implementation Plan. The study shall further examine any role of registered livestock brands in meeting identification requirements for livestock moving in interstate commerce, and particularly technological advancements that may enhance brand registration and inspection in meeting the disease traceability goals of the pending rule.

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

1. That the Agriculture 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 575. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the interests and any role of the Department of Agriculture relating to incidents of livestock neglect and abandonment, particularly with respect to safeguarding livestock health. The study shall seek to identify public and private resources and authorities regarding the disposition of seized animals that are available to local officials and to recommend means to assist counties in responding to such incidents.

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

1. That the Agriculture 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.

SELECT FILE

LEGISLATIVE BILL 993. ER190, found on page 688, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 993A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 916. ER199, found on page 769, was adopted.

Senator Nordquist renewed his amendment, AM2308, found on page 825.

The Nordquist amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. ER195, found on page 808, was adopted.

Senator Fischer renewed her amendment, AM2351, found on page 844.

The Fischer amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 950. ER197, found on page 808, was adopted.

Senator Heidemann renewed his amendment, AM2267, found on page 770.

Senator Christensen offered the following amendment to the Heidemann amendment:

AM2407

(Amendments to AM2267)

- 1 1. On page 2, line 16, strike "ten million five" and
- 2 insert "five million seven".
- 3 2. On page 5, line 14, strike "\$7,200,000" and insert
- 4 "\$2,400,000".

The Christensen amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The Heidemann amendment, as amended, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 950A. Senator Christensen offered the following amendment:

AM2630

- 1 1. On page 2, lines 1 and 10, strike "\$7,400,000" and
- 2 insert "\$2,400,000".

The Christensen amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 983. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 842. ER202, found on page 811, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 907. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 834. ER198, found on page 808, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 933. ER201, found on page 808, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 870. ER212, found on page 905, was adopted.

Senator Adams renewed his amendment, AM2512, found on page 982.

The Adams amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 824. ER214, found on page 955, was adopted.

Senator Harms offered the following amendment:

AM2515

(Amendments to E & R amendments, ER214)

- 1 1. On page 2, line 18, after "beer" insert "except for
- 2 flavored malt beverages"; and in line 21 after the semicolon insert
- 3 "two dollars per gallon on flavored malt beverages."

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Harms amendment lost with 7 ayes, 25 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1097. ER217, found on page 997, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867. ER218, found on page 997, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 858. ER219, found on page 1015, was adopted.

Senator Fulton offered the following amendment:

AM2633

(Amendments to E & R amendments, ER219)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 71-8611, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-8611 For the purpose of providing blind persons with
- 5 remunerative employment, enlarging the economic opportunities of
- 6 blind persons, and stimulating blind persons to greater efforts
- 7 in striving to make themselves self-supporting, the commission
- 8 shall administer and operate vending facilities programs pursuant
- 9 to the federal Randolph-Sheppard Act, as amended, 20 U.S.C. 107
- 10 et seq. Blind persons licensed by the commission pursuant to its
- 11 rules and regulations are authorized to operate vending facilities
- 12 in any federally owned building or on any federally owned or
- 13 controlled property, in any state-owned building or on any property
- 14 owned or controlled by the state, or on any property owned or
- 15 controlled by any county, city, or municipality with the approval
- 16 of the local governing body, when, in the judgment of the director
- 17 of the commission, such vending facilities may be properly and
- 18 satisfactorily operated by blind persons. With respect to vending
- 19 facilities in any state-owned building or on any property owned or
- 20 controlled by the state, priority shall be given to blind persons,
- 21 except that this shall not apply to the Game and Parks Commission
- 22 or the University of Nebraska. This priority shall only be given
- 1 if the product price in the bid submitted is comparable in price
- 2 to the product price in the other bids submitted for similar
- 3 products sold in similar buildings or on similar property and the
- 4 qualifications and capabilities of the vendors bidding all other
- 5 components of the bid for a contract, except for any rent paid to
- 6 the state, are found to be similar-reasonably equivalent to the
- 7 other bidders.
- 8 2. On page 1, line 7; page 3, lines 17 and 23; page 4,
- 9 line 24; page 5, line 9; page 8, lines 7 and 26; page 9, lines 2
- 10 and 19; page 14, line 13; page 17, line 23; and page 20, line 13,
- 11 strike "12" and insert "13".
- 12 3. On page 20, line 21, after the last comma insert

13 "71-8611,".

14 4. Renumber the remaining sections accordingly.

The Fulton amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 711. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 996. Senator Adams withdrew his amendment, AM2374, found on page 885.

Senator Wightman withdrew the Wightman-Seiler amendment, AM2333, found on page 830 and considered on page 885.

Senator Wightman offered the following amendment:
AM2622

- 1 1. Strike original section 3 and insert the following new
2 section:
3 Sec. 2. (1) A person who has legal or actual charge
4 or control of a child who is at least sixteen years of age
5 but less than eighteen years of age may withdraw such child
6 from school before graduation and be exempt from the mandatory
7 attendance requirements of section 79-201 if an exit interview
8 is conducted and the withdrawal form is signed as required by
9 subsections (2) through (5) of this section for a child enrolled
10 in a public, private, denominational, or parochial school or if a
11 signed notarized release form is filed with the Commissioner of
12 Education as required by subsection (6) of this section for a child
13 enrolled in a school that elects pursuant to section 79-1601 not to
14 meet accreditation or approval requirements.
15 (2) Upon the written request of any person who has
16 legal or actual charge or control of a child who is at least
17 sixteen years of age but less than eighteen years of age,
18 the superintendent of a school district or the superintendent's
19 designee shall conduct an exit interview if the child (a) is
20 enrolled in a school operated by the school district or (b)
21 resides in the school district and is enrolled in a private,
22 denominational, or parochial school.
23 (3) The superintendent or the superintendent's designee
1 shall set the time and place for the exit interview which shall
2 be personally attended by: (a) The child, unless the withdrawal is
3 being requested due to an illness of the child making attendance at
4 the exit interview impossible or impracticable; (b) the person who
5 has legal or actual charge or control of the child who requested
6 the exit interview; (c) the superintendent or the superintendent's
7 designee; (d) the child's principal or the principal's designee

8 if the child at the time of the exit interview is enrolled in a
9 school operated by the school district; and (e) any other person
10 requested by any of the required parties who agrees to attend
11 the exit interview and is available at the time designated for
12 the exit interview which may include, but need not be limited
13 to, other school district personnel or the child's principal or
14 such principal's designee if the child is enrolled in a private,
15 denominational, or parochial school.

16 (4) At the exit interview, the person making the written
17 request pursuant to subsection (2) of this section shall present
18 evidence that (a) the person has legal or actual charge or control
19 of the child and (b) the child would be withdrawing due to
20 either (i) financial hardships requiring the child to be employed
21 to support the child's family or one or more dependents of the
22 child or (ii) an illness of the child making attendance impossible
23 or impracticable. The superintendent or superintendent's designee
24 shall identify all known alternative educational opportunities,
25 including vocational courses of study, that are available to the
26 child in the school district and how withdrawing from school
27 is likely to reduce potential future earnings for the child
1 and increase the likelihood of the child being unemployed in
2 the future. Any other relevant information may be presented and
3 discussed by any of the parties in attendance.

4 (5)(a) At the conclusion of the exit interview, the
5 person making the written request pursuant to subsection (2) of
6 this section may sign the withdrawal form provided by the school
7 district agreeing to the withdrawal of the child or may rescind the
8 written request for the withdrawal.

9 (b) Any withdrawal form signed by the person making
10 the written request pursuant to subsection (2) of this section
11 shall be valid only if (i) the child signs the form unless the
12 withdrawal is being requested due to an illness of the child making
13 attendance at the exit interview impossible or impracticable and
14 (ii) the superintendent or superintendent's designee signs the form
15 acknowledging that the interview was held, the required information
16 was provided and discussed at the interview, and, in the opinion
17 of the superintendent or the superintendent's designee, the person
18 making the written request pursuant to subsection (2) of this
19 section does in fact have legal or actual charge or control of the
20 child and the child is experiencing either (A) financial hardships
21 requiring the child to be employed to support the child's family
22 or one or more dependents of the child or (B) an illness making
23 attendance impossible or impracticable.

24 (6) A person who has legal or actual charge or control
25 of the child who is at least sixteen years of age but less than
26 eighteen years of age may withdraw such a child before graduation
27 and be exempt from the mandatory attendance requirements of section
1 79-201 if such child has been enrolled in a school that elects
2 pursuant to section 79-1601 not to meet the accreditation or

3 approval requirements by filing with the Department of Education a
 4 signed notarized release on a form prescribed by the Commissioner
 5 of Education.

6 (7) A child who has been withdrawn from school pursuant
 7 to this section may enroll in a school district at a later
 8 date as provided in section 79-215 or may enroll in a private,
 9 denominational, or parochial school or a school which elects
 10 pursuant to section 79-1601 not to meet accreditation or approval
 11 requirements. Any such enrollment shall void the withdrawal form
 12 previously entered, and the provisions of sections 79-201 through
 13 79-210 shall apply to the child.

14 (8) The Commissioner of Education shall prescribe the
 15 required form for withdrawals pursuant to this section and
 16 determine and direct either that (a) withdrawal forms of school
 17 districts for any child who is withdrawn from school pursuant to
 18 this section and subdivision (3)(c) of section 79-201 shall be
 19 provided annually to the State Department of Education or (b) data
 20 regarding such students shall be collected under subsection (2) of
 21 section 79-528.

22 2. On page 3, line 1, reinstate the stricken "(c)" and
 23 insert "Has reached sixteen years of age and has been withdrawn
 24 from school pursuant to section 2 of this act."; and in lines 4,
 25 13, and 24 strike the new matter and reinstate the stricken matter.

26 3. Renumber the remaining sections accordingly.

Pending.

LEGISLATIVE BILL 962. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1079. ER207, found on page 890, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1079A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799. ER215, found on page 960, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 845. Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1054A. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1054, One Hundred Second Legislature, Second Session, 2012.

AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB1001:
AM2597

(Amendments to Standing Committee amendments, AM2528)

- 1 1. Insert the following new amendment:
- 2 2. On page 4, lines 18 through 23, strike the new matter.

Senator Nordquist filed the following amendment to LB1020:
AM2365

(Amendments to Standing Committee amendments, AM2045)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, lines 7 and 8 strike "Nebraska" through
- 3 "Health" and insert "Education Innovation".
- 4 2. On page 1, strike lines 13 through 15 and insert
- 5 "(3) It is the intent of the Legislature to appropriate
- 6 \$100,000 from the General Fund for FY2012-13 and \$100,000 from the
- 7 General Fund for FY2013-14 to the State Department of Education to
- 8 carry out the provisions of the Nebraska Coordinated School Health
- 9 Act.".
- 10 3. Renumber the remaining amendments accordingly.

Senator Adams filed the following amendment to LB1104:
AM2614

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 85-2409, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 85-2409 No postsecondary institution ~~authorized with an~~
- 5 authorization to operate under the Postsecondary Institution Act
- 6 shall charge tuition or fees for more than one academic term or
- 7 require a student to sign loan documents for more than one academic
- 8 year.
- 9 Sec. 24. Section 85-2418, Revised Statutes Supplement,
- 10 2011, is amended to read:
- 11 85-2418 (1) Any person claiming damage or loss as a
- 12 result of any act or practice by a postsecondary institution
- 13 which is a violation of the Postsecondary Institution Act, of the
- 14 rules and regulations adopted and promulgated under the act, or
- 15 of standards established pursuant to section 85-2406 may file with

16 the commission a complaint against such institution. The complaint
 17 shall set forth the alleged violation and shall contain such other
 18 information as may be required by the commission. A complaint may
 19 also be filed with the commission by the executive director or the
 20 Attorney General.

21 (2) If efforts by the commission to resolve the complaint
 22 are not successful and if the commission deems it appropriate,
 23 the commission may hold a hearing on such complaint after ten
 1 days' written notice by certified mail, return receipt requested,
 2 to such institution, giving notice of a time and place for the
 3 hearing on such complaint. Such hearing shall be conducted in
 4 accordance with the Administrative Procedure Act. If, upon all
 5 evidence at the hearing, the commission finds that a postsecondary
 6 institution has engaged in or is engaging in any act or practice
 7 which violates the Postsecondary Institution Act, the rules and
 8 regulations adopted and promulgated under the act, or the standards
 9 established pursuant to section 85-2406, the commission shall issue
 10 and cause to be served upon such institution an order requiring
 11 such institution to cease and desist from such act or practice. The
 12 commission may also, as appropriate, based on its own investigation
 13 or the evidence adduced at such hearing or both, commence an
 14 action:

15 (a) To revoke an institution's recurrent authorization to
 16 operate; ~~or if the institution does not have an authorization to~~
 17 ~~operate on a continuing basis; or~~

18 (b) To refer the complaint and all related evidence to
 19 the Attorney General.

20 2. In the Standing Committee amendments, AM2077:

21 a. On page 15, line 4, after "the" insert "Nebraska
 22 educational savings plan" and strike line 27 and show the old
 23 matter as stricken;

24 b. On page 16, strike lines 1 through 4 and show as
 25 stricken; in line 5 strike "(8)" and insert "(7)" and after "to"
 26 insert "(a)"; in line 7 after "or" insert "(b)"; in line 8 after
 27 "Code" insert "where the funds are transferred to a qualified
 1 tuition program sponsored by another state or entity"; in line 9
 2 strike "(9)", show as stricken, and insert "(8)"; in line 15 strike
 3 "(10)", show as stricken, and insert "(9)"; in line 18 strike
 4 "(11)", show as stricken, and insert "(10)"; and in line 24 strike
 5 "(12)" and insert "(11)";

6 c. On page 17, line 15, strike "(13)", show as stricken,
 7 and insert "(12)"; and in line 19 strike "(14)", show as stricken,
 8 and insert "(13)";

9 d. On page 20, line 18, strike "require", show as
 10 stricken, and insert "authorize"; and strike beginning with "agree"
 11 in line 19 through "benefit" in line 20, show as stricken, and
 12 insert "make contributions to an account which is established for
 13 the purpose of meeting the qualified higher education expenses";

14 e. On page 22, line 27, after "(2)" insert "The College

- 15 Savings Plan Program Fund is created.;
- 16 f. On page 23, line 10, after the underscored period
- 17 insert "Any money in the program fund shall be invested by the
- 18 state investment officer pursuant to the Nebraska Capital Expansion
- 19 Act and the Nebraska State Funds Investment Act."; and strike
- 20 beginning with "The" in line 20 through the period in line 23 and
- 21 show as stricken;
- 22 g. On page 24, strike beginning with the "The" in line 13
- 23 through the period in line 15 and show as stricken;
- 24 h. On page 28, line 22, strike "titles" and insert
- 25 "title"; and
- 26 i. On page 29, line 3, strike "can" and insert "may".
- 27 3. On page 2, line 5, reinstate the stricken matter
- 1 beginning with "(1)" through "means" and after the reinstated
- 2 "means" insert "either an authorization to operate on a continuing
- 3 basis or a recurrent authorization to operate."; and in lines 7,
- 4 10, and 12 strike the new matter and reinstate the stricken matter.
- 5 4. On page 3, lines 17, 19, and 23; and page 4, lines 3
- 6 and 7, strike the new matter and reinstate the stricken matter.
- 7 5. On page 4, line 11, strike "(9)" and insert "(10)";
- 8 and in line 18 strike "of authorization", show as stricken, and
- 9 insert "for recurrent authorizations".
- 10 6. On page 5, line 3, strike "authorized", show as
- 11 stricken, and insert "which has an authorization"; in line 5
- 12 strike "authorized", show as stricken, and insert "which have
- 13 authorization"; and in lines 6 and 7 strike "an authorized
- 14 postsecondary institution", show as stricken, and insert "a
- 15 postsecondary institution which has an authorization to operate".
- 16 7. On page 7, line 14, before "authorization" insert
- 17 "an".
- 18 8. On page 9, line 1, after "on" insert "the level
- 19 of compliance with"; and strike line 13 and insert "recurrent
- 20 authorization to operate shall replace the existing recurrent
- 21 authorization to operate and".
- 22 9. On page 13, line 17, after the first comma insert
- 23 "85-2409," and strike "and 85-2417" and insert "85-2417, and
- 24 85-2418".
- 25 10. Renumber the remaining sections accordingly.

Senator Christensen filed the following amendment to LB1125:
AM2513

(Amendments to Standing Committee amendments, AM2378)

- 1 1. On page 2, strike beginning with "Except" in line 7
- 2 through "(d)" in line 13; in line 13 strike "subdivisions (2)(b)
- 3 and (c)" and insert "subdivision (2)(b)"; and in line 21 strike
- 4 "(2)(d)" and insert "(2)(c)".

Senator Wallman filed the following amendment to LB1090A:
AM2635

- 1 1. Strike the original section and insert the following
2 new sections:
3 Section 1. There is hereby appropriated (1) \$128,000 from
4 the General Fund for FY2012-13 and (2) \$130,000 from the General
5 Fund for FY2013-14 to the State Department of Education, for
6 Program 158, to aid in carrying out the provisions of Legislative
7 Bill 1090, One Hundred Second Legislature, Second Session, 2012.
8 There is included in the amount shown in this section
9 \$128,000 General Funds for FY2012-13 and \$130,000 General Funds for
10 FY2013-14 as aid for grants to initiate or expand services under
11 the Summer Food Service Program pursuant to Legislative Bill 1090,
12 One Hundred Second Legislature, Second Session, 2012.
13 Sec. 2. There is hereby appropriated (1) \$12,000 from the
14 General Fund for FY2012-13 and (2) \$10,000 from the General Fund
15 for FY2013-14 to the State Department of Education, for Program 25,
16 to aid in carrying out the provisions of Legislative Bill 1090, One
17 Hundred Second Legislature, Second Session, 2012.
18 No expenditures for permanent and temporary salaries and
19 per diems for state employees shall be made from funds appropriated
20 in this section.

Senator Adams filed the following amendment to LB745:
AM2639

- 1 1. Strike original section 1 and all amendments thereto
2 and insert the following new section:
3 Section 1. (1) Except as otherwise provided in this
4 section, after the effective date of this act, a municipality may
5 impose a new occupation tax or increase the rate of an existing
6 occupation tax, which new occupation tax or increased rate of an
7 existing occupation tax is projected to generate annual occupation
8 tax revenue in excess of the applicable amount listed in subsection
9 (2) of this section, pursuant to section 14-109, 15-202, 15-203,
10 16-205, or 17-525 if the question of whether to impose the tax or
11 increase the rate of an existing occupation tax has been submitted
12 at an election held within the municipality and in which all
13 registered voters shall be entitled to vote on the question. The
14 officials of the municipality shall order the submission of the
15 question by submitting a certified copy of the resolution proposing
16 the tax or tax rate increase to the election commissioner or county
17 clerk at least fifty days before the election. The election shall
18 be conducted in accordance with the Election Act. If a majority of
19 the votes cast upon the question are in favor of the new tax or
20 increased rate of an existing occupation tax, then the governing
21 body of such municipality shall be empowered to impose the new tax
22 or to impose the increased tax rate. If a majority of those voting
23 on the question are opposed to the new tax or increased rate, then
1 the governing body of the municipality shall not impose the new tax

2 or increased rate but shall maintain any existing occupation tax at
 3 its current rate.

4 (2) The applicable amount of annual revenue for each new
 5 occupation tax or annual revenue raised by the increased rate for
 6 an existing occupation tax for purposes of subsection (1) of this
 7 section is:

8 (a) For cities of the metropolitan class, one million
 9 dollars;

10 (b) For cities of the primary class, seven hundred fifty
 11 thousand dollars;

12 (c) For cities of the first class, five hundred thousand
 13 dollars; and

14 (d) For cities of the second class and villages, two
 15 hundred fifty thousand dollars.

16 (3) After the effective date of this act, a municipality
 17 shall not be required to submit the following questions to the
 18 registered voters:

19 (a) Whether to change the rate of an occupation tax
 20 imposed for a specific project which does not provide for deposit
 21 of the tax proceeds in the municipality's general fund; or

22 (b) Whether to terminate an occupation tax earlier than
 23 the determinable termination date under the original question
 24 submitted to the registered voters.

25 This subsection applies to occupation taxes imposed prior
 26 to, on, or after the effective date of this act.

27 (4) The provisions of this section do not apply to an
 1 occupation tax subject to section 86-704.

2 2. On page 4, line 7; page 6, lines 14 and 15 and 24; and
 3 page 7, lines 11 and 22, strike "or section 86-704" and insert "
 4 except that section 1 of this act does not apply to an occupation
 5 tax subject to section 86-704".

Senator Cornett filed the following amendment to LB1080:
 AM2634

(Amendments to AM1826)

1 1. Strike sections 6 to 9 and insert the following new
 2 sections:

3 Sec. 6. This act becomes operative on January 1, 2013.

4 Sec. 7. Original sections 77-2701 and 77-2701.04, Reissue
 5 Revised Statutes of Nebraska, and section 77-202, Revised Statutes
 6 Supplement, 2011, are repealed.

Senator B. Harr filed the following amendment to LB817:
 AM2636 is available in the Bill Room.

Senator Cornett filed the following amendment to LB750:
AM2628

(Amendments to AM2573)

- 1 1. On page 2, line 15, strike "or rural residential
- 2 site"; and in lines 23 and 24 strike the new matter.

RESOLUTIONS

LEGISLATIVE RESOLUTION 576. Introduced by Wightman, 36.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review and revision of the laws governing the powers of a court-appointed personal representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets. The committee should seek and consider the input of interested persons and organizations in reviewing this issue.

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

1. That the Judiciary 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 577. Introduced by Nordquist, 7; Council, 11; Mello, 5.

PURPOSE: The purpose of this resolution is to research needs and resources related to food insecurity in Nebraska. In particular, the study will address ways to improve the food security of working families. The study shall include, but not be limited to:

(1) A review of the current food insecurity rates of low-income families and children in Nebraska;

(2) The participation rates of low-income families in the Supplemental Nutrition Assistance Program (SNAP), the Free and Reduced Price School Lunch Program, the Emergency Food Assistance Program, the Commodities Supplemental Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children;

(3) The demand for food assistance in families in consultation with emergency food providers, emergency food recipients, and SNAP participants;

(4) Opportunities to leverage agricultural commodities to address emergency food needs; and

(5) Opportunities to leverage federal food assistance programs to address hunger in families.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 578. Introduced by Bloomfield, 17.

PURPOSE: The purpose of this interim study is to review, investigate, and assess the State of Nebraska's compliance with both the federal Indian Child Welfare Act of 1978 and the Nebraska Indian Child Welfare Act, referred to collectively herein as ICWA, and to make recommendations for improvements. The State of Nebraska has four Native American tribes, namely, the Ponca, Omaha, Santee Sioux, and Winnebago tribes, and may be impacted by any cases in which ICWA applies. The study committee may consult with a broad array of tribal, public, and private stakeholders, utilize existing and past studies, reports, and data relating to compliance with ICWA, and, if possible, hold public hearings by utilizing the authority provided by section 50-406 and the Rules of the Nebraska Unicameral Legislature. If possible, at least one public hearing should be conducted on a Native American reservation to ensure the study committee has full access to the tribes' collective experience and expertise in effectuating the ICWA.

The study shall consider issues related to the State of Nebraska's compliance with the ICWA including, but not limited to:

- (1) Outcome measures;
 - (2) Coordination between the state and tribes;
 - (3) Percentage of Native American children placed in Nebraska's child welfare system;
 - (4) Percentage of Native American children placed with Native American foster parents;
 - (5) Percentage of Native American children placed with relatives as defined by ICWA;
 - (6) Number of Native American foster parents in Nebraska;
 - (7) What active efforts are being utilized to reunify Native American families;
 - (8) What culturally appropriate services are available and being utilized;
- and
- (9) The fulfillment of the legislative intent of ICWA.

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 and the State-Tribal Relations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 579. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine issues pertaining to statutory and constitutional limitations on bonded indebtedness of municipalities.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 580. Introduced by K. Haar, 21; Schumacher, 22.

PURPOSE: The purpose of this resolution is to study the potential for research, development, and deployment of liquid fluoride thorium reactors (LFTR) in the State of Nebraska. The LFTR is a thermal breeder reactor which uses the thorium fuel cycle in a fluoride-based molten salt fuel to achieve high operating temperatures at atmospheric pressure. Thorium is currently an unused byproduct of rare earth mining operations and may have mining potential in Nebraska. The development of LFTR technology could produce new research opportunities for the University of Nebraska and new industrial opportunities for Nebraska businesses. The committee should study Nebraska's statutes on nuclear energy to see if new laws are needed to encourage the research, development, and use of liquid fluoride thorium reactors in Nebraska.

The study should include the investigation of potential public and private partnerships that would create research and industrial opportunities for this untapped energy source. The committee should pursue input from Nebraska's public power districts, the University of Nebraska, private industry, and other interested persons and organizations.

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

1. That the Natural Resources 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 581. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this study is to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska. One of the main goals of the workers' compensation system in Nebraska is to return injured employees to work in a timely manner. The intent of this study is to determine the effectiveness of vocational rehabilitation by examining the outcomes of those persons in the system who receive vocational rehabilitation.

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

1. That the Business and Labor 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 582. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review and revision of the laws governing the powers of a city to enter into a redevelopment project for property within a radius of three miles of the boundaries of the city as described in section 18-2123. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons and organizations.

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

1. That the Urban 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 583. Introduced by Avery, 28.

PURPOSE: The purpose of this study is to examine the structure, authority, and mission of the Public Service Commission in its administration of transportation by passenger motor carriers. The study shall include, but not be limited to:

- (1) A determination of the definition of public convenience and necessity;
- (2) An examination of the certification process of passenger motor carriers;
- (3) An examination of the structure and approval of rates, routes, and services of such carriers;
- (4) An examination of the commission's role in formulating rules, regulations, and public policy with respect to motor carriers; and
- (5) A determination of the accountability, transparency, and disclosure of passenger motor carrier application proceedings to municipalities and the public at large.

Based on these findings, the committee shall make a recommendation with respect to the commission's application of rules, regulations, and public policy with regard to issues brought forth by LB 889 introduced in 2012.

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

1. That the Transportation and Telecommunications 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 584. Introduced by Avery, 28.

PURPOSE: This study will examine the authority and execution of eminent domain and condemnation proceedings as authorized by sections 76-701 to 76-726. The inquiry shall include, but not be limited to:

1. Historical authority and use of eminent domain and condemnation proceedings in Nebraska;
2. The definition and role of public purpose in eminent domain and condemnation proceedings;
3. Review and analysis of the use of eminent domain and condemnation proceedings by cities of the primary and metropolitan classes;
4. Review and analysis of the use of eminent domain and condemnation proceedings by other agencies, commissions, districts, utilities, transportation authorities, political subdivisions, and school districts; and
5. Review and analysis of oil and petroleum pipeline land acquisition proceedings in other states.

Based upon these findings, the Judiciary Committee shall make recommendations with respect to authority and use of eminent domain and condemnation proceedings.

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

1. That the Judiciary 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 585. Introduced by Avery, 28.

PURPOSE: To study the structure, maintenance, and mission of the parole system and the Board of Parole as authorized by Article IV, section 13, of the Constitution of Nebraska and section 83-188 in its capacity as adviser to the Board of Pardons. The study shall include, but not be limited to:

(1) The average number, age, gender, race, and ethnicity of parole-eligible inmates and parolees at a given time;

(2) Historical trends within the Nebraska parole system;

(3) The requirements, conditions, readiness standards, and board reviews of parole-eligible inmates;

(4) The conditions of parole revocation;

(5) The role played in formulating rules, regulations, and public policy with respect to administration of parole within the corrections system; and

(6) Accountability, transparency, and disclosure, when applicable, of the Board of Parole.

Based on these findings, the study committee shall make a recommendation with respect to the Board of Parole's structure, maintenance, and mission and its administration of the parole system.

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

1. That the Judiciary 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 586. Introduced by Karpisek, 32.

PURPOSE: To study issues under the jurisdiction of the General Affairs Committee of the Legislature which may arise during the interim.

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

1. That the General 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 587. Introduced by Coash, 27.

PURPOSE: To determine if there is a need for and what kinds of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to change their guardian or conservator for the financial benefit of another person rather than for the best interests of such adult. Such adults may qualify for habilitative services that are paid for by the State of Nebraska. The adult with developmental disabilities may choose which provider he or she will receive services from, and this decision is most often made in conjunction with their guardian or conservator because such persons can be vulnerable.

Recently, habilitative services for such adults have expanded from the group home model of providers to the extended family home (EFH) model in which individuals subcontract with the provider to care for and provide services to an adult with developmental disabilities in the individual's personal home. The individual providing EFH services may now be in a position to unduly influence the adult with developmental disabilities who requires a guardian or conservator to change guardian or conservator to someone who would work with the EFH provider to change service providers or contracts to the benefit of the individual providing EFH services. The court asked to change the guardian or conservator may be without accurate or complete information regarding the situation and such information is needed for the court to reach the result which is in the best interests of the adult with developmental disabilities who requires a guardian or conservator.

In addition to the Judiciary Committee, those participating in the study shall include, but not be limited to, adults with developmental disabilities receiving services, providers of services, the Department of Health and Human Services, court-appointed guardians and conservators, and developmental disability advocates. The study shall include a hearing to investigate the issue and, if it is determined that a problem exists, recommend changes in court procedures, provider contracts, ethical standards, or other solutions to the problem.

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

1. That the Judiciary 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 588. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to study ways to encourage tourism throughout the State of Nebraska.

As tourism is the third largest industry in the state, an opportunity exists to grow destination marketing for communities across the state through a collaborative assessment of the tourism industry. Tourism has changed significantly in the past decade, and it is an untapped resource in our state. Nebraska offers experiences that cannot be found in other states or countries, and people will pay for these experiences.

The study shall include, but not be limited to, developing a statewide strategic plan to cultivate and promote tourism in Nebraska, including:

(1) A review of the existing and potential sources of funding for tourism at the state and local levels;

(2) An examination of other states' funding models for tourism;

(3) Marketing strategies for promoting tourism;

(4) A proposal for creating new or expanding existing tourism capacity; and

(5) Recommended legislation or funding requirements.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of tourism-related entities within state government, the Nebraska Association of Convention and Visitors Bureaus, and anyone else the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 589. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to analyze the Nebraska Advantage Act. The study committee shall analyze the following:

(1) What other states are doing to make their state more attractive for business expansions, to attract new small businesses, and to grow small businesses;

(2) How other states are effectively using sales tax refunds, job credits, and other investment credits to encourage growth;

(3) How other states are using private and public partnerships;

(4) How Nebraska businesses are using the money from the act currently; and

(5) What Nebraska can do to be more effective in the area of economic development.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 590. Introduced by Adams, 24.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education 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 591. Introduced by Adams, 24.

PURPOSE: To study the progress toward the development of a state longitudinal education data system.

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

1. That the Education 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 592. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study autism and the ways in which the educational, medical, and insurance industries can collaborate to provide successful treatment for children with autism.

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

1. That the Banking, Commerce and Insurance 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.

GENERAL FILE

LEGISLATIVE BILL 239. Senator Council renewed her amendment, AM1667, found on page 106 and considered on pages 661, 662, and 672, to the committee amendment.

SENATOR GLOOR PRESIDING

SENATOR CARLSON PRESIDING

SENATOR COASH PRESIDING

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1087A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Second Legislature, Second Session, 2012.

RESOLUTIONS

LEGISLATIVE RESOLUTION 593. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine the taxing of flavored malt beverages at a separate, higher rate category under the Nebraska Liquor Control Act than the current beer rate. The study shall include, but not be limited to:

(1) Reviewing reasons for creating a separate taxation rate for flavored malt beverages; and

(2) Research and development of findings on the appropriate level of taxation of flavored malt beverages.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 594. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine several policy issues regarding the definition of a flavored malt beverage. The study shall include, but not be limited to:

(1) Examining the federal regulatory language of the United States Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. 25.55 to determine whether portions of such regulations would provide a better definition based on the processes used in making a flavored malt beverage instead of categories based on volume of alcohol content; and

(2) Examining whether to categorize any flavored malt beverages with an alcohol content by volume greater than six percent as a spirit for purposes of taxation.

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

1. That the General 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 595. Introduced by Pirsch, 4.

PURPOSE: To examine possible methods to increase direct investment from both domestic and foreign sources in Nebraska's economy.

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

1. That the Banking, Commerce and Insurance 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 596. Introduced by Pirsch, 4.

PURPOSE: To examine methods of enhancing the budgetary coordination between the Revenue Committee and Appropriations Committee of the Legislature.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 597. Introduced by Pirsch, 4.

PURPOSE: To examine methods to enhance educational and employment opportunities involving STEM (science, technology, engineering, and mathematics) in Nebraska.

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

1. That the Education 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 598. Introduced by Pirsch, 4.

PURPOSE: To examine methods to more equitably value agricultural lands for tax purposes in Nebraska.

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

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

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Lambert filed the following amendment to LB1082:
AM2646

(Amendments to Standing Committee amendments, AM2105)

- 1 1. On page 6, line 24, strike "at least"; and strike
- 2 beginning with "Beginning" in line 25 through the underscored
- 3 period in line 27.
- 4 2. On page 7, lines 8 and 9, strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered on pages 661, 662, 672, and in this day's Journal, to the committee amendment, was renewed.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 599.** Introduced by Lathrop, 12.

WHEREAS, on June 24, 1912, the city of Ralston submitted a resolution to the Douglas County Board incorporating the village of Ralston; and

WHEREAS, Ralston survived the mass destruction caused by tornadoes in 1913 and 1975; and

WHEREAS, Ralston became a foundation of business and industry, including Radiosmith, Rogers Automobile Manufacturer, Howard Stove Works, Crown Products, Ralstoy, plus many more, and Ralston continues its progressive posture by building an arena and fostering economic growth; and

WHEREAS, Ralston is home to an independent school district that is dedicated to knowledge, integrity, and growth of all students; and

WHEREAS, Ralston is now identified as "Independence City"; and

WHEREAS, Ralston will celebrate its 100th anniversary with numerous events commencing on June 24, 2012, and continuing through October 15, 2012.

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

1. That the Legislature recognizes and congratulates the city of Ralston for its 100 years of growth, passion, survivability, and families.
2. That a copy of this resolution be sent to the mayor of Ralston.

Laid over.

LEGISLATIVE RESOLUTION 600. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine the Municipal Equalization Fund (MEF), the MEF formula, and the MEF's sources of funding.

The MEF was structured to provide aid to those communities with low per capita valuations and high property tax levies. It is currently funded by both the insurance premium tax and a three percent administrative fee that the State of Nebraska collects from those cities with a local options sales tax. This three percent administrative fee represents a significant loss of revenue, particularly for those communities that do not receive any MEF payments.

LB 1114 (2012), as amended, proposes to modify the MEF formula in such a way that would benefit some first-class cities and smaller communities. The hearing on LB 1114 included testimony urging the Legislature to conduct a comprehensive review of the MEF program and formula, including consideration of whether a state source of revenue should replace the three percent administrative fee.

The study should consider whether changes to the MEF formula are necessary, as well as whether alternative, more equitable sources of revenue should be identified to continue the program.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 601. Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to determine the workforce training opportunities that renewable energy projects can provide in Nebraska communities and how Nebraska can be more strategic and

competitive in its job training approaches. The study may include, but is not limited to, an examination of the following:

1. Information contained in the Nebraska Department of Labor's 2010 "Green Jobs" Survey that focused on how Nebraska can stay competitive in renewable energy industries and better understand how "green" activities are evolving within the workforce;

2. Information contained in the Nebraska Department of Economic Development's and Nebraska Department of Labor's 2010 "Growing Jobs, Industries and Talent" Report that found that the most effective way to advance the economic development of primary industries is to focus on industry clusters found within a state's economic base industries;

3. A review of the industry clusters that provide a balanced portfolio of growth opportunities, such as precision metals manufacturing, biosciences, and renewable energy;

4. Efforts made by the Nebraska Department of Labor, colleges, universities, and others to develop and train workers in renewable energy industries; and

5. An examination of what Nebraska can do to continue to grow the renewable energy industry, increase the number of renewable energy jobs, and cultivate the workforce talent necessary to fill those positions.

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

1. That the Business and Labor 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 602. Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 919 (2012), including an evaluation of:

(1) The current fees paid to sheriffs for performing their statutory responsibilities; and

(2) Increasing docket fees to cover the actual costs associated with using the court system.

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

1. That the Judiciary 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.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered on pages 661, 662, 672, and in this day's Journal, to the committee amendment, was renewed.

SENATOR GLOOR PRESIDING

Senator Council moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Council	Harr, B.	Mello
Cook	Haar, K.	Lathrop	Nordquist

Voting in the negative, 27:

Adams	Fischer	Harms	McCoy	Sullivan
Bloomfield	Flood	Janssen	Nelson	Wallman
Brasch	Fulton	Krist	Price	Wightman
Carlson	Gloor	Lambert	Schilz	
Christensen	Hadley	Langemeier	Schumacher	
Coash	Hansen	Larson	Smith	

Present and not voting, 2:

Campbell	Dubas
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Excused and not voting, 12:

Ashford	Heidemann	Lautenbaugh	Pahls
Conrad	Howard	Louden	Pirsch
Cornett	Karpisek	McGill	Seiler

The Council amendment lost with 8 ayes, 27 nays, 2 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator Mello renewed his amendment, AM1627, found on page 106, to the committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB239:
FA62
Strike the enacting clause.

Senator Flood filed the following amendment to LB1113:
AM2026

- 1 1. On page 4, strike lines 6 through 25.
- 2 2. On pages 5 and 6, renumber the remaining subdivisions
- 3 accordingly.
- 4 3. On page 11, lines 9 and 15, after "without" insert
- 5 "actual".
- 6 4. On page 12, line 17, after "has" insert "actual".
- 7 5. On page 18, lines 17 and 21, after "without" insert
- 8 "actual".
- 9 6. On page 19, lines 21 and 24, after "without" insert
- 10 "actual".
- 11 7. On page 20, line 22, after "has" insert "actual".
- 12 8. On page 21, lines 8 and 13, after "has" insert
- 13 "actual".

Senator Flood filed the following amendment to LB1115:
AM2651

- (Amendments to Standing Committee amendments, AM2495)
- 1 1. Strike section 9.
 - 2 2. On page 6, lines 7 through 9; page 8, lines 5 through
 - 3 7 and 22 and 23; and page 9, lines 6 through 8, strike beginning
 - 4 with "proposed" through "cities" and insert "agreement negotiated
 - 5 pursuant to subsection (2) of this section".
 - 6 3. On page 6, line 21; and page 7, line 7, strike "4" and
 - 7 insert "5".
 - 8 4. On page 6, line 26, after "The" insert "electing city
 - 9 or cities; the".
 - 10 5. On page 15, line 11, strike "18-2710.01,".
 - 11 6. Renumber the remaining sections and correct internal
 - 12 references accordingly.

MOTION - Print in Journal

Senator Conrad filed the following motion to LB239:
MO86
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB239:
AM2653 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB239:
 FA64
 Strike Section 2.

Senator Lathrop filed the following amendment to LB239:
 FA63
 Strike Section 4.

Senator K. Haar filed the following amendment to LB239:
 AM2652

(Amendments to Standing Committee amendments, AM727)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Secretary of State shall conduct a study
- 4 of issues surrounding voter fraud in Nebraska, including voter
- 5 impersonation. The study shall also consider the experiences of
- 6 other states using voter identification requirements. The Secretary
- 7 of State shall provide the results of the study and suggestions for
- 8 legislation, if any, to the Legislature prior to January 1, 2013.
- 9 Sec. 2. There is hereby appropriated \$500,000 from the
- 10 General Fund to the Secretary of State, for Program 22, to aid in
- 11 carrying out this legislative bill.

Senator Mello filed the following amendment to LB239:
 FA65
 Strike Section 1.

Senator Mello filed the following amendment to LB239:
 FA66
 Strike Section 3.

VISITORS

Visitors to the Chamber were 42 fifth- and sixth-grade students and teachers as part of "Soundsational Singers" from O'Neill; Senator Larson's grandmother, Carolyn Larson, from O'Neill; 45 fourth-grade students, teachers, and sponsors from Harrison Elementary, Omaha; 20 eight-grade students and sponsors from the Gosper County Sheriff's Office DARE class, Elwood; Sam and Charlie Levy from Omaha; and Vern Kettelhake from Tecumseh.

The Doctor of the Day was Dr. John Jacobsen from Geneva.

ADJOURNMENT

At 9:55 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2012.

Patrick J. O'Donnell
 Clerk of the Legislature

