

FIFTY-THIRD DAY - MARCH 30, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 30, 2012

PRAYER

The prayer was offered by Pastor Jim McGaffin, Liberty Christian Center, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Hansen, Nordquist, and Seiler who were excused; and Senators Adams, Christensen, Conrad, Cornett, Fulton, Janssen, Karpisek, Lautenbaugh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

REFERENCE COMMITTEE REPORT

2012 Resolutions calling for an Interim Study

LR387	Interim study to analyze the feasibility, process, and profitability of selling Omaha's Metropolitan Utilities District from the public domain to a private entity	Urban Affairs
LR452	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement System	Nebraska Retirement Systems

LR462	Interim study to examine whether Nebraska's insurance laws should be amended to address the sale of ancillary service contracts and ancillary protection product warranties	Banking, Commerce and Insurance
LR464	Interim study to examine the procurement procedures of governmental units with respect to contracts for publicly funded construction projects	Government, Military and Veterans Affairs
LR465	Interim study to examine the impact of the pulse oximetry procedure in testing for critical congenital heart disease in newborns	Health and Human Services
LR476	Interim study to determine whether Nebraska's business entity statutes should be updated	Banking, Commerce and Insurance
LR478	Interim study to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska	Judiciary
LR479	Interim study to examine Nebraska's laws and regulations on radon gas exposure, particularly the effect of radon gas on children	Health and Human Services
LR480	Interim study to examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay," a process in which a consumer contracts with an energy service company to audit, finance, and manage energy efficiency	Natural Resources
LR481	Interim study to examine funding sources for the United States Dept. of Education's 21st Century Community Learning Centers Program	Revenue
LR482	Interim study to examine the use of eminent domain by political subdivisions for the taking of private land for the use of development or management of recreational trails or corridors	Natural Resources

LR483	Interim study to examine whether Nebraska should update the Uniform Commercial Code with regard to rejection or removal of fraudulent or otherwise improper financing statements or other records offered for filing with the Secretary of State	Banking, Commerce and Insurance
LR486	Interim study to examine the issues surrounding state procurement policies	Government, Military and Veterans Affairs
LR487	Interim study to examine issues surrounding restrictions on registered sex offender participation in state and federal holiday activities that are centered around children	Judiciary
LR488	Interim study to examine issues surrounding the use of state settlement funds	Appropriations and Judiciary
LR489	Interim study to examine early childhood education programs in Nebraska	Education
LR490	Interim study to examine funding for educational service units	Education
LR491	Interim study to examine the effectiveness of seeking medicaid reimbursements for certain services and expanding special education services	Education
LR492	Interim study to examine the system of financing public education in Nebraska	Education
LR493	Interim study to examine the use of the Civic and Community Center Financing Fund and to make recommendations on future use	Appropriations
LR494	Interim study to examine uninsured and unlicensed drivers and associated penalties	Transportation and Telecommunications
LR495	Interim study to examine the flood control needs of Omaha and the greater Omaha metropolitan area	Natural Resources
LR496	Interim study to examine the issues surrounding the adoption and promulgation of rules and regulations	Government, Military and Veterans Affairs

LR498	Interim study to examine the processes, legislative and administrative, necessary for the establishment in Nebraska of a health insurance exchange in response to the federal Patient Protection and Affordable Care Act	Banking, Commerce and Insurance
LR500	Interim study to examine the purchasing policies and practices of school districts and educational service units	Education
LR501	Interim study to examine intergovernmental relations between municipal and state governments in Nebraska	Urban Affairs
LR502	Interim study to examine the issues surrounding governmental transparency	Government, Military and Veterans Affairs
LR503	Interim study to examine issues surrounding project labor agreements	Government, Military and Veterans Affairs
LR504	Interim study to examine Nebraska's statutes and regulations on hydraulic fracturing, also known as fracking	Natural Resources
LR505	Interim study to examine methods of ensuring that medical professionals, who as part of their scope of practice provide injections to human patients, are following safe injection practices	Health and Human Services
LR506	Interim study to examine issues surrounding the moratorium on long-term beds under the Nebraska Health Care Certificate of Need Act	Health and Human Services
LR507	Interim study to examine establishing a statewide Farm to School initiative in Nebraska to encourage partnerships between farmers and school districts to increase fresh local food availability in schools	Agriculture
LR508	Interim study to review, assess, and provide recommendations relating to the implementation and sustainability of the Nebraska Health Care Funding Act	Health and Human Services

LR509	Interim study to examine the feasibility of a hydroelectric dam on the Platte River near Interstate 80	Natural Resources
LR510	Interim study to provide that a select committee gather information and provide recommendations for an early childhood learning and development reform agenda	Education
LR511	Interim study to examine Nebraska's kindergarten through twelfth grade education standards and curricula to determine whether agriculture is incorporated as an essential component	Agriculture and Education
LR512	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR513	Interim study to examine ways in which health benefit policies and contracts could provide coverage for patient-centered medical homes	Banking, Commerce and Insurance
LR514	Interim study to conduct a comprehensive review and revision of the laws governing the process for sales of real property for delinquent real property taxes	Revenue
LR515	Interim study to examine new ways to pay for and deliver health care services through the medicaid program that improve the quality of care and health of participants while lowering costs	Health and Human Services
LR516	Interim study to examine issues relating to the crime of destruction of property through the use of graffiti and to develop recommendations to prevent, combat, and abate graffiti in communities	Judiciary
LR517	Interim study to examine the benefits of adult day service programs currently provided to Nebraska seniors	Health and Human Services
LR518	Interim study to examine issues surrounding the investment of state funds	Nebraska Retirement Systems
LR519	Interim study to examine wage subsidy programs	Health and Human Services

LR520	Interim study to examine issues relating to land banking	Revenue and Urban Affairs
LR521	Interim study to evaluate whether the courts are utilizing the provision which provides that a court may order a parent to pay a reasonable sum to cover support, study, and treatment of a juvenile in the custody of the Dept. of Health and Human Services	Judiciary and Health and Human Services
LR525	Interim study to examine how Nebraska's system for screening, assessing, and investigating reports of child abuse and neglect contributes to Nebraska's rates of out-of-home care	Judiciary and Health and Human Services
LR528	Interim study to evaluate whether Knox County producers and sales facilities would benefit from the entire county being either inside or outside the brand inspection area	Agriculture
LR529	Interim study to provide for review and assessment and make recommendations relating to the entry of children into the child welfare system	Health and Human Services
LR532	Interim study to assess mechanisms in place for school districts to detect any cause and correlation of unusual health patterns among staff and students arising during construction, renovation, or other school projects in public school buildings	Health and Human Services
LR533	Interim study to examine whether there are enough resources currently present in schools to detect and treat mental illness in school-age children	Health and Human Services
LR534	Interim study to determine whether services are available in Nebraska for victims of sex trafficking and labor trafficking	Judiciary
LR535	Interim study to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers	Judiciary

LR536	Interim study to examine methods used by schools in Nebraska to foster creativity, critical thinking, and innovation in their students	Education
LR537	Interim study 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	Health and Human Services
LR538	Interim study to examine eminent domain authority and judicial approval and interpretation of the public interest determination	Judiciary
LR539	Interim study to examine 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	Natural Resources
LR540	Interim study to examine the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market	Appropriations
LR541	Interim study to examine changing the percentage of municipal sales and use tax receipts given to municipalities to accommodate those that have been adversely affected by large municipal sales and use tax refunds	Revenue
LR542	Interim study to examine issues surrounding the creation of a state infrastructure bank	Revenue and Transportation and Telecommunications
LR543	Interim study to examine the potential adoption of an energy efficiency resource standard in Nebraska	Natural Resources
LR544	Interim study to examine economic development programs designed to promote international trade	Banking, Commerce and Insurance
LR545	Interim study to examine statutes and regulations that deal with the Nebraska Power Review Board's approval of major investments in electric utility power plants	Natural Resources

LR546	Interim study to examine the potential impact of implementing the federal Patient Protection and Affordable Care Act on the state budget in upcoming years	Appropriations and Health and Human Services
LR547	Interim study to gather information about what health benefits are important to Nebraskans, evaluate benchmark plan options available to our state, and allow public input into the process of selecting what benefits will be available	Banking, Commerce and Insurance
LR548	Interim study to examine the Nebraska state 529 educational savings plan and make recommendations on ways to increase plan participation	Education
LR549	Interim study 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	Appropriations and Health and Human Services
LR550	Interim study to examine the impact of the federal cuts to Nebraska anticipated due to the Budget Control Act of 2011	Appropriations
LR551	Interim study to assess the effectiveness of ACCESSNebraska for clients, community-based partners, and workers using qualitative and quantitative analysis	Health and Human Services
LR552	Interim study to examine economic development in the more rural areas of the state, with a focus on cities of the first class and second class and villages	Urban Affairs
LR553	Interim study to examine strategies to promote the restoration and revitalization of historic business districts throughout Nebraska	Revenue and Urban Affairs
LR555	Interim study to review and examine the ongoing issues within Nebraska's Medicaid Insurance for Workers with Disabilities, also known as Nebraska's Medicaid Buy-In, enacted in 1999	Health and Human Services
LR556	Interim study to examine the current ground water policy contained in Nebraska's statutes	Natural Resources

LR557	Interim study to examine the progress of the creation of a blender fuel pump infrastructure in Nebraska	Agriculture
LR558	Interim study to examine legislation that has been proposed or enacted in several states to protect against disruptions of agricultural operations	Agriculture
LR559	Interim study to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers	Agriculture
LR560	Interim study to review federal and state laws on the practice of businesses such as gas stations, hotels, or other businesses, placing holds on credit cards for more than the amount of the purchase	Banking, Commerce and Insurance
LR561	Interim study to examine the feasibility of a merger between the Dept. of Economic Development and the Dept. of Labor, as proposed in LB971	Government, Military and Veterans Affairs
LR562	Interim study to examine the impact of the banking and finance industry on the economy of the state	Banking, Commerce and Insurance
LR563	Interim study to examine the constitutionality of AM1603 to LB514, which would provide an additional recovery amount for compensatory or actual damages sustained due to an unreasonable delay or denial by an insurance company	Banking, Commerce and Insurance
LR564	Interim study 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	Natural Resources

LR565	Interim study 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	Revenue
LR566	Interim study to examine a funding mechanism for all cities and villages to assist in the financing of new projects that will address the need for Nebraska residents currently leaving the state to experience tourist and other destinations that are currently not located in Nebraska	Revenue
LR567	Interim study to examine tax burdens and fiscal conditions in Nebraska communities	Revenue
LR568	Interim study to examine any aspect of the state tax structure and tax policy	Revenue
LR569	Interim study to examine implementation of utilization and treatment guidelines in cases before the Nebraska Workers' Compensation Court	Business and Labor
LR571	Interim study to review matters under the jurisdiction of the Judiciary Committee	Judiciary
LR572	Interim study to review matters under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR573	Interim study to examine reporting provisions for tax incentives and analysis methods used to analyze the impacts of tax incentives	Revenue
LR574	Interim study to review the anticipated disease traceability final rule by the Animal and Plant Health Inspection Service of the United States Dept. of Agriculture	Agriculture
LR575	Interim study to examine the interests and any role of the Dept. of Agriculture relating to incidents of livestock neglect and abandonment, particularly with respect to safeguarding livestock health	Agriculture

LR576	Interim study to conduct a review of the laws governing the powers of a court appointed representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets	Judiciary
LR577	Interim study to research needs and resources related to food insecurity in Nebraska	Agriculture and Health and Human Services
LR578	Interim study to assess the State of Nebraska's compliance with both the federal Indian Child Welfare Act of 1978 and the Nebraska Indian Child Welfare Act, and to make recommendations for improvements	Health and Human Services and State-Tribal Relations
LR579	Interim study to examine issues pertaining to statutory and constitutional limitations on bond indebtedness of municipalities	Revenue
LR580	Interim study to examine the potential for research, development, and deployment of liquid fluoride thorium reactors in the State of Nebraska	Natural Resources
LR581	Interim study to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska	Business and Labor
LR582	Interim study to conduct a comprehensive review of the laws governing powers of a city to enter into a redevelopment project for property within a radius of three miles of the boundaries of a city	Urban Affairs
LR583	Interim study to examine the structure, authority, and mission of the Public Service Commission in its administration of transportation by passenger motor carriers	Transportation and Telecommunications
LR584	Interim study to examine the authority and execution of eminent domain and condemnation proceedings	Judiciary
LR585	Interim study to examine the structure, maintenance, and mission of the parole system and the Board of Parole	Judiciary

LR586	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs
LR587	Interim study to determine if there is a need for safeguards to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced in certain situations	Judiciary
LR588	Interim study to encourage ways to encourage tourism throughout the State of Nebraska	Banking, Commerce and Insurance
LR589	Interim study to analyze the Nebraska Advantage Act	Revenue
LR590	Interim study to review matters under the jurisdiction of the Education Committee	Education
LR591	Interim study to examine the progress toward the development of a state longitudinal education data system	Education
LR592	Interim study to examine autism and the ways in which the educational, medical, and insurance industries can collaborate to provide successful treatment to children	Banking, Commerce and Insurance
LR593	Interim study to examine the taxing of flavored malt beverages at a separate, higher rate category than the current beer rate under the Nebraska Liquor Control Act	Revenue
LR594	Interim study to examine several policy issues regarding the definition of a flavored malt beverage	General Affairs
LR595	Interim study to examine possible methods to increase direct investment from both domestic and foreign sources in Nebraska's economy	Banking, Commerce and Insurance
LR596	Interim study to examine methods of enhancing the budgetary coordination between the Revenue Committee and Appropriations Committee of the Legislature	Revenue and Appropriations

LR597	Interim study to examine methods to enhance educational and employment opportunities involving science, technology, engineering, and mathematics in Nebraska	Education
LR598	Interim study to examine methods to more equitably value agricultural lands for tax purposes in Nebraska	Revenue
LR600	Interim study to examine the Municipal Equalization Fund, including the formula and the sources of funding	Revenue
LR601	Interim study 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	Business and Labor
LR602	Interim study of the intent of LB919, and the current fees paid to sheriffs for performing their statutory responsibilities and increasing docket fees to cover the actual costs associated with using the court system	Judiciary
LR608	Interim study to examine the issues surrounding the One-Call Notification System Act	Transportation and Telecommunications

(Signed) John Wightman, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 29, 2012, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

American Communications Group, Inc.
City of Omaha
Keigher & Associates, LLC
Friends of Nebraska Racing Inc.
Loeffler, Michael T.
Loeffler, Michael T.
McKenzie, Janis M.
Gifted, Nebraska Association for the

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Statewide Single Audit for the year ended June 30, 2011

Health and Human Services, Nebraska Department of

Nebraska Stem Cell Research Act (LB606) Annual Report

Parole Board, Nebraska

37th Annual Report

Retirement Systems, Public Employees

Annual Plan Review - December 31, 2011

SELECT FILE

LEGISLATIVE BILL 1128A. Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB536 with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 536.

A BILL FOR AN ACT relating to real property; to amend sections 30-2352, 30-2354, 76-201, 76-202, 76-203, 76-214, 76-215, 76-238, 76-246, 76-277, and 76-902, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Real Property Transfer on Death Act; to provide exemptions from the documentary stamp tax; to harmonize provisions; to provide an operative date; 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, 40:

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

Voting in the negative, 0.

Excused and not voting, 9:

Adams	Cornett	Karpisek	Nordquist	Seiler
Conrad	Hansen	Lautenbaugh	Pirsch	

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 985. With Emergency Clause.

A BILL FOR AN ACT relating to juvenile justice; to provide for a pilot program 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, 38:

Ashford	Council	Harms	Louden	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	Pahls	Wightman
Coash	Haar, K.	Larson	Pirsch	
Cook	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 3:

Avery	Lambert	Langemeier
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Excused and not voting, 8:

Adams	Cornett	Karpisek	Nordquist
Conrad	Hansen	Lautenbaugh	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.

LEGISLATIVE BILL 985A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 99 and 101; to appropriate funds to aid in carrying out the provisions of Legislative Bill 985, One Hundred Second Legislature, Second Session, 2012; to provide for a transfer of funds; to reduce appropriations to the Department of Health and Human Services; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Adams	Cornett	Karpisek	Nordquist
Conrad	Hansen	Lautenbaugh	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 LB310 with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to court procedure; to amend sections 28-311.09, 42-903, 42-924, 42-925, and 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to harassment protection orders and domestic abuse protection orders, petitions, definitions, and penalties; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Conrad	Hansen	Lautenbaugh	Seiler
Cornett	Karpisek	Nordquist	

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 LB391 with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 391. With Emergency Clause.

A BILL FOR AN ACT relating to invasive species; to amend sections 37-202, 37-524, 37-547, and 37-548, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2010; to define terms; to prohibit activities relating to aquatic invasive species; to provide penalties; to provide duties for the Game and Parks Commission; to create the Nebraska Invasive Species Council; to provide powers and duties;

to state intent; to harmonize provisions; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Conrad	Hansen	Nordquist
Cornett	Lautenbaugh	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 782 with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 782.

A BILL FOR AN ACT relating to state government; to amend sections 2-15,106, 2-2812, 2-4245, 2-5303, 3-801, 9-1,105, 9-809, 9-811.01, 11-203, 13-1205, 13-2114, 18-2117.01, 20-325, 23-2313, 24-704, 24-705, 24-1205, 24-1206, 25-1809, 25-2920, 29-2252.01, 35-1207, 37-327.01, 37-352, 38-1216, 39-1111, 39-1365.02, 39-1391, 39-1392, 42-930, 43-405, 43-512.11, 43-1905, 43-2412, 43-3326, 43-3342.04, 43-3402, 44-113, 44-7507, 46-1304, 46-1305, 48-1,104, 48-1,118, 48-606, 48-621, 48-1117, 48-1625, 48-2213, 48-2307, 48-2909, 49-770, 49-904, 49-1483, 49-1483.03, 49-1488, 49-1492.01, 50-114.03, 50-405, 50-413, 50-1205, 50-1210, 50-1211, 50-1302, 54-642, 54-2428, 58-246, 58-270, 66-4,144, 66-1336,

68-959, 68-1207.01, 68-1518, 69-503, 69-2409, 69-2423, 71-219.03, 71-707, 71-810, 71-816, 71-825, 71-827, 71-830, 71-1134, 71-1628.05, 71-1628.07, 71-17,115, 71-1904, 71-2516, 71-3407, 71-4728, 71-4741, 71-51,103, 71-5206.01, 71-5210, 71-5322, 71-6226, 71-7611, 71-8313, 71-8613, 71-8804, 72-240.26, 72-813, 72-1278, 72-1710, 73-305, 76-1521, 77-385, 77-3,116, 77-4110, 77-4933, 77-5204, 77-5210, 77-5214, 77-5412, 77-5542, 77-5544, 77-5731, 79-760.03, 79-909, 79-976, 79-1905, 81-106, 81-166, 81-187, 81-638, 81-650, 81-6,116, 81-829.43, 81-829.47, 81-829.56, 81-830, 81-8,226, 81-8,239.05, 81-8,251, 81-8,300, 81-1107.05, 81-1108.15, 81-1108.22, 81-1108.31, 81-1108.41, 81-1114, 81-1114.01, 81-1114.02, 81-1117, 81-1120.15, 81-1120.16, 81-1125.01, 81-1307.01, 81-1360, 81-1376, 81-1504.01, 81-15,153, 81-1606, 81-1607, 81-1637, 81-1845, 81-2004.04, 81-2022, 81-2023, 81-2213, 81-2233, 81-2408, 82-333, 83-4,147, 83-924, 83-963, 84-205, 84-304, 84-322, 84-605, 84-702, 84-907.06, 84-1205.05, 84-1219, 84-1315, 84-1617, 85-1413, 85-1414, 85-1415, 85-1429, 85-1811, 86-163, 86-518, 86-530, 86-572, and 90-309, Reissue Revised Statutes of Nebraska, sections 2-111, 2-968, 2-1588, 2-3226.01, 4-113, 9-1,101, 13-1210, 20-504, 25-3309, 28-429, 43-2404.02, 68-908, 70-1003, 79-527.01, 79-2118, 81-1833, 83-1209, 84-602, 85-1416, 85-1807, 85-2106, 86-516, and 86-5,100, Revised Statutes Cumulative Supplement, 2010, and sections 23-362, 29-2252, 37-919, 43-3720, 44-4225, 47-624, 50-417, 54-857, 61-218, 66-1345, 68-909, 68-971, 68-1017.02, 71-529, 71-7606, 77-367, 77-6309, 79-318, 79-722, 79-759, 79-760.05, 79-8,139, 79-987, 79-1007.07, 79-1022, 79-1103, 79-2104.02, 81-8,239.02, 81-1108.33, 81-1201.11, 81-1201.13, 81-12,142, 81-12,151, 81-12,166, 81-1384, 81-1505.04, 81-15,175, 84-901.01, 84-910, and 85-1412, Revised Statutes Supplement, 2011; to require that reports and other information submitted to the Legislature, Clerk of the Legislature, Executive Board of the Legislative Council, Legislative Fiscal Analyst, members of the Legislature, and committees of the Legislature be submitted electronically; to provide powers and duties for the Clerk of the Legislature; to eliminate provisions involving obsolete reports, plans, transfers of funds, and a program; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-5304, 3-806, 50-422, 71-5213, 81-12,122, and 85-1,130, Reissue Revised Statutes of Nebraska, section 71-465, Revised Statutes Cumulative Supplement, 2010, and section 54-1916, Revised Statutes Supplement, 2011.

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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 6:

Conrad	Hansen	Nordquist
Cornett	Lautenbaugh	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 810.

A BILL FOR AN ACT relating to insurance; to prohibit certain policy provisions relating to fees for dental services.

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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Conrad	Hansen	Nordquist
Cornett	Lautenbaugh	Seiler

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

LEGISLATIVE BILL 863.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2701, Reissue Revised Statutes of Nebraska, and section 18-2709, Revised Statutes Supplement, 2011; to redefine qualifying business to include film production; to provide duties for qualifying businesses; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Cornett	Hansen	Lautenbaugh	Nordquist	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 902. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202 and 77-2704.15, Revised Statutes Supplement, 2011; to define a term relating to property tax exemptions; to change provisions relating to a sales tax exemption for purchases by the state or a governmental unit; to require voter approval in order to qualify for exemptions as prescribed; to provide operative dates; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Cornett	Hansen	Lautenbaugh	Nordquist	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 LB965 with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to finance; to amend sections 45-334, 45-345, 45-346, 45-346.01, 45-348, 45-351, 45-701, 45-702, 45-703, 45-706, 45-729, 45-731, 45-734, and 45-736, Reissue Revised Statutes of Nebraska, and sections 45-335, 45-742, and 45-1002, Revised Statutes Supplement, 2011; to change provisions relating to the Nebraska Installment Sales Act, the Residential Mortgage Licensing Act, and the Nebraska Installment Loan Act; 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, 43:

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

Voting in the negative, 1:

Fulton

Excused and not voting, 5:

Cornett Hansen Lautenbaugh Nordquist 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 LB995 with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 995. With Emergency Clause.

A BILL FOR AN ACT relating to medical facilities; to amend sections 23-3501, 23-3502, 23-3504, 23-3505, 23-3508, 23-3510, 23-3511, 23-3523, 23-3524, 23-3525, 23-3553, 71-2057, 71-2059, 71-2061, and 71-20,104, Reissue Revised Statutes of Nebraska, and sections 23-3104 and 84-1410, Revised Statutes Supplement, 2011; to change provisions of the County Purchasing Act and the Open Meetings Act relating to medical facilities and public hospitals; to change and eliminate bond, board of trustee, gifts and devises, tax levy, and cost of care and services provisions relating to medical facilities; to change provisions relating to governmental entities and public hospitals; to eliminate claims and warrant provisions relating to medical facilities; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 23-3506, 23-3507, and 23-3514, Reissue Revised Statutes of Nebraska; 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	Langemeier	Pahls
Ashford	Cook	Harms	Larson	Pirsch
Avery	Council	Harr, B.	Lathrop	Price
Bloomfield	Dubas	Heidemann	Lautenbaugh	Schilz
Brasch	Fischer	Howard	Louden	Schumacher
Campbell	Flood	Janssen	McCoy	Smith
Carlson	Fulton	Karpisek	McGill	Sullivan
Christensen	Gloor	Krist	Mello	Wallman
Coash	Haar, K.	Lambert	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Cornett	Hansen	Nordquist	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 1039.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,175, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2011; to change provisions relating to school bus safety requirements; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Cornett Hansen Nordquist 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 LB1130 with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1130.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123, 53-123.04, 53-123.14, and 53-123.16, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-134, Revised Statutes Supplement, 2011; to define terms; to provide for an entertainment district license; to provide for a fee; 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, 44:

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

Voting in the negative, 1:

Nelson

Excused and not voting, 4:

Cornett Hansen Nordquist 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 536, 985, 985A, 310, 391, 782, 810, 863, 902, 965, 995, 1039, and 1130.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 996. Placed on Final Reading.

ST81

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

1. In the Wightman amendment, AM2622, on page 4, line 3, "State" has been inserted after "the"; and in line 12 "through" has been struck and "to" inserted.

2. On page 1, lines 4 and 5 have been struck and "provide procedures for withdrawing certain students from school; and to repeal the original section." inserted.

LEGISLATIVE BILL 998. Placed on Final Reading.

ST80

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

1. In the Krist amendment, AM2658, on page 1, line 3 "the" has been inserted after the first "to"; and in line 4 "State" has been struck.

2. In the E & R amendments, ER208:

a. Amendment 1 has been struck; and

b. On page 1, line 15, the matter beginning with the first "in" through the last semicolon has been struck.

3. The Krist amendment, AM2332, has been struck.

4. The Standing Committee amendment, AM2041, has been struck.

5. On page 1, line 10, "to change provisions relating to local foster care review boards and court review hearings;" has been inserted after the second semicolon.

LEGISLATIVE BILL 1090. Placed on Final Reading.

LEGISLATIVE BILL 1090A. Placed on Final Reading.

LEGISLATIVE BILL 1104. Placed on Final Reading.

ST82

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

1. In the Adams amendments, AM2614, on page 3, line 17, "available for investment" has been inserted after "fund".

2. In the E & R amendments, ER216, on page 1, line 6, "85-2409," has been inserted after "85-2408,"; and in line 7 "and 85-2417" has been struck and "85-2417, and 85-2418" inserted.

3. In the Standing Committee amendments, AM2077, on page 25, line 10, "Nebraska educational savings plan" has been inserted before "trust".

(Signed) Tyson Larson, Chairperson

SENATOR LANGEMEIER PRESIDING

MOTION - Return LB821 to Select File

Senator Campbell moved to return LB821 to Select File for her specific amendment, AM2677, found on page 1211.

The Campbell motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 821. The Campbell specific amendment, AM2677, found on page 1211, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 721. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 766. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 779. ER231, found on page 1096, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 719. ER238, found on page 1096, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 729. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1035. ER237, found on page 1097, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 896. ER234, found on page 1097, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 898. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 772. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 823. ER235, found on page 1097, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 761. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 743. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 742. ER239, found on page 1097, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1049. Senator Bloomfield renewed his amendment, AM2645, found on page 1238.

The Bloomfield amendment lost with 1 aye, 20 nays, 23 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 398. ER236, found on page 1097, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1101. ER240, found on page 1101, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1042. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 788. ER241, found on page 1101, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1062. ER242, found on page 1101, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1030. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 795. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 880. ER244, found on page 1102, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1116. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1141. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 819. ER243, found on page 1103, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 869. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1122. Senator Karpisek withdrew his amendment, AM2666, found on page 1198.

Senator Karpisek offered the following amendment:

AM2697

- 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 a disabled family member or disabled
- 5 person".

The Karpisek amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1077. ER245, found on page 1104, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1083. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 734. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 737. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 768. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 805. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 881. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 941. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1148. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 740. ER246, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 851. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1106. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1026. ER247, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1140. ER249, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 936. ER248, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 897. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 822. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1038. ER251, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1005. ER250, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 997. ER259, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 899. ER252, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 722. ER253, found on page 1108, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1051. ER254, found on page 1108, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1121. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1126. ER255, found on page 1108, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738. ER256, found on page 1108, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1087. ER257, found on page 1108, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1087A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1054. ER258, found on page 1109, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1054A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 825. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM2163, found on page 667, was considered.

Senator Cook renewed her amendment, AM2561, found on page 1197, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 825A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 872. Title read. Considered.

Committee AM2317, found on page 938, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Pirsch requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Avery	Coash	Hadley	McGill	Schumacher
Bloomfield	Cook	Harms	Mello	Smith
Brasch	Dubas	Krist	Nelson	Sullivan
Campbell	Fulton	Lambert	Pirsch	Wallman
Carlson	Gloor	Langemeier	Price	Wightman
Christensen	Haar, K.	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Fischer	Howard	Lathrop
Conrad	Flood	Janssen	Lautenbaugh
Council	Harr, B.	Karpisek	Pahls

Excused and not voting, 8:

Ashford	Hansen	Larson	Nordquist
Cornett	Heidemann	McCoy	Seiler

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 653. Senator Christensen offered the following motion:

MO92

Unanimous consent to bracket until April 12, 2012.

No objections. So ordered.

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB653:
AM2617

(Amendments to Standing Committee amendments, AM1844)

- 1 1. Strike sections 1 to 3 and insert the following new
- 2 sections:
- 3 Section 1. The Department of Natural Resources shall
- 4 conduct the following studies:
- 5 (1) Examine the technical, economic, and legal
- 6 feasibility of constructing dams to store water below the Harlan
- 7 County Reservoir for the purpose of future compliance with the
- 8 Republican River Compact among Kansas, Nebraska, and Colorado; and
- 9 (2) Examine the technical, economic, and legal
- 10 feasibility of transferring unappropriated water from the Platte
- 11 River Basin to the Republican River Basin for flood mitigation,
- 12 ground water recharge, and compliance with the Republican River
- 13 Compact among Kansas, Nebraska, and Colorado.
- 14 Sec. 2. It is the intent of the Legislature (1) to
- 15 appropriate five hundred thousand dollars from the Water Resources
- 16 Cash Fund to complete the studies required pursuant to section
- 17 1 of this act and (2) that such funds be deducted from any
- 18 funds transferred to the Water Resources Cash Fund pursuant
- 19 to Legislative Bill 950, One Hundred Second Legislature, Second
- 20 Session, 2012.

Senator Brasch filed the following amendment to LB1155:
AM2699 is available in the Bill Room.

RESOLUTION

LEGISLATIVE RESOLUTION 614. Introduced by Mello, 5; Conrad, 46; Cook, 13; Council, 11; K. Haar, 21; Harms, 48; B. Harr, 8; Howard, 9; Langemeier, 23; McGill, 26; Sullivan, 41; Wallman, 30.

WHEREAS, Earth Day is April 22, 2012; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world, with more than one billion people participating in Earth Day activities; and

WHEREAS, the Earth Day Network works with over twenty-two thousand partners in one hundred ninety-two countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment.

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

1. That the Legislature designates April 22, 2012, as Earth Day in the State of Nebraska.

2. That on this day Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Janssen and Schilz asked unanimous consent to add their names as cointroducers to LB804. No objections. So ordered.

Senators Price and Smith asked unanimous consent to add their names as cointroducers to LB872. No objections. So ordered.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1058. Placed on Select File with amendment.
ER266

- 1 1. On page 13, line 16, strike "subsection" and insert
- 2 "subdivision".

LEGISLATIVE BILL 1001. Placed on Select File with amendment.
ER260

- 1 1. On page 1, strike beginning with "government" in line
- 2 1 through line 7 and insert "Building Construction Act; to amend
- 3 section 71-6405, Revised Statutes Supplement, 2011; to eliminate
- 4 provisions relating to amendments to the state building code by
- 5 state agencies; and to repeal the original section."

LEGISLATIVE BILL 972. Placed on Select File with amendment.
ER261

- 1 1. In the Standing Committee amendments, AM2598, on page
- 2 10, line 12, strike "sections 29-1816 and" and insert "section".
- 3 2. On page 1, strike beginning with "juvenile" in line
- 4 1 through line 16 and insert "youth rehabilitation and treatment
- 5 centers; to amend sections 43-251.01, 43-401, and 43-405, Reissue
- 6 Revised Statutes of Nebraska, section 43-276, Revised Statutes
- 7 Cumulative Supplement, 2010, and section 43-286, Revised Statutes
- 8 Supplement, 2011; to change the age for placement or commitment
- 9 of juveniles to the youth rehabilitation and treatment centers; to
- 10 provide for consideration of such commitments by county attorneys
- 11 making determinations; to change reporting requirements for the
- 12 Office of Juvenile Services; to provide for documentation of
- 13 certain assaults, escapes, and attempts to escape; to require
- 14 collaboration on training, safety, and security; to harmonize
- 15 provisions; to provide a duty for the Revisor of Statutes; and to
- 16 repeal the original sections."

LEGISLATIVE BILL 804. Placed on Select File with amendment.
ER262

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through line 6 and insert "section 28-1416, Reissue
- 3 Revised Statutes of Nebraska; to change provisions relating to
- 4 justification for use of force; to harmonize provisions; and to
- 5 repeal the original section."

LEGISLATIVE BILL 1115. Placed on Select File with amendment.
ER265 is available in the Bill Room.

LEGISLATIVE BILL 1020. Placed on Select File with amendment.
ER263 is available in the Bill Room.

LEGISLATIVE BILL 1113. Placed on Select File with amendment.
ER268

- 1 1. On page 4, line 6, strike "(6)(b)" and insert
- 2 "(7)(b)".
- 3 2. On page 45, line 9, strike the underscored comma.
- 4 3. On page 58, lines 24 and 25, strike the new matter;

5 and in line 25 after "30-3923" insert "and sections 1 to 45 of this
6 act".

LEGISLATIVE BILL 745. Placed on Select File with amendment.
ER264

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
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, six million
9 dollars;
10 (b) For cities of the primary class, three million
11 dollars;
12 (c) For cities of the first class, seven hundred thousand
13 dollars; and
14 (d) For cities of the second class and villages, three
15 hundred 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 Sec. 2. Section 14-109, Revised Statutes Supplement,
3 2011, is amended to read:

4 14-109 (1)(a) The city council shall have power to tax
5 for revenue, license, and regulate any person within the limits
6 of the city by ordinance except as otherwise provided in this
7 section. Such tax may include both a tax for revenue and license.
8 The city council may raise revenue by levying and collecting a tax
9 on any occupation or business within the limits of the city. The
10 occupation tax shall be imposed in the manner provided in section
11 1 of this act, except that section 1 of this act does not apply
12 to an occupation tax subject to section 86-704. All such taxes
13 shall be uniform in respect to the class upon which they are
14 imposed. All scientific and literary lectures and entertainments
15 shall be exempt from taxation, as well as concerts and all other
16 musical entertainments given exclusively by the citizens of the
17 city. It shall be the duty of the city clerk to deliver to the city
18 treasurer the certified copy of the ordinance levying such tax, and
19 the city clerk shall append thereto a warrant requiring the city
20 treasurer to collect such tax.

21 (b) For purposes of this subsection, limits of the city
22 does not include the extraterritorial zoning jurisdiction of such
23 city.

24 (2)(a) Except as otherwise provided in subdivision (c)
25 of this subsection, the city council shall also have power to
26 require any individual whose primary residence or person who owns
27 a place of business which is within the limits of the city and
1 that owns and operates a motor vehicle within such limits to
2 annually register such motor vehicle in such manner as may be
3 provided and to require such person to pay an annual motor vehicle
4 fee therefor and to require the payment of such fee upon the
5 change of ownership of such vehicle. All such fees which may be
6 provided for under this subsection shall be credited to a separate
7 fund of the city, thereby created, to be used exclusively for
8 constructing, repairing, maintaining, or improving streets, roads,
9 alleys, public ways, or parts thereof or for the amortization of
10 bonded indebtedness when created for such purposes.

11 (b) No motor vehicle fee shall be required under this
12 subsection if (i) a vehicle is used or stored but temporarily in
13 such city for a period of six months or less in a twelve-month
14 period, (ii) an individual does not have a primary residence or
15 a person does not own a place of business within the limits of
16 the city and does not own and operate a motor vehicle within the

17 limits of the city, or (iii) an individual is a full-time student
18 attending a postsecondary institution within the limits of the city
19 and the motor vehicle's situs under the Motor Vehicle Certificate
20 of Title Act is different from the place at which he or she is
21 attending such institution.

22 (c) After December 31, 2012, no motor vehicle fee shall
23 be required of any individual whose primary residence is or person
24 who owns a place of business within the extraterritorial zoning
25 jurisdiction of such city.

26 (d) For purposes of this subsection, limits of the city
27 includes the extraterritorial zoning jurisdiction of such city.

1 (3) For purposes of this section, person includes
2 bodies corporate, societies, communities, the public generally,
3 individuals, partnerships, limited liability companies, joint-stock
4 companies, cooperatives, and associations. Person does not
5 include any federal, state, or local government or any political
6 subdivision thereof.

7 Sec. 3. Section 15-202, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 15-202 A city of the primary class shall have power to
10 levy taxes for general revenue purposes on all property within
11 the corporate limits of the city taxable according to the laws of
12 Nebraska and to levy an occupation tax on public service property
13 or corporations in such amounts as may be proper and necessary, in
14 the judgment of the mayor and council, for purposes of revenue. All
15 such taxes shall be uniform with respect to the class upon which
16 they are imposed. The occupation tax may be based upon a certain
17 percentage of the gross receipts of such public service corporation
18 or upon such other basis as may be determined upon by the mayor and
19 council and shall be imposed in the manner provided in section 1 of
20 this act, except that section 1 of this act does not apply to an
21 occupation tax subject to section 86-704.

22 Sec. 4. Section 15-203, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 15-203 A city of the primary class shall have power to
25 raise revenue by levying and collecting a license or occupation tax
26 on any person, partnership, limited liability company, corporation,
27 or business within the limits of the city and regulate the same
1 by ordinance except as otherwise provided in this section and in
2 section 15-212. The occupation tax shall be imposed in the manner
3 provided in section 1 of this act, except that section 1 of
4 this act does not apply to an occupation tax subject to section
5 86-704. All such taxes shall be uniform in respect to the class
6 upon which they are imposed. All scientific and literary lectures
7 and entertainments shall be exempt from such taxation as well as
8 concerts and all other musical entertainments given exclusively by
9 the citizens of the city.

10 Sec. 5. Section 16-205, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 16-205 A city of the first class may raise revenue by
 13 levying and collecting a license or occupation tax on any person,
 14 partnership, limited liability company, corporation, or business
 15 within the limits of the city and to regulate same by ordinance.
 16 The occupation tax shall be imposed in the manner provided in
 17 section 1 of this act, except that section 1 of this act does
 18 not apply to an occupation tax subject to section 86-704. All such
 19 taxes shall be uniform in respect to the class upon which they are
 20 imposed. All scientific and literary lectures and entertainments
 21 shall be exempt from such taxation as well as concerts and all
 22 other musical entertainments given exclusively by the citizens of
 23 the city.

24 Sec. 6. Section 17-525, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 17-525 Second-class cities and villages shall have power
 27 to raise revenue by levying and collecting a license tax on any
 1 occupation or business within the limits of the city or village,
 2 and regulate the same by ordinance. The occupation tax shall be
 3 imposed in the manner provided in section 1 of this act, except
 4 that section 1 of this act does not apply to an occupation tax
 5 subject to section 86-704. All such taxes shall be uniform in
 6 respect to the classes upon which they are imposed. ~~All - Provided,~~
 7 ~~all~~-scientific and literary lectures and entertainments shall be
 8 exempt from such taxation, as well as concerts and other musical
 9 entertainments given exclusively by the citizens of the city or
 10 village.

11 Sec. 7. Original sections 15-202, 15-203, 16-205, and
 12 17-525, Reissue Revised Statutes of Nebraska, and section 14-109,
 13 Revised Statutes Supplement, 2011, are repealed.

LEGISLATIVE BILL 998A. Placed on Select File with amendment.
 ER267

- 1 1. On page 1, line 5, after the first semicolon insert
- 2 "to provide for drawing paying warrants;"
- 3 2. On page 2, line 3, strike "STATE" and show as
- 4 stricken; in line 5 strike "State" and show as stricken; and in
- 5 line 15 strike "State".
- 6 3. On page 11, line 13; and page 14, line 13, strike
- 7 "State".

LEGISLATIVE BILL 1161. Placed on Select File with amendment.
 ER269

- 1 1. On page 1, strike beginning with "section" in line
- 2 1 through line 6 and insert "section 57-1101, Reissue Revised
- 3 Statutes of Nebraska, as amended by section 1, Legislative Bill
- 4 1, One Hundred Second Legislature, First Special Session, 2011,
- 5 section 3, Legislative Bill 1, One Hundred Second Legislature,
- 6 First Special Session, 2011, and section 3, Legislative Bill 4, One
- 7 Hundred Second Legislature, First Special Session, 2011; to change

8 provisions relating to eminent domain; to change applicability
 9 provisions of the Major Oil Pipeline Siting Act; to provide and
 10 change provisions relating to the review and evaluation of oil
 11 pipeline routes; to harmonize provisions; to repeal the original
 12 sections; and to declare an emergency.".

(Signed) Tyson Larson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 2012, at 9:07 a.m. were the following: LBs 536, 985e, 985Ae, 310, 391e, 782, 810, 863, 902e, 965, 995e, 1039, and 1130.

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

COMMITTEE REPORT

General Affairs

The General Affairs 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.

Timothy Hart - Nebraska Arts Council

Aye: 8 Bloomfield, Brasch, Coash, Karpisek, Krist, Lambert, Larson, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

VISITORS

Visitors to the Chamber 30 FFA members from Sargent; a group from Northwest Missouri State University-ESL program, Maryville, MO; 9 fourth-grade students and teacher from Dodge; 44 fourth-grade students and teachers from North Bend; 44 fourth-grade students and teachers from Peter Sarpy Elementary, Bellevue; John and Susan Vaughan from Omaha; and 45 fourth-grade students and teachers from Morton Elementary, Hastings.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:34 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Monday, April 2, 2012.

Patrick J. O'Donnell
 Clerk of the Legislature