

FIFTY-FIRST DAY - MARCH 28, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 2012

PRAYER

The prayer was offered by Reverend Jack Sample, Wood River.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator Seiler who was excused; and Senators Christensen, Conrad, Cornett, Howard, McCoy, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 310. Placed on Final Reading Second.
ST76

(Final Reading copy)

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

1. In the McGill amendment, AM2259, on page 12, line 27, "and 42-925" has been struck and "42-925, and 42-926" inserted.

LEGISLATIVE BILL 391. Placed on Final Reading Second.

LEGISLATIVE BILL 902. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1053A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1054A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1087A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1145A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 239. The Mello amendment, AM1627, found on page 106 and considered on page 1183, to the committee amendment, was renewed.

SPEAKER FLOOD PRESIDING

Senator Janssen offered the following motion:

MO87

Invoke cloture pursuant to Rule 7, Section 10.

Senator Janssen moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Janssen requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 30:

Adams	Fischer	Heidemann	Larson	Price
Bloomfield	Flood	Janssen	Lautenbaugh	Schilz
Brasch	Fulton	Karpisek	McCoy	Schumacher
Carlson	Gloor	Krist	Nelson	Smith
Christensen	Hadley	Lambert	Pahls	Sullivan
Coash	Hansen	Langemeier	Pirsch	Wightman

Voting in the negative, 16:

Ashford	Cook	Harms	McGill
Avery	Council	Harr, B.	Mello
Campbell	Dubas	Howard	Nordquist
Conrad	Haar, K.	Lathrop	Wallman

Present and not voting, 1:

Louden

Excused and not voting, 2:

Cornett Seiler

The Janssen motion to invoke cloture failed with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 603. Introduced by Nordquist, 7.

WHEREAS, Jack Hilgert, native son of Legislative District 7 and son of John and Cara Hilgert, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jack completed a boardwalk trail enhancement project at Heron Haven in Omaha, Nebraska; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Hilgert on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Hilgert.

Laid over.

LEGISLATIVE RESOLUTION 604. 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.

Laid over.

LEGISLATIVE RESOLUTION 605. Introduced by Price, 3.

WHEREAS, Chris Luehring has been named a 2012 Bellevue Leader Player of the Year for wrestling; and

WHEREAS, Chris became the first state champion from Bellevue West High School in fourteen years by winning the 2012 Class A State Wrestling Championship in the 170-pound division; and

WHEREAS, Chris finished the season with a record of 40-1 and claimed over one hundred victories in his wrestling career, putting him third on the all-time victory list in Bellevue West history; 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 Chris Luehring on being named a 2012 Bellevue Leader Player of the Year for wrestling.

2. That a copy of this resolution be sent to Chris Luehring.

Laid over.

LEGISLATIVE RESOLUTION 606. Introduced by Price, 3.

WHEREAS, Vicky Trojanowski has been named a 2012 Bellevue Leader Player of the Year for girls' swimming; and

WHEREAS, Vicky, a senior at Bellevue East High School, qualified for the 50 yard freestyle, the 100 yard freestyle, and the 200 yard freestyle relay squad at the 2012 Girls' State Swimming Championship; and

WHEREAS, Vicky also recorded top five finishes in the 50 yard freestyle and the 100 yard freestyle at the 2012 Metro Conference Meet; 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 Vicky Trojanowski on being named a 2012 Bellevue Leader Player of the Year for girls' swimming.

2. That a copy of this resolution be sent to Vicky Trojanowski.

Laid over.

LEGISLATIVE RESOLUTION 607. Introduced by Price, 3.

WHEREAS, Garrett Cadotte has been named a 2012 Bellevue Leader Player of the Year for boys' swimming; and

WHEREAS, Garrett, a sophomore at Gross Catholic High School, won the 100 yard butterfly and placed third in the 200 yard individual medley at the 2012 Boys' State Swimming Championship; and

WHEREAS, this is the second year in a row that Garrett has received Player of the Year honors for his achievements in swimming; 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 Garrett Cadotte on being named a 2012 Bellevue Leader Player of the Year for boys' swimming.
2. That a copy of this resolution be sent to Garrett Cadotte.

Laid over.

LEGISLATIVE RESOLUTION 608. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Lautenbaugh, 18; Price, 3.

PURPOSE: The purpose of this resolution is to examine the issues surrounding the One-Call Notification System Act.

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.

SELECT FILE

LEGISLATIVE BILL 1090. ER205, found on page 888, was adopted.

SENATOR GLOOR PRESIDING

Senator Wallman renewed his amendment, AM2487, found on page 993.

The Wallman amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090A. Senator Wallman renewed his amendment, AM2635, found on page 1166.

The Wallman amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 998. ER208, found on page 890, was adopted.

Senator Krist renewed his amendment, AM2522, found on page 986.

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

Senator Sullivan offered the following amendment:
AM2625

(Amendments to AM2522)

- 1 1. Insert the following section:
- 2 Sec. 18. This act becomes operative on July 1, 2012.
- 3 2. On page 10, lines 3, 7, 8, and 13; page 11, line 15;
- 4 page 16, line 5; and page 24, line 2, strike "effective" and insert
- 5 "operative".
- 6 3. Renumber the remaining sections accordingly.

The Sullivan amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Krist offered the following amendment:
AM2658

(Amendments to AM2522)

- 1 1. On page 10, after line 15 insert:
- 2 "(c) It is the intent of the Legislature that the funds
- 3 appropriated to State Foster Care Review Board be transferred to
- 4 the State Foster Care Review Office for FY2012-13.".

The Krist amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1104. ER216, found on page 985, was adopted.

Senator Sullivan withdrew her amendment, AM2324, found on page 965.

Senator Adams renewed his amendment, AM2614, found on page 1163.

The Adams amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 996. Senator Wightman renewed his amendment, AM2622, found on page 1160.

The Wightman amendment was adopted with 32 ayes, 1 nay, 7 present and not voting, and 9 excused and not voting.

Senator Wightman withdrew his amendment, AM2389, found on page 961.

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

Advanced to Enrollment and Review for Engrossment with 25 ayes, 9 nays, 6 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 609. Introduced by Smith, 14; Ashford, 20; Cook, 13; Council, 11; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pirsch, 4; Price, 3.

WHEREAS, 2012 marks the one hundredth anniversary of the gift of three thousand cherry blossom trees from Tokyo, Japan, to Washington, D.C., our nation's capital; and

WHEREAS, the gifted trees were planted around the Tidal Basin in Washington, D.C.; and

WHEREAS, the National Cherry Blossom Festival is a two-week celebration recognizing the international friendship between the United States and Japan and the arrival of spring; and

WHEREAS, as part of the one hundredth anniversary, the government of Japan will be gifting cherry blossom trees to cities across the country; and

WHEREAS, Omaha, sister city to Shizuoka, Japan, has been designated as a recipient of the gift of trees; and

WHEREAS, the trees will be planted in Lauritzen Gardens and will be presented in a ceremony on April 27, 2012, Arbor Day.

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

1. That the Legislature recognizes the 2012 Gift of Trees Centennial and the enduring friendship between Japan and the United States of America.

2. That a copy of this resolution be presented to the Consul General of Japan at Chicago, OKAMURA Yoshifumi.

Laid over.

VISITORS

Visitors to the Chamber were 57 fourth-grade students and teachers from Syracuse-Dunbar-Avoca Middle School, Syracuse; students from Norfolk Youth Leadership; 50 fourth-grade students and teachers from Betz Elementary, Bellevue; 49 students, teachers, and sponsors of NFWC Sophomore Pilgrimage from across the state; and 40 fourth-grade students and teachers from Franklin Elementary, Omaha.

RECESS

At 11:57 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Christensen, Coash, Conrad, B. Harr, Janssen, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1058. Title read. Considered.

Committee AM2599, found on page 1056, was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

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

LEGISLATIVE BILL 1001. Title read. Considered.

Committee AM2528, found on page 998, was considered.

Senator McGill renewed her amendment, AM2597, found on page 1163, to the committee amendment.

The McGill amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 972. Title read. Considered.

Committee AM2598, found on page 1070, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 804. Title read. Considered.

Committee AM2268, found on page 971, was adopted with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1050. Title read. Considered.

Senator Cornett renewed her amendment, AM2181, found on page 976.

SENATOR GLOOR PRESIDING**SENATOR COASH PRESIDING**

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 891A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 108; to appropriate funds to aid in carrying out the provisions of Legislative Bill 891, One Hundred Second Legislature, Second Session, 2012; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 928A. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 928, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Cook filed the following amendment to LB825:
AM2561

(Amendments to Standing Committee amendments, AM2163)

1 1. Amend the following sections:

2 Sec. 7. The purposes of sections 7 to 12 of this act are
3 to:

4 (1) Simplify the management and delivery of public
5 benefits by the Department of Health and Human Services;

6 (2) Make the delivery system for public benefits more
7 efficient and effective; and

8 (3) Coordinate and simplify public benefit programs and
9 systems.

10 Sec. 8. For purposes of sections 7 to 12 of this act:

11 (1) Aid to dependent children program means the program
12 described in section 43-512;

13 (2) Child Care and Development Block Grant means the
14 program established under 42 U.S.C. 9858 et seq.;

15 (3) Child care subsidy program means the program
16 established under section 68-1202;

17 (4) Children's Health Insurance Program means the program
18 established under 42 U.S.C. 1397aa;

19 (5) Department means the Department of Health and Human
20 Services;

21 (6) Medical assistance program means the program
22 established pursuant to the Medical Assistance Act;

1 (7) Renewal means establishment of continued eligibility
2 for a program for an additional period of time;

3 (8) Supplemental Nutrition Assistance Program means the
4 federal program administered under sections 68-1017 to 68-1017.02;
5 and

6 (9) Temporary Assistance for Needy Families program means
7 the program established under 42 U.S.C. 601 et seq.

8 Sec. 9. The policies and requirements in sections 7
9 to 12 of this act shall be implemented in accord with the
10 Temporary Assistance for Needy Families program, the Child Care
11 and Development Block Grant, the Supplemental Nutrition Assistance
12 Program, the medical assistance program, and the Children's Health
13 Insurance Program and any other state or federal programs in which
14 the State of Nebraska participates. The department shall seek any
15 and all state plan amendments or waivers necessary to implement
16 sections 1 to 6 of this act.

17 Sec. 10. The department shall simplify documentation
18 requirements for public benefit programs. The policies to be
19 implemented by the department to effectuate this intent shall
20 include, but not be limited to, selection and utilization of
21 the least burdensome and least redundant verification procedures
22 for recipients that are allowed under federal law for the

23 medical assistance program, the aid to dependent children program,
 24 the child care subsidy program, and the Supplemental Nutrition
 25 Assistance Program.

26 Sec. 11. The department shall share verification
 27 of client information across the public benefit programs it
 1 administers, including the medical assistance program, the aid to
 2 dependent children program, the child care subsidy program, and
 3 the Supplemental Nutrition Assistance Program, in order to permit
 4 client information verified in one program to update eligibility
 5 information in another program.

6 Sec. 12. The department shall coordinate and simplify
 7 public benefit renewals in the medical assistance program, the
 8 aid to dependent children program, the child care subsidy program,
 9 and the Supplemental Nutrition Assistance Program. The policies to
 10 be implemented by the department to effectuate this intent shall
 11 include:

12 (1) Renewal of all such programs simultaneously to the
 13 greatest extent possible;

14 (2) Allow closed cases to be reopened and eligibility to
 15 be established for individuals whose application for assistance was
 16 denied within the previous thirty days or whose case was closed
 17 within the previous thirty days, as allowed under the medical
 18 assistance program, the Children's Health Insurance Program, and
 19 the Supplemental Nutrition Assistance Program.

Senator Karpisek filed the following amendment to LB1122:
 AM2666

- 1 1. On page 3, strike beginning with "preserve" in line 21
- 2 through "possible" in line 22 and insert "give full and deliberate
- 3 consideration to the role of home health services from private duty
- 4 nurses in meeting the needs of medically fragile individuals with
- 5 multiple handicaps".

RESOLUTION

LEGISLATIVE RESOLUTION 610. Introduced by Campbell, 25.

WHEREAS, the Lincoln East High School speech team won the 2012 Class A State Speech Championship with a score of 206; and

WHEREAS, the victory gives Lincoln East High School its eleventh consecutive Class A state title in speech; and

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

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

1. That the Legislature congratulates the Lincoln East High School speech team on winning the 2012 Class A State Speech Championship.

2. That a copy of this resolution be sent to the Lincoln East High School speech team and their coaches, Mr. Dutch Fichthorn, Ms. Michaela Schleicher, and Ms. Diane Fichthorn.

Laid over.

COMMITTEE REPORT

Health and Human Services

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

Bradley Keller - Stem Cell Research Advisory Committee

Rebecca Jane Morris - Stem Cell Research Advisory Committee

Dennis Roop - Stem Cell Research Advisory Committee

Gerald Spangrude - Stem Cell Research Advisory Committee

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1115. Title read. Considered.

Committee AM2495, found on page 971, was considered.

Senator Flood withdrew his amendment, AM2546, found on page 1031.

Senator Flood renewed his amendment, AM2651, found on page 1184, to the committee amendment.

The Flood amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 782. Placed on Final Reading.
ST75

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

1. In the McCoy amendment, AM2392, on page 3, line 10, a comma has been inserted after "84-1205.03".

2. In the E & R amendments, ER206:

a. Amendment 2 has been struck;

b. On page 1, line 4, "and" has been inserted after the second comma; in line 5 ", and a task force" has been struck; in lines 7 and 8 "a task force," has been struck; and

c. On page 2, line 7, "81-1201 to 81-1226" has been struck and "84-1201 to 84-1226" inserted.

3. In the Standing Committee amendment, AM1901, on page 1, line 2, "259" has been struck and "251" inserted.

4. On page 1, line 11, "50-414," has been struck.

5. On page 2, line 11, "81-15,101," has been struck; in line 12 "81-2022," has been inserted after the first comma; in line 13 "83-111," and "83-908," have been struck; in line 14 "84-1205.03," has been struck; in lines 15 and 16 "85-414, 85-417, 85-424," has been struck; and in line 21 "85-421," has been struck.

6. On page 3, line 15, "43-4002, 43-4003," has been struck; and in line 18 "sections 46-2,140 and" has been struck and "section" inserted.

LEGISLATIVE BILL 810. Placed on Final Reading.

LEGISLATIVE BILL 863. Placed on Final Reading.

LEGISLATIVE BILL 965. Placed on Final Reading.

LEGISLATIVE BILL 995. Placed on Final Reading.

LEGISLATIVE BILL 1039. Placed on Final Reading.

LEGISLATIVE BILL 1130. Placed on Final Reading.

LEGISLATIVE RESOLUTION 373CA. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 998A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 216 and 260; to change appropriation provisions to aid in carrying out the provisions of Legislative Bill 998, One Hundred Second Legislature, Second Session, 2012; to provide an operative date; to repeal the original sections; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB970:
AM2620

(Amendments to E & R amendments, ER224)

1 1. Insert the following new section:

2 Sec. 10. (1) To mitigate the fiscal impact of the
3 reduction in income tax rates commencing on January 1, 2013, the
4 Deferred Benefit Investment Program is created.

5 (2) An individual taxpayer may annually elect to compute
6 and pay income tax liability under the income tax rates in force
7 immediately prior to January 1, 2013, in lieu of paying at the
8 current rates. The election shall be known as a deferred benefit
9 investment. Commencing on the earlier of seven calendar years
10 after the making of a deferred benefit investment or the taxpayer
11 reaching the age of sixty-two, the taxpayer making the election
12 shall be entitled to claim a tax credit against the taxpayer's
13 income tax liability in an amount equal to the deferred benefit
14 multiplied by the program rate.

15 (3) For purposes of calculating the deferred benefit
16 investment:

17 (a) Deferred benefit equals the difference between the
18 taxpayer's tax liability (i) as computed and paid under the
19 election and (ii) as computed had the election not been made,
20 in addition to any self-imposed additional tax remitted by the
21 taxpayer not to exceed one hundred times such difference. A
22 taxpayer shall not make a deferred benefit investment in any year
1 greater than twenty thousand dollars for a married taxpayer filing
2 jointly return and ten thousand dollars for any other return; and

3 (b) Program rate means the sum of (i) an inflation
4 adjustment calculated by dividing the United States Department of
5 Labor, Bureau of Labor Statistics, Consumer Price Index for Urban
6 Wage Earners and Clerical Workers factor on June 30 of the year
7 the credit is claimed by the Consumer Price Index for Urban Wage
8 Earners and Clerical Workers factor on June 30 of the year in which
9 the deferred benefit investment was made, plus (ii) the United
10 States Government Bond Yield for 10 Year Notes on the last business
11 day of the first quarter of the year in which the deferred benefit
12 investment was made times the number of years, or fraction thereof,
13 between the making of the deferred benefit investment and the
14 claiming of the tax credit.

15 (4) The sums paid to the State of Nebraska by a taxpayer
16 pursuant to the program shall become the property of the State of
17 Nebraska and the tax credits to which the taxpayer may be entitled
18 to claim as a result thereof are not a debt or general obligation
19 of the State of Nebraska. The tax credits (a) are not refundable,
20 transferable, or taxable as income, (b) have recourse only against
21 future income taxes due from the taxpayer, and (c) may be claimed
22 only as a credit against taxpayer's income tax in years subsequent

23 to the deferred benefit investment. Deferred benefit investments
 24 made under a joint tax return may be claimed by either taxpayer
 25 signing the joint return. Tax credits remaining upon the death of
 26 the taxpayer will to the extent of inheritance tax owed by the
 27 decendent reduce the amount of inheritance tax due.

1 (5) Tax credits claimed by a taxpayer are claimed
 2 on a first earned, first claimed basis and once claimed are
 3 extinguished. The state may redeem outstanding tax credits by
 4 paying to the taxpayer entitled thereto the deferred benefit
 5 multiplied by the program rate.

6 (6) The Tax Commissioner may adopt and promulgate rules
 7 and regulations to carry out the program.

8 2. On page 1, line 6, strike "section 5" and insert
 9 "sections 5 and 10".

10 3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1020. Title read. Considered.

Committee AM2045, found on page 566, was considered.

Senator Nordquist renewed his amendment, AM2365, found on page 1163, to the committee amendment.

Senator Nordquist moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Nordquist amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 26:

Avery	Flood	Harr, B.	Mello	Wallman
Campbell	Gloor	Howard	Nordquist	Wightman
Cook	Haar, K.	Karpisek	Pirsch	
Cornett	Hadley	Krist	Price	
Council	Hansen	Lambert	Schumacher	
Dubas	Harms	Lathrop	Sullivan	

Voting in the negative, 5:

Adams	Bloomfield	Christensen	Langemeier	Louden
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Present and not voting, 10:

Brasch	Coash	Heidemann	McCoy	Pahls
Carlson	Fulton	Larson	Nelson	Smith

Absent and not voting, 1:

Lautenbaugh

Excused and not voting, 7:

Ashford	Fischer	McGill	Seiler
Conrad	Janssen	Schilz	

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 10 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1113. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 745. Committee AM2073, found on page 638 and considered on page 1031, was renewed.

SENATOR COASH PRESIDING

The committee amendment was adopted with 27 ayes, 3 nays, 9 present and not voting, and 10 excused and not voting.

Senator Council withdrew her amendment, AM2566, found on page 1033.

Senator Adams withdrew his amendment, AM2575, found on page 1034.

Senator Adams renewed his amendment, AM2639, found on page 1166.

Senator Adams moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Adams amendment was adopted with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Council offered the following amendment:

AM2660

(Amendments to AM2639)

- 1 1. On page 2, line 9, after "dollars" insert "or
- 2 twenty-five percent of the municipality's local option sales tax
- 3 revenue in the prior fiscal year, whichever is greater".

Senator Council withdrew her amendment.

Senator Krist offered the following motion:

MO88

Indefinitely postpone.

SPEAKER FLOOD PRESIDING

Pending.

EASE

The Legislature was at ease from 9:12 p.m. until 9:17 p.m.

GENERAL FILE

LEGISLATIVE BILL 745. Senator Krist withdrew his motion, MO88, found in this day's Journal, to indefinitely postpone.

Senator Cornett offered the following amendment:

AM2676

(Amendments to AM2639)

- 1 1. On page 2, strike lines 8 through 15 and insert:
- 2 "(a) For cities of the metropolitan class, six million
- 3 dollars;
- 4 (b) For cities of the primary class, three million
- 5 dollars;
- 6 (c) For cities of the first class, seven hundred thousand
- 7 dollars; and
- 8 (d) For cities of the second class and villages, three
- 9 hundred thousand dollars.".

The Cornett amendment was adopted with 36 ayes, 2 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 2 nays, and 9 excused and not voting.

MOTION - Print in Journal

Senator Council filed the following motion to LB670:

MO89

Suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2496.

VISITORS

Visitors to the Chamber were 150 social work students from across the state; 18 fourth-grade students and teacher from Humphrey; members of FFA chapters in Pierce, Elgin, Ericson, and North Loup; and Brooke Hays from Oxford.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 9:23 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, March 29, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

