

**CARRYOVER
LEGISLATION**

**Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
One Hundred Second Legislature, First Session, 2011,
and Pending Before the
One Hundred Second Legislature, Second Session, 2012**

January 4, 2012

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

**Introduced in the
One Hundred Second Legislature, First Session, 2011
and pending before the
One Hundred Second Legislature, Second Session, 2012**

General File (38): (302 - 6/5/2011) (161 - 6/8/2011) 66 51 202 343 262 190 370
60 409 415 503 352 418 304 459 239 473 633 LR19CA 417 426 310 276 251
456 612 175 391 216 216A 507 40 427 344 576 498

Select File (7): (682 - 1/4/2012) 698 606 95 357 LR40CA 670

Final Reading (1): (541e)

BILLS HELD BY COMMITTEES:

Agriculture (5): 91 306 354 355 356

Appropriations (11): 93 120 131 213 282 325 414 450 485 491 497

Bank., Com. & Ins. (27): 44 49 71 132 196 205 223 240 268 269 280 317 322
371 422 434 448 478 493 514 551 553 571 613 614 639 678

Business & Labor (25): 113 141 153 184 189 238 245 263 272 288 291 341 346
348 416 472 506 517 530 586 588 593 594 640 674

Education (27): 53 58 63 123 145 148 149 192 236 247 273 287 313 364 381
403 446 520 522 531 572 582 615 634 635 636 LR20

Executive Board (4): 86 270 271 LR30

General Affairs (6): 194 294 411 470 567 681

Gov., Mil. & Vet. Afrs. (37): 14 21 37 97 116 117 168 169 172 173 186 198 214
224 266 312 365 367 412 425 443 444 523 566 568 577 583 597 605 616 631
643 654 685 691 LR2CA LR123

Hlth. & Human Serv. (36): 39 92 125 140 144 166 180 199 219 221 222 267
290 316 330 433 466 467 481 539 540 557 574 599 601 602 607 630 646 650
651 662 686 696 LR21 LR23

Judiciary (65): 48 79 88 115 129 133 136 138 147 201 203 231 232 242 258 275
293 298 300 301 324 339 349 350 351 398 402 408 447 451 452 460 461 469
475 476 488 508 513 515 516 518 536 538 545 552 565 569 598 609 622 644
647 649 652 658 660 671 676 677 689 693 694 LR28 LR39

Natural Resources (25): 64 103 127 227 328 340 392 393 395 487 526 529 533
578 579 587 595 596 626 645 653 655 656 683 LR51CA

Nebr. Ret. Sys. (3): 679 680 688

Redistricting (2): 195 233

Revenue (48): 33 50 65 69 82 96 118 119 174 209 253 318 319 320 321 323
358 361 362 363 405 428 429 432 436 439 441 457 483 489 504 505 519 527
537 559 560 561 562 603 608 620 627 666 672 695 LR9CA LR46CA

Trans. & Telecom. (20): 52 87 102 104 182 183 185 206 217 244 250 295 327
420 484 495 584 625 661 LR3CA

Urban Affairs (4): 42 55 437 438

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS

LEGISLATIVE BILL 14. Introduced by Wightman, 36; Krist, 10.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, 60-169, and 77-3903, Reissue Revised Statutes of Nebraska; to change and eliminate fees received by registers of deeds and clerks; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 21. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Louden, 49; Carlson, 38; Hansen, 42; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 37. Introduced by Harms, 48; Mello, 5.

A BILL FOR AN ACT relating to audits; to amend sections 50-1213 and 84-305, Reissue Revised Statutes of Nebraska, and sections 77-2711 and 77-27,119, Revised Statutes Cumulative Supplement, 2010; to provide requirements relating to access to information by the Legislative Performance Audit Section and the Auditor of Public Accounts; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 39. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-150, 20-151, 20-159, and 71-4728, Reissue Revised Statutes of Nebraska, and section 20-156, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to licensure of interpreters for deaf and hard of hearing persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska; to change a sales tax exemption for health clinics; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Hadley, 37.

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

LEGISLATIVE BILL 44. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1005, Reissue Revised Statutes of Nebraska; to change provisions relating to power of sale conferred on a trustee; to provide for retroactive application; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 48. Introduced by Janssen, 15; Brasch, 16; Hansen, 42; Karpisek, 32; McCoy, 39; Schilz, 47; Bloomfield, 17.

A BILL FOR AN ACT relating to immigration; to adopt the Illegal Immigration Enforcement Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 49. Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to change filing provisions relating to nonconsensual liens.

LEGISLATIVE BILL 50. Introduced by Krist, 10; Fulton, 29; K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Elementary and Secondary Educational Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 51. Introduced by Krist, 10; Lautenbaugh, 18; Brasch, 16; Carlson, 38; Christensen, 44; Fulton, 29; Pirsch, 4; Schilz, 47; Bloomfield, 17; Larson, 40; McCoy, 39; Price, 3.

A BILL FOR AN ACT relating to health clinics; to amend section 71-401, Revised Statutes Cumulative Supplement, 2010; to require patient transfer agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 52. Introduced by Krist, 10; Larson, 40; Karpisek, 32; Bloomfield, 17.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 53. Introduced by Krist, 10; Howard, 9.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to free transportation for students in learning communities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 55. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, and 81-1614, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2010; to provide for a study relating to dual-enrollment courses and career academies; and to repeal the original section.

LEGISLATIVE BILL 60. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,122, Reissue Revised Statutes of Nebraska; to change provisions relating to compliance checks; and to repeal the original section.

LEGISLATIVE BILL 63. Introduced by Cornett, 45; Krist, 10; Mello, 5; Price, 3; Smith, 14.

A BILL FOR AN ACT relating to education; to ratify the Interstate Compact on Educational Opportunity for Military Children on behalf of the State of Nebraska with any other state legally joining thereon; and to create the State Council on Educational Opportunity for Military Children and the positions of compact commissioner and military family education liaison within the Department of Veterans' Affairs as prescribed.

LEGISLATIVE BILL 64. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to wildlife; to amend sections 37-202, 37-209.01, 37-210.01, 37-246, and 37-478, Reissue Revised Statutes of Nebraska, and sections 29-818, 37-201, 37-477, 37-479, and 37-481, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to seized property, wildlife in captivity, and captive wildlife permits; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 65. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.57, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to C-BED projects; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4106, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to DNA collection; and to repeal the original section.

LEGISLATIVE BILL 69. Introduced by Louden, 49; Fischer, 43; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to comparable sales; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 71. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend section 12-1102, Revised Statutes Cumulative Supplement, 2010; to broaden the definition of trustee; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by McGill, 26; Ashford, 20; Avery, 28; Campbell, 25; Christensen, 44; Cook, 13; Council, 11; Dubas, 34; Hadley, 37; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to courts; to amend section 43-3701, Reissue Revised Statutes of Nebraska; to state intent; to create a fund; to provide for grants to court appointed special advocate programs; to provide duties; to create a court fee; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine contractor or repairperson and gross receipts to exclude sod as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 86. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-416, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the legislative reference library; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 87. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change provisions relating to mowing weeds in ditches as prescribed; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2010; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Price, 3.

A BILL FOR AN ACT relating to tractor testing; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to increase the minimum horsepower of a tractor that is required to be tested; and to repeal the original section.

LEGISLATIVE BILL 92. Introduced by Howard, 9; Cornett, 45; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to public child welfare services; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska; to change provisions relating to caseloads; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to state intent relating to administrators' salaries; and to declare an emergency.

LEGISLATIVE BILL 95. Introduced by Howard, 9; Cook, 13; Cornett, 45; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to infants; to require accreditation for lead agencies contracting with the Department of Health and Human Services as prescribed.

LEGISLATIVE BILL 96. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Fischer, 43; Hadley, 37; Pirsch, 4; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.03, Reissue Revised Statutes of Nebraska; to change state aid to counties; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 97. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-202, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to require the Secretary of State to provide uniform guidelines for election workers; and to repeal the original sections.

LEGISLATIVE BILL 102. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle loads; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to water; to amend section 46-2,115, Reissue Revised Statutes of Nebraska; to change provisions relating to instream appropriations; and to repeal the original section.

LEGISLATIVE BILL 104. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,144 and 60-6,294, Reissue Revised Statutes of Nebraska; to change certain weight provisions; and to repeal the original sections.

LEGISLATIVE BILL 113. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1101 and 48-1104, Reissue Revised Statutes of Nebraska; to prohibit discrimination based upon an individual's credit history or credit report as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 115. Introduced by Council, 11.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 116. Introduced by Avery, 28; Karpisek, 32; Louden, 49; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to the Veterans' Aid Income Fund; to amend section 80-401, Reissue Revised Statutes of Nebraska; to provide for use of the fund for the state veteran cemetery system; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 117. Introduced by Avery, 28; Karpisek, 32; Price, 3.

A BILL FOR AN ACT relating to elections; to amend sections 32-1413 and 49-202, Reissue Revised Statutes of Nebraska; to change provisions relating to publication of notice of proposed constitutional amendments and initiative and referendum measures; and to repeal the original sections.

LEGISLATIVE BILL 118. Introduced by Avery, 28; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 71-5326 and 77-27,136, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to aid to natural resources districts; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section

77-27,137.02, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 119. Introduced by Avery, 28; Cornett, 45; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119, 77-27,137.01, 77-27,139.02, and 77-27,139.03, Reissue Revised Statutes of Nebraska; to change provisions relating to aid to incorporated municipalities; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 120. Introduced by Avery, 28; Brasch, 16; Karpisek, 32; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to the Risk Management Program; to amend sections 48-1,103, 81-8,239.01, and 81-8,239.02, Reissue Revised Statutes of Nebraska; to provide for the costs of administering the program to be paid out of the Workers' Compensation Claims Revolving Fund and the State Insurance Fund; to eliminate the appropriation of General Fund money for the program; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 123. Introduced by Heidemann, 1; Adams, 24; Avery, 28; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; K. Haar, 21; Hansen, 42; Howard, 9; Krist, 10; Mello, 5; Schilz, 47; Sullivan, 41; Wightman, 36; Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend sections 79-283 and 79-2,137, Reissue Revised Statutes of Nebraska, and section 79-267, Revised Statutes Cumulative Supplement, 2010; to provide for disciplinary actions against students and policies relating to cyber-bullying; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 125. Introduced by Avery, 28.

A BILL FOR AN ACT relating to children; to create and provide duties for the Children's Health Advisory Committee; to provide duties for the chief executive officer of the Department of Health and Human Services and the Commissioner of Education; to provide for and require schools to implement nutrition and physical activity standards; and to provide for rules and regulations.

LEGISLATIVE BILL 127. Introduced by Avery, 28.

A BILL FOR AN ACT relating to water; to amend sections 46-714, 46-715, and 46-717, Reissue Revised Statutes of Nebraska; to change provisions relating to input into determinations and management plans; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Avery, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Cumulative Supplement, 2010; to change the statute of limitations for crimes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 131. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2010; to delete obsolete transfer provisions; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Dubas, 34; Coash, 27; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4; Schilz, 47; Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to insurance; to adopt the Abortion Mandate Opt-Out Act.

LEGISLATIVE BILL 133. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Reissue Revised Statutes of Nebraska, and section 29-2269, Revised Statutes Cumulative Supplement, 2010; to require inclusion of sentencing costs in presentence investigation reports; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 136. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Board of Pardons; to amend section 83-1,130, Reissue Revised Statutes of Nebraska; to change the number of years between appearances before the board from two years to five years; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2010; to change application requirements relating to residency; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to health and human services; to amend section 81-6,120, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to criminal background checks required for transportation services; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to provide additional records that may be withheld; and to repeal the original section.

LEGISLATIVE BILL 144. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Uniform Standard Code for Mobile Home Parks; to amend sections 71-4625, 71-4630, 71-4631, 71-4632, 71-4633, 71-4634, Reissue Revised Statutes of Nebraska; to require plans for shelter and evacuation as prescribed; to provide duties for the Nebraska Emergency Management Agency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 145. Introduced by K. Haar, 21; Conrad, 46.

A BILL FOR AN ACT relating to schools; to provide for school transportation safety committees; and to require transportation plans as prescribed.

LEGISLATIVE BILL 147. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to family law; to amend sections 42-357, 43-1244, 43-2920, and 43-3342.05, Reissue Revised Statutes of Nebraska; to change provisions relating to orders, inconvenient forums, visitation, and child support; to provide a duty for a commission and the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Avery, 28; Fulton, 29; Loudon, 49; Utter, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Cumulative Supplement, 2010; to exclude lobbying expenses from the definition of general fund operating expenditures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 149. Introduced by Avery, 28; Hansen, 42.

A BILL FOR AN ACT relating to special education; to adopt the Blind Persons Literacy Rights and Education Act.

LEGISLATIVE BILL 153. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Reissue Revised Statutes of Nebraska; to change reimbursement for medical services; to clarify provisions; and to repeal the original section.

LEGISLATIVE BILL 161. Introduced by Karpisek, 32; Avery, 28; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217.01, Reissue Revised Statutes of Nebraska, and sections 83-1217.02 and 84-712.05, Revised Statutes Cumulative Supplement, 2010; to authorize a private preemployment screening service to conduct criminal history record information checks as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 168. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-312, 32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 60-484.02, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-915, Revised Statutes Cumulative Supplement, 2010; to provide for voter registration on the Secretary of State's web site; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 169. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-929, 32-933, 32-935, 32-936, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-329, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 172. Introduced by Avery, 28.

A BILL FOR AN ACT relating to commissions; to amend sections 12-1208, 71-1906.01, 82-504, and 84-104.08, Reissue Revised Statutes of Nebraska, and sections 20-506 and 81-2509, Revised Statutes Cumulative Supplement, 2010; to eliminate the Commission on Latino-Americans and the Commission on Indian Affairs; to create the Commission on Indian and Multicultural Affairs; to provide powers and duties for the commission; to provide an operative date; to repeal the original sections; to outright repeal sections 81-8,263, 81-8,264, 81-8,266, 81-8,267, 81-8,268, 81-8,269, 81-8,271, 81-2501, 81-2502, 81-2503, 81-2505, 81-2506, 81-2507, and 81-2508, Reissue Revised Statutes of Nebraska, and sections 81-8,262, 81-8,265, 81-8,270, 81-8,271.01, and 81-2504, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 173. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-604, Revised Statutes Cumulative Supplement, 2010; to redefine high elective office to include natural resources districts for purposes of restrictions on multiple office holding; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119.04, Reissue Revised Statutes of Nebraska; to change provisions

relating to certain contributions on the income tax form; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend section 32-1610, Reissue Revised Statutes of Nebraska; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 180. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to veterinary medicine and surgery; to amend sections 38-108, 38-158, and 38-3319, Reissue Revised Statutes of Nebraska; to provide for gubernatorial appointment of the Board of Veterinary Medicine and Surgery; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 182. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Reissue Revised Statutes of Nebraska; to change provisions relating to the issuance of one license plate; and to repeal the original section.

LEGISLATIVE BILL 183. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to abandoned motorboats; to amend sections 37-1299, 37-12,100, 37-12,101, 37-12,102, 37-12,103, 37-12,104, 37-12,105, 37-12,106, 37-12,107, 37-12,108, and 37-12,109, Reissue Revised Statutes of Nebraska; to provide for certain motorboats and trailers to be considered abandoned; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Smith, 14; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Reissue Revised Statutes of Nebraska; to change interest rate provisions on certain compensation court awards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 185. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-501, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, 60-1903, 60-1908, 66-1406.02, and 81-2005, Reissue Revised Statutes of Nebraska; to provide for one license plate and In Transit decal per vehicle; to change provisions relating

to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-519 and 32-524, Revised Statutes Cumulative Supplement, 2010; to require nonpartisan ballots for nomination and election of county officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Council, 11.

A BILL FOR AN ACT relating to public employment; to amend sections 9-808, 14-702, and 19-1831, Reissue Revised Statutes of Nebraska; to adopt the Criminal Offender Employment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 190. Introduced by Council, 11.

A BILL FOR AN ACT relating to public utilities districts; to amend sections 32-540, 70-612, and 70-619, Reissue Revised Statutes of Nebraska, and section 14-2102, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to election of directors as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 192. Introduced by Council, 11.

A BILL FOR AN ACT relating to schools; to define terms; to require instruction in sexual health education; to provide curriculum requirements; and to provide for rules and regulations.

LEGISLATIVE BILL 194. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-112, Reissue Revised Statutes of Nebraska; to change and eliminate salary and expenses provisions relating to members of the Nebraska Liquor Control Commission; to prohibit participation in an insurance program as prescribed; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Sullivan, 41; Dubas, 34; Schilz, 47.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to change the number of members of the Legislature; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 196. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes

of Nebraska; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the transportation services bureau; to amend section 81-1018, Reissue Revised Statutes of Nebraska; to change provisions relating to the purchase or lease of state-owned passenger cars; and to repeal the original section.

LEGISLATIVE BILL 199. Introduced by Dubas, 34; Campbell, 25; Christensen, 44; Coash, 27; Hadley, 37; Harms, 48; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to foster care; to amend section 43-1319, Reissue Revised Statutes of Nebraska; to require adequate financial support to foster parents to support foster children; and to repeal the original section.

LEGISLATIVE BILL 201. Introduced by Council, 11; McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to probation; to amend section 29-2262.06, Reissue Revised Statutes of Nebraska; to change fees; and to repeal the original section.

LEGISLATIVE BILL 202. Introduced by Council, 11; Avery, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment; and to repeal the original section.

LEGISLATIVE BILL 203. Introduced by Council, 11; Avery, 28; B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 205. Introduced by Mello, 5; Conrad, 46; Cook, 13; Council, 11; B. Harr, 8; Larson, 40; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to economic development; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Next Generation Nebraska Commission; to state intent; to provide duties for the commission; to harmonize provisions; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 206. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to personal property; to amend sections 60-1801, 60-1802, 60-1803, 60-1807, 60-1808, 60-1901, 60-1904, and 60-1907,

Reissue Revised Statutes of Nebraska; to name an act; to define terms; to delete obsolete provisions; to provide for disposition of abandoned camper units; to provide a penalty; to change provisions relating to abandoned vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Cornett, 45; Hadley, 37; Heidemann, 1; Schilz, 47; Utter, 33; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change a provision relating to the proceeds of local sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 213. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 214. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 32-312, 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, 32-529, 32-557, 32-610, 32-618, and 32-810, Reissue Revised Statutes of Nebraska, and sections 32-519 and 32-524, Revised Statutes Cumulative Supplement, 2010; to require nonpartisan ballots for nomination and election of county and city officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Coash, 27; Fulton, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-301 and 60-3,100, Reissue Revised Statutes of Nebraska; to change license plate issuance and display provisions for certain motor vehicles; to provide for a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216A. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Second Legislature, First Session, 2011.

LEGISLATIVE BILL 217. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-301, 86-303, and 86-314, Reissue Revised Statutes of Nebraska, and section 86-313, Revised Statutes Cumulative Supplement, 2010; to define and eliminate terms; to change provisions relating to surcharges for wireless service; to state intent; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 219. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Freedom Act.

LEGISLATIVE BILL 221. Introduced by Janssen, 15; Bloomfield, 17; Karpisek, 32.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1708, 68-1723, and 68-1724, Reissue Revised Statutes of Nebraska; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Gloor, 35; Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6221, Reissue Revised Statutes of Nebraska; to change provisions regarding changes in scope of practice; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

LEGISLATIVE BILL 224. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 227. Introduced by Mello, 5; Dubas, 34; K. Haar, 21.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 81-1601, 81-1603, 81-1605, and 81-1606, Reissue Revised Statutes of Nebraska, and section 81-1607.01, Revised Statutes Cumulative Supplement, 2010; to require a state energy assessment; to provide duties to the office; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 231. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 232. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to self-defense; to amend section 28-1410, Reissue Revised Statutes of Nebraska; to authorize protection of an unborn child; to define terms; and to repeal the original section.

LEGISLATIVE BILL 233. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-508, Reissue Revised Statutes of Nebraska; to state intent; to change the number of members of the Legislature; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 236. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1015.01, 79-1025, and 79-1029, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1003, 79-1005.01, 79-1007.10, 79-1007.11, 79-1007.18, 79-1023, and 79-1030, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to state aid to schools; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1022.02, 79-1026, 79-1028, and 79-1083.03, Reissue Revised Statutes of Nebraska, and section 79-1026.01, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 238. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-125, 48-145.01, 48-155, 48-156, 48-170, 48-178, 48-180, 48-182, 48-185, and 48-1,110, Reissue Revised Statutes of Nebraska; to eliminate review by a three-judge panel; to authorize modification of awards and orders; to harmonize provisions; to provide operative provisions; to repeal the original sections; and to outright repeal sections 48-179 and 48-181, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 239. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-944, 32-947, 32-953, 32-1027, 60-4,115, and 60-4,181, Reissue Revised Statutes of Nebraska, and sections 32-915 and 32-1002, Revised Statutes Cumulative Supplement, 2010; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 240. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Hadley, 37; Mello, 5.

A BILL FOR AN ACT relating to insurance; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Nebraska Insurance Choices Exchange Task Force; to provide powers and duties for the task force; to require a report; to provide a termination date; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 242. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-309, 28-929, 28-930, 28-931, 28-931.01, 28-932, and 28-933, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to assault, assault on an officer, and offenses by a confined person; and to repeal the original sections.

LEGISLATIVE BILL 244. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to highways; to amend section 39-218, Reissue Revised Statutes of Nebraska; to allow certain signs along scenic byways as prescribed; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Carlson, 38; Fulton, 29; Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-146.02, Reissue Revised Statutes of Nebraska; to provide for release of employee medical records as prescribed; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-703, Reissue Revised Statutes of Nebraska; to adopt the Classrooms First Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 250. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Dubas, 34; Hadley, 37; Janssen, 15; Lautenbaugh, 18; Price, 3.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-303, Reissue Revised Statutes of Nebraska; to exempt limousine service from regulation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 251. Introduced by Council, 11.

A BILL FOR AN ACT relating to courts; to amend sections 33-103, 33-106, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.04, and 33-126.06, Reissue Revised Statutes of Nebraska, and section 25-2804, Revised Statutes Cumulative Supplement, 2010; to change fees; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Larson, 40; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6203, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to a tax credit relative to wind energy generating facilities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 258. Introduced by Krist, 10.

A BILL FOR AN ACT relating to land surveying; to amend sections 23-1901, 23-1908, 23-1911, 25-223, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska, and section 81-8,110.07, Revised Statutes Cumulative Supplement, 2010; to provide that the entry of a surveyor onto any land is not criminal trespass; to provide duties for land surveyors and for damages as prescribed; to provide for limitations on actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 262. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend sections 44-3,158 and 48-144.03, Reissue Revised Statutes of Nebraska; to eliminate certain health and safety regulations, penalties, a program, a fund, and a committee; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-401, 48-402, 48-403, 48-404, 48-405, 48-406, 48-407, 48-408, 48-409, 48-410, 48-411, 48-412, 48-413, 48-414, 48-415, 48-416, 48-417, 48-419, 48-420, 48-421, 48-422, 48-423, 48-424, 48-425, 48-426, 48-427, 48-428, 48-429, 48-430, 48-431, 48-432, 48-433, 48-434, 48-435, 48-436, 48-437, 48-438, 48-439, 48-440, 48-441, 48-442, 48-443, 48-444, 48-445, and 48-446, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 263. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to eliminate the Nebraska Worker Training Board; and to outright repeal section 48-622.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 266. Introduced by Sullivan, 41; Brasch, 16; McCoy, 39.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to closed sessions; and to repeal the original section.

LEGISLATIVE BILL 267. Introduced by Howard, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Reissue Revised Statutes of Nebraska; to change provisions relating to Supplemental Nutrition Assistance Benefits; and to repeal the original section.

LEGISLATIVE BILL 268. Introduced by Howard, 9.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-101.01, Revised Statutes Cumulative Supplement, 2010; to require return to the payee of insufficient funds checks, drafts, assignments of funds, and similar signed orders as prescribed; to provide powers and duties for the Department of

Banking and Finance; to provide for a civil penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 269. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-910, and 45-927, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and the distribution of fees; to create a fund; to provide powers and duties for the Director of Banking and Finance; and to repeal the original sections.

LEGISLATIVE BILL 270. Introduced by Executive Board: Wightman, 36, Chairperson; Christensen, 44; Fischer, 43; Flood, 19; Heidemann, 1; Karpisek, 32; Langemeier, 23; Nelson, 6; Pahls, 31.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to eliminate duties and positions relating to county or municipal correctional and jail facilities, mental health and veterans institutions, regional behavioral health authorities, and community-based behavioral health services providers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 271. Introduced by Executive Board: Wightman, 36, Chairperson; Christensen, 44; Fischer, 43; Flood, 19; Heidemann, 1; Karpisek, 32; Langemeier, 23; Pahls, 31.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-1206, and 50-1304, Reissue Revised Statutes of Nebraska, and section 71-465, Revised Statutes Cumulative Supplement, 2010; to eliminate the office of Legislative Research and the position of Director of Research; to harmonize provisions; to repeal the original sections; and to outright repeal section 50-416, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 272. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for confidentiality and limited access to first-injury reports; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 273. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1009, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, and 79-1018.01, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to net option students; to provide for converted contracts and converted contract option students; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 275. Introduced by Fulton, 29; Avery, 28; Coash, 27; K. Haar, 21; McGill, 26; Wallman, 30; Campbell, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-912, Reissue Revised Statutes of Nebraska; to change provisions relating to escape; and to repeal the original section.

LEGISLATIVE BILL 276. Introduced by Council, 11; Conrad, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, and 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections 29-3922 and 83-4,143, Revised Statutes Cumulative Supplement, 2010; to change a penalty from death to life imprisonment without possibility of parole and change other penalties as prescribed; to eliminate capital punishment and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 280. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to adopt the Discretionary Clause Prohibition Act; to create an unfair trade practice in the business of insurance; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Loudon, 49.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend section 81-2514, Revised Statutes Cumulative Supplement, 2010; to appropriate funds to the Designated Collection Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 287. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend section 79-536, Reissue Revised Statutes of Nebraska, and sections 79-1003.01 and 79-1103, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to summer school and early childhood education summer sessions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Mello, 5.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Small Business Regulatory Flexibility Act.

LEGISLATIVE BILL 290. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to health care; to amend section 71-464, Reissue Revised Statutes of Nebraska; to change information required to be given to a patient upon request; and to repeal the original section.

LEGISLATIVE BILL 291. Introduced by Nelson, 6; Carlson, 38; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to periodic payment modification; and to repeal the original section.

LEGISLATIVE BILL 293. Introduced by Avery, 28; Mello, 5.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-204, Reissue Revised Statutes of Nebraska; to change provisions relating to reclaiming property by an owner; and to repeal the original section.

LEGISLATIVE BILL 294. Introduced by Karpisek, 32; McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to prohibit sales during certain hours to persons who are twenty-one years old; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2408 and 60-2410, Reissue Revised Statutes of Nebraska; to change provisions relating to towing and storage; to provide powers and duties for the Public Service Commission; and to repeal the original sections.

LEGISLATIVE BILL 298. Introduced by Christensen, 44; Bloomfield, 17; Coash, 27; Fulton, 29; Larson, 40; Lautenbaugh, 18; Price, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1409, 28-1410, 28-1411, and 28-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to self-protection; and to repeal the original sections.

LEGISLATIVE BILL 300. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to victims of tragedies; to amend sections 81-8,239.01 and 84-1410, Reissue Revised Statutes of Nebraska, and sections 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the

Community Trust; to state intent; to change provisions relating to closed sessions of public bodies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 301. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-412 and 43-416, Reissue Revised Statutes of Nebraska, and sections 43-2,108.03, 43-2,108.04, and 43-2,108.05, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions for sealing of records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 302. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to provide for an analysis and restructuring plan for the court system by the Supreme Court.

LEGISLATIVE BILL 304. Introduced by McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to sexually transmitted disease as prescribed; to provide for immunity; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Larson, 40.

A BILL FOR AN ACT relating to animals; to amend section 54-901, Reissue Revised Statutes of Nebraska; to require certain entities to provide care and shelter to equine animals; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 310. Introduced by McGill, 26.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-311.09, 42-903, 42-924, and 42-924.01, Reissue Revised Statutes of Nebraska; to change provisions relating to protection order petitions, definitions, and penalties; to provide for appointment of counsel for certain protection order hearings; and to repeal the original sections.

LEGISLATIVE BILL 312. Introduced by Coash, 27; Avery, 28; Fulton, 29; Karpisek, 32; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

LEGISLATIVE BILL 313. Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-714, Reissue Revised Statutes of Nebraska; to adopt the Tobacco-Free Schools Act; to change provisions relating to accreditation; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2607, 38-2608, and 38-2614, Reissue Revised Statutes of Nebraska, and sections 38-2605 and 38-2617, Revised Statutes Cumulative Supplement, 2010; to redefine terms; to change provisions relating to the practice of optometry; to change provisions relating to certification; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to unincorporated nonprofit associations; to adopt the Nebraska Revised Uniform Unincorporated Nonprofit Association Act; and to provide an operative date.

LEGISLATIVE BILL 318. Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3505, Reissue Revised Statutes of Nebraska; to redefine qualified claimant; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3523, Reissue Revised Statutes of Nebraska; to change reimbursement amounts to taxing agencies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change homestead exemption income limitations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501.01 and 77-3505.02, Reissue Revised Statutes of Nebraska; to change definitions and calculations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers for prescription drug coverage; to state findings and intent; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 323. Introduced by Cornett, 45; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5723, Reissue Revised Statutes of Nebraska, and sections 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to change application procedures and local option sales and use tax refunds; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 324. Introduced by Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, 43-146.01, 43-146.02, 43-146.05, 43-146.06, and 43-146.07, Reissue Revised Statutes of Nebraska; to require a fetal alcohol spectrum disorders evaluation or statement prior to adoption of a child who is a ward of the state as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for behavioral health care as prescribed.

LEGISLATIVE BILL 327. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,190, Reissue Revised Statutes of Nebraska; to change the motor vehicle fee as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Fischer, 43; Langemeier, 23.

A BILL FOR AN ACT relating to water resources; to amend section 46-233, Reissue Revised Statutes of Nebraska; to provide for amendment of instream hydropower appropriations to recognize certain other purposes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 330. Introduced by Cook, 13; Karpisek, 32.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

LEGISLATIVE BILL 339. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-258, Revised Statutes Cumulative Supplement, 2010; to change predisposition evaluation provisions; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Dubas, 34; Fischer, 43; Fulton, 29; K. Haar, 21; Sullivan, 41.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1102, 57-1103, 57-1104, 57-1105, and 57-1106, Reissue Revised Statutes of Nebraska; to adopt the Hazardous Liquid Pipeline Notification Act; to change provisions relating to eminent domain for pipelines; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 341. Introduced by Smith, 14.

A BILL FOR AN ACT relating to workers' compensation benefits; to amend sections 43-1709, 48-149, and 48-161, Reissue Revised Statutes of Nebraska; to include workers' compensation benefits as income for support payments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,109, 81-8,110.02, 81-8,110.12, 81-8,110.13, 81-8,117, 81-8,121, 81-8,122, and 81-8,122.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change land surveyor registration requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801 and 13-2810, Reissue Revised Statutes of Nebraska; to change creation provisions; to provide for development of a plan to merge governmental services; to change voting requirements to establish a municipal county; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend section 48-152, Reissue Revised Statutes of Nebraska; to authorize contempt and other sanctions; and to repeal the original section.

LEGISLATIVE BILL 348. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to change employer liability provisions; and to repeal the original section.

LEGISLATIVE BILL 349. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-2705 and 25-2805, Reissue Revised Statutes of Nebraska; to change demand for trial by jury; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions and

provide personal injury damage suit provisions; and to repeal the original section.

LEGISLATIVE BILL 351. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-322, Reissue Revised Statutes of Nebraska; to change provisions relating to substitution of parties; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend section 3-301, Reissue Revised Statutes of Nebraska; to define and provide dimensions of zones for airport hazard areas; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 66-1519 and 89-187, Reissue Revised Statutes of Nebraska, and section 89-1,100, Revised Statutes Cumulative Supplement, 2010; to transfer funds to the Weights and Measures Administrative Fund; to provide for a late registration fee and use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 355. Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30; Mello, 5.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to provide for an agricultural trade representative and state funding intent; and to repeal the original section.

LEGISLATIVE BILL 356. Introduced by Carlson, 38; Dubas, 34; Karpisek, 32; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2103, Reissue Revised Statutes of Nebraska; to authorize funding for the Beginning Farmer Tax Credit Act administration as prescribed; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Ashford, 20; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142 and 77-27,142.01, Reissue Revised Statutes of Nebraska; to authorize an increase in local option sales tax for municipalities; to change an election requirement; and to repeal the original sections.

LEGISLATIVE BILL 358. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to change provisions relating to sales taxation of net metering; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 361. Introduced by Cornett, 45; Hadley, 37; Louden, 49; Pirsch, 4; Utter, 33.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5004, Revised Statutes Cumulative Supplement, 2010; to set the salary of commissioners; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 362. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5708, 77-5714, 77-5723, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715 and 77-5725, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for renewable energy projects as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 363. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.12, 77-702, 77-1504, 77-1504.01, 77-3519, 77-5001, 77-5008, 77-5015, 77-5017, 77-5022, 77-5024.01, and 84-502, Reissue Revised Statutes of Nebraska, and sections 77-202.04, 77-1502, 77-1507, 77-5004, 77-5007, 77-5013, and 77-5019, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Tax Equalization and Review Commission; to change notice provisions relating to property tax protests; to change provisions relating to decisions of county boards of equalization; to provide a duty for the Secretary of State; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 364. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007.11, 79-1007.20, 79-1007.23, and 79-1007.25, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to calculation of state aid as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-330, Reissue Revised Statutes of Nebraska; to change provisions relating to access to the voter registration register and voter information; and to repeal the original section.

LEGISLATIVE BILL 367. Introduced by McCoy, 39; Avery, 28.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-713 and 32-714, Reissue Revised Statutes of Nebraska; to require a pledge; to change balloting and vacancy provisions; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1822, 77-1823, 77-1824, 77-1830, 77-1856, 77-1857, 77-1902, 77-1903, and 77-1908, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to issuance of treasurer's tax deeds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, 77-1836, 77-1837, 77-1838, 77-1839, 77-1840, 77-1841, 77-1842, 77-1843, 77-1844, 77-1845, and 77-1846, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 371. Introduced by Schumacher, 22; McCoy, 39.

A BILL FOR AN ACT relating to the Unfair Insurance Trade Practices Act; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to provide that certain actions relating to providing insurance for a public official are unfair trade practices in the business of insurance; and to repeal the original section.

LEGISLATIVE BILL 381. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 32-515, 79-748, 79-760.04, 79-760.05, 79-1201, 79-1202, 79-1217.01, and 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217 and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to educational service units; to eliminate provisions relating to and withdraw from the Compact for Education; to eliminate provisions relating to a student achievement coordinator; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 79-11,150, 79-1501, 79-1503, and 79-1504, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 391. Introduced by Schilz, 47; Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Invasive Species Council; to state intent, define terms, and provide powers and duties.

LEGISLATIVE BILL 392. Introduced by Schilz, 47; Carlson, 38.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202, 37-524, 37-547, 37-548, 37-1214, and 37-1215, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide for inspection, impoundment, and decontamination relating to aquatic invasive species; to provide duties for the Game and Parks Commission; to provide for an aquatic invasive species stamp; to create a program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introduced by Schilz, 47; K. Haar, 21.

A BILL FOR AN ACT relating to state government; to require state agencies to use Nebraska biodiesel fuel as prescribed.

LEGISLATIVE BILL 395. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,170, 81-15,170.01, and 81-15,175, Reissue Revised Statutes of Nebraska; to change provisions relating to voting by members of the Nebraska Environmental Trust Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 398. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to notaries public; to amend sections 23-1307, 64-101, 64-104, 64-105.01, 64-107, and 64-113, Reissue Revised Statutes of Nebraska; to change provisions relating to oaths, acknowledgments, appointments, applications, disqualifications, powers and duties, and removal from office; to provide for rule and regulation authority for the Secretary of State; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 402. Introduced by Howard, 9.

A BILL FOR AN ACT relating to social workers; to amend sections 28-310, 38-2101, and 38-2128, Reissue Revised Statutes of Nebraska; to change penalties relating to assault in the third degree; to provide requirements for safety awareness training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Council, 11; Conrad, 46; Cook, 13; Dubas, 34; K. Haar, 21; Harms, 48; Mello, 5; Nelson, 6; Nordquist, 7; Pirsch, 4; Wallman, 30.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Cumulative Supplement, 2010; to change allocation of the Education Innovation Fund as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Cornett, 45; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5005, and 77-5017, Reissue Revised Statutes of Nebraska, and sections 77-5016 and 77-5018, Revised Statutes Cumulative Supplement, 2010; to authorize hearings by a single commissioner of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 408. Introduced by Fulton, 29; Bloomfield, 17.

A BILL FOR AN ACT relating to divorce; to amend sections 42-360 and 42-361, Reissue Revised Statutes of Nebraska; to change provisions relating to reconciliation; and to repeal the original sections.

LEGISLATIVE BILL 409. Introduced by Utter, 33.

A BILL FOR AN ACT relating to political subdivisions; to provide for the withholding and deposit of insurance proceeds into a trust or escrow account maintained by a county, city, or village for the repair or demolition of real property as prescribed.

LEGISLATIVE BILL 411. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-124.11 and 53-124.12, Reissue Revised Statutes of Nebraska; to change fees for a special designated license and a catering license; and to repeal the original sections.

LEGISLATIVE BILL 412. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to dissolved candidate committees; to prohibit contributions and expenditures by certain committees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 414. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska; to provide that university funds not lapse; to change provisions relating to certain cash funds and trust funds; and to repeal the original sections.

LEGISLATIVE BILL 415. Introduced by Wallman, 30; Karpisek, 32; Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-913, Reissue Revised Statutes of Nebraska; to change provisions relating to introducing contraband within a detention facility or providing an inmate with contraband; and to repeal the original section.

LEGISLATIVE BILL 416. Introduced by Wallman, 30; Schilz, 47; Smith, 14; Hansen, 42; Gloor, 35.

A BILL FOR AN ACT relating to firefighters; to amend section 35-302, Revised Statutes Cumulative Supplement, 2010; to clarify provisions and change hours and schedule provisions; and to repeal the original section.

LEGISLATIVE BILL 417. Introduced by Wallman, 30; Smith, 14; Hansen, 42.

A BILL FOR AN ACT relating to the Civil Service Act; to amend section 19-1835, Reissue Revised Statutes of Nebraska; to extend the time period for probationary service of firefighters; and to repeal the original section.

LEGISLATIVE BILL 418. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to automatic dialing-announcing devices; to amend section 86-256, Reissue Revised Statutes of Nebraska; to exclude from registration devices used for messages regulated under the Nebraska Political Accountability and Disclosure Act; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601, 60-605, and 60-6,301, Reissue Revised Statutes of Nebraska; to define farm wagon; to provide for an exception from load limits for farm tractor-farm wagon combinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend sections 44-4221 and 44-4228, Reissue Revised Statutes of Nebraska; to expand eligibility for pool coverage; to require notice of ineligibility as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 425. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections 13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the use of multiple grants; and to repeal the original section.

LEGISLATIVE BILL 427. Introduced by Cornett, 45; Carlson, 38; Howard, 9.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-625, 54-626, 54-627, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised Statutes of Nebraska; to provide enhanced requirements and an outstanding designation for commercial dog breeders; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Cornett, 45; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Tax Credit Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 429. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-486 and 66-6,113, Reissue Revised Statutes of Nebraska; to change provisions relating to collection commissions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 432. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to create sales and use tax credits for certified renewable export facilities; to create a fund and a board; to provide powers and duties; and to define terms.

LEGISLATIVE BILL 433. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require restriction, monitoring, and reporting on contracts with private agencies for the provision of child welfare and related services and programs.

LEGISLATIVE BILL 434. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1272 and 81-1274, Reissue Revised Statutes of Nebraska; to provide a termination date for the Business Development Partnership Act; to prohibit appropriation of General Funds to carry out the act; to state purpose and intent of legislation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 436. Introduced by Gloor, 35; Campbell, 25; Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2602 and 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of cigarettes and other tobacco products; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 437. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Krist, 10; Schumacher, 22.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to adoption of the state building code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Howard, 9.

A BILL FOR AN ACT relating to handicapped parking; to amend section 18-1741.02, Revised Statutes Cumulative Supplement, 2010; to increase fines for handicapped parking infractions; and to repeal the original section.

LEGISLATIVE BILL 439. Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 441. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2010; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 443. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 81-505.01 and 81-1575, Reissue Revised Statutes of Nebraska, and section 81-15,121, Revised Statutes Cumulative Supplement, 2010; to increase certain fees relating to services performed by the State Fire Marshal, registration of aboveground storage tanks, and permits for underground storage tanks; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to provide examples of methods for giving public notice; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217 and 79-1241.03, Revised Statutes Cumulative Supplement, 2010; to provide for participation in statewide projects as prescribed; to change a tax levy limitation; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicular pursuit; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to economic development; to amend section 81-1252, Reissue Revised Statutes of Nebraska; to prohibit appropriation of General Funds to carry out the Nebraska Visitors Development Act; to state purpose and intent of legislation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 450. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-205, 24-227.01, 25-2921, 29-2259.02, and 29-2262.07, Revised Statutes Cumulative Supplement, 2010; to extend Supreme Court cash fund authority in the next biennium; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 451. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 20-159, 24-502, 24-507, 24-515, 25-2221, 25-2406, 29-2259, and 42-361, Reissue Revised Statutes of Nebraska, and sections 24-301.02 and 32-524, Revised Statutes Cumulative Supplement, 2010; to change payment of certain fees; to delay implementation of a district court judgeship; to change and eliminate county court and court office provisions; to provide for judicial hearing officers; to change election provisions for district court clerk; to provide for dissolution of marriage without a hearing; to harmonize provisions; to repeal the original sections; and to outright repeal section 24-512, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 452. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 9-810, Reissue Revised Statutes of Nebraska; to provide for lottery winnings and tax refund intercept for debts owed to a court; to harmonize provisions; to repeal the original section; and to outright repeal section 77-27,208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 456. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Gloor, 35; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-457, 71-503.01, 71-6037, 71-6052, 77-2704.54, 81-2204, 81-2213, and 81-2226, Reissue Revised Statutes of Nebraska, and section 68-906, Revised Statutes Cumulative Supplement, 2010; to change a date in a reference to federal law within the Medical Assistance Act; to change provisions relating to communicable and other reportable diseases; to change a reference to the Supplemental Nutrition Assistance Program; to eliminate the Division of Medicaid and Long-Term Care Advisory Committee on Aging and the Nursing Home Advisory Council; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1101, 68-1103, 68-1104, 68-1105, 68-1106, 71-6043, 71-6044, 71-6045, 71-6046, 71-6047, 71-6048, 71-6049,

71-6050, 71-6051, 81-2205, and 81-2212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 457. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1311, 77-1311.03, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1514, and 77-5027, Reissue Revised Statutes of Nebraska, and sections 77-1502 and 77-1507, Revised Statutes Cumulative Supplement, 2010; to change certain dates relating to property taxes; to require notice of preliminary valuations of real property; to provide for in-person meetings relating to property taxes as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 459. Introduced by Schilz, 47; Bloomfield, 17; Brasch, 16; Larson, 40; Wallman, 30.

A BILL FOR AN ACT relating to political subdivisions; to provide requirements for the adoption of any law regarding the ownership of animals as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 460. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4001.01, 29-4004, 29-4006, 29-4007, 29-4013, and 83-174.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Sex Offender Registration Act; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to civil rights; to adopt the Freedom of Conscience Act; and to provide severability.

LEGISLATIVE BILL 466. Introduced by Gloor, 35; Howard, 9; at the request of the Governor.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend section 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to a preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Campbell, 25; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-915 and 68-1723, Reissue Revised Statutes of Nebraska; to change eligibility provisions relating to the medical assistance program; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 469. Introduced by Karpisek, 32; McCoy, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to define a term; to prohibit retail sales of novelty lighters; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 470. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to libraries; to amend sections 16-251 and 51-211, Reissue Revised Statutes of Nebraska; to provide requirements for approval of personnel policies and procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to labor and employment; to adopt the Nebraska Workers Adjustment and Retraining Notification Act.

LEGISLATIVE BILL 473. Introduced by Loudon, 49; Hansen, 42; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to adopt the Black-Tailed Prairie Dog Management Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 475. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1012.01 and 25-1012.02, Reissue Revised Statutes of Nebraska; to provide for garnishment of independent contractors providing services for the state or a political subdivision; and to repeal the original sections.

LEGISLATIVE BILL 476. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-508.01, 25-509.01, 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01, and 25-507.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to service and return of summons; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 478. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Insurance Claims Fraud Prevention Act.

LEGISLATIVE BILL 481. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Radiography Practice Act; to amend section 38-1920, Reissue Revised Statutes of Nebraska, and sections 38-1901 and 38-1902, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide authorization for certain activities by auxiliary personnel and

cardiovascular technologists; to provide an exemption from licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Hadley, 37; Pankonin, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.07, Reissue Revised Statutes of Nebraska; to change provisions relating to deductions for net operating losses and capital losses; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Hadley, 37; Carlson, 38; Dubas, 34; Hansen, 42; Utter, 33; Wallman, 30; Coash, 27.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Reissue Revised Statutes of Nebraska; to exclude certain soil sampling and monitoring activities from the definition of excavation; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Revised Statutes Cumulative Supplement, 2010; to change funding provisions; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to child support; to adopt the Child Support Transparency Act.

LEGISLATIVE BILL 489. Introduced by Cornett, 45; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2010; to authorize municipalities to receive sales tax information as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 491. Introduced by Mello, 5; Conrad, 46.

A BILL FOR AN ACT relating to state government; to amend sections 81-132, 81-1113, 81-1113.01, and 81-1115, Reissue Revised Statutes of Nebraska; to change budget preparation provisions; to require biennial strategic plans and monthly performance measurements; and to repeal the original sections.

LEGISLATIVE BILL 493. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-710.01 and 44-761, Reissue Revised Statutes of Nebraska; to provide health insurance coverage for dependents up to the age of twenty-six as prescribed; to eliminate the provision of health insurance coverage for dependents up to the age of thirty; to define terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 44-7,103, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 495. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to transportation; to amend sections 37-1212, 60-379, and 60-1402, Reissue Revised Statutes of Nebraska; to adopt the Boat Dealers Licensing Act; to change provisions relating to registration of boats and boat dealer trailer plates; to change membership on the Nebraska Motor Vehicle Industry Licensing Board; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 497. Introduced by Howard, 9.

A BILL FOR AN ACT relating to public buildings; to amend sections 82-319, 85-106.01, and 85-304.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of portions of appropriated funds for works of art in new construction; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Louden, 49.

A BILL FOR AN ACT relating to water; to amend sections 46-676.01, 46-677, and 46-706, Reissue Revised Statutes of Nebraska; to change provisions relating to in situ uranium mining; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 503. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-623 and 32-627, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy on a ballot; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109, Reissue Revised Statutes of Nebraska; to change motor fuel tax rates; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 505. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicle taxes; to amend sections 60-3,186 and 60-3,187, Reissue Revised Statutes of Nebraska; to change motor

vehicle taxes on certain vehicles; to change the distribution of motor vehicle tax proceeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-126, Reissue Revised Statutes of Nebraska; to change the definition of wages; and to repeal the original section.

LEGISLATIVE BILL 507. Introduced by Harms, 48; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1708, Reissue Revised Statutes of Nebraska; to change provisions relating to education; to harmonize provisions; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 508. Introduced by Bloomfield, 17; Brasch, 16; Carlson, 38; Fulton, 29; Harms, 48; Krist, 10; Larson, 40; Pirsch, 4; Schilz, 47; Schumacher, 22; Smith, 14; McCoy, 39.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend section 29-4017, Reissue Revised Statutes of Nebraska, and section 29-4016, Revised Statutes Cumulative Supplement, 2010; to authorize certain residency restrictions near parks; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Permit Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 514. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to amend section 44-359, Reissue Revised Statutes of Nebraska; to provide for an additional recovery and attorney's fees for an unreasonable delay or denial of a claim as prescribed; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 515. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to legislation; to adopt the Federal Health Care Nullification Act; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 516. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to authorize the carrying of concealed handguns in educational institutions by security personnel, administrators, or teaching staff as prescribed; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to safety regulations; to amend section 81-405, Reissue Revised Statutes of Nebraska; to repeal the Conveyance Safety Act and adopt the Elevator Inspection Act; to create and eliminate penalties; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 518. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend sections 69-2441 and 69-2443, Reissue Revised Statutes of Nebraska; to change certain penalty and violations provisions; and to repeal the original sections.

LEGISLATIVE BILL 519. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Howard, 9; Ashford, 20.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to student transportation; and to repeal the original section.

LEGISLATIVE BILL 522. Introduced by K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to schools; to adopt the High Performance Green Schools Transparency Act.

LEGISLATIVE BILL 523. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to petitions; to amend section 32-629, Reissue Revised Statutes of Nebraska; to require petition sponsors to provide and maintain records of identification for petition circulators; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water; to amend section 46-294, Reissue Revised Statutes of Nebraska; to change provisions relating to water transfers; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 529. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,112, 76-2,114, 81-15,173, and 81-15,176, Reissue Revised Statutes of Nebraska; to change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust Act; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by Council, 11.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Credit Privacy Act.

LEGISLATIVE BILL 531. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to school districts; to amend section 79-1083.01, Reissue Revised Statutes of Nebraska, and section 79-1027, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to budget reserves; to change provisions relating to classroom expenditures; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to change provisions relating to the council membership; and to repeal the original section.

LEGISLATIVE BILL 536. Introduced by Wightman, 36; Ashford, 20.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2352, 30-2354, 76-238, and 76-902, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Real Property Transfer on Death Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 537. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to budget limitations and property tax levy limitations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 538. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska; to change provisions relating to the disposition of firearms; and to repeal the original section.

LEGISLATIVE BILL 539. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require submission of a state plan amendment or waiver relating to coverage of adult emergency room visits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 540. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Cook, 13; Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a waiver relating to coverage for family planning services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 541. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for contracts with third parties to promote the integrity of the medical assistance program and assist cost-containment efforts; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 545. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to correctional facilities; to amend section 47-702, Reissue Revised Statutes of Nebraska; to establish a copay for medical services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 551. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend section 12-1106, Reissue Revised Statutes of Nebraska; to change a dollar limitation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 552. Introduced by Nordquist, 7; McGill, 26; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2010; to prohibit impersonation by electronic means as prescribed; to provide civil and criminal penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-906, 45-915, 45-919, 45-921, 45-925, and 45-927, Reissue Revised Statutes of Nebraska; to state intent; to prohibit certain acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to change provisions relating to fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 557. Introduced by Dubas, 34; Gloor, 35.

A BILL FOR AN ACT relating to surgical technology; to amend sections 71-401 and 71-403, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide requirements for health care facilities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 559. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to provide for sales and use tax on services as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 561. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-109, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to change provisions relating to license and occupation taxes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 565. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to firearms; to amend sections 28-101 and 28-1201, Revised Statutes Cumulative Supplement, 2010; to require notice of firearm storage by a retailer upon sale and require the secure storage of firearms as prescribed; to provide criminal penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-1302 and 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2010; to provide for electronic signatures on recall, initiative, and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 567. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to licensee violations; and to repeal the original section.

LEGISLATIVE BILL 568. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-602, Revised Statutes Cumulative Supplement, 2010; to provide duties relating to benefits for certain state employees as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 569. Introduced by Coash, 27; Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to labor; to amend section 4-114, Revised Statutes Cumulative Supplement, 2010; to require employers to e-verify the immigration status of new employees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 571. Introduced by Price, 3.

A BILL FOR AN ACT relating to liens; to amend sections 52-2001 and 76-874, Reissue Revised Statutes of Nebraska; to change provisions relating to homeowners' association and condominium association liens; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 572. Introduced by Price, 3.

A BILL FOR AN ACT relating to learning communities; to limit transfers relating to elementary learning centers as prescribed.

LEGISLATIVE BILL 574. Introduced by Price, 3.

A BILL FOR AN ACT relating to prescriptions; to amend section 38-2870, Reissue Revised Statutes of Nebraska; to adopt the Electronic Prescription Transmission Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 576. Introduced by Wightman, 36; Flood, 19.

A BILL FOR AN ACT relating to the Nebraska statutes; to amend section 49-707, Reissue Revised Statutes of Nebraska; to create a fund; to change disposition of certain receipts; and to repeal the original section.

LEGISLATIVE BILL 577. Introduced by Wightman, 36; Carlson, 38.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-404, Reissue Revised Statutes of Nebraska, and section 3-126, Revised Statutes Cumulative Supplement, 2010; to provide for an application fee for the construction of certain structures; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 578. Introduced by K. Haar, 21; Sullivan, 41.

A BILL FOR AN ACT relating to pipelines; to require proof of financial responsibility as prescribed.

LEGISLATIVE BILL 579. Introduced by K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to public power; to amend section 70-1025, Reissue Revised Statutes of Nebraska; to change provisions relating to content of a power supply plan as prescribed; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to students; to adopt the Student Expression Act.

LEGISLATIVE BILL 583. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

LEGISLATIVE BILL 584. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Reissue Revised Statutes of Nebraska; to provide for registration of motor vehicles and trailers without payment of fees for persons deployed in the armed forces of the United States and the Nebraska National Guard; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 586. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Cook, 13; B. Harr, 8; Smith, 14; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 587. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to compressed natural gas; to amend sections 66-1519, 66-1810, and 66-1825, Reissue Revised Statutes of Nebraska; to provide for a grant program; to provide funding and create a fund; to change provisions relating to jurisdictional utilities and natural gas public utilities; to

harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 588. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2512, 48-2521, 48-2522, 48-2525, 48-2526, and 48-2529, Reissue Revised Statutes of Nebraska; to change powers, duties, membership, and rename the committee; to eliminate duties of the commissioner; to change provisions relating to conveyances; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-2509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 593. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to safety inspections; to amend sections 48-720, 48-721, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-730, 48-731, 48-732, 48-736, and 48-743, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Boiler Inspection Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-733, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 594. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to safety inspections; to amend sections 48-1802, 48-1803, 48-1805, 48-1811, 48-1812, 48-2501, 48-2502, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2518, 48-2519, 48-2533, 81-401, and 81-405, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Amusement Ride Act, and the Conveyance Safety Act; to eliminate a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 595. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water resources; to amend section 2-3226.04, Reissue Revised Statutes of Nebraska, and sections 2-3225, 2-3226.05, 2-3226.08, and 2-3226.09, Revised Statutes Cumulative Supplement, 2010; to adopt the Water Resources Revolving Loan Fund Act; to change provisions relating to use of property tax and occupation tax proceeds and river-flow enhancement bond proceeds as prescribed; to provide duties for natural resources districts; to provide for transfers of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska; to provide for standing for certain parties with respect to proceedings affecting integrated management plans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to counties; to amend sections 22-417, 23-114.04, 23-1901.01, 32-211, 32-218, 32-520, 32-521, and 39-1506, Reissue Revised Statutes of Nebraska; to require consolidation of certain county offices in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 598. Introduced by Fulton, 29; Campbell, 25.

A BILL FOR AN ACT relating to foster care; to amend section 43-1312, Reissue Revised Statutes of Nebraska; to change the timing for certain permanency hearings; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Campbell, 25; Ashford, 20; Nordquist, 7; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-915, Reissue Revised Statutes of Nebraska, and sections 4-110 and 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for coverage for certain children as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 601. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to child care reimbursement rates; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-909, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt fees and admissions charged by student organizations at institutions of higher education from sales taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-944, 32-945, 32-947, 32-952, 32-953, 32-1001, 32-1027, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-816, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010; to provide for voter registration on election day as prescribed; to change provisions relating to voter registration and voting; to require presentation of identification to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 606. Introduced by Avery, 28; Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1403, 49-1467, and 49-1469, Reissue Revised Statutes of Nebraska; to define a term; to require reporting regarding electioneering communication; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Avery, 28; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to state intent; to provide duties for the Department of Health and Human Services and the Tax Commissioner regarding children's eligibility for medicaid and the state children's medical assistance program.

LEGISLATIVE BILL 608. Introduced by Pirsch, 4; Schilz, 47.

A BILL FOR AN ACT relating to economic development; to amend sections 13-2701, 13-2702, 13-2707, 13-2708, 13-2709, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 13-2610, 13-2704, 13-2705, 13-2706, and 77-5726, Revised Statutes Cumulative Supplement, 2010; to adopt the Local Innovation Economic Development Act; to create a grant program relating to refunds of local option sales taxes; to create a fund; to change the distribution of funds under the Convention Center Facility Financing Assistance Act; to expand the purposes of the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 609. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to correctional facilities; to amend section 83-183.01, Reissue Revised Statutes of Nebraska, and section 83-184, Revised Statutes Cumulative Supplement, 2010; to adopt the Correctional Facility

Reimbursement Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 612. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to civil procedure; to increase the statute of limitations for plaintiffs suffering injury from sexual assault as a child; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 613. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to liens; to amend sections 52-2001 and 76-874, Reissue Revised Statutes of Nebraska; to change certain lien provisions relating to homeowners' associations and condominiums; and to repeal the original sections.

LEGISLATIVE BILL 614. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to liens; to amend section 76-874, Reissue Revised Statutes of Nebraska; to adopt the Homeowners' Association Lien Act; to change and eliminate provisions relating to homeowners' association condominium association liens; to repeal the original section; to outright repeal section 52-2001, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 615. Introduced by Krist, 10.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2101, Reissue Revised Statutes of Nebraska, and sections 79-2,104, 79-528, 79-2104, 79-2104.02, 79-2110, and 79-2118, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to student records, reporting, and diversity plans; to redefine a term; to change powers and duties of learning community coordinating councils; to provide for memoranda of understanding with the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 616. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Department of Administrative Services; to require the department to submit a report to the Legislature regarding the potential for privatization of the management of the state's real property; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 620. Introduced by Larson, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01, 77-2715, 77-2715.01, 77-2715.07, 77-2716.01, 77-2717, 77-2727, 77-2734.02, and 77-3804, Reissue Revised Statutes of Nebraska, and section 77-2734.01, Revised Statutes Cumulative Supplement, 2010; to change income tax rates and calculations, exemptions, and deductions; to eliminate tax credits; to harmonize provisions; to provide an operative date; to repeal the original

sections; and to outright repeal sections 77-2715.02 and 77-2716.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 622. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to seized firearms; to amend section 29-820, Reissue Revised Statutes of Nebraska, and section 28-1204.04, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the confiscation and destruction of firearms as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 625. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.03 and 60-6,197.06, Reissue Revised Statutes of Nebraska; to change and eliminate certain penalties relating to driving under the influence; to provide a penalty for driving under the influence with a child in the motor vehicle; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,197.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 626. Introduced by Mello, 5.

A BILL FOR AN ACT relating to recycling; to amend section 81-1504.01, Reissue Revised Statutes of Nebraska, and sections 13-2039 and 81-15,160, Revised Statutes Cumulative Supplement, 2010; to adopt the Electronics Recycling and Job Creation Act; to prohibit landfill disposal of certain electronic devices as prescribed; to provide for reports and for grants from the Waste Reduction and Recycling Incentive Fund; to provide duties for the Director of Environmental Quality; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 627. Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2734.03, 81-1558, and 81-1561, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative Supplement, 2010; to adopt the Remanufacturing and Job Creation Act; to provide an income tax credit for recycled or composted materials; to provide a termination date; to provide funding; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by McGill, 26.

A BILL FOR AN ACT relating to applied behavior analysis; to amend sections 38-186 and 38-3101, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2010; to adopt the Applied Behavior Analysis Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 631. Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend sections 32-938 and 32-941, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-808, Revised Statutes Cumulative Supplement, 2010; to provide for a permanent early voting request list; to provide powers and duties; to change provisions relating to early voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain tax levies and certain bonds; to authorize refunding bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 634. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to tax levy authority as prescribed; and to repeal the original section.

LEGISLATIVE BILL 635. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-703, 79-757, and 79-2104.01, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Cumulative Supplement, 2010; to change duties of the State Board of Education; to provide for performance measures and priority schools pursuant to the Quality Education Accountability Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2101, Reissue Revised Statutes of Nebraska, and sections 79-2,104, 79-528, 79-2104, 79-2104.02, 79-2110, and 79-2118, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to access to student records, reporting, and diversity plans; to redefine a term; to change powers and duties of learning community coordinating councils; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 639. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-112, 21-118, 21-142, and 21-2654, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to articles of organization and charging orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-1023, Reissue Revised Statutes of Nebraska; to state findings and intent; to

clarify that a city and its firefighters may engage in retirement benefit negotiations; and to repeal the original section.

LEGISLATIVE BILL 643. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2010; to provide additional records that may be withheld; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to attorneys; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change requirements for licensure; to provide for a fee; and to repeal the original section.

LEGISLATIVE BILL 645. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water; to require inclusion of established surface water use and established ground water use in certain agreements between a natural resources district and the Department of Natural Resources as prescribed.

LEGISLATIVE BILL 646. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 38-1207, 48-101.01, and 71-8215, Reissue Revised Statutes of Nebraska; to redefine terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 647. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to courts; to provide that the use of a foreign law, legal code, or system in decisions renders such decisions void and unenforceable if the law, legal code, or system violates the fundamental liberties, rights, and privileges of the State of Nebraska.

LEGISLATIVE BILL 649. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to courts; to require legislative recommendations for guardians ad litem for children and youth.

LEGISLATIVE BILL 650. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to foster care; to amend section 71-1902, Reissue Revised Statutes of Nebraska; to require a statement of rights and responsibilities for those providing foster care; and to repeal the original section.

LEGISLATIVE BILL 651. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to foster care; to amend section 43-1318, Reissue Revised Statutes of Nebraska; to authorize a program audit and survey of the foster care system; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to penalties for theft; and to repeal the original section.

LEGISLATIVE BILL 653. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 46-288, Reissue Revised Statutes of Nebraska; to provide for interbasin water transfers without a permit as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 654. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-620, 32-714, and 32-813, Reissue Revised Statutes of Nebraska; to provide filing requirements for candidates for President and Vice President of the United States; to provide powers and duties for the Secretary of State; to prohibit certain acts by presidential electors; to provide a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-712, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 655. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to an occupation tax; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 658. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to handguns; to amend section 69-2404, Reissue Revised Statutes of Nebraska; to change the fee for obtaining a handgun certificate; and to repeal the original section.

LEGISLATIVE BILL 660. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Reissue Revised Statutes of Nebraska; to create an offense for providing a bodily fluid sample containing a controlled substance; to

provide penalties; to provide an absolute affirmative defense; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 661. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,104.01, Reissue Revised Statutes of Nebraska; to change the fee for specialty license plates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 662. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2010; to provide for a demonstration program regarding bundled payments; to provide duties for the Department of Health and Human Services; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 666. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to Local, Civic, Cultural, and Convention Center Act; to amend section 13-2702, Reissue Revised Statutes of Nebraska, and section 13-2704, Revised Statutes Cumulative Supplement, 2010; to provide funding for economic development; and to repeal the original sections.

LEGISLATIVE BILL 670. Introduced by Flood, 19.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2262.06 and 43-286, Reissue Revised Statutes of Nebraska; to authorize court-ordered conditions relating to dispositions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Flood, 19.

A BILL FOR AN ACT relating to sex offenders; to amend sections 25-21,271, 29-4004, and 29-4006, Revised Statutes Cumulative Supplement, 2010; to prohibit a sex offender from changing his or her name; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 674. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to labor and employment; to prohibit or restrict certain electronic monitoring by employers; and to provide for fines.

LEGISLATIVE BILL 676. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-919, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency protective custody; and to repeal the original section.

LEGISLATIVE BILL 677. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310, Reissue Revised Statutes of Nebraska, and sections 28-308 and 28-309, Revised Statutes Cumulative Supplement, 2010; to provide penalties for assault on a health care provider as prescribed; to define a term; to provide for signs; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to prohibit certain acts or practices having the effect of discrimination because of race, creed, national origin, or religion; and to repeal the original section.

LEGISLATIVE BILL 679. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-721, 24-732, 29-2709, 33-103, 33-103.01, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.06, 48-155.01, 81-2014, 84-1301, 84-1309, 84-1320, 84-1325, 84-1333, and 84-1501, Reissue Revised Statutes of Nebraska, and sections 25-2804, 84-1317, and 84-1331, Revised Statutes Cumulative Supplement, 2010; to provide for new judges and members of the Nebraska State Patrol to become members of the State Employees Retirement Act; to redefine terms; to provide for a fee, retirement age options and requirements for members of the Nebraska State Patrol, and the filling of judicial vacancies; to eliminate obsolete language; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 680. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 42-1102, 79-408, 79-979, 79-2116, 84-1301, 84-1501, and 84-1511, Reissue Revised Statutes of Nebraska, and sections 4-108, 68-621, 79-902, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2010; to adopt the School Employees Cash Balance Retirement Act; to limit the application of the School Employees Retirement Act as prescribed; to create funds; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 681. Introduced by Karpisek, 32; Larson, 40; McGill, 26.

A BILL FOR AN ACT relating to gambling; to amend section 9-648, Reissue Revised Statutes of Nebraska, and section 9-1,101, Revised Statutes Cumulative Supplement, 2010; to create a fund; to change the distribution of taxes on lotteries as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Mello, 5; Ashford, 20; Cook, 13; Council, 11; Krist, 10; Lathrop, 12; Nordquist, 7; Howard, 9.

A BILL FOR AN ACT relating to public utilities; to adopt the Major Gas, Water, and Sewer Infrastructure Improvement and Replacement Assistance Act; and to create a fund.

LEGISLATIVE BILL 683. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to storm water management; to amend section 81-1178, Reissue Revised Statutes of Nebraska; to create the Storm Water Management Commission; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 685. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1255 and 81-1258, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds and the members of committees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 686. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend section 38-3321, Revised Statutes Cumulative Supplement, 2010; to provide an exception for transplantation of bovine embryos; and to repeal the original section.

LEGISLATIVE BILL 688. Introduced by Smith, 14.

A BILL FOR AN ACT relating to retirement; to require certain law enforcement officers and firefighters to work until the age of fifty-five in order to receive full retirement benefits; to prohibit elective officers from participating in a pension or retirement plan as prescribed; and to provide an operative date.

LEGISLATIVE BILL 689. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide an affirmative defense and for treatment of victims; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Brasch, 16; Bloomfield, 17; Carlson, 38; Hansen, 42; Schilz, 47.

A BILL FOR AN ACT relating to state government; to provide requirements relating to purchasing biobased products.

LEGISLATIVE BILL 693. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act; and to provide an operative date.

LEGISLATIVE BILL 694. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain medical evidence; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 695. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

LEGISLATIVE BILL 696. Introduced by Nordquist, 7; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Cumulative Supplement, 2010; to state intent; to change provisions and provide duties for the Department of Health and Human Services relating to redeterminations of children's eligibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 698. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-1214 and 89-186, Reissue Revised Statutes of Nebraska; to eliminate labeling requirements for alcohol-blended fuel; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2CA. Introduced by Harms, 48.

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

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

To amend Article IX, section 4:

IX-4 The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. ~~Each ; Provided, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county manager form of county government in which county officers may be appointed, but such form shall be optional for each county and shall occur in any county only upon adoption by a majority vote.

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

A constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county manager form of government.

For

Against.

LEGISLATIVE RESOLUTION 3CA. Introduced by Fischer, 43.

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

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

To amend Article XIII, section 1:

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, ~~except ; Provided, that~~ (1) if the Legislature determines by a three-fifths vote of the members elected thereto that ~~(1)~~ (a) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees, or state sales and use tax revenue and ~~(2)~~ (b) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote

the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; ~~and provided further, that~~ and (2) the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

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

A constitutional amendment to authorize the Legislature to irrevocably pledge sales and use tax revenue for highway construction bonds.

For

Against.

LEGISLATIVE RESOLUTION 9CA. Introduced by Schilz, 47; Brasch, 16; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hansen, 42; Harms, 48; Heidemann, 1; Loudon, 49; Sullivan, 41.

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

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

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by

motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land and subclasses of agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct ~~class~~ classes of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land and subclasses of agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the ~~class~~ subclasses of agricultural land and horticultural land as defined by the Legislature; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

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

A constitutional amendment to provide that the Legislature may define subclasses of agricultural land and horticultural land and provide for a different method of taxing such subclasses of land.

For

Against.

LEGISLATIVE RESOLUTION 19CA. Introduced by Avery, 28.

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

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

To amend Article IV, section 5:

IV-5 ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

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

A constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For

Against.

LEGISLATIVE RESOLUTION 20. Introduced by Dubas, 34.

WHEREAS, trap shooting is one of the three major forms of competitive clay pigeon shooting and is growing in popularity throughout the United States and Nebraska; and

WHEREAS, trap shooting games were originally meant for hunters to develop their skills, but have obtained international recognition and are encouraged by sports associations; and

WHEREAS, trap shooting is considered to be an exciting and challenging sport where many people, young and old, male and female, of all abilities, compete in trap shooting events; and

WHEREAS, trap shooting has been a sport since at least 1793, when real birds were used. Clay targets were introduced in the 1880s; and

WHEREAS, Olympic trap is one of the International Shooting Sport Federation shooting events, introduced to the Olympic program in 1900. The current version of the sport was introduced in 1950; and

WHEREAS, the Game and Parks Commission sponsors the annual Cornhusker Trapshoot, which is the largest youth trap shoot in the United States; and

WHEREAS, trap shooting competitions promote tourism in Nebraska by bringing in participants and their families from around the country to stay in motels, eat in restaurants, shop in retail stores, and purchase products from vendors at events; and

WHEREAS, a great deal of coordination and discipline is needed for trap shooting. Trap shooting tests a player's skills in marksmanship and strategy and improves confidence of youth who may not possess the physical attributes to compete in other competitive sports offered at their schools; and

WHEREAS, the goal of any program of youth trap shooting should be to provide instruction and promote gun safety, personal responsibility, and sportsmanship among primary and secondary students; and

WHEREAS, many state organizations award scholarships to college-bound trap shooters based on citizenship, scholarship, and need. Many youth trap shooters are now attending college with the help of those scholarships; and

WHEREAS, our youth should have the opportunity and be encouraged to participate in trap shooting in the same manner as other youth extracurricular activities, including football, baseball, softball, basketball, track, scouting, or band; and

WHEREAS, the school boards of every Nebraska school district are encouraged to promote and include trap shooting as a high school sport.

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

1. That the Legislature hereby encourages the school boards of every school district in the State of Nebraska, in conjunction with the Game and Parks Commission, to voluntarily promote and include trap shooting as a high school sport for the youth of our state.

2. That a copy of this resolution be sent to the Commissioner of Education, the Game and Parks Commission, the Nebraska School Activities Association, and the Cornhusker Trapshoot.

LEGISLATIVE RESOLUTION 21. Introduced by Janssen, 15.

WHEREAS, the United States Congress passed and the President signed into law the federal Patient Protection and Affordable Care Act, Public Law 111-148, on March 23, 2010; and

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, comprises America's comprehensive federal health care reform, which is commonly referred to as the Affordable Care Act; and

WHEREAS, the result of the Affordable Care Act will be to create a government takeover of the health care industry that will increase health care costs, raise taxes, hurt senior citizens, destroy jobs, reduce the quality of care that Americans will receive, restrict consumer choice, limit individuals' access to private health insurance, and reduce the ability of American companies to compete; and

WHEREAS, the Affordable Care Act will constrain the freedom of individuals to choose their own doctor and will interfere with individuals' ability to make personal health care decisions; and

WHEREAS, the Affordable Care Act will cause spending for health care to escalate and policymakers to ration care as a cost-containment measure; and

WHEREAS, according to the Congressional Budget Office, the Affordable Care Act could cause millions of Americans who receive health insurance through their employer to lose their health insurance coverage. In addition, the Congressional Budget Office reports that premiums in the individual and small group markets may substantially increase; and

WHEREAS, the United States Department of Health and Human Services will dictate what benefits insurers must offer and how much they may charge; and

WHEREAS, in view of the fact that physicians lose money servicing government patients on medicare and medicaid, the Affordable Care Act will increase this problem by further reducing medicare and medicaid fees to doctors

and hospitals and will discourage persons from entering the health care field; and

WHEREAS, the Affordable Care Act will increase taxes on employers who do not offer adequate insurance and will increase taxes on investment income, which in turn will reduce capital available for job expansion, reduce economic growth, and result in fewer jobs for Americans; and

WHEREAS, the Affordable Care Act will harm seniors by making cuts from the medicare budget, causing seniors to lose the health insurance coverage they currently possess; and

WHEREAS, the Affordable Care Act will add to the national debt; and

WHEREAS, the provisions of the Affordable Care Act aimed at reducing health care spending address the symptoms of the cost of health care rather than the root causes of growth in health care spending.

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

1. That the Legislature rejects the Affordable Care Act and calls for the repeal of the Affordable Care Act by the Congress of the United States.

2. That it is the opinion of the Legislature that all individuals should have the right to make decisions about their health care, and no law should be in effect that restricts a person's freedom of choice of private health care systems or private plans of any type.

3. That it is the opinion of the Legislature that no law should interfere with a person's or entity's right to pay directly for lawful medical services, nor should any law impose a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.

4. That the Clerk of the Legislature transmit copies of this Legislative Resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Nebraska Congressional Delegation.

LEGISLATIVE RESOLUTION 23. Introduced by Smith, 14; Fulton, 29; B. Harr, 8; Howard, 9; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Price, 3.

WHEREAS, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing; and

WHEREAS, pregnancy care centers serve women in Nebraska and across the United States with integrity and compassion; and

WHEREAS, more than two thousand five hundred pregnancy care centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs; and

WHEREAS, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, twenty-four-hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other support services; and

WHEREAS, many medical pregnancy care centers offer ultrasounds and other medical services; and

WHEREAS, many pregnancy care centers provide information on adoption and adoption referrals to pregnant women; and

WHEREAS, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, pregnancy care centers provide important support and resources for women who choose childbirth; and

WHEREAS, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

WHEREAS, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education; and

WHEREAS, pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and children.

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

1. That the Legislature recognizes pregnancy care centers for their unique and positive contributions to the individual lives of women, men, and children.

2. That the Legislature commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Nebraska and across the United States.

3. That the Clerk of the Legislature transmit a copy of this resolution to each pregnancy care center in Nebraska.

LEGISLATIVE RESOLUTION 28. Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal law enforcement resources in cooperation with state and local law enforcement; and

WHEREAS, the United States Department of Homeland Security has implemented the Secure Communities program whereby all fingerprints taken by participating state and local law enforcement agencies are matched against the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT), the Automated Biometric Identification System (IDENT), and other federal data bases used to determine immigration status; and

WHEREAS, the Secure Communities program properly places the responsibility of selecting criminal aliens for removal with the federal government; and

WHEREAS, the Secure Communities program has resulted in over three hundred thousand data base matches leading to the removal of over sixty-four thousand criminal aliens; and

WHEREAS, the Secure Communities program has been implemented in approximately seven hundred jurisdictions in over thirty states, including in at least ten of Nebraska's largest communities; and

WHEREAS, United States Immigration and Customs Enforcement plans to implement the Secure Communities program in each of the three thousand one hundred state and local jails nationwide by the year 2013.

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

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in the State of Nebraska to participate in the Secure Communities program by the year 2012.

2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

LEGISLATIVE RESOLUTION 30. Introduced by Campbell, 25; Cook, 13; Gloor, 35; Hadley, 37; Mello, 5; Nordquist, 7.

WHEREAS, the One Hundred First Legislature, Second Session, created a select committee pursuant to Legislative Resolution 467 to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act; and

WHEREAS, the interim study conducted pursuant to Legislative Resolution 467 examined health care financing and delivery under the federal act to determine the impact on health care coverage for all Nebraskans; and

WHEREAS, the select committee conducted several public hearings in Nebraska to facilitate wide collaboration, gather guidance and information from a variety of sources, and begin to develop recommendations to present to the Legislature regarding health care reform and the implementation of the federal act in Nebraska; and

WHEREAS, the select committee has determined that continued input is necessary to monitor the ongoing development of the implementation of the federal act.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the select committee of the Legislature to be known as the Health Care Reform Implementation and Oversight Committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the executive board. The executive board shall give first consideration to members of the select committee appointed pursuant to Legislative Resolution 467. The membership of the Health Care Reform Implementation and Oversight Committee of the Legislature shall consist of two members of the Appropriations Committee, two members of the Banking, Commerce and Insurance Committee, the chairperson and one other member of the Health and Human Services Committee, and three additional members of the Legislature. The members of the Health Care Reform Implementation and Oversight Committee shall vote for one of the two members of the Health and Human Services Committee to serve as the chairperson of the Health Care Reform Implementation and Oversight Committee.

2. That the Health Care Reform Implementation and Oversight Committee shall continue the work of the select committee appointed pursuant to Legislative Resolution 467. The committee shall consult and encourage collaboration, coordination, and systemwide communication with a broad array of public and private entities involved in Nebraska health care issues, including

employers, small businesses, consumers, insurers, health care providers, institutions of higher education, community health centers, national and regional policy research organizations, state agencies, federal agencies, and other interested parties. The committee shall assist with the communication and collaboration of health care reform implementation between standing committees of the Legislature as the committees develop health care reform policies and proposed legislation within their subject matter jurisdiction.

3. That the Health Care Reform Implementation and Oversight Committee may consider issues, including, but not limited to:

a. Nebraska's strategic implementation of the federal Patient Protection and Affordable Care Act with special attention to medicaid expansion, eligibility determination and enrollment processes, benefit design, the insurance exchange, health insurance reform, and workforce development;

b. Review of policy improvements and efficiencies to Nebraska health care delivery systems and payment reforms to ensure Nebraskans have quality and access, including capacity and affordability, through Nebraska's health care systems;

c. Utilization of technology for safe storage and transmission of health information, medical administration efficiencies, health care delivery, and aggregate data across systems to monitor population health, identify priorities for improvement, and track progress toward improvement goals;

d. Leveraging federal grants, pilot programs, and other nonstate funding sources to assist with health care reform; and

e. Aligning purchasing power of the state within medicaid, the Children's Health Insurance Program, public employees and retirees, and the insurance exchange to form public-private partnerships to coordinate and integrate efforts with providers, employer-sponsored insurance companies, and other stakeholders to provide health care redesign in Nebraska to improve efficiencies and delivery, ensure financial sustainability, and maximize public health and wellness.

4. That the Health Care Reform Implementation and Oversight Committee is hereby authorized to continue its work until the beginning of the One Hundred Second Legislature, Second Session, and shall, upon the conclusion of its work, make a report of its findings, together with its recommendations, to the Legislature on or before December 31, 2011.

LEGISLATIVE RESOLUTION 39. Introduced by Council, 11; Ashford, 20; Nordquist, 7; Wightman, 36; McGill, 26; Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; Cook, 13.

WHEREAS, failure to update our federal immigration system separates Nebraska families, destabilizes Nebraska communities, and creates uncertainty, inefficiency, and an unlevel playing field for Nebraska's businesses and economy; and

WHEREAS, the forced separation of working parents from their children weakens families and damages society; and

WHEREAS, failure to address the system where it can be fixed - at the federal level - has left states searching for solutions in ways that have been costly and divisive.

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

1. That the Legislature recommends the following basic principles as a guide for state and federal policy on immigration:

a. Immigration is a federal policy issue between the United States Government and other countries - not Nebraska and other countries. The Legislature urges the Nebraska Congressional Delegation to take action to create a workable immigration system that upholds our values and moves us forward;

b. The Legislature respects the rule of law and supports law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code;

c. Strong families are the foundation of successful communities. The Legislature opposes policies that unnecessarily separate families. The Legislature champions policies that support families and improve the health, education, and well-being of all Nebraska children;

d. The Legislature acknowledges the important economic role immigrant Nebraskans play as workers, entrepreneurs, and taxpayers; and

e. Immigration is an important part of our past and our future. As in the past, immigrants are integrated into communities across Nebraska. We must adopt a humane approach to this reality, reflecting our values, history, and spirit of inclusion. The way we treat immigrants will say more about us as a society and less about our immigrant neighbors. Nebraska should always be a place that welcomes people of goodwill. Our communities and our future will be best served by doing so.

2. That the Legislature urgently calls upon the Nebraska Congressional Delegation and the United States Congress to enact thorough, commonsense, workable, and humane reforms that reflect the realities of our country's workforce needs and our families and represent America at its best.

3. That a copy of this resolution be delivered to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska Congressional Delegation.

LEGISLATIVE RESOLUTION 40CA. Introduced by Pirsch, 4; McCoy, 39; Krist, 10; Price, 3; Coash, 27; Fulton, 29; Bloomfield, 17; Wallman, 30.

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

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

To add a new section 25 to Article XV:

XV-25 Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law.

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

A constitutional amendment to preserve the right to fish, trap, and hunt subject to reasonable restrictions as prescribed by law.

For

Against.

LEGISLATIVE RESOLUTION 46CA. Introduced by Pirsch, 4.

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

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

To amend Article III, section 13:

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature and the yeas and nays on the question of final passage of any bill shall be entered upon the journal, except that any bill that imposes a tax or license fee or increases the rate of a tax or the amount of a license fee shall require a two-thirds vote of all the members elected to the Legislature.

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

A constitutional amendment to require a two-thirds vote of the Legislature to approve any bill that imposes or increases a tax or license fee.

For

Against.

LEGISLATIVE RESOLUTION 51CA. Introduced by Heidemann, 1.

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

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

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) (a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) ~~Forty-four and one-half~~ Twenty-two and one-fourth percent of the money remaining after the payment of prizes and operating expenses and the initial

transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the ~~Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act~~; Water Resources Cash Fund;

(iii) Twenty-two and one-fourth percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Board of Regents of the University of Nebraska for the Nebraska Innovation Campus through 2038 and shall be transferred to the General Fund beginning in 2039;

~~(iii)~~ (iv) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

~~(iv)~~ (v) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

~~(v)~~ (vi) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horse races, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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

A constitutional amendment to change the distribution of state lottery revenue, to provide funding for the Water Resources Cash Fund and the Nebraska Innovation Campus, and to eliminate funding for the Nebraska Environmental Trust Fund.

For

Against.

LEGISLATIVE RESOLUTION 123. Introduced by Cornett, 45; Campbell, 25; Coash, 27; Fischer, 43; K. Haar, 21; Hansen, 42; Howard, 9; Lathrop, 12; McGill, 26; Pahls, 31; Pankonin, 2; Wallman, 30.

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's twentieth-largest economy, eighteenth-largest trading country, and a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, over 174,000 international flights travel to and from Taiwan, with foreign passengers making around 3.8 million trips to the island every year, and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, without Taiwan's participation, international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe.

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

1. That the Legislature endorses the proposition that Taiwan participate in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change. As a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing global warming and natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

FIRST DAY - JANUARY 4, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 2012

PRAYER

The prayer was offered by Senator Harms.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Second Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 4, 2012, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Haar, Ken	McGill, Amanda M.
Ashford, Brad	Hadley, Galen	Mello, Heath
Avery, Bill	Hansen, Thomas F.	Nelson, John E.
Bloomfield, Dave	Harms, John N.	Nordquist, Jeremy
Brasch, Lydia	Harr, Burke	Pahls, Rich
Campbell, Kathy	Heidemann, Lavon L.	Pirsch, Pete
Carlson, Tom	Howard, Gwen	Price, Scott
Christensen, Mark	Janssen, Charlie	Schilz, Ken
Coash, Colby	Karpisek, Russ	Schumacher, Paul
Cook, Tanya	Krist, Bob	Smith, Jim
Cornett, Abbie	Lambert, Paul	Sullivan, Kate
Council, Brenda J.	Langemeier, Chris	Wallman, Norman
Dubas, Annette M.	Larson, Tyson	Wightman, John
Fischer, Deb	Lathrop, Steve	
Flood, Mike	Lautenbaugh, Scott	
Fulton, Tony	Louden, LeRoy J.	
Gloor, Mike	McCoy, Beau	

The following member was excused:

Conrad, Danielle

MOTION - Adopt Temporary Rules

Senator Lautenbaugh moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
 State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Second Legislature, Second Session, 2012.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Second Legislature, Second Session, 2012.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, two thousand and twelve.

(SEAL)

(Signed) John A. Gale
 Secretary of State

DISTRICT/NAME**ELECTED**

1	Lavon L. Heidemann	November 4, 2008
2	Paul Lambert	Appointed October 7, 2011
3	Scott Price	November 4, 2008
4	Pete Pirsch	November 2, 2010
5	Heath Mello	November 4, 2008
6	John E. Nelson	November 2, 2010
7	Jeremiah Nordquist	November 4, 2008
8	Burke J. Harr	November 2, 2010

9	Gwen Howard	November 4, 2008
10	Bob Krist	November 2, 2010
11	Brenda J. Council	November 4, 2008
12	Steve Lathrop	November 2, 2010
13	Tanya Cook	November 4, 2008
14	Jim Smith	November 2, 2010
15	Charlie Janssen	November 4, 2008
16	Lydia Brasch	November 2, 2010
17	Dave Bloomfield	Appointed December 2, 2010
18	Scott Lautenbaugh	November 2, 2010
19	Mike Flood	November 4, 2008
20	Brad Ashford	November 2, 2010
21	Ken Haar	November 4, 2008
22	Paul Schumacher	November 2, 2010
23	Chris Langemeier	November 4, 2008
24	Greg L. Adams	November 2, 2010
25	Kathy Campbell	November 4, 2008
26	Amanda M. McGill	November 2, 2010
27	Colby Coash	November 4, 2008
28	Bill Avery	November 2, 2010
29	Tony Fulton	November 4, 2008
30	Norman Wallman	November 2, 2010
31	Rich Pahls	November 4, 2008
32	Russ Karpisek	November 2, 2010
33	Vacant	
34	Annette M. Dubas	November 2, 2010
35	Mike Gloor	November 4, 2008
36	John Wightman	November 2, 2010
37	Galen Hadley	November 4, 2008
38	Tom Carlson	November 2, 2010
39	Beau McCoy	November 4, 2008
40	Tyson Larson	November 2, 2010
41	Kate Sullivan	November 4, 2008
42	Thomas F. Hansen	November 2, 2010
43	Deb Fischer	November 4, 2008
44	Mark Christensen	November 2, 2010
45	Abbie Cornett	November 4, 2008
46	Danielle Conrad	November 2, 2010
47	Ken Schilz	November 4, 2008
48	John N. Harms	November 2, 2010
49	LeRoy J. Louden	November 4, 2008

MESSAGES FROM THE GOVERNOR

November 28, 2011

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

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

Contingent upon your approval, the following individual is being
reappointed to the Game and Parks Commission:

Ron Stave, 25827 Blondo Street, Waterloo, NE 68069

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 2, 2011

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

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

Contingent upon your approval, the following individual is being
reappointed to the Nebraska Investment Council:

Richard DeFusco, 6611 South 41st Street, Lincoln, NE 68516-2909

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 7, 2011

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

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

Contingent upon your approval, the following individual is being appointed as Director of the Department of Economic Development:

Catherine D. Lang, 5932 Fieldcrest Way, Lincoln, NE 68512

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 8, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506
LeRoy Gerrard, 814 East 7th St, Stromsburg, NE 68666
Darold Tagge, 204 W. 15th, Holdrege, NE 68949
David Wacker, 907 N. Webster Ave., Hastings, NE 68901
Timothy Weander, 17734 Castelar Circle, Omaha, NE 68130
Edward Wootton, 804 W. Mission Ave., Bellevue, NE 68005

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 12, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Karen Davis, 8852 North 52nd Street, Omaha, NE 68152

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Riko Bishop, 233 S. 13th, Ste 1400, Lincoln, NE 68508
Dr. Joyce Simmons, 220 North Hall Street, Valentine, NE 69201
Carol Zink, 1420 Broadmoore Dr., Lincoln, NE 68506

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 20, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Dr. Thomas Deegan, 19206 Howe Circle, Omaha, NE 68130

Contingent upon your approval, the following individuals are being reappointed to the Board of Emergency Medical Services:

Linda Jensen, 16181 County Road #21, Herman, NE 68029
Joel Cerny, 1618 Denver Street, Schuyler, NE 68661
Dr. James Smith, 402 Flamingo Road, North Platte, NE 69101
Scott Wiebe, 5922 White Fish Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2011

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

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

Contingent upon your approval, the following individual is being reappointed as a member of the Nebraska State Fair Board:

William Marshall III, 712 Grand Avenue, Grand Island, NE 68801

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2011

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

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

Contingent upon your approval, the following individual is being appointed as a member of the Commission of Industrial Relations:

J. L. Spray, 3425 South 17th St., Lincoln, NE 68502

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 22, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Blind and Visually Impaired:

Michael Hansen, 5635 Lenox Avenue, Lincoln, NE 68510

Julie Johnson, 820 East Fifth Street, York, NE 68467

James Jirak, 3512 South 44th Ave., Omaha, NE 68105

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 22, 2011

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Dr. Jon Hinrichs, 6503 Lone Tree Drive, Lincoln, NE 68512

Pamela Price, 220 West Charles St., Grand Island, NE 68803

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 29, 2011

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

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

Contingent upon your approval, the following individual is being appointed as a member of the Public Employees Retirement Board:

Stuart Simpson, 1910 William Avenue, North Platte, NE 69101

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Management Letter of the Nebraska Lottery July 1, 2010 through June 30, 2011

Coordinating Commission for Postsecondary Education, Nebraska

LB637 Dual Enrollment and Career Academy Report

Court Appointed Special Advocates Association, Nebraska

CASA Fund Interim Report

Environmental Quality, Department of

2011 Annual Report

Health and Human Services, Nebraska Department of

2011 Nebraska Health Care Funding Act Report

Division of Behavioral Health Division of Children and Family Services
Annual Report (LB603)

Division of Medicaid and Long-Term Care, Disabled Persons and Family
Support Program FY 2011 Annual Report

Nebraska Family Helpline, Family Navigator and Right Turn Post
Adoption/Post Guardianship Services Final Evaluation Report January
1, 2010 – June 20, 2011 (LB603)

SNAP Annual Report

Investment Finance Authority, Nebraska (NIFA)

2011 Series A and 2009 Series A, Sub series A-1 Homeownership
Revenue Bonds

Housing Revenue Bonds 2011 Series 1
Single Family Housing Program Bonds

Labor, Department of

2011 Public Benefits Annual Report

Learning Community of Douglas and Sarpy Counties

Annual Report

Retirement Systems, Public Employees

Judges' Retirement System Fifty-ninth Actuarial Report for State Fiscal
Year Ending June 30, 2013 and System Plan Year Beginning July 1,
2011

School Retirement System Forty-sixth Actuarial Report for State Fiscal
Year Ending June 30, 2013 and System Plan Year Beginning July 1.
2011

State Patrol Retirement System Fifty-sixth Actuarial Report for State
Fiscal Year Ending June 30, 2013 and System Plan Year Beginning July
1, 2011

Revenue, Department of

Ethanol Production Incentive Cash Fund (EPIC) Report

Secretary of State

Non-Recourse Civil Litigation Funding Annual Report

Southeast Community College

Financial Condition of the Center, Funding Received from Nonstate
Sources, Training Conducted, and Testing and Evaluation Services
Provided

State Treasurer

Report on the 2010-2011 Distribution of Funds Mutual Finance
Assistance Act

Uniform State Laws, Nebraska Commission on

Nebraska Commission on Uniform State Laws Report

University of Nebraska

Behavioral Health Education Center of Nebraska 2009-2011 Legislative
Report (LB603)

Master Plan & Business Plan for the Nebraska Innovation Campus (NIC)
University of Nebraska-Kearney-Nebraska Safety Center 2011 Annual
Report

MOMENT OF SILENCE

A moment of silence was observed in memory of Senator Dennis Utter who
passed away December 27, 2011.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Heidemann has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 705. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to eliminate obsolete provisions relating to computer date failure actions; and to outright repeal sections 25-21,265, 25-21,266, 25-21,267, 25-21,268, and 25-21,269, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 706. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Executive Board of the Legislative Council; to repeal a section providing for an interim study; and to outright repeal section 50-444, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 707. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to Joslyn Castle; to repeal sections that are no longer needed; and to outright repeal sections 72-1801 and 72-1802, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 708. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the School Weatherization Fund; to repeal a section that is no longer needed; and to outright repeal section 81-1634, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 709. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to zoning regulations; to amend sections 23-114, 23-114.03, and 23-114.05, Reissue Revised Statutes of Nebraska; to repeal sections governing temporary zoning regulations that expired July 1, 2001; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-115, 23-115.01, and 23-115.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 710. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the University Buildings Renovation and Land Acquisition Fund; to amend section 85-122, Revised Statutes Supplement, 2011; to repeal sections that are no longer needed; to

harmonize provisions; to repeal the original section; and to outright repeal sections 85-1,111 and 85-1,112, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 711. Introduced by Wightman, 36; Flood, 19; Langemeier, 23.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Executive Board of the Legislative Council; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Certified Nurse Midwifery Practice Act; to amend section 38-613, Reissue Revised Statutes of Nebraska; to change provisions relating to permitted practice; and to repeal the original section.

LEGISLATIVE BILL 713. Introduced by K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to solar energy; to amend sections 15-201, 16-207, 17-555, 66-901, 66-902, 66-905, 66-906, 66-909, 66-912, and 66-913, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2010; to provide powers and duties for cities and villages; to prevent the prohibition of the installation of solar energy systems by private entities; to provide for the removal or relocation of vegetation to permit the installation of solar energy systems; to define, redefine, and transfer terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by McCoy, 39; Langemeier, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2202, 76-2213.01, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2241, and 76-2249, Revised Statutes Cumulative Supplement, 2010, and section 76-2223, Revised Statutes Supplement, 2011; to update references; to change provisions relating to findings; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 715. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications regulation; to amend sections 86-103, 86-135, 86-136, 86-137, and 86-138, Reissue Revised Statutes of Nebraska, and section 86-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to regulation of boundaries of local exchange areas for advanced telecommunications capability service; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-219, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2010; to change powers relating to extraterritorial jurisdiction; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Council, 11.

A BILL FOR AN ACT relating to school boards; to amend sections 32-541, 32-542, 32-543, 32-544, 32-545, 32-546, 79-451, 79-472, 79-4,129, 79-546, 79-547, 79-548, 79-550, 79-551, 79-552, 79-565, 79-835, and 79-10,111, Reissue Revised Statutes of Nebraska, and section 79-724, Revised Statutes Supplement, 2011; to change provisions relating to membership and elections; to provide for salaries; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 718. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1284, 37-1285, 60-154, 60-166, 60-168, 60-169, 60-180, and 60-3,198, Reissue Revised Statutes of Nebraska, and section 37-1283, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certificates of title and the distribution of titling fees; to change penalty provisions; to change provisions relating to registration fees for fleet vehicles; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Price, 3.

A BILL FOR AN ACT relating to government; to amend sections 44-113, 50-114.03, 52-1313.01, 60-3,161, 77-2705.04, 81-118.01, 84-712, 84-1201, 84-1202, 84-1204, 84-1205, 84-1205.01, 84-1205.02, 84-1205.03, 84-1205.05, 84-1206, 84-1207, 84-1209, 84-1212, 84-1213, 84-1214, 84-1214.01, 84-1215, 84-1216, 84-1217, 84-1218, 84-1219, 84-1222, 84-1224, and 84-1225, Reissue Revised Statutes of Nebraska, section 84-1227, Revised Statutes Cumulative Supplement, 2010, and section 9-523, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change fee provisions relating to electronic payments; to change provisions of the Records Management Act relating to intent, the State Records Board, the network manager, the technical advisory committee, fees, reports, agency procedures, and a fund; to provide requirements for certain electronic information and services; to eliminate provisions relating to public bidding and certain public records requests; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 84-1205.04, 84-1205.06, and 84-1223, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 720. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to school boards; to amend sections 32-545, 32-552, 79-4,129, 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and section 32-570, Revised Statutes Cumulative Supplement, 2010; to change membership provisions and provide for salaries for school boards for Class V school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 721. Introduced by Larson, 40.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Cumulative Supplement, 2010; to redefine the term police animal; and to repeal the original sections.

LEGISLATIVE BILL 722. Introduced by Coash, 27.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2206, Reissue Revised Statutes of Nebraska; to authorize fines or costs to be deducted from a defendant's cash bond; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend sections 71-5301 and 71-5304.01, Reissue Revised Statutes of Nebraska; to eliminate a defined term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,168 and 60-6,179.01, Reissue Revised Statutes of Nebraska, and sections 60-4,144, 60-4,146, 60-4,182, and 60-601, Revised Statutes Supplement, 2011; to change provisions relating to commercial driver medical examinations; to prohibit texting while driving a commercial motor vehicle; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 725. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2011; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 726. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,205, 60-486, 60-4,100, 60-4,130.03, 60-4,167,

60-4,167.01, 60-4,170, 60-4,184, 60-507, and 66-1406.02, Reissue Revised Statutes of Nebraska, and section 60-4,114, Revised Statutes Supplement, 2011; to eliminate certain certified and registered mail requirements of the department; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-226, 9-226.01, 9-228, 9-322, 9-322.02, 9-324, 9-418, 9-418.01, 9-420, 9-620, 9-622, 9-623, 9-820, 57-706, 57-1206, 66-486, 66-488, 66-489.02, 66-525, 66-6,110, 66-6,113, 66-721, 66-722, 76-908, 77-377.01, 77-3,116, 77-612, 77-802, 77-1375, 77-1780, 77-2705.03, 77-2776, 77-2779, 77-27,130, 77-27,135, 77-27,150, 77-27,152, 77-3311, 77-3906, 77-4015, 77-4016, 77-4020, and 77-4312, Reissue Revised Statutes of Nebraska, section 66-1521, Revised Statutes Cumulative Supplement, 2010, and sections 66-712, 66-738, and 77-2704.10, Revised Statutes Supplement, 2011; to change provisions relating to tax filings and notices, motor fuel taxation, sales and use taxes, and a tax study; to eliminate a committee; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-737, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 728. Introduced by Mello, 5; Schumacher, 22.

A BILL FOR AN ACT relating to funds; to amend section 59-1608.05, Reissue Revised Statutes of Nebraska, and section 59-1608.04, Revised Statutes Supplement, 2011; to provide for the distribution of money received by the state due to a settlement or court order or judgment as prescribed; to provide legislative review and appropriation requirements for the State Settlement Cash Fund; to change provisions relating to the use of the State Settlement Trust Fund; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2103, 18-2107, and 18-2124, Reissue Revised Statutes of Nebraska; to redefine a term; to provide powers for an authority; to change provisions relating to the issuance of bonds; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-515, Reissue Revised Statutes of Nebraska; to change provisions relating to theft of services; and to repeal the original section.

LEGISLATIVE BILL 731. Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.03, 81-1558, and 81-1561, Reissue Revised Statutes of Nebraska, sections 81-15,160 and 81-15,165, Revised Statutes Cumulative Supplement, 2010, and sections 77-2715.07 and 77-2717, Revised Statutes Supplement, 2011; to adopt the Remanufacturing Pilot Project Act; to provide an income tax credit for recycled or composted materials; to provide a termination date; to provide funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Mello, 5.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-366, 15-229, 17-559, 18-1755, and 19-709, Reissue Revised Statutes of Nebraska; to provide procedures for the use of eminent domain for trails; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 733. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-511, Revised Statutes Supplement, 2011; to provide for electronic transmission and filing of documents under the Nebraska Uniform Limited Liability Company Act; and to repeal the original section.

LEGISLATIVE BILL 734. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to replevin; to amend section 25-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to return date of an order of delivery; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Schumacher, 22.

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

LEGISLATIVE BILL 736. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-809, 32-813, 32-916, 32-936, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, sections 32-101, 32-816, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2010, and section 32-947, Revised Statutes Supplement, 2011; to require secret-ballot envelopes for certain ballots; to change provisions relating to voting and counting votes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Supplement, 2011; to provide procedures for submitting national criminal history record information checks with respect to home studies; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Reissue Revised Statutes of Nebraska; to change burial expense benefits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 739. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Supplement, 2011; to authorize the commission to convey certain real estate; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 740. Introduced by Schilz, 47; Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,111, 60-6,290, and 60-6,305, Reissue Revised Statutes of Nebraska; to provide a special permit for farmers hauling hay; to change provisions relating to livestock forage vehicles; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Schilz, 47; Langemeier, 23.

A BILL FOR AN ACT relating to electric power generation; to amend section 70-1014, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to applications for electric generation facilities; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Schilz, 47; Langemeier, 23.

A BILL FOR AN ACT relating to electric power generation; to amend section 70-1014.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to application for development of renewable energy resources; and to repeal the original section.

LEGISLATIVE BILL 743. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-707, Reissue Revised Statutes of Nebraska; to provide for a fee; and to repeal the original section.

LEGISLATIVE BILL 744. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to court fees; to amend section 24-703, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the Nebraska Retirement Fund for Judges fee; to provide a fee for use by counties; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska, and section 14-109, Revised Statutes Supplement, 2011; to provide requirements for imposition of an occupation tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 746. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Reissue Revised Statutes of Nebraska; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 747. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to railroads; to withdraw from and repeal the Midwest Interstate Passenger Rail Compact; and to outright repeal sections 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 748. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to eliminate provisions relating to denial of a registration certificate or an operator's license to a person with an outstanding warrant for arrest; and to outright repeal sections 60-3,163 and 60-485, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 749. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to exempt indoor tanning services from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to comparable sales; and to repeal the original section.

LEGISLATIVE BILL 751. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 75-366, Reissue Revised Statutes of Nebraska, and sections 18-1739, 60-3,113.04, 60-3,193.01, 60-462.01, 60-498.02, 60-4,118.06, 60-4,147.02, 60-6,211.05, 75-363, 75-364, and 75-393, Revised Statutes Supplement, 2011; to update certain state laws to comply with federal law; to change provisions relating to the operation of ignition-interlock-equipped motor vehicles; to change provisions relating to enforcement of certain motor carrier laws; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 752. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-2717, Revised Statutes Supplement, 2011; to provide an income tax credit relating to grape growing and wine producing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Avery, 28.

A BILL FOR AN ACT relating to health care funding; to amend sections 71-7605 and 77-2704.24, Reissue Revised Statutes of Nebraska; to create funds and provide funding for childhood obesity prevention measures as prescribed; to provide powers and duties of the Department of Revenue, the State Department of Education, and the Department of Health and Human Services; to provide for sales taxation of soft drinks as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1403, 49-1467, and 49-1469, Reissue Revised Statutes of Nebraska; to define a term; to require reporting regarding electioneering communication; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 755. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-1499, Reissue Revised Statutes of Nebraska; to require reports regarding potential conflicts of interest; and to repeal the original section.

LEGISLATIVE BILL 756. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Major Oil Pipeline Siting Act; to amend section 2, Legislative Bill 1, One Hundred Second Legislature, First

Special Session, 2011; to provide requirements relating to public access to information; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 757. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to political parties and filing for office; to repeal the original section; and to outright repeal section 32-718, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 758. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 9-816, 49-1419, 49-1483, 49-1490, 49-14,139, and 50-114.05, Reissue Revised Statutes of Nebraska; to redefine a term relating to gifts to Lottery Division officials, employees, and their family members; to change provisions relating to gifts given and statements filed by a lobbyist or principal as prescribed; to eliminate provisions relating to gifts of admissions to state facilities or events; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1492.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 759. Introduced by Avery, 28.

A BILL FOR AN ACT relating to petitions; to amend sections 32-628 and 32-629, Reissue Revised Statutes of Nebraska; to require petition sponsors to provide and maintain records of identification for petition circulators; to change requirements for circulators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 760. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1503, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings of the Environmental Quality Council; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to state government; to amend sections 81-176 and 81-1108.33, Revised Statutes Supplement, 2011; to change provisions relating to the requirements for certain acquisitions of real property, structures, or improvements; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 762. Introduced by Loudon, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to comparable sales; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Louden, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska, section 79-1007.15, Revised Statutes Cumulative Supplement, 2010, and section 79-1001, Revised Statutes Supplement, 2011; to change provisions relating to freeholder petitions and the elementary site allowance; to provide duties for certain districts as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 764. Introduced by Louden, 49; Adams, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to overload exceptions; and to repeal the original section.

LEGISLATIVE BILL 765. Introduced by Krist, 10; Bloomfield, 17; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; Howard, 9; Lambert, 2; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to bids and bidding; to amend section 73-504, Reissue Revised Statutes of Nebraska, and section 73-507, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions relating to an exemption as prescribed; to provide duties for the Director of Health and Human Services; and to repeal the original sections.

LEGISLATIVE BILL 766. Introduced by Price, 3; Avery, 28; Brasch, 16; Gloor, 35; McCoy, 39; Mello, 5.

A BILL FOR AN ACT relating to emergency management; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to authorize the Adjutant General to make certain emergency expenditures; and to repeal the original section.

LEGISLATIVE BILL 767. Introduced by Howard, 9.

A BILL FOR AN ACT relating to state officers and employees; to amend section 81-1307, Reissue Revised Statutes of Nebraska; to require records of dates and hours of work; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, and 43-146.01, Revised Statutes Supplement, 2011; to change provisions relating to access to the case file; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,142, Reissue Revised Statutes of Nebraska, and sections 60-4,116 and 60-4,120, Revised Statutes Supplement, 2011; to change provisions relating to application for and issuance of operators' licenses and state identification cards; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 770. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,147.01 and 81-2,147.03, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Seed Law; and to repeal the original sections.

LEGISLATIVE BILL 771. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,244.01, 81-2,257, 81-2,259, 81-2,270, 81-2,271, and 81-2,277, Reissue Revised Statutes of Nebraska; to change and eliminate food establishment and food safety provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-2,272.02, 81-2,272.17, and 81-2,272.36, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 772. Introduced by Smith, 14.

A BILL FOR AN ACT relating to counties; to amend section 23-1114.07, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of salaries; and to repeal the original section.

LEGISLATIVE BILL 773. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-155, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Howard, 9; Bloomfield, 17; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; K. Haar, 21; B. Harr, 8; Krist, 10; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41.

A BILL FOR AN ACT relating to health and human services; to amend sections 43-296, 43-405, 43-534, 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes of Nebraska; to provide duties for the Health and Human Services Committee of the Legislature and the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-311, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure of information; and to repeal the original section.

LEGISLATIVE BILL 776. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2011; to prohibit the sale of alcoholic liquor and beer as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 777. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to funds; to amend sections 59-1608.04 and 81-15,174, Revised Statutes Supplement, 2011; to provide for the distribution of money received by the state due to a settlement or court order or judgment as prescribed; to provide legislative review and appropriation requirements for the State Settlement Cash Fund; to change provisions relating to the Environmental Trust Fund; and to repeal the original sections.

LEGISLATIVE BILL 778. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Excellence in Teaching Act; to amend sections 9-812, 79-8,133, 79-8,137.01, and 79-8,137.05, Revised Statutes Supplement, 2011; to change provisions relating to loan eligibility; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 779. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to government agencies; to amend sections 81-1008, 81-1008.01, 81-1010, 81-1011, 81-1015, 81-1016, 81-1018, 81-1019, 81-1020, 81-1021, 81-1023, and 81-1025, Reissue Revised Statutes of Nebraska, and sections 81-1017 and 81-1108.17, Revised Statutes Cumulative Supplement, 2010; to define terms; to change provisions relating to state-owned vehicles; to provide for renting vehicles for state use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 780. Introduced by Smith, 14; Coash, 27; Hadley, 37; B. Harr, 8; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.05, 53-103.21, and 53-123.14, Reissue Revised Statutes of Nebraska; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-160 and 53-164.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the gallonage tax; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by McCoy, 39.

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, 50-414, 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, 81-15,101, 81-15,153, 81-1606, 81-1607, 81-1637, 81-1845, 81-2004.04, 81-2023, 81-2213, 81-2233, 81-2408, 82-333, 83-111, 83-4,147, 83-908, 83-924, 83-963, 84-205, 84-304, 84-322, 84-605, 84-702, 84-907.06, 84-1205.03, 84-1205.05, 84-1219, 84-1315, 84-1617, 85-414, 85-417, 85-424, 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, 85-421, 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 submitted to the Legislature, Clerk of the Legislature, Executive Board of the Legislative Council, Legislative Fiscal Analyst, members of the Legislature, committees

of the Legislature, and a task force of the Legislature be submitted electronically; to eliminate provisions involving obsolete reports, plans, a task force, and a program; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-5304, 3-806, 43-4002, 43-4003, 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 sections 46-2,140 and 54-1916, Revised Statutes Supplement, 2011.

RESOLUTIONS

LEGISLATIVE RESOLUTION 356. Introduced by Langemeier, 23.

WHEREAS, the Aquinas Monarchs won the 2011 Class C-2 State Football Championship; and

WHEREAS, the Monarchs defeated Kearney Catholic High School by a score of 27-13 in the championship game and finished the season with a perfect 13-0 record; and

WHEREAS, the win gave the Monarchs their fifth state football championship in school 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 the Aquinas Monarchs on winning the 2011 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the Monarchs and their coach, Ron Mimick.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Karpisek, 32.

WHEREAS, B. J. Lawrence, a member of the Doane College track and field team, has had a tremendous amount of success on the track during the 2011 season; and

WHEREAS, Mr. Lawrence's accomplishments include a number of honors earned while competing for Doane College at the NAIA Track and Field Championships, including first-place finishes in the 200 meter dash (indoor), the 200 meter dash (outdoor), and the 4x100 meter relay (outdoor), and second-place finishes in the 60 meter dash (indoor) and the 100 meter dash (outdoor); and

WHEREAS, Mr. Lawrence also ran for his home country of Saint Kitts and Nevis at the IAAF World Championships, where his team took third place in the 4x100 meter relay, and at the Pan American Games, where his team took second place in the 4x100 meter relay; and

WHEREAS, Mr. Lawrence has also broken numerous records for his outstanding track performances.

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

1. That the Legislature recognizes B. J. Lawrence for his outstanding accomplishments in track and field.

2. That a copy of this resolution be sent to B. J. Lawrence.

Laid over.

LEGISLATIVE RESOLUTION 358CA. Introduced by Carlson, 38; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Christensen, 44; Cornett, 45; Dubas, 34; Gloor, 35; K. Haar, 21; Harms, 48; Karpisek, 32; Krist, 10; Larson, 40; Loudon, 49; McGill, 26; Nelson, 6; Price, 3; Schilz, 47; Smith, 14; Wallman, 30; Wightman, 36.

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

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

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of ~~two~~three consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

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

A constitutional amendment to change the limit on legislative terms to three consecutive terms.

For

Against.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB239:

AM1641

(Amendments to Standing Committee amendments, AM727)

1 1. Insert the following new section:

2 Sec. 13. Section 71-612, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 71-612 (1) The department, as the State Registrar, shall

5 preserve permanently and index all certificates received. The

6 department shall supply to any applicant for any proper purpose,

7 as defined by rules and regulations of the department, a certified

8 copy of the record of any birth, death, marriage, annulment, or
9 dissolution of marriage or an abstract of marriage. The department
10 shall supply a copy of a public vital record for viewing purposes
11 at its office upon an application signed by the applicant and
12 upon proof of the identity of the applicant. The application may
13 include the name, address, and telephone number of the applicant,
14 purpose for viewing each record, and other information as may be
15 prescribed by the department by rules and regulations to protect
16 the integrity of vital records and prevent their fraudulent use.
17 Except as provided in subsections (2), (3), (5), (6), ~~and (7)~~, (8),
18 and (9) of this section, the department shall be entitled to charge
19 and collect in advance a fee of eleven dollars to be paid by the
20 applicant for each certified copy or abstract of marriage supplied
21 to the applicant or for any search made at the applicant's request
22 for access to or a certified copy of any record or abstract of
1 marriage, whether or not the record or abstract is found on file
2 with the department.

3 (2) The department shall, free of charge, search for and
4 furnish a certified copy of any record or abstract of marriage on
5 file with the department upon the request of (a) the United States
6 Department of Veterans Affairs or any lawful service organization
7 empowered to represent veterans if the copy of the record or
8 abstract of marriage is to be issued, for the welfare of any member
9 or veteran of the armed forces of the United States or in the
10 interests of any member of his or her family, in connection with a
11 claim growing out of service in the armed forces of the nation or
12 (b) the Military Department.

13 (3) The department may, free of charge, search for and
14 furnish a certified copy of any record or abstract of marriage on
15 file with the department when in the opinion of the department it
16 would be a hardship for the claimant of old age, survivors, or
17 disability benefits under the federal Social Security Act to pay
18 the fee provided in this section.

19 (4) A strict account shall be kept of all funds received
20 by the department. Funds received pursuant to subsections (1),
21 (5), (6), and (8) of this section shall be remitted to the
22 State Treasurer for credit to the Health and Human Services Cash
23 Fund. Money credited to the fund pursuant to this section shall
24 be used for the purpose of administering the laws relating to
25 vital statistics and may be used to create a petty cash fund
26 administered by the department to facilitate the payment of refunds
27 to individuals who apply for copies or abstracts of records. The
1 petty cash fund shall be subject to section 81-104.01, except
2 that the amount in the petty cash fund shall not be less than
3 twenty-five dollars nor more than one thousand dollars.

4 (5) The department shall, upon request, conduct a search
5 of death certificates for stated individuals for the Nebraska
6 Medical Association or any of its allied medical societies or any
7 in-hospital staff committee pursuant to sections 71-3401 to 71-3403.

8 If such death certificate is found, the department shall provide
9 a noncertified copy. The department shall charge a fee for each
10 search or copy sufficient to cover its actual direct costs, except
11 that the fee shall not exceed two dollars per individual search or
12 copy requested.

13 (6) The department may permit use of data from vital
14 records for statistical or research purposes under section
15 71-602 or disclose data from certificates or records to federal,
16 state, county, or municipal agencies of government for use in
17 administration of their official duties and charge and collect a
18 fee that will recover the department's cost of production of the
19 data. The department may provide access to public vital records for
20 viewing purposes by electronic means, if available, under security
21 provisions which shall assure the integrity and security of the
22 records and data base and shall charge and collect a fee that shall
23 recover the department's costs.

24 (7) In addition to the fees charged under subsection
25 (1) of this section, the department shall charge and collect an
26 additional fee of one dollar for any certified copy of the record
27 of any birth or for any search made at the applicant's request
1 for access to or a certified copy of any such record, whether
2 or not the record is found on file with the department. Any
3 county containing a city of the metropolitan class which has an
4 established city-county or county health department pursuant to
5 sections 71-1626 to 71-1636 which has an established system of
6 registering births and deaths shall charge and collect in advance a
7 fee of one dollar for any certified copy of the record of any birth
8 or for any search made at the applicant's request for such record,
9 whether or not the record is found on file with the county. All
10 fees collected under this subsection shall be remitted to the State
11 Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

12 (8) The department shall not charge other state agencies
13 the fees authorized under subsections (1) and (7) of this
14 section for automated review of any certificates or abstracts
15 of marriage. The department shall charge and collect a fee from
16 other state agencies for such automated review that will recover
17 the department's cost.

18 (9) The department shall, free of charge, search for and
19 furnish a certified copy of any birth record on file with the
20 department upon the request of any registered voter for purposes
21 of obtaining a government-issued photographic identification as
22 defined in section 3 of this act in order to vote under the
23 Election Act.

24 2. On page 16, line 25, strike "and 32-953" and insert
25 "32-953, and 71-612".

26 3. Renumber the remaining section accordingly.

Senator Lathrop filed the following amendment to LB239:

AM1633

(Amendments to Standing Committee amendments, AM727)

- 1 1. On page 16, line 23, strike "seven", show as stricken,
- 2 and insert "fourteen".

Senator K. Haar filed the following amendment to LB239:

AM1631

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 32-202, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-202 In addition to any other duties prescribed by law,
- 5 the Secretary of State shall:
 - 6 (1) Supervise the conduct of primary and general
 - 7 elections in this state;
 - 8 (2) Provide training for election commissioners, county
 - 9 clerks, and other election officials in providing for registration
 - 10 of voters and the conduct of elections;
 - 11 (3) Enforce the Election Act;
 - 12 (4) With the assistance and advice of the Attorney
 - 13 General, make uniform interpretations of the act;
 - 14 (5) Provide periodic training for the agencies and their
 - 15 agents and contractors in carrying out their duties under sections
 - 16 32-308 to 32-310;
 - 17 (6) Develop and print forms for use as required by
 - 18 sections 32-308, 32-310, 32-320, 32-329, 32-947, 32-956, and
 - 19 32-958;
 - 20 (7) Contract with the Department of Administrative
 - 21 Services for storage and distribution of the forms;
 - 22 (8) Require reporting to ensure compliance with sections
 - 1 32-308 to 32-310;
 - 2 (9) Prepare and transmit reports as required by the
 - 3 National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq.;
 - 4 (10) Develop and print a manual describing the
 - 5 requirements of the initiative and referendum process and
 - 6 distribute the manual to election commissioners and county clerks
 - 7 for distribution to the public upon request;
 - 8 (11) Develop and print pamphlets described in section
 - 9 32-1405.01;
 - 10 (12) Adopt and promulgate rules and regulations for
 - 11 elections conducted under sections 32-952 to 32-959; ~~and~~
 - 12 (13) Establish a free access system, such as a toll-free
 - 13 telephone number or an Internet web site, that any voter who casts
 - 14 a provisional ballot may access to discover whether the vote of
 - 15 that voter was counted and, if the vote was not counted, the
 - 16 reason that the vote was not counted. The Secretary of State
 - 17 shall establish and maintain reasonable procedures necessary to
 - 18 protect the security, confidentiality, and integrity of personal

19 information collected, stored, or otherwise used by the free access
 20 system. Access to information about an individual provisional
 21 ballot shall be restricted to the individual who cast the ballot;
 22 and-

23 (14) Develop informational material to assist voters
 24 with requirements to present government-issued photographic
 25 identification in order to vote and make such informational
 26 material available on the Internet web site of the Secretary of
 27 State and, within sixty days after the effective date of this act,
 1 mail such informational material to every registered voter in this
 2 state.

3 2. On page 16, line 24, after the first comma insert
 4 "32-202,".

5 3. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB239:
 AM1645

(Amendments to Standing Committee amendments, AM727)

1 1. Insert the following new section:

2 Sec. 13. Section 81-8,297, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-8,297 The State Claims Board shall have the power
 5 and authority to receive, investigate, and otherwise carry out its
 6 duties with regard to (1) all claims under the State Miscellaneous
 7 Claims Act, (2) all claims under sections 25-1802 to 25-1807, (3)
 8 all claims under the State Contract Claims Act, (4) all requests
 9 on behalf of any department, board, or commission of the state
 10 for waiver or cancellation of money or charges when necessary for
 11 fiscal or accounting procedures, ~~and~~ (5) all claims filed under
 12 section 66-1531, and (6) all claims filed under section 32-322. All
 13 such claims or requests and supporting documents shall be filed
 14 with the Risk Manager and shall be designated by number, name of
 15 claimant as requester, and short title. Nothing in this section
 16 shall be construed to be a waiver of the sovereign immunity of the
 17 state beyond what is otherwise provided by law.

18 The board shall adopt and promulgate such rules and
 19 regulations as are necessary to carry out the powers granted in
 20 this section. The Attorney General shall be the legal advisor
 21 to the board for purposes of this section and may authorize the
 22 assistant attorney general in charge of the Claims Division to
 1 perform any of his or her duties under this section.

2 2. On page 6, after line 26 insert the following new
 3 subsection:

4 "(3) The Legislature shall reimburse the counties for the
 5 cost of mailing acknowledgments of registration under subsection
 6 (2) of this section. If the Legislature fails to appropriate funds
 7 to fully reimburse the counties, the counties may file claims with
 8 the State Claims Board under the State Miscellaneous Claims Act for
 9 the difference between the amount of funds appropriated, if any,

10 and full reimbursement."

11 3. On page 16, line 25, strike "and 32-953" and insert
12 "32-953, and 81-8,297".

13 4. Renumber the remaining section accordingly.

Senator Council filed the following amendment to LB239:
AM1649

(Amendments to Standing Committee amendments, AM727)

1 1. Insert the following new sections:

2 Sec. 13. The Legislature shall reimburse counties for
3 the cost of issuing and counting provisional ballots for persons
4 who did not present government-issued photographic identification,
5 including the cost of verification and investigation required under
6 section 32-1002. If the Legislature fails to appropriate funds to
7 fully reimburse the counties, the counties may file claims with the
8 State Claims Board under the State Miscellaneous Claims Act for the
9 difference between the amount of funds appropriated, if any, and
10 full reimbursement.

11 Sec. 14. Section 81-8,297, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-8,297 The State Claims Board shall have the power
14 and authority to receive, investigate, and otherwise carry out its
15 duties with regard to (1) all claims under the State Miscellaneous
16 Claims Act, (2) all claims under sections 25-1802 to 25-1807, (3)
17 all claims under the State Contract Claims Act, (4) all requests
18 on behalf of any department, board, or commission of the state
19 for waiver or cancellation of money or charges when necessary for
20 fiscal or accounting procedures, ~~and~~ (5) all claims filed under
21 section 66-1531, and (6) all claims filed under section 13 of this
22 act. All such claims or requests and supporting documents shall be
1 filed with the Risk Manager and shall be designated by number, name
2 of claimant as requester, and short title. Nothing in this section
3 shall be construed to be a waiver of the sovereign immunity of the
4 state beyond what is otherwise provided by law.

5 The board shall adopt and promulgate such rules and
6 regulations as are necessary to carry out the powers granted in
7 this section. The Attorney General shall be the legal advisor
8 to the board for purposes of this section and may authorize the
9 assistant attorney general in charge of the Claims Division to
10 perform any of his or her duties under this section.

11 2. On page 1, line 5, strike "section 3" and insert
12 "sections 3 and 13".

13 3. On page 16, line 25, strike "and 32-953" and insert
14 "32-953, and 81-8,297".

15 4. Renumber the remaining section accordingly.

Senator Council filed the following amendment to LB239:
AM1667

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 32-960, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 32-960 In any county, ~~with less than ten thousand~~
- 5 ~~inhabitants,~~ the county clerk may apply to the Secretary of
- 6 State to mail ballots for all elections held after approval of the
- 7 application to registered voters of any or all of the precincts
- 8 in the county in lieu of establishing polling places for such
- 9 precincts. The application shall include a written plan for the
- 10 conduct of the election, including a timetable for the conduct
- 11 of the election and provisions for the notice of election to be
- 12 published and for the application for ballots for early voting
- 13 notwithstanding other statutory provisions regarding the content
- 14 and publication of a notice of election or the application for
- 15 ballots for early voting. If the Secretary of State approves such
- 16 application for one or more precincts in the county, the county
- 17 clerk shall follow the applicable procedures in sections 32-953 to
- 18 32-959 for conducting elections by mail, except that the deadline
- 19 for receipt of the ballots shall be 8 p.m. on the day of the
- 20 election.
- 21 2. On page 16, line 26, after the third comma insert
- 22 "32-960,".
- 1 3. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB239:
AM1627

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new section:
- 2 Sec. 13. Section 85-903, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 85-903 In addition to the requirements of 20 U.S.C.
- 5 1094(a)(23), the University of Nebraska, each state college, and
- 6 each community college shall provide a photographic identification
- 7 which meets the requirements of subdivision (3) of section 3 of
- 8 this act to each student enrolled at the institution and shall
- 9 provide information furnished by the Secretary of State on early
- 10 voting prior to each statewide primary and general election to each
- 11 student enrolled in a degree or certificate program and physically
- 12 in attendance at the institution. The information shall include
- 13 instructions on early voting and an application to request a ballot
- 14 for early voting. The institution may provide the information
- 15 electronically.
- 16 2. On page 1, line 17, strike "or".
- 17 3. On page 2, line 1, strike the period and insert ";
- 18 or"; and after line 1 insert the following new subdivision:

- 19 "(3) A document issued by any other agency or political
 20 subdivision of this state which shows:
 21 (a) The name of the individual to whom the document was
 22 issued and the name conforms to the name in the voter's voter
 1 registration record;
 2 (b) A photograph of the individual to whom the document
 3 was issued; and
 4 (c) An expiration date which is not passed."
 5 4. On page 16, line 26, strike "and 32-1002" and insert
 6 "32-1002, and 85-903".
 7 5. Renumber the remaining section accordingly.

Senator Council filed the following amendment to LB239:
 AM1629

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new section:
 2 Sec. 5. Section 32-316, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 32-316 (1) The election commissioner or county clerk may
 5 issue a certificate of registration to any registered voter who
 6 requests a certificate verifying that he or she is a registered
 7 voter in the county and pays a fee of three dollars. The
 8 certificate of registration shall include the information contained
 9 in section 32-312 and shall be issued with the seal of the election
 10 commissioner or county clerk. All fees so collected shall be
 11 reported to the county board and remitted to the county treasurer
 12 at least once each month.
 13 (2) If a registered voter requests a certificate
 14 verifying that he or she is a registered voter in the county for
 15 purposes of presenting an identification to vote in such county,
 16 the election commissioner or county clerk shall issue a certificate
 17 of registration to such voter at no cost to the voter. The
 18 certificate of registration shall include the information contained
 19 in section 32-312 and shall be issued with the seal of the election
 20 commissioner or county clerk.
 21 2. On page 1, line 17, strike "or"; after line 17 insert
 22 the following new subdivision:
 1 "(2) A certificate of registration issued under section
 2 32-316; or"; and in line 18 strike "(2)" and insert "(3)".
 3 3. On page 16, line 24, after the second comma insert
 4 "32-316,".
 5 4. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB239:
 AM1654

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new section:
 2 Sec. 4. Qualifying photographic identification means an

3 employee identification document issued by any public or private
 4 employer which shows:

5 (1) The name of the individual to whom the document was
 6 issued and the name conforms to the name in the voter's voter
 7 registration record; and

8 (2) A photograph of the individual to whom the document
 9 was issued.

10 2. On page 1, lines 5 and 10, strike "section 3" and
 11 insert "sections 3 and 4".

12 3. On page 9, line 4, after "identification" insert ", a
 13 qualifying photographic identification.".

14 4. Renumber the remaining sections accordingly.

Senator Avery filed the following amendment to LB239:
 AM1624

1 1. Insert the following new sections:

2 Sec. 15. Section 85-903, Revised Statutes Cumulative
 3 Supplement, 2010, is amended to read:

4 85-903 In addition to the requirements of 20 U.S.C.
 5 1094(a)(23), the University of Nebraska, each state college, and
 6 each community college shall provide a photographic identification
 7 which meets the requirements of subdivision (3) of section
 8 32-110.02 to each student enrolled at the institution and shall
 9 provide information furnished by the Secretary of State on early
 10 voting prior to each statewide primary and general election to each
 11 student enrolled in a degree or certificate program and physically
 12 in attendance at the institution. The information shall include
 13 instructions on early voting and an application to request a ballot
 14 for early voting. The institution may provide the information
 15 electronically.

16 Sec. 16. Section 85-1701, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 85-1701 Sections 85-1701 to 85-1763 and section 17 of
 19 this act shall be known and may be cited as the Nebraska
 20 Educational Finance Authority Act.

21 Section 17. In order to be eligible for assistance
 22 under the Nebraska Educational Finance Authority Act, a private
 23 institution of higher education shall provide a photographic
 1 identification which meets the requirements of subdivision (3)
 2 of section 32-110.02 to each student enrolled at the institution.

3 2. On page 2, line 14, strike "or"; in line 22 strike the
 4 period and insert "; or"; and after line 22 insert the following
 5 new subdivision:

6 "(3) A document issued by any public or private college
 7 or university which shows:

8 (a) The name of the individual to whom the document was
 9 issued and the name conforms to the name in the voter's voter
 10 registration record;

11 (b) A photograph of the individual to whom the document
12 was issued; and

13 (c) An expiration date which is not passed or which
14 passed after the date of the most recent general election."

15 3. On page 36, line 4, strike "and 60-4,181" and insert
16 "60-4,181, and 85-1701"; and in line 5 strike "and 32-1002" and
17 insert ", 32-1002, and 85-903".

18 4. Renumber the remaining sections accordingly.

Senator Council filed the following amendment to LB239:
AM1639

(Amendments to Standing Committee amendments, AM727)

1 1. Strike section 11.

2 2. On page 16, line 25, strike "32-938, and 32-953" and
3 insert "and 32-938".

4 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Carmen and Rod Patent.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:18 a.m., on a motion by Speaker Flood, the Legislature adjourned
until 10:00 a.m., Thursday, January 5, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 5, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 2012

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

**2011 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
274	Study statutory protections for guide dogs			X
276	Examine methods to monitor and enforce fuel dispenser labeling requirements			X
277	Examine fiscal condition of Commercial Dog and Cat Operator Inspection Program		X	
278	Examine implication of emerging federal livestock disease traceability rule		X	
295	Examine tradeoffs of livestock husbandry methods			X

296	Examine alternative models for commodity promotion programs		X	
297	Review LR305 report regarding requirements for implementing a state meat inspection program	X		
322	Study issues relating to Nebraska's tractor permitting law		X	
324	Explore means to increase export of agricultural commodities			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
282#	Implementation of the NE Health Care Funding Act	Hearing pending		
317	Fund formulas for federally qualified health centers	Pending		
248#	Accessibility of health care providers for persons on Medicaid			X
285#	Nursing shortages in NE	Hearing pending		
286	Cash funding legislation outside the budget process		X	
206@	Funding streams/adult ed bridge programs		Hearing	
269	Strategic plans and performance benchmarks by state agencies			X
272%	New criminal law impact on counties		X	
311	Philanthropic investing in areas of services by state government		X	
252	Illegal immigration impact on the state budget			X

Joint referencing with Health and Human Services Committee

@ Joint referencing with Education Committee

% Joint referencing with Judiciary Committee

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
85	Federal Patient Protection and Affordable Care Act		X	

238	Regulation and business organizations of firms and individuals rendering professional services		X	
138	Exit of insurers from the health insurance marketplace for policies for children			X
235	Uniform Unincorporated Nonprofit Association Act		X	
200	Insurance coverage for an operator of a motor vehicle not owned by the operator			X
240	Examine issues surrounding direct repair programs operated by insurers			X
280	Protect homeowners from home repair contractor fraud regarding insurance claims		X	
219	Insurance coverage of services to treat autism		X	
197	Implementation of an all-payer claims database			X
270	Examine health insurance in NE			X
258	Availability of technology to provide electronic request of prior authorization for medical and pharmacy interventions			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
215	Interim study to examine issues related to defined benefit plans of political subdivisions	X		
216	Interim study to examine public employee contracts entered into pursuant to collective bargaining and benefits for public officials	X		
237	Interim study to examine issues surrounding the potential consolidation of the Dept. of Labor and the Dept. of Economic Development into a newly created Dept. of Economic and Workforce Development			X

266	Interim study to examine the feasibility of creating regional skills alliances, in which employers, government agencies, educational institutions, and labor unions pool resources to train workers for emerging region-wide job opportunities			X
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Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
198	Interim study to examine the governance and coordination of postsecondary education in Nebraska		X	
206	Examine funding streams available to adult education programs to better transition adults into postsecondary education through bridge programs		X	
211	Interim study to examine the offering of elementary and secondary courses and high school diplomas through electronic means		X	
239	Interim study to examine public school finance, particularly the Tax Equity and Educational Opportunities Support Act (TEEOA)		X	
265	Interim study to examine the feasibility of implementing a Career Readiness Certificate program		X	
320	Interim study to examine the funding of public elementary and secondary education		X	

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
279	Interim study to examine issues relating to the compensation and benefits of the commissioners of the Liquor Control Commission	X		

299	Interim study to examine issues regarding gaming revenue that leaves Nebraska	X		
300	Interim study to examine issues relating to horseracing		X	
301	Interim study to examine issues relating to alcohol impact zones	X		
302	Interim study to examine issues under the jurisdiction of the General Affairs Committee			X
303	Interim study to examine issues relating to whether Nebraska State Patrol inspectors of violations under the Nebraska Liquor Control Act should be under the Nebraska Liquor Control Commission's jurisdiction	X		
315	Interim study to examine simulcast horseracing in Nebraska		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
245	Interim study to examine how technology may be used in elections to make the process more efficient and user-friendly for voters		X	
230	Interim study to examine issues relating to the development and implementation of a biobased product program for government procurement		X	
224	Interim study to examine issues surrounding the use of energy financing contracts, also known as energy savings performance contracts by state agencies and political subdivisions		X	
267	Interim study to examine issues relating to regulatory flexibility policies		X	
244	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee		X	

268	Interim study to examine the potential for privatization of the State of Nebraska's property management system		X	
307	Interim study to examine the process of decreasing the number of county commissioners		X	
310	Interim study to examine the intent of LB692, 2011, regarding the reimbursement of expenses by the Department of Administrative Services		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
37	Study the effect of the child welfare reform initiative implemented by the Dept. of Health and Human Services	12/15/11		
197	To examine issues relating to the implementation of an all-payer claims database in Nebraska		X	
202	To examine public assistance programs with income-based eligibility criteria and the program rules that contribute or detract from asset building and economic stability for participating families			X
208	To determine the best manner in which to license certified applied behavioral analysts			X
212	To review the operations and usefulness of the Nebraska Regulation of Health Professions Act			X
228	To examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney			X
236	To examine maintenance payments for foster children by the Dept. of Health and Human Services and their subcontracting agencies			X

246	Interim study to review an interagency agreement between the Dept. of Health and Human Services and the Dept. of Revenue for the purpose of examining possible tax form revisions for identification of children eligible for the medical assistance program and Medicaid			X
248	Interim study to examine the accessibility of health care providers for persons on Medicaid			X
253	Interim study to investigate the merits and costs of drug testing recipients and applicants of cash assistance benefits offered under the Welfare Reform Act			X
258	Interim study to examine the availability of technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions			X
270	Interim study to examine the current state of health insurance coverage in the State of Nebraska to meet health insurance needs of Nebraskans			X
275	Interim study to examine Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody		X	
281	Interim study to conduct research and provide recommendations on how Nebraska is currently providing home and community-based health care services to Nebraska seniors			X
282	Interim study to provide for review, assessment, and recommendations relating to the implementation of the Nebraska Health Care Funding Act		X	
285	Interim study to examine the nursing shortage in Nebraska		X	

288	Interim study to examine issues relating to standing for foster parents in removal proceedings		X	
290	Interim study to examine the procedures of the Dept. of Health and Human Services relating to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption			X
291	Interim study to evaluate methods of reporting and preventing hospital-acquired infections (HAIs)			X
293	Interim study to continue the work of the select committee appointed pursuant to LR467, 2010, to conduct research regarding the federal Patient Protection and Affordable Care Act			X
298	Interim study to examine the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states			X
305	Interim study to examine the public benefits and supportive services available to older foster youth transitioning or "aging" out of the foster care system			X
306	Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
214	Interim study to examine issues surrounding graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement			X

228	Interim study to examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney			X
229	Interim study to examine the feasibility of requiring all law enforcement personnel to complete continuing education courses on an annual basis			X
243	Interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking		X	
249	Interim study to examine the impact of recidivism rates if persons convicted of driving under the influence		X	
250	Interim study to examine human trafficking in Nebraska			X
251	Interim study to examine immigration-related marriage fraud			X
254	Interim study to examine the Adam Walsh Child Protection and Safety Act of 2006 and Nebraska's Sex Offender Registration Act		X	
255	Interim study to examine issues within the jurisdiction of the Judiciary Committee			X
275	Interim study to examine Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody			X
283	Interim study to examine Nebraska's judicial system, specifically issues affecting judicial effectiveness and independence			X
284	Interim study to examine current law with respect to the changing of surnames as a result of marriage			X
288	Interim study to examine issues relating to standing for foster parents in removal proceedings		X	

289	Interim study to address the undocumented immigrant population that have been initiated at both the state and local level around the country since the Judiciary Committee completed its report in December 2008			X
290	Interim study to examine the procedures of the Dept. of Health and Human Services relating to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption			X
298	Interim study to examine the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states			X
321	Interim study to examine the experiences of child victims and child witnesses with respect to their interaction with the criminal justice system			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
314	Examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska	X		
332	Determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates		X	
273	Examine the criteria for developing integrated management plans required under the Nebraska Ground Water Management and Protection Act			X
309	Examine ways to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas			X

304	Examine legislative intent under the NE Ground Water Management and Protection Act regarding water use on "commingled acres"			X
260	Examine statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking			X
312	Examine intent of LB392, 2011, including duties provided to the Game & Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species			X
205	Examine the potential establishment of a statewide electronics recycling program			X
261	Examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay"			X
294	Examine the formation and mission of outdoor outfitters and guides in the State of Nebraska			X
257	Examine the flood control needs of Omaha and the greater Omaha metropolitan area			X
247	Examine development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
210	Examine public employee retirement systems administered by the Public Employees Retirement Board		X	
215/216	Examine issues related to political subdivision defined benefit plans	X		
262	Examine earning caps on calculation of final pensionable salary for school employees		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
232	Study fiscal impact of tax increment financing on taxpayers and governments in Nebraska	X		
350	Study valuation & equalization procedures for real property	X		
220	Study occupation tax issues	X		
217	Study creation of a regional transportation commission			X
226	Study incentives for individuals to move to rural counties in Nebraska	X		
271	Analyze the Nebraska Advantage Act	X		
323	Study combined sewer overflow projects in municipalities			X
222	Study adjusting income tax brackets upwards for inflation	X		
223	Study Nebraska's special capital gains & extraordinary dividends income tax deductions; codification of the economic substance doctrine; & Internal Revenue Code section 338	X		
221	Examine Nebraska's homestead property tax exemption program		X	
231	Examine any aspect of Nebraska's tax structure and tax policy			X
234	Study infrastructure development for natural gas as a transportation fuel		X	
264	Study ways to encourage recycling and use of recycled materials in manufacturing		X	
313	Examine intent of LR9CA (2011) regarding agricultural and horticultural land valuation	X		
263	Study federal, state, & city programs for creating manufacturing jobs	X		
319	Examine tax exemptions for Nebraska's horseracing industry			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
287	Analyze the In Transit system for motor vehicle dealer sales and private transactions		X	
233	Review the scope of the agricultural exemption from the One Call System Act			X
316	Examine the timing issues relating to state and federal processes for transportation projects	X		
308	Examine the intent of LB102, 2011, regarding vehicle loads			X
174	Examine statutory restrictions for national agricultural and business conventions in NE			X
292	Examine cellular phone related safety issues in construction and school zones			X
242	Examine the issues within the jurisdiction of the T&T Comm.			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
209	Examine all the Building Codes in Nebraska		X	
227	Examine adopting a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code		X	
203	Examine issues surrounding vacant residential and commercial properties		X	
207	Examine the formation and governance of sanitary and improvement districts		X	
225	Examine issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) light systems			X

263	Examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector	See Revenue Committee report		
338	Examine the boundaries and taxing authority of transit authorities		X	
241	Examine issues surrounding the Nebraska Redevelopment Act		X	

BILLS ON FIRST READING

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

LEGISLATIVE BILL 783. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2472, Reissue Revised Statutes of Nebraska; to change provisions relating to powers of personal representatives; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3823 and 30-3855, Reissue Revised Statutes of Nebraska; to change provisions relating to testamentary powers and other powers, rights, and duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

LEGISLATIVE BILL 786. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities; to amend section 19-613, Reissue Revised Statutes of Nebraska; to change provisions relating to forfeiture of office as a member of a city council; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124, 83-4,125, and 83-4,132, Reissue Revised Statutes of Nebraska, section 83-4,133, Revised Statutes Cumulative Supplement, 2010, and sections 43-2,108.05, 71-2453, 83-4,126, and 83-4,131, Revised Statutes Supplement, 2011; to authorize inspection and regulation of staff secure facilities by the board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Respiratory Care Practice Act; to amend sections 38-3214 and 38-3215, Reissue Revised Statutes of Nebraska; to change requirements for the practice of respiratory care; and repeal the original sections.

LEGISLATIVE BILL 789. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2124, Reissue Revised Statutes of Nebraska; to change provisions relating to inspections; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Reissue Revised Statutes of Nebraska; to change the number of judges in certain county judge judicial districts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 791. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to adopt the Shared Work Unemployment Compensation Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Mello, 5.

A BILL FOR AN ACT relating to contracts for personal services; to amend sections 73-301 and 73-303, Reissue Revised Statutes of Nebraska; to clarify review and approval duties of the Director of Administrative Services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 793. Introduced by Lautenbaugh, 18; Cornett, 45.

A BILL FOR AN ACT relating to civil procedure; to limit frivolous civil actions filed by prisoners as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 794. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3503, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 795. Introduced by Avery, 28.

A BILL FOR AN ACT relating to veterans; to amend section 80-317, Reissue Revised Statutes of Nebraska; to change provisions relating to applying for membership in veterans homes; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Avery, 28.

A BILL FOR AN ACT relating to outdoor outfitters and guides; to adopt the Outdoor Outfitters and Guides Registration Act; and to provide penalties.

LEGISLATIVE BILL 797. Introduced by Avery, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Revised Statutes Cumulative Supplement, 2010; to change the definition of sexual contact to include kissing without consent; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Krist, 10; Lambert, 2; Smith, 14.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-3254, 10-405, 14-105, 14-363, 14-365.03, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,107, 14-537, 14-1733, 15-211, 15-709, 15-713, 15-718, 15-732, 16-207, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-129, 23-316, 23-317, 23-3618, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska, and sections 15-268, 16-230, and 17-563, Revised Statutes Cumulative Supplement, 2010; to clarify that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Cornett, 45; Fulton, 29; Howard, 9; Lautenbaugh, 18; Pahls, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-201 and 28-707, Revised Statutes Cumulative Supplement, 2010; to change penalties for child abuse; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Loudon, 49; Schilz, 47.

A BILL FOR AN ACT relating to school lands; to amend section

72-258.03, Revised Statutes Supplement, 2011; to change provisions relating to appraised value of school lands; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to county officials; to amend sections 37-1214, 37-1215, 37-1216, 37-1217, 37-1218, 37-1219, 37-1223, 37-1226, 37-1227, 37-1278, 37-1280, 37-1284, 37-1285, 37-1286, 37-1289, 37-1291, 37-1293, 37-1296, 60-142.03, 60-146, 60-147, 60-148, 60-149, 60-150, 60-152, 60-162, 60-163, 60-164, 60-166, 60-168, 60-168.01, 60-169, 60-170, 60-173, 60-175, 60-178, 60-180, 60-181, 60-184, 60-189, 60-371, 60-372, 60-382, 60-384, 60-385, 60-388, 60-391, 60-396, 60-397, 60-398, 60-3,104.01, 60-3,109, 60-3,111, 60-3,112, 60-3,114, 60-3,115, 60-3,116, 60-3,119, 60-3,120, 60-3,121, 60-3,122.02, 60-3,128, 60-3,140, 60-3,141, 60-3,142, 60-3,144, 60-3,147, 60-3,148, 60-3,156, 60-3,157, 60-3,158, 60-3,159, 60-3,163, 60-3,166, 60-3,186, 60-3,189, 60-3,202, 60-3,209, 60-3,217, 60-1803, 60-1807, 77-1501, and 77-3445, Reissue Revised Statutes of Nebraska, sections 37-1279, 37-1282, and 37-1283, Revised Statutes Cumulative Supplement, 2010, and sections 18-1214, 18-1738, 18-1738.01, 18-1738.02, 18-1739, 37-1287, 60-144, 60-153, 60-161, 60-386, 60-395, 60-3,190, 77-2703, and 77-2708, Revised Statutes Supplement, 2011; to eliminate obsolete references to designated county officials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-111, 60-162.01, and 60-320, Reissue Revised Statutes of Nebraska, section 37-1280.01, Revised Statutes Cumulative Supplement, 2010, and section 23-186, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 802. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to authorize the carrying of a concealed handgun by certain authorities within the scope of their employment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 2011; to require presentment of an operator's license and proof of financial responsibility to a peace officer by a driver involved in an accident; to provide for impoundment of a vehicle as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1407, 28-1412, 28-1413, 28-1414, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska; to change provisions relating to justification for use of force; to harmonize provisions; and to repeal the

original sections.

LEGISLATIVE BILL 805. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01 and 28-1246, Revised Statutes Cumulative Supplement, 2010; to remove the social security number requirement from certain fireworks permit and license applications; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1215, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces; to provide for a tax on wagers; to create a fund; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 807. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Supplement, 2011; to change application requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for an environmental study of a hydroelectric dam project.

LEGISLATIVE BILL 809. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend sections 79-828 and 79-829, Reissue Revised Statutes of Nebraska; to change provisions relating to evaluation of certificated employees; and to repeal the original sections.

LEGISLATIVE BILL 810. Introduced by Gloor, 35; Lautenbaugh, 18.

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

LEGISLATIVE BILL 811. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to finance; to amend section 8-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure of confidential information; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1026, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue

Revised Statutes of Nebraska; to change provisions relating to garnishment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 15-203, 15-208, 15-215, 15-217, 16-205, 16-233, 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525, 23-808, and 23-813, Reissue Revised Statutes of Nebraska, sections 14-102, 15-220, 16-206, 16-226, and 17-526, Revised Statutes Cumulative Supplement, 2010, and section 14-109, Revised Statutes Supplement, 2011; to prohibit credentialing of professions and occupations as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Schilz, 47; Ashford, 20; Harms, 48; B. Harr, 8; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nordquist, 7; Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2011; to include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 815. Introduced by Fulton, 29; Brasch, 16.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1302, Reissue Revised Statutes of Nebraska, and section 29-110, Revised Statutes Cumulative Supplement, 2010; to change the penalty for concealing the death of another person and the statute of limitations for such offense; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to probation; to amend section 29-2264, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to set aside convictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 817. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to criminal justice; to amend sections 47-624 and 47-627, Revised Statutes Supplement, 2011; to change and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by B. Harr, 8; Council, 11; Lautenbaugh, 18; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301, 69-1302, and 69-1329, Reissue Revised Statutes of Nebraska; to provide for the treatment of military medals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to child welfare services; to provide for application for a demonstration project and waiver of federal requirements as prescribed; and to declare an emergency.

LEGISLATIVE BILL 821. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to state intent; to provide duties for the department and a committee of the Legislature; to provide for legislation to create a state agency to oversee all programs providing services to children and families; to create and provide duties for a commission; to provide for appropriations; and to declare an emergency.

LEGISLATIVE BILL 822. Introduced by Adams, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Revised Statutes Supplement, 2011; to change notice provisions relating to changes in valuations; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Adams, 24.

A BILL FOR AN ACT relating to counties; to amend sections 16-731 and 23-1601, Reissue Revised Statutes of Nebraska; to change duties of county treasurers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-103.03, Reissue Revised Statutes of

Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Dubas, 34; Cook, 13; Gloor, 35; Krist, 10; Lathrop, 12; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to social services; to establish local offices for access to public benefit programs; to provide duties for the Department of Health and Human Services; and to require high-quality services for clients.

LEGISLATIVE BILL 826. Introduced by Dubas, 34; Campbell, 25; Cook, 13; Krist, 10; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services relating to rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to county officers; to amend section 23-1111, Revised Statutes Supplement, 2011; to require mediation for budget disputes between a county board and a county officer; and to repeal the original section.

LEGISLATIVE BILL 828. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to energy; to amend sections 66-901, 66-902, 66-909, 66-910, 66-911.01, and 66-912, Reissue Revised Statutes of Nebraska, sections 72-270, 72-271, 72-272, 72-273, 72-274, 77-2704.57, 79-309.01, and 79-1035, Revised Statutes Cumulative Supplement, 2010, and section 76-3001, Revised Statutes Supplement, 2011; to define, redefine, and eliminate terms; to change and eliminate provisions relating to easements; to provide for duration of solar and wind agreements as prescribed; to prohibit severance of certain ownership interests as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 66-907, 66-909.03, and 66-911, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 829. Introduced by Loudon, 49; Cook, 13; Council, 11; Harms, 48; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define a term; to provide for alcohol impact zones; to provide duties for the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by Hadley, 37; Avery, 28; Cornett, 45; K. Haar, 21; Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for biochips as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 831. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-186, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2010; to adopt the Genetic Counseling Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 81-3114, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of the chief executive officer; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Krist, 10.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435 and 86-457, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; and to repeal the original sections.

LEGISLATIVE BILL 834. Introduced by Gloor, 35; Campbell, 25; Cook, 13; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 38-151, 71-6201, 71-6202, 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213, 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to restate intent; to define and redefine terms; to change provisions relating to the regulation of health professions and changes in scope of practice; to change membership and duties of technical committees; to eliminate a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-6228, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 835. Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; Hadley, 37; B. Harr, 8; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to insurance; to amend section 77-912, Revised Statutes Cumulative Supplement, 2010, and section 81-1316, Revised Statutes Supplement, 2011; to adopt the Nebraska Health Benefit Exchange Act; to change distribution of insurance premium tax revenue; to provide an exception from the State Personnel System; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 836. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2365.02, Reissue Revised Statutes of Nebraska; to change provisions relating to investment in certificates of deposit and time deposits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Howard, 9; Campbell, 25; Dubas, 34; Gloor, 35; K. Haar, 21; Krist, 10; Mello, 5; Nordquist, 7; Pirsch, 4; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to public health and welfare; to create a task force; to provide for a review and recommendations regarding the use of certain drugs by wards of the state; and to provide for reports.

LEGISLATIVE BILL 838. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Health Benefit Exchange Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 359. Introduced by Wightman, 36.

WHEREAS, Bill Kloeping has had a tremendous impact on the young people of his community through his seventy years of service to 4-H clubs in Dawson County, Nebraska; and

WHEREAS, Bill Kloeping has worked with more than two thousand young people through the 4-H clubs he has led over the years; and

WHEREAS, Bill Kloeping has led his 4-H clubs and the youth who were involved to state and national awards; and

WHEREAS, in 1963, Bill Kloeping helped organize the 4-H Heritage Tours, a two-week tour to visit sites such as Niagara Falls and Washington, D.C.; and

WHEREAS, in 2006, Bill Kloeping was recognized with the 4-H award of the Star Sapphire Clover for his sixty-five years of service; and

WHEREAS, Bill Kloeping's service in 4-H throughout the years has helped teach young people leadership, citizenship, and life skills that will serve them for the rest of their lives.

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

1. That the Legislature recognizes Bill Kloeping for his seventy years of service to 4-H clubs in Dawson County, Nebraska, and congratulates him on his many accomplishments.

2. That a copy of this resolution be sent to Bill Kloeping.

Laid over.

LEGISLATIVE RESOLUTION 360. Introduced by Wightman, 36.

WHEREAS, the Sargent Bulldogs won the 2011 Class D-2 State Football Championship; and

WHEREAS, the undefeated Bulldogs defeated the previously undefeated Howells Bobcats 21-18, ending Howells' 34-game winning streak; and

WHEREAS, the Howells Bobcats and the Sargent Bulldogs entered the championship ranked first and second, respectively; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of this 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 Sargent Bulldogs on winning the 2011 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Sargent Bulldogs and their coach, Mike Kozeal.

Laid over.

LEGISLATIVE RESOLUTION 361. Introduced by Larson, 40.

WHEREAS, the Hartington one-act play production team won the 2011 Class C-2 State Play Production Championship; and

WHEREAS, Hartington's victory marks the first win for the Hartington one-act play production team at the State Play Production Championship; and

WHEREAS, nine members of the Hartington one-act play production team received outstanding performer recognition; and

WHEREAS, Alec Fuelberth was named Class C-2 One-Act Play Outstanding Male Performer; 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 Hartington one-act play production team on winning the 2011 Class C-2 State Play Production Championship.

2. That a copy of this resolution be sent to the Hartington one-act play production team and their directors, Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 362. Introduced by Avery, 28; Flood, 19.

WHEREAS, Nebraska law designates January 5 of each year as George W. Norris Day and provides that such day shall be set apart for holding suitable exercises in the schools of the state in recognition of the many great benefits bestowed upon the people of the State of Nebraska and the United States as a whole due in large part to the influence of George W. Norris. Such benefits include: (1) Establishment of a nonpartisan unicameral legislative body for the State of Nebraska; (2) establishment of the Tennessee Valley Authority; (3) the development of electricity in the rural areas of the nation; (4) passage of the twentieth amendment to the United States Constitution, commonly known as the lame duck amendment; and (5) the Norris-La Guardia Act which outlawed yellow-dog contracts and was a great boon to working men and women across the nation; and

WHEREAS, Nebraska law directs the Governor of the State of Nebraska to issue a proclamation calling upon the officials of state government and subdivisions thereof to display the flags of the United States and Nebraska on all public buildings on January 5 of each year and inviting the people of the State of Nebraska to observe the day in schools and other suitable places with appropriate ceremonies in commemoration of the life's work and contributions of George W. Norris; and

WHEREAS, George William Norris was born on July 11, 1861, in Sandusky, Ohio, and died on September 2, 1944, in McCook, Nebraska; and

WHEREAS, George William Norris served Nebraska for five terms in the United States House of Representatives from 1903 until 1913, and five terms in the United States Senate from 1913 until 1943; and

WHEREAS, George William Norris led the effort to create two federal programs that have had far-reaching effects on America's rural population; and

WHEREAS, George William Norris sponsored and the United States Senate passed the Tennessee Valley Authority Act of 1933, culminating a twelve-year effort to build dams on the Tennessee River and its tributaries to control flooding and to generate low-cost electricity; and

WHEREAS, George William Norris also sponsored the Rural Electrification Act, which brought electricity to rural areas throughout the country ensuring that power generation and delivery systems would be owned by the public for the common good; and

WHEREAS, George William Norris said in a 1943 speech entitled The Model Legislature: "To get good government and to retain it, it is necessary that a liberty-loving, educated, intelligent people should be ever watchful, to carefully guard and protect their rights and liberties"; and

WHEREAS, George William Norris promoted the concept of the nonpartisan, one-house legislature, the "Nebraska Experiment," in the belief that a one-house system would curb the abuse of conference committees and promote transparency in government proceedings; and

WHEREAS, Nebraska voters endorsed the one-house system, and in 1937, Nebraska became the first and only state to have a unicameral legislature, and Nebraska continues to be the only state to retain a unicameral legislature; and

WHEREAS, on January 5, 1937, Senator George William Norris missed the opening of the United States Congress in order to give the first members of the Unicameral an inspirational address on the opportunity they had to expand the horizons of representative government through the innovative device of unicameralism; and

WHEREAS, on February 16, 1984, the Legislature officially recognized George William Norris' contributions and the fiftieth anniversary of the Unicameral by memorializing the legislative chamber as "The George W. Norris Legislative Chamber" in honor of the contributions of the late Senator; and

WHEREAS, Thursday, January 5, 2012, shall be the celebration of the seventy-fifth anniversary of the Nebraska Unicameral Legislature.

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

1. That the Legislature honors the lifetime achievements of George William Norris.

2. That a copy of this resolution be sent to the Nebraska State Historical Society's Senator George Norris State Historic Site.

Laid over.

LEGISLATIVE RESOLUTION 363. Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic Knights won the 2011 Class C-1 State Football Championship, the school's second consecutive state championship; and

WHEREAS, the win over the Platteview Trojans gave the Knights their twenty-sixth win in a row; 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 Norfolk Catholic Knights on winning the 2011 Class C-1 State Football Championship.

2. That a copy of this resolution be sent to the Knights and their coach, Jeff Bellar.

Laid over.

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB776:

MO63

Withdraw bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB745. No objections. So ordered.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB239:

AM1637

(Amendments to Standing Committee amendments, AM727)

- 1 1. Strike section 10.
- 2 2. On page 16, line 25, strike "32-938,".
- 3 3. Renumber the remaining sections accordingly.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:03 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 10:00 a.m., Friday, January 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 6, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Carlson, Christensen, Conrad, Cornett, Dubas, and Lautenbaugh who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB705	General File
LB706	General File
LB707	General File
LB708	General File
LB709	General File
LB710	General File
LB711	Executive Board
LB712	Health and Human Services
LB713	Natural Resources
LB714	Banking, Commerce and Insurance
LB715	Transportation and Telecommunications
LB716	Urban Affairs
LB717	Government, Military and Veterans Affairs
LB718	Transportation and Telecommunications
LB719	Government, Military and Veterans Affairs
LB720	Government, Military and Veterans Affairs

LB721	Judiciary
LB722	Judiciary
LB723	Health and Human Services
LB724	Transportation and Telecommunications
LB725	Revenue
LB726	Transportation and Telecommunications
LB727	Revenue
LB728	Appropriations
LB729	Urban Affairs
LB730	Judiciary
LB731	Revenue
LB732	Natural Resources
LB733	Government, Military and Veterans Affairs
LB734	Judiciary
LB735	Government, Military and Veterans Affairs
LB736	Government, Military and Veterans Affairs
LB737	Judiciary
LB738	Business and Labor
LB739	Natural Resources
LB740	Transportation and Telecommunications
LB741	Natural Resources
LB742	Natural Resources
LB743	Natural Resources
LB744	Judiciary
LB745	Revenue
LB746	Transportation and Telecommunications
LB747	Transportation and Telecommunications
LB748	Transportation and Telecommunications
LB749	Revenue
LB750	Revenue
LB751	Transportation and Telecommunications
LB752	Revenue
LB753	Revenue
LB754	Government, Military and Veterans Affairs
LB755	Government, Military and Veterans Affairs
LB756	Natural Resources
LB757	Government, Military and Veterans Affairs
LB758	Government, Military and Veterans Affairs
LB759	Government, Military and Veterans Affairs
LB760	Natural Resources
LB761	Executive Board
LB762	Revenue
LB763	Education
LB764	Transportation and Telecommunications
LB765	Government, Military and Veterans Affairs
LB766	Government, Military and Veterans Affairs
LB767	Government, Military and Veterans Affairs
LB768	Judiciary
LB769	Transportation and Telecommunications

LB770	Agriculture
LB771	Agriculture
LB772	Government, Military and Veterans Affairs
LB773	Health and Human Services
LB774	Health and Human Services
LB775	Government, Military and Veterans Affairs
LB776	General Affairs
LB777	Appropriations
LB778	Education
LB779	Government, Military and Veterans Affairs
LB780	General Affairs
LB781	General Affairs
LB782	Government, Military and Veterans Affairs
LR358CA	Executive Board

Bishop, Riko-Coordinating Commission for Postsecondary Education-Education

Cerny, Joel-Board of Emergency Medical Services-Health and Human Services

Davis, Karen-Coordinating Commission for Postsecondary Education-Education

Deegan, Thomas-Board of Emergency Medical Services-Health and Human Services

DeFusco, Richard-Nebraska Investment Council-Nebraska Retirement Systems

Figard, Roger-Board of Public Roads Classifications and Standards-Transportation and Telecommunications

Gerrard, LeRoy-Board of Public Roads Classifications and Standards-Transportation and Telecommunications

Hansen, Michael-Commission for the Blind and Visually Impaired-Health and Human Services

Hinrichs, Jon-Nebraska Arts Council-General Affairs

Jensen, Linda-Board of Emergency Medical Services-Health and Human Services

Jirak, James-Commission for the Blind and Visually Impaired-Health and Human Services

Johnson, Julie-Commission for the Blind and Visually Impaired-Health and Human Services

Lang, Catherine D.-Department of Economic Development-Banking, Commerce and Insurance

Marshall, William, III-Nebraska State Fair Board-Agriculture

Price, Pamela-Nebraska Arts Council-General Affairs

Simmons, Joyce-Coordinating Commission for Postsecondary Education-Education

Simpson, Stuart-Public Employees Retirement Board-Nebraska Retirement Systems

Smith, James-Board of Emergency Medical Services-Health and Human Services

Spray, J. L.-Commission of Industrial Relations-Business and Labor

Stave, Ron-Game and Parks Commission-Natural Resources

Tagge, Darold-Board of Public Roads Classifications and Standards-

Transportation and Telecommunications
 Wacker, David-Board of Public Roads Classifications and Standards-
 Transportation and Telecommunications
 Weander, Timothy-Board of Public Roads Classifications and Standards-
 Transportation and Telecommunications
 Wiebe, Scott-Board of Emergency Medical Services-Health and Human
 Services
 Wootton, Edward-Board of Public Roads Classifications and Standards-
 Transportation and Telecommunications
 Zink, Carol-Coordinating Commission for Postsecondary Education-
 Education

(Signed) John Wightman, Chairperson
 Executive Board

REPORTS

The following reports were received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska

Total Number of Applicants for Public Benefits and the Number
 Applicants Rejected Pursuant to Such Sections

Health and Human Services, Nebraska Department of

Division of Developmental Disabilities, Beatrice State Developmental
 Center Baseline Quarterly Report

COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued
 a proclamation declaring January 5, 2012, as George W. Norris Day.

MOTION - Withdraw LB776

Senator Karpisek renewed his motion, MO63, found on page 137, to
 withdraw LB776.

The Karpisek motion to withdraw the bill prevailed with 32 ayes, 0 nays, 10
 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 839. Introduced by Council, 11.

A BILL FOR AN ACT relating to the Child Protection Act; to amend
 section 28-711, Reissue Revised Statutes of Nebraska; to provide
 requirements for reporting sexual conduct as prescribed; to harmonize

provisions; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Council, 11.

A BILL FOR AN ACT relating to detention facilities; to provide powers and duties relating to inmate mail; and to provide a penalty.

LEGISLATIVE BILL 841. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 2011; to change provisions relating to permits for exceeding size and weight limitations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 842. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1721, Reissue Revised Statutes of Nebraska; to change a termination date relating to duties of an applicant family; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to Internet auctions; to authorize a cause of action relating to no-reserve auctions.

LEGISLATIVE BILL 844. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to family law; to amend section 42-364, Revised Statutes Cumulative Supplement, 2010, and section 43-2929, Revised Statutes Supplement, 2011; to change provisions relating to the use of child support and medical support and to parenting time; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Oil Pipeline Reclamation Act; to amend sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011; to state intent; to provide requirements for reclamation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 846. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to labor; to require employers to maintain employee emergency contact information and notify them if the employee is injured.

LEGISLATIVE BILL 847. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend section 86-465, Reissue Revised Statutes of Nebraska; to change powers and duties of the Public Service Commission and the Enhanced Wireless 911 Advisory Board with respect to funding under the act; and to repeal the original section.

LEGISLATIVE BILL 848. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend section 38-1425, Reissue Revised Statutes of Nebraska; to change provisions relating to control of remains; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Supplement, 2011; to authorize the commission to convey certain real estate; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Hadley, 37; Brasch, 16; Larson, 40; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2011; to create incentive area tax credit program; to provide an income tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 851. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704, 77-1704.01, 77-1706, 77-1707, and 77-1821, Reissue Revised Statutes of Nebraska; to change provisions relating to tax receipts; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to corporations; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 21-2024, Revised Statutes Supplement, 2011; to change provisions relating to corporate purposes under the Business Corporation Act and to redefine a term under the Nebraska Professional Corporation Act; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-530, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to filing information; and to repeal the original section.

LEGISLATIVE BILL 854. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to business entities; to amend sections 21-323.01, 21-325.01, 21-19,139, 21-19,159, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-152 and 21-2611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to dissolution and reinstatement; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Supplement, 2011; to change the sales and use tax collection fees; and to repeal the original sections.

RESOLUTION**LEGISLATIVE RESOLUTION 362.** Read. Considered.

LR362 was adopted with 39 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR362.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 856. Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1017, Revised Statutes Cumulative Supplement, 2010, and section 28-101, Revised Statutes Supplement, 2011; to change provisions relating to the reporting of cruelty to animals; to define a term and change a penalty; to create the offense of obtaining employment at an animal facility with intent to disrupt operations; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 857. Introduced by Larson, 40.

A BILL FOR AN ACT relating to natural resources; to amend section 81-15,167, Reissue Revised Statutes of Nebraska, and sections 61-218 and 81-15,174, Revised Statutes Supplement, 2011; to provide for repayment of certain grants from the Nebraska Environmental Trust Fund as prescribed; to provide for distribution of such repayments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 858. Introduced by Avery, 28; Harms, 48.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 71-5666, 71-5667, 71-5668, 73-501, 73-502, 73-503, 73-504, 73-506, 73-508, and 73-509, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, and section 73-507, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide additional requirements for contracts in excess of twenty-five million dollars; to change exception provisions; to provide duties for state agencies and the materiel division of the Department of Administrative Services; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to create the Centennial Mall Project fund; and to appropriate funds.

LEGISLATIVE BILL 860. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to truth and deception examiners; to amend sections 81-1917 and 81-1918, Reissue Revised Statutes of Nebraska; to change qualification and training requirements regarding voice stress analysis; and to repeal the original sections.

LEGISLATIVE BILL 861. Introduced by Cornett, 45.

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

LEGISLATIVE BILL 862. Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2010; to change the salary of Supreme Court Judges; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 863. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Revised Statutes Supplement, 2011; to redefine qualifying business to include film production; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-317, 16-318, 17-605, 17-606, and 19-1101, Reissue Revised Statutes of Nebraska; to change bond recording duties of the clerk and treasurer as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by McGill, 26.

A BILL FOR AN ACT relating to juror compensation; to amend sections 23-131, 23-1801, and 33-138, Reissue Revised Statutes of Nebraska; to authorize the voluntary waiver of compensation by jurors; and to repeal the original sections.

LEGISLATIVE BILL 866. Introduced by K. Haar, 21; Avery, 28; Cook, 13; Council, 11; Dubas, 34; B. Harr, 8; Howard, 9; Krist, 10; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to labor; to amend section 20-113, Reissue Revised Statutes of Nebraska, and section 13-1102, Revised Statutes Supplement, 2011; to adopt the Nebraska Fair Employment Opportunity Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Supplement, 2011; to change employer contribution provisions under certain county retirement plans; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 868. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Cook, 13; Krist, 10; Lambert, 2; Smith, 14.

A BILL FOR AN ACT relating to budgets; to amend sections 13-501, 13-504, 13-505, 13-506, and 13-509.01, Reissue Revised Statutes of Nebraska, and sections 13-503 and 13-508, Revised Statutes Cumulative Supplement, 2010; to authorize a city of the first class to adopt a biennial budget as prescribed; to provide for a special election; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the jurisdiction of the State Athletic Commissioner; to change provisions relating to licenses and permits; to change membership of the Athletic Advisory Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-757, Revised Statutes Supplement, 2011; to provide duties of the State Board of Education; to provide for an accountability system to measure school performance pursuant to the Quality Education Accountability Act; to harmonize provisions; to repeal the original section; and to outright repeal section 79-760, Reissue Revised Statutes of Nebraska, and section 79-760.04, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 871. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-806, 71-809, and 83-368, Reissue Revised Statutes of Nebraska; to provide for policies relating to fees and copays; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by Hadley, 37; Cornett, 45; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.04 and 77-2734.14, Reissue Revised Statutes of Nebraska; to change provisions relating to apportionment of income between states; to define terms; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1523, 66-1525, and 66-1529.02, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Supplement, 2011; to extend use of the fund until June 30, 2016; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 874. Introduced by Howard, 9; Pirsch, 4.

A BILL FOR AN ACT relating to foster care; to amend section 71-1902,

Revised Statutes Supplement, 2011; to change provisions relating to licensure; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 875. Introduced by Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-4,124, and 60-6,179.01, Reissue Revised Statutes of Nebraska, and sections 60-4,182 and 60-601, Revised Statutes Supplement, 2011; to prohibit use of handheld wireless communication devices and interactive wireless communication devices in school crossing zones and maintenance, repair, or construction zones; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Wallman, 30; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; K. Haar, 21; Hadley, 37; Harms, 48; Howard, 9; Karpisek, 32; Krist, 10; Lambert, 2; Lathrop, 12; Loudon, 49; McGill, 26; Mello, 5; Nordquist, 7; Pahls, 31; Sullivan, 41; Wightman, 36.

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to require the provision of breast density information to a mammography patient as prescribed; and to repeal the original section.

LEGISLATIVE BILL 877. Introduced by Wallman, 30; K. Haar, 21.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-905, Reissue Revised Statutes of Nebraska; to provide for disclosure of information relating to hydraulic fracturing treatments as prescribed; to provide duties for the Nebraska Oil and Gas Conservation Commission; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 878. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-206, 32-568, and 32-809, Reissue Revised Statutes of Nebraska, section 32-570, Revised Statutes Cumulative Supplement, 2010, and section 32-811, Revised Statutes Supplement, 2011; to change provisions relating to publication of the official election calendar, filling vacancies, automatic nomination of candidates for reclamation districts, and placement of names on ballots; to eliminate provisions relating to custodians and training for vote counting devices; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1044 and 32-1045, Reissue Revised Statutes of Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 364. Introduced by McCoy, 39.

WHEREAS, the Elkhorn Antlers won the 2011 Class B State Football Championship; and

WHEREAS, the Antlers defeated Crete High School by a score of 26-17 in the championship game; and

WHEREAS, the Antlers finished their outstanding season with a record of 12-1; 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 Elkhorn Antlers on winning the 2011 Class B State Football Championship.

2. That a copy of this resolution be sent to the Antlers and their coaches.

Laid over.

VISITOR

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 10:44 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, January 9, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 9, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 2012

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB783	Judiciary
LB784	Banking, Commerce and Insurance
LB785	Judiciary
LB786	Urban Affairs
LB787	Judiciary
LB788	Health and Human Services
LB789	General Affairs
LB790	Judiciary
LB791	Business and Labor
LB792	Government, Military and Veterans Affairs
LB793	Judiciary
LB794	Health and Human Services
LB795	Government, Military and Veterans Affairs
LB796	Natural Resources
LB797	Judiciary
LB798	Revenue

LB799	Judiciary
LB800	Education
LB801	Transportation and Telecommunications
LB802	Judiciary
LB803	Transportation and Telecommunications
LB804	Judiciary
LB805	Judiciary
LB806	Judiciary
LB807	Judiciary
LB808	Appropriations
LB809	Education
LB810	Banking, Commerce and Insurance
LB811	Banking, Commerce and Insurance
LB812	Judiciary
LB813	Government, Military and Veterans Affairs
LB814	Judiciary
LB815	Judiciary
LB816	Judiciary
LB817	Judiciary
LB818	Revenue
LB819	Government, Military and Veterans Affairs
LB820	Health and Human Services
LB821	Health and Human Services
LB822	Revenue
LB823	Government, Military and Veterans Affairs
LB824	General Affairs
LB825	Health and Human Services
LB826	Health and Human Services
LB827	Government, Military and Veterans Affairs
LB828	Natural Resources
LB829	General Affairs
LB830	Revenue
LB831	Health and Human Services
LB832	Health and Human Services
LB833	Transportation and Telecommunications
LB834	Health and Human Services
LB835	Banking, Commerce and Insurance
LB836	Banking, Commerce and Insurance
LB837	Health and Human Services
LB838	Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 6, 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

A Prenda Company
Cable Communications Association, Nebraska
Cutshall & Nowka
Abboud, Chris, Public Affairs Group
Agri-Business Association, Nebraska
Lincoln Police Union
Manheims Omaha Auto Auction
Monsanto
Omaha Police Union, Local 101
Adair, Peggy
CASA for Douglas County
League of Women Voters of Nebraska
Adams, Don
Nebraskans First, Inc.
Adams, John H.
International Gamco, Inc.
Alston, Garth R.
Altria Client Services Inc. and its Affiliates
Amack, Angela K.
Advocacy and Issue Management Inc.
Center for People in Need
Columbus Public Schools
Electrical Workers, International Brotherhood of
Fire Fighters Association, Nebraska Professional
Grand Island Public Schools
Nielsen, Coleen J.
American Communications Group, Inc.
American Cancer Society
American Heart Association
Behavioral Health Organizations, Nebraska Association of
Big Red Keno aka EHPV Lottery Services, LLC
Center for Rural Affairs
Child Healthcare Alliance, Nebraska
Emergency Medical Service Association, Nebraska
Empyrean Brewing Company
Engineers and Architects, Nebraska Board of
Friends of Public Health in Nebraska
Goodwill Association of Nebraska
Health Center Association of Iowa Nebraska
Midwest Housing Equity Group

- Physical Therapy Association, Nebraska Chapter of the American
 Physician Assistants, Nebraska Academy of
 Psychological Association, Nebraska
 Public Employees NAPE/AFSCME Local 61, Nebraska Association of
 Research Nebraska!
 Respiratory Care, Nebraska Society for
 Speech, Language, & Hearing Association, Nebraska
 Surgical Technologists, Association of
 Teamsters Local Union 554
 Wind Coalition, The
 YMCA's of Nebraska
- Anderson, Kristen
 Realtors Association, Nebraska
- Anderson, Robert L.
 Agri-Business Association, Nebraska
 Anderson Management Services, Inc.
- Anderson, Tim W.
 Central Nebraska Public Power & Irrigation District
- Arch, Cameron J.
 Blue Cross & Blue Shield of Nebraska
- Baack, Dennis G.
 Community College Association, Nebraska
- Badeer, Debra A.
 Christian Home Educators Association, Nebraska
- Baier, Richard J.
 Chamber of Commerce & Industry, Nebraska
- Bateman, Joseph R.
 Union Pacific Railroad
- Beattie, George
 Bankers Association, Nebraska
- Becker, Jill
 Black Hills Energy
- Beermann, Allen J.
 Press Association, Nebraska
- Bell, David
 Loup River Public Power District
- Benjamin, Melody
 Cattlemen, Inc., Nebraska
- Benson, Sandra E.
 AARP
- Biles, Lacey
 National Rifle Association
- Boddy, Heath
 Health Care Association, Nebraska
- Boesch, Elizabeth L.
 Nebraska Public Power District
- Bohrer, Bruce J.
 Lincoln Chamber of Commerce

Bonaiuto, John A.
School Boards, Nebraska Association of

Bonhart (previously Johnson), Kimberly
UPS - United Parcel Service

Bowling, Karen
Family Council, Nebraska

Boyer, Steven D.
Third Planet Windpower

Boyer, Wendy
Omaha Chamber, Greater

Brady, Justin J.
Radcliffe, Walter H. of Radcliffe & Associates

Brandt, Horan, Hallstrom and Stilmock
Bankers Association, Nebraska
Bankers Insurance and Services Company, Nebraska (NBISCO)
Firefighter's Association, Nebraska State Volunteer
National Federation of Independent Business
Nebraskans for Workers' Compensation Equity
NetWorks, Inc.
Pharmacists Association, Nebraska

Brashear, Kermit A.
Lutheran Home, The

Bromm, Curt
Aflac
Cable Communications Association, Nebraska
Verizon Wireless

Bromm, Jason
Bromm, Curt/Bromm & Associates, LLC

Bruckner, Traci
Center for Rural Affairs

Bruning, Deonne
Northern Natural Gas
U.S. Cellular

Buell, Hannah
Family Council, Nebraska

Buettner, Jeffrey J.
Central Nebraska Public Power & Irrigation District

Buntain, David R.
Medical Association, Nebraska
Regions I, II and V

Burroughs, Sheila K.
Accountants, Nebraska Society of Certified Public

Byers, Thomas L.
Magellan Midstream Partners

Cale, Grant
Bristol-Myers Squibb Co.

Campbell, Mary
Lincoln Public Schools

Carey, Daniel
National Rifle Association

Carlson, Kyle
Planned Parenthood of the Heartland

Carstenson, Eric B.
Telecommunications Association, Nebraska

Carter, Jennifer
Appleseed Center for Law in the Public Interest, Nebraska

Cavanaugh Law Firm, PC, LLO
Creighton University
Explore Information Services, LLC
Insurance Agents of Nebraska, Independent
Tenet Healthcare Corporation

Cavanaugh, James P.
Cavanaugh Law Firm PC, LLO

Cavanaugh, Patrick B.
Cavanaugh Law Firm PC, LLO

Cheloha, John A. 'Jack'
City of Omaha

Christiansen, Craig R.
Education Association, Nebraska State

Clayburn, Neal
Education Association, Nebraska State

Courtney, Robert M.
AARP

Crouchley, Daniel G.
Metropolitan Utilities District

Cunningham, James R.
Catholic Conference, Nebraska

Cutshall & Nowka
A Prenda Company
Anheuser-Busch Companies
Area Agencies on Aging, Nebraska Association of
BryanLGH Health System
County Attorneys Association, Nebraska
County Officials, Nebraska Association of
Dietetic Association, Nebraska
Digital Gaming Solutions, Inc.
Elkhorn Public Schools
Family Physicians, Nebraska Academy of
Funeral Directors Association, Nebraska
Home & Community Health Agencies, Nebraska Association of
Metropolitan Utilities District
Nebraska Public Power District
Nebraska State College System
NET Foundation for Television
Peetz & Company
Pfizer, Inc.
Pork Producers Association, Nebraska

Poultry Industries, Inc., Nebraska
Radiologic Technologists, Nebraska Society of
Resources Districts, Nebraska Association of
Rural Community Schools Association, Nebraska
Sheriffs' Association, Nebraska
Southern Public Power District
Trucking Association, Nebraska
Union Pacific Railroad
Water Coalition, Nebraska
Wheat Growers Association, Nebraska

Dake Abel, Julie
Public Employees NAPE/AFSCME Local 61, Nebraska Association of

Depew, Brian
Center for Rural Affairs

Dittmer, Judy
AARP

Dix, Larry
County Officials, Nebraska Association of

Duckworth, Linda
League of Women Voters of Nebraska

Dudley, William H.
Aflac

Dukesherer, James
Rural Electric Association, Nebraska

Dulaney, Michael S.
School Administrators, Nebraska Council of

Edson, Dean E.
Resources Districts, Nebraska Association of

Edwards, Jon
Cutshall & Nowka

Egr, James M.
Firefighter's Association, Nebraska State Volunteer

Elliott, Joseph W.
Insurance Agents of Nebraska & Iowa, Professional

Eppler, Robert
AARP

Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.
American Communications Group, Inc.

Ernst, Dan E.
School Administrators, Nebraska Council of

Faustman, Nick
Hospital Association, Nebraska

Ferrell, Beth Bazyn
County Officials, Nebraska Association of

Fischer-Lempke, Marla J.
Arc of Nebraska, The

Forbes, Jarrod

- United Healthcare Services, Inc. & Affiliates
Forrest, Sarah
Voices for Children in Nebraska
Fraizer, Theodore D. (Tad)
Insurance Association, American
Mutual of Omaha
Updowntowners, Inc.
Freeman, Clayton
Alzheimer's Association, Midlands Chapter
Freeman, Jessica
Nebraska Friends of Midwives
Fulton, Nancy
Education Association, Nebraska State
Gage, Suzanne
Americans United for Life Action
Gay, Tim
Husch Blackwell, LLP
Genrich, Richard L.
Eagles, Fraternal Order of, NE State Aerie
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe & Associates
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
Goc, John J.
Metropolitan Utilities District
Mills Consulting, Inc.
Gossman, Abigail
MedImmune, Inc.
Gottschalk, Kristen
Rural Electric Association, Nebraska
Gould, John 'Jack'
Common Cause National
Common Cause Nebraska
Guinan, Trish
Education Association, Nebraska State
Hack, Mace A.
Nature Conservancy, The
Haggerty, Patrick
CenturyLink (formerly Qwest Communications)
Hale, Brian R.
School Boards, Nebraska Association of
Hale, Susan
Planned Parenthood of the Heartland
Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock
Hansen, John K.
Farmers Union, Nebraska
Harvey, William F.

Big Red Keno aka EHPV Lottery Services, LLC
 Vigilnet America Inc.
 Hassebrook, Chuck
 Center for Rural Affairs
 Hassebrook, Kristen
 Cattlemen of Nebraska, Independent
 Head, Craig J.
 Farm Bureau Federation, Nebraska
 Hernandez, Jennifer
 First Five Nebraska (Neb. Children & Families Foundation)
 Herzog, Frank
 AARP
 Higgins, Shirley
 Nebraska Public Power District
 Hinds, Carolyn C
 AARP
 Hoffman, Jerry
 Education Association, Nebraska State
 Holmquist, David
 American Cancer Society
 Holmquist, Jay
 Rural Electric Association, Nebraska
 Hovorka, Duane
 Wildlife Federation, Nebraska
 Howell, Rachel Gilligan
 Nebraska Friends of Midwives
 Husch Blackwell, LLP
 Chiropractic Physicians Association, Nebraska
 Home Instead, Inc.
 Indoor Tanning Association, Nebraska
 Intangibles and Services Association, Nebraska (NISA)
 KVC Health Systems, Inc.
 Nurse Association, Visiting
 Papio-Missouri Natural Resources District, Nebraska
 Waste Management, Inc.
 Intermill, Mark
 AARP
 Irsik, Ryan
 Wal-Mart Stores, Inc.
 Jeffers, Thomas E.
 Cooperative Council, Nebraska
 Jensen, Ronald L./Jensen Associates, Inc.
 Altria Client Services Inc. and its Affiliates
 Children's Respite Care Center, Inc.
 Dental Hygienists Association, Nebraska
 Eli Lilly and Company
 Health Management Systems
 Intellectual Disabilities Services Providers, Nebraska
 LeadingAge (formerly NAHSA)

Magellan Health Services, Inc. - Behavioral Health
 Mosaic
 National Rifle Association
 Nurse Anesthetists, Nebraska Association of
 Optometric Association, Nebraska
 Podiatric Medical Association, Nebraska
 Jensen, S. Michael
 Great Plains Communications, Inc.
 Johnson Group, The
 Financial Services Association, Nebraska
 Industrial Energy Users of Nebraska
 Water Resources Association, Nebraska
 Johnson, Mary A.
 Mueller Robak LLC
 Jordison, John
 Great Plains Communications, Inc.
 Jordison, Thomas R.
 Renaissance Nebraska Project, Inc.
 Kamm, Richard
 Adams Central Public Schools
 Grand Island Northwest Public Schools
 Lakeview Community Schools
 Karl, Jamie T.
 Chamber of Commerce & Industry, Nebraska
 Katt, Peter W.
 Mortgage Association, Nebraska
 Kay, Sara A.
 Architects, American Institute of - AIA Nebraska
 Keigher, Timothy P.
 Keigher & Associates, LLC
 Petroleum Marketers & Convenience Store Assn., Nebraska
 Keigher & Associates, LLC
 AirBoat Association, Nebraska
 Aviation Trade Association, Nebraska
 Community College Association, Nebraska
 Credit Management Services
 Iowa-Nebraska Equipment Dealers Association
 Land Improvement Contractors Association, Nebraska
 Luxottica Retail North America (formerly LensCrafters)
 MillerCoors LLC
 National Guard Association of Nebraska
 Kelley & Jerram, P.C., L.L.O.
 Daily Record, The
 Douglas County, Nebraska
 Eastern Nebraska Human Services Agency
 Elevator Industry Work Preservation
 Fraternal Order of Police, Nebraska State Lodge of the
 Johnson Brothers of Nebraska
 Omaha Exposition & Racing, Inc.

Kelley Governmental Relations, LLC
Metro Area Transit
Omaha Airport Authority
Tavern Association, Nebraska (formerly Responsible Beverage Operators
of Nebraska)

Kelsey, Michael D.
Cattlemen, Inc., Nebraska

Kennedy, Barry L.
Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.
Investment Finance Authority, Nebraska

Kerekes, John P.
American Petroleum Institute

Kilgarin, Karen
Education Association, Nebraska State

Kissel, Gordon
Kissel/E&S Associates, LLC

Kissel/E&S Associates, LLC
American Petroleum Institute
Ameristar Casinos, Inc.
Beverage Distributors of Nebraska, Associated
CAL-TEX Protective Coatings
CASA Association, Nebraska
Cooperative Council, Nebraska
County Court Association, Nebraska
Engineers Coalition, Professional
Engineers, Nebraska Society of Professional
Erickson & Sederstrom, PC
Genetic Counselors, Nebraska Association of
Golf Alliance, NE
Golf Course Superintendents Association, Nebraska
Hearing Society, Nebraska
Historical Society Foundation, Nebraska State
Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
Lancaster County Board of Commissioners
March of Dimes
Nebraska Municipal Power Pool
Ralston Public School District
Regional Administrators, Nebraska Association of
Sarpy County, United Cities of
Surveyors Association of Nebraska, Professional
Telecare Corporation
TransCanada Corporation
West Corporation

Kleeb, Jane Fleming
Bold Nebraska

Klingler, Timoree F.
O'Hara Lindsay & Associates, Inc.

- Kohout, Joseph D.
Kissel/E&S Associates, LLC
- Kolterman, Jessica A.
Farm Bureau Federation, Nebraska
- Koops, Berend J.
Merck Sharp & Dohme Corp. and its Affiliates
- Krannawitter, Brian
American Heart Association
- Krumland, Gary G.
League of Nebraska Municipalities
- Kulesher Jarecke, Kate
Amack, Angela K.
Athletic Trainers Association, Nebraska State
Brain Injury Association of Nebraska
Eli Lilly and Company
Nielsen, Coleen J.
- Kutilek, William R.
Cooperative Council, Nebraska
- Landwehr, Susan M.
Eli Lilly and Company
- Lange, Robert G.
Ameritas Life Insurance Corporation
- Larsen, Mary
March of Dimes
- Larsen, Stephanie
Center for Rural Affairs
- LaSorte, Darren
National Rifle Association
- Levy, David C.
Baird Holm LLP
Bluestem, LLC
Edison Mission Energy
Midwest Wind Energy
- Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State
- Licht, Andrew W.
Anderson Management Services, Inc.
- Likes, Steven C.
Investment Finance Authority, Nebraska
- Lindsay, John C.
O'Hara Lindsay & Associates, Inc.
- Logsdon, Robert R.
Cox Communications

Lombardi, Richard A.
American Communications Group, Inc.

Lostroh, David L.
Christian Home Educators Association, Nebraska

Luebbe, Lori
Soybean Association, Nebraska

Luetkenhaus, Brandon
Credit Union League, Nebraska

Mach, Coby
Lincoln Independent Business Association (LIBA)

Mainwaring, Brenda
Union Pacific Railroad

Mancuso, Aubrey
Voices for Children in Nebraska

Marsh, Laurel S.
ACLU Nebraska

Martinez, Larry M.
GlaxoSmithKline

Mass, Ken E.
AFL-CIO, Nebraska State

McBride, David S.
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska

McClure, Jeanne L.
Alegent Health

McClure, John
Nebraska Public Power District

McClymont, Pete
Cattlemen, Inc., Nebraska

McCullough, Jacqueline K.
Engineering Companies/Nebraska, American Council of

McGuire, Mark D.
Cameco Resources - Crow Butte

McKenzie, Janis M.
Insurance Federation, Nebraska

Meek, Randy D.
Locomotive Engineers, Nebraska State Legislative Board - Brotherhood
of

Menzel, Elaine
County Officials, Nebraska Association of

Meradith, Steve
Windstream Communications

Merritt, Gary James
Auto Dealers Association, Nebraska Independent

Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska

Mikkelsen, Brian
Education Association, Nebraska State

Miller, Amy A.
ACLU Nebraska

Mills, Jack D.
Risk Management Association, Nebraska Intergovernmental

Mischo, Craig
Bayer Health Care

Morfeld, Adam
Civic Reform, Nebraskans for

Moylan, James H.
Beverage Association, Nebraska Licensed
RAI Services Co. (Reynolds American Inc.)

Mueller Robak LLC
Accountants, Nebraska Society of Independent
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Ash Grove Cement Co.
AT&T, Inc.
Bankers Association, Heartland Community
Better Nebraska Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
Commercial Property Owners, Nebraska Association of
Constellation New Energy Gas Division
COPIC Insurance Company
Court Reporters Association, Nebraska
Dental Association, Nebraska
District Court Judges Association, Nebraska
Ducks Unlimited, Inc.
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, Nebraska Chapter, Associated
Land Title Association, Nebraska
Lincoln Airport Authority
Lower Republican NRD
Lyman-Richey Corporation
Machinery Company, Nebraska
Madonna Rehabilitation Hospital
Methodist Health System, Nebraska
Millard Public Schools
Nebraska Interactive
Nebraska State Bar Association
Nelnet, Inc.
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
State Troopers Association of Nebraska, Inc.
Veterinary Medical Association, Nebraska

Viaero Wireless
Mueller, William J.
Mueller Robak LLC
Murphy, Jeremy P.
Catholic Conference, Nebraska
Nabb, Douglas
Fremont Public Schools
Nathan, Robbie
AARP
Neiles, Megan
School Boards, Nebraska Association of
Nelson, Stephen D.
Farm Bureau Federation, Nebraska
Neville, Brennan S.
National Indemnity Company
Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Coleen J.
Advocacy and Issue Management Inc.
Amack, Angela K.
Criminal Defense Attorneys Association, Nebraska
Insurance Information Service, Nebraska
Medco Health Solutions, Inc. & Affiliates
Merck Sharp & Dohme Corp. and its Affiliates
State Farm Insurance Companies
Nolan, Michael
League of Nebraska Municipalities
Nowka, Trent
Cutshall & Nowka
O'Hara Lindsay & Associates, Inc.
Alter Trading Corporation
Ambulatory Centers, Nebraska Association of Independent
Architects, American Institute of - AIA Nebraska
Automobile Manufacturers, Alliance of
Beverage Association, Nebraska
Black Hills Energy
Blue Cross & Blue Shield of Nebraska
Broadband Coalition, Nebraska Rural
City of Hastings
City of Lincoln
City of Omaha, Mayor
County Judges Association, Nebraska
First National of Nebraska, Inc.
Housing & Redevelopment Officials, Nebraska Chapter of the National
Association of
Humanities Council, Nebraska
Nebraskans Against the Death Penalty
Nucor Corporation
Nurses Association, Nebraska

Omaha Public Power District
Omaha Public Schools
Service Providers, Nebraska Association of
SourceGas Distribution, LLC
Teradata
Trial Attorneys, Nebraska Association of
Valmont Industries, Inc.
Vandelay Investments, LLC
Winnebago Tribe of Nebraska
O'Neill, Thomas, Jr.
Colleges & Universities of Nebraska (AICUN), Association of
Independent
Olhausen, Vaun
Novartis Pharmaceuticals Corporation
Othmer, Mark F.
Iowa-Nebraska Equipment Dealers Association
Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska
Wineries and Grape Growers Association, Nebraska
Otto, Richard J.
Wineries and Grape Growers Association, Nebraska
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe & Associates
Paden, Nicholas
Broadband Coalition, Nebraska
Cambridge Telephone Company
Consolidated Telephone Company
Great Plains Communications, Inc.
Hamilton Telecommunications
Hartelco
Hershey Coop Telephone Co.
HunTel, Inc. dba American Broadband Neb., Inc.
Ignition Interlock Systems of Iowa, Inc.
K & M Telephone Company
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Passarelli, Angelo D.
Millard Public Schools
Pearce, Denise K.
City of Lincoln
Peez, Natalie, Peez & Company
Alegent Health
Apollo Group, Inc.
Behavioral Health, Advocates for

Children's Hospital & Medical Center
Coventry Health Care
Cox Communications
Cutshall & Nowka
First Five Nebraska (Neb. Children & Families Foundation)
Kiewit Corporation
Metropolitan Entertainment & Convention Authority (Qwest Center
Omaha)
Nurse Practitioners, Nebraska
Tenaska

Peters, William E.
Burlington Northern Santa Fe
Cigar Association of America, Inc.

Peterson, Alan E.
ACLU Nebraska

Peterson, Patricia Schuett
Investment Finance Authority, Nebraska

Pierson, Darwin R.
Oil & Gas Association, Nebraska Independent

Plofchan, Paul
Pfizer, Inc.

Plucker, Julia
Bennington Public Schools
Collectors Association, Nebraska
Community Alliance, Inc.
Credit Union League, Nebraska
Lamar Advertising Company
School Activities Association, Nebraska
Travel Association, Nebraska

Pollock, Andy
Gottsch Enterprises
Morrison Enterprises, LLC
Nebraska Energy Export Association
NorthWestern Energy
Progressive Swine Technologies
Transportation Association, Nebraska
United Healthcare Services, Inc. & Affiliates
Waste Connections of Nebraska, Inc.

Polt, Brendon A.
Health Care Association, Nebraska

Prenda, Amy
A Prenda Company

Propes, Margaret
Sunovion Pharmaceuticals Inc.

Ptacek, Patrick J.
Grain and Feed Association, Nebraska
Schmit Industries

Quick, Kim A.
Nebraska Change to Win Coalition c/o Teamsters Local 554

Radcliffe, Walter H. of Radcliffe & Associates
 2013 U.S. Senior Open Local Organizing Committee
 Accountants, Nebraska Society of Certified Public
 Altria Client Services Inc. and its Affiliates
 Arts Education Fund, Nebraska Citizens for the
 Bellevue Public Schools
 Broadcasters Association, Nebraska
 Cable Communications Association, Nebraska
 Cemetery Association, Nebraska State
 Community Financial Services of America (CFSA) c/o MultiStates
 Associates Inc.
 Enterprise Rent-A-Car
 Fair Board, Nebraska State
 Father Flanagan's Boys' Home aka Boys Town
 Father Flanagan's Boys' Home dba Boys Town National Research
 Hospital
 Health Care Association, Nebraska
 Health Underwriters, Nebraska Association of (NAHU)
 Home Builders Association, Nebraska State
 Insurance, National Council on Compensation (NCCI)
 Kissel/E&S Associates, LLC
 League of Nebraska Municipalities
 Lincoln Public Schools
 Liquor Wholesalers, Nebraska
 Media of Nebraska, Inc.
 Metropolitan Community College
 Motion Picture Association of America
 Motor Vehicle Ancillary Products Association, MVAPA
 Nebraska Expressways for Economic Development (NEED)
 Nebraskans for Public Health Funding
 Optometric Association, Nebraska
 Property Casualty Insurers Association of America
 Pyrotechnics Association, Nebraska
 Realtors Association, Nebraska
 Sanofi Pasteur, (MultiState Associates, Inc. on behalf of)
 Telecommunications Association, Nebraska
 Tyson Foods, Inc.
 University of Nebraska
 Rea, James M.
 Lincoln Education Association
 Redoutey, Laura J.
 Hospital Association, Nebraska
 Reiman, Charlene
 SourceGas Distribution, LLC
 Rempe, Jay E.
 Farm Bureau Federation, Nebraska
 Renner, Shawn D.
 Media of Nebraska, Inc.

Rex, L. Lynn
League of Nebraska Municipalities

Richards, Thomas
Omaha Public Power District

Rieker, Bruce R.
Hospital Association, Nebraska

Riibe, Diane
Project Extra Mile

Riley, Christopher T.
Archer Daniels Midland Company

Ring, Kenneth T.
AARP

Riskowski, Al
Family Council, Nebraska

Robak, Kim M.
Mueller Robak LLC

Rogert, Kent
Bold Nebraska
Burt County Economic Development Corp.
Jensen, Ronald/Jensen & Associates
Learning Community of Douglas and Sarpy Counties
Northridge Country Club
Omaha Area Board of Realtors
Statewide Property Owners Association

Root, David
Medco Health Solutions, Inc. & Affiliates

Ruskamp-Hatz, Jody
First Five Nebraska (Neb. Children & Families Foundation)

Ryan, Beth
Cutshall & Nowka

Sahling-Zart, Shelley R.
Lincoln Electric System

Sanford, Robert
Domestic Violence Sexual Assault Coalition, Nebraska

Schaefer, Matthew T.
Mueller Robak LLC

Schafer, Andrea R.
Norris Public Power District

Scherer, Larry
Education Association, Nebraska State

Schimek, Herbert H.
Westside Community Schools

Schleppenbach, Greg
Catholic Conference, Nebraska

Schmit-Albin, Julie
Nebraska Right to Life

Schuller, Lynne
Horsemen's Benevolent & Protective Association
Propane Gas Association, Nebraska

- Sears, T. Jay
Education Association, Nebraska State
- Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
Husch Blackwell, LLP
- Segura, April
Nebraska Friends of Midwives
- Sherman, Becky
Nebraska Friends of Midwives
- Siefken, Kathy
Grocery Industry Association, Nebraska
SHAZAM
- Sobotta, Russell
sanofi-aventis
- Sommerich, Christopher D.
Humanities Council, Nebraska
- Spatz, John
School Boards, Nebraska Association of
- Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
- Sullivan, J. Scott
Credit Union League, Nebraska
- Teget, Ann
Time Warner Cable
- Todd, A. Loy, Jr.
Car & Truck Dealers Association, Nebraska New
- Uhe, Fred J.
Sarpy County Board of Commissioners
- Ullstrom, Galen F.
Mutual of Omaha
- Valentin, Michaela L.
Blue Cross & Blue Shield of Nebraska
- Vasina, Mark A.
Nebraskans for Peace, Inc.
- Veak, Becky
First Five Nebraska (Neb. Children & Families Foundation)
- Vodvarka, Dan
Accountants, Nebraska Society of Certified Public
- Wagner, Connie
Licensed Practical Nurse Association of Nebraska
- Weber, Rocky
Cooperative Council, Nebraska
- Wesely, Don
O'Hara Lindsay & Associates, Inc.
- Wheeler, Harold
AARP
- Wightman, Anna Castner
First National of Nebraska, Inc.

Williams, David M.
 Ameritas Life Insurance Corporation

Wimmer, J. Kent
 Western Sugar Cooperative (CO)

Wininger, Dwight
 Rural Telecommunications Coalition, Nebraska

Winston, Kenneth C.
 Library Association, Nebraska
 Sierra Club, Nebraska Chapter of the

Withem, Ron
 University of Nebraska

Woods, Kara
 Johnson Group, The

Wurster, Donald F.
 National Indemnity Company

Yost, Jeffrey G.
 Community Foundation, Nebraska

Yost, Kurt T.
 Bankers, Nebraska Independent Community
 Central Nebraska Public Power & Irrigation District
 MM Finance, LLC

Young, Joseph
 Omaha Chamber, Greater

Young, Justin
 Occupational Therapy Association, Nebraska

Zalenski, Susan D.
 Johnson & Johnson

Zulkoski, Katie W.
 Mueller Robak LLC

ANNOUNCEMENT

The Chair announced today is Senator Bloomfield's birthday.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 879. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to public funds; to amend section 77-2320, Reissue Revised Statutes of Nebraska; to change security deposit requirements; and to repeal the original section.

LEGISLATIVE BILL 880. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Records Management Act; to amend sections 84-1201, 84-1203, 84-1204, 84-1205.03, 84-1205.05, 84-1206, 84-1207, and 84-1219, Reissue Revised Statutes of Nebraska; to provide

duties relating to reducing costs and adopting modern methods of records management as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1205.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 881. Introduced by Coash, 27.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Reissue Revised Statutes of Nebraska; to change medical services payment provisions; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Nordquist, 7; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to insurance; to require certain cancer treatment coverage as prescribed.

LEGISLATIVE BILL 883. Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 85-1806, Reissue Revised Statutes of Nebraska; to provide for contributions to the Nebraska educational savings plan trust from income tax refunds as prescribed; to provide powers and duties for the Tax Commissioner and State Treasurer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Sullivan, 41; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to state findings; to create the Agriculture Literacy Task Force; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 885. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1108.15, Reissue Revised Statutes of Nebraska; to provide powers and duties to the state building division relating to the energy efficiency of state facilities; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to trade practices; to amend sections 87-130, 87-132, and 87-134, Reissue Revised Statutes of Nebraska, and sections 87-210 and 87-211, Revised Statutes Supplement, 2011; to change provisions relating to trademarks and trade names; and to repeal the original sections.

LEGISLATIVE BILL 887. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-114, 44-154, 44-2120, 44-2121, 44-2126, 44-2127, 44-2129, 44-2132, 44-2133, 44-2135, 44-2137, 44-2138, 44-2139, 44-2702, 44-2703, 44-2704, 44-2719.02, 44-32,177, 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, 44-8107, and 44-8216, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to fees, confidential and privileged information, merger and acquisition, registration, transactions, domestic insurers, examination, confidential information, rules and regulations, coverages, construction, court orders, purpose, applicability, exemptions, recommendations, powers and duties, and special purpose financial captive insurers; to authorize supervisory colleges; to provide powers for the Director of Insurance; to require continuing education; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 888. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-2715.07, and 77-2717, Revised Statutes Supplement, 2011; to adopt the Historic Property Restoration and Reuse Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Avery, 28.

A BILL FOR AN ACT relating to taxicabs; to amend sections 75-119 and 75-126, Reissue Revised Statutes of Nebraska, and sections 75-302 and 75-311, Revised Statutes Supplement, 2011; to define and redefine terms; to change provisions relating to certificates of public convenience and necessity and rates and fares; and to repeal the original sections.

LEGISLATIVE BILL 890. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend sections 21-1914 and 21-1915, Reissue Revised Statutes of Nebraska; to provide for the electronic transmission of notice as prescribed; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 891. Introduced by Nordquist, 7; Cook, 13; Council, 11; Howard, 9; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to health and human services; to amend section 68-911, Reissue Revised Statutes of Nebraska; to provide for a waiver for medicaid coverage as prescribed; to provide a termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 892. Introduced by McGill, 26; Dubas, 34.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-101, Revised Statutes Cumulative Supplement, 2010; to provide for licensure, certification, or registration by military training and experience and endorsement for military applicants and spouses; to provide an exception; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 893. Introduced by McGill, 26.

A BILL FOR AN ACT relating to government; to amend sections 60-396 and 60-3,104, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, and 60-395, Revised Statutes Supplement, 2011; to provide for Nebraska Armed Forces Pride Plates; to create a fund; to provide for funding for Nebraska veterans homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 894. Introduced by McGill, 26.

A BILL FOR AN ACT relating to license plates; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Reissue Revised Statutes of Nebraska; to provide for issuance of certain license plates to spouses of veterans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 895. Introduced by McGill, 26.

A BILL FOR AN ACT relating to teachers; to amend sections 79-805, 79-806, 79-807, 79-813, 79-814, 79-815, and 79-1104, Reissue Revised Statutes of Nebraska, and sections 29-2264, 79-810, 79-8,135, 79-8,137, 79-8,137.03, 79-8,137.04, and 79-1601, Revised Statutes Cumulative Supplement, 2010; to provide for certification by experience and endorsement for military spouses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 896. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1437, Revised Statutes Supplement, 2011; to prohibit certain actions and provide procedures for incentive compensation; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1615, Reissue Revised Statutes of Nebraska; to change provisions relating to tax lists; to harmonize provisions; to repeal the original section; and to outright repeal section 33-113, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 898. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to minitrucks; to amend sections 60-121.01, 60-337.01, and 60-636.01, Reissue Revised Statutes of Nebraska, and section 60-501, Revised Statutes Supplement, 2011; to redefine minitruck; and to repeal the original sections.

LEGISLATIVE BILL 899. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-353, Reissue Revised Statutes of Nebraska; to provide procedures for entering a legal separation decree; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Lathrop, 12; Coash, 27; Krist, 10.

A BILL FOR AN ACT relating to social services; to require a joint report from the Division of Developmental Disabilities, the Division of Behavioral Health, and the Division of Medicaid and Long-Term Care of the Department of Health and Human Services concerning individuals in need of services from such divisions.

LEGISLATIVE BILL 901. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to designate funds to be used for services for persons with developmental disabilities.

LEGISLATIVE BILL 902. Introduced by B. Harr, 8; Flood, 19; Nordquist, 7.

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 and provide for applicability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 903. Introduced by Cornett, 45; Adams, 24; Campbell, 25; Council, 11; Dubas, 34; Fulton, 29; Hadley, 37; B. Harr, 8; Lambert, 2; Nelson, 6; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2701.16, Reissue Revised Statutes of Nebraska; to define terms; to exempt youth sports from sales tax; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 904. Introduced by Gloor, 35; Ashford, 20; Campbell, 25; Dubas, 34.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend section 71-615, Reissue Revised Statutes of Nebraska; to change provisions relating to the reporting of annulments and dissolutions of marriage by the clerk of the district court; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by Carlson, 38; Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2301, 2-2302, 2-2303, 2-2306, 2-2310, 2-2311, 2-2313, 2-2317, 2-2318, and 2-2319, Reissue Revised Statutes of Nebraska; to change and update provisions of the Nebraska Wheat Resources Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 906. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-122 and 48-122.01, Reissue Revised Statutes of Nebraska; to change death benefit provisions; and to repeal the original sections.

LEGISLATIVE BILL 907. Introduced by Carlson, 38; Bloomfield, 17; Brasch, 16; B. Harr, 8; Karpisek, 32; Larson, 40; Lathrop, 12; Price, 3; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2701, 2-2701.01, 2-2707, 2-2709, 2-2710, and 77-2704.36, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor permitting and a sales tax exemption for agricultural machinery and equipment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 908. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to court fees; to amend section 33-156, Reissue Revised Statutes of Nebraska; to return indigent defense fees collected in a county containing a city of the metropolitan class to such county; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 909. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-101, 48-107, and 48-151, Reissue Revised Statutes of Nebraska; to provide an affirmative defense for employers for misrepresentation in obtaining employment; to harmonize provisions; and to

repeal the original sections.

LEGISLATIVE BILL 910. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-646, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605, Revised Statutes Supplement, 2011; to provide for certified traffic personnel for directing traffic during special events; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 365. Introduced by Lathrop, 12; Coash, 27; Cornett, 45; Harms, 48; Karpisek, 32; Krist, 10; Wallman, 30.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11 and by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report; and

WHEREAS, the committee issued a report of its findings and recommendations on December 15, 2008. Among other findings, the committee concluded that the state was likely to lose its federal medicaid funding for the Beatrice State Developmental Center, that various improvements needed to be made to the community-based programs, and that the developmental disability waiting list included 1,865 families who, absent some change in direction by the State of Nebraska, would remain on the waiting list indefinitely. The committee also made various recommendations for improvement of services to the developmentally disabled in the State of Nebraska. Those recommendations related not only to improvements at the Beatrice State Developmental Center but also to community-based programs as well as the provision of services to the developmentally disabled individuals who would otherwise sit indefinitely on the state's waiting lists. To ensure that the recommendations of the committee would be implemented, the committee recommended that the Legislature continue oversight of these issues: "The LR 283 Committee should be reauthorized at the beginning of the next legislative session. This investigative committee should work with the Health and Human Services Committee to ensure that the terms of the DOJ Consent Decree as well as the recommendations herein are implemented in a timely fashion."

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the special committee of the Legislature known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee with consideration being given to reappointing the current chairperson and vice-chairperson. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services. The committee shall also provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

4. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Third Legislature, First Session.

Laid over.

LEGISLATIVE RESOLUTION 366. Introduced by Brasch, 16.

WHEREAS, Brendan Gepson, son of Tom and Jennifer Gepson, of Troop 114, Fort Calhoun, Nebraska, 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, Brendan 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. Brendan, for his Eagle Scout community service project, creating a pro-life memorial at St. John the Baptist Catholic Church; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brendan, 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 Brendan Gepson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brendan Gepson.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Brasch, 16.

WHEREAS, Jake Albracht, of Troop 145, Arlington, Nebraska, 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, Jake 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. Jake, for his Eagle Scout community service project, built a veterans memorial monument in Arlington's Veterans Memorial Park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jake, 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 Jake Albracht on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jake Albracht.

Laid over.

LEGISLATIVE RESOLUTION 368. Introduced by Brasch, 16.

WHEREAS, Alex Norton, of Troop 165, West Point, Nebraska, 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, Alex 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. Alex, for his Eagle Scout community service project, repainted all 180 fire hydrants in West Point; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Alex, 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 Alex Norton on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Norton.

Laid over.

LEGISLATIVE RESOLUTION 369. Introduced by Brasch, 16.

WHEREAS, Aaron Hughes, son of Dan and Jlynn Hughes, of Troop 165, West Point, Nebraska, 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, Aaron 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. Aaron, for his Eagle Scout community service project, drafted and built a storage barn for Elkhorn Valley Assembly of God Church; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Aaron, 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 Aaron Hughes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Aaron Hughes.

Laid over.

LEGISLATIVE RESOLUTION 370. Introduced by Brasch, 16.

WHEREAS, John Lierman, son of Duane and Irene Lierman, of Troop 165, West Point, Nebraska, 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, John 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. John, for his Eagle Scout community service project, built a shelter at the Woodland Circle Apartments in Wisner; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, John, 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 John Lierman on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to John Lierman.

Laid over.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB239:
AM1625

(Amendments to Standing Committee amendments, AM727)

- 1 1. Insert the following new sections:
- 2 Sec. 13. Section 85-903, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 85-903 In addition to the requirements of 20 U.S.C.
- 5 1094(a)(23), the University of Nebraska, each state college, and
- 6 each community college shall provide a photographic identification
- 7 which meets the requirements of subdivision (3) of section 3 of
- 8 this act to each student enrolled at the institution and shall
- 9 provide information furnished by the Secretary of State on early
- 10 voting prior to each statewide primary and general election to each
- 11 student enrolled in a degree or certificate program and physically
- 12 in attendance at the institution. The information shall include
- 13 instructions on early voting and an application to request a ballot
- 14 for early voting. The institution may provide the information
- 15 electronically.
- 16 Sec. 14. Section 85-1701, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 85-1701 Sections 85-1701 to 85-1763 and section 15 of
- 19 this act shall be known and may be cited as the Nebraska
- 20 Educational Finance Authority Act.
- 21 Sec. 15. In order to be eligible for assistance under the
- 22 Nebraska Educational Finance Authority Act, a private institution
- 1 of higher education shall provide a photographic identification
- 2 which meets the requirements of subdivision (3) of section 3 of
- 3 this act to each student enrolled at the institution.
- 4 2. On page 1, line 17, strike "or".
- 5 3. On page 2, line 1, strike the period and insert ";
- 6 or"; and after line 1 insert the following new subdivision:
- 7 "(3) A document issued by any public or private college
- 8 or university which shows:

9 (a) The name of the individual to whom the document was
 10 issued and the name conforms to the name in the voter's voter
 11 registration record;

12 (b) A photograph of the individual to whom the document
 13 was issued; and

14 (c) An expiration date which is not passed."

15 4. On page 16, line 25, strike "and 32-953" and insert
 16 "32-953, and 85-1701"; and in line 26 strike "and 32-1002" and
 17 insert "32-1002, and 85-903".

18 5. Renumber the remaining section accordingly.

Senator Avery filed the following amendment to LB344:
 AM1672

(Amendments to Standing Committee amendments, AM1577)

1 1. On page 1, line 13, strike "2012" and insert "2013".

Senator Carlson filed the following amendment to LB427:
 AM1670

(Amendments to Standing Committee amendments, AM1576)

1 1. On page 2, after line 16 insert:

2 "(5) Breeding dog means any sexually intact male or
 3 female dog six months of age or older owned or harbored by a
 4 commercial dog breeder;"; in line 17 strike "5", show as stricken,
 5 and insert "(6)"; and in line 19 strike "(6)", show as stricken,
 6 and insert "(7)".

7 2. On pages 3, 4, and 5, renumber the remaining
 8 subdivisions accordingly.

9 3. On page 7, after line 25, insert the following new
 10 subdivision:

11 "(e) The annual license fee for a commercial dog or
 12 cat breeder shall be determined according to the fee schedule set
 13 forth in subdivision (a) of this subsection based upon the number
 14 of breeding dogs or cats owned or harbored by the commercial
 15 breeder;"; and in line 26 strike "(e)", show as stricken, and
 16 insert "(f)".

17 4. On page 9, line 16, strike beginning with "An" through
 18 line 21 and show as stricken; and in line 22, strike "reject" and
 19 insert "deny" and strike "a" and insert "an initial or renewal".

20 5. On page 10, line 1, strike "upon an investigation
 21 and hearing," and insert "that the applicant has deliberately
 22 misrepresented or concealed any information provided on or with
 1 the application or any other information provided to the department
 2 under this section or"; in line 3 strike beginning with the first
 3 occurrence of "animal" through "neglect" in line 4 and insert "any
 4 law regarding the disposition or treatment of dogs or cats"; in
 5 line 4 after the semicolon insert "or"; in line 10 strike "; or"
 6 and insert an underscored period; strike lines 11 through 13; and
 7 after line 17 insert the following new subsection:

8 "(4) An applicant who is denied an initial or renewal
 9 license under this section shall be afforded the opportunity for a
 10 hearing before the director or the director's designee to present
 11 evidence that the applicant is qualified to hold a license should
 12 a license be issued or renewed. All such hearings shall be in
 13 accordance with the Administrative Procedure Act."

14 6. On page 14, line 3, strike beginning with the period
 15 through "writing" in line 5; in line 17 strike beginning with "the"
 16 through "of" in line 18; and strike lines 19 through 26 and insert
 17 the following new subdivisions:

18 "(a) Any dog that is less than six months of age;

19 (b) The primary enclosure of a nursing facility that
 20 houses any female dog that is due to give birth within the
 21 following two weeks or a nursing dog and her puppies;

22 (c) Any dog that is injured or displays any clinical
 23 signs of disease. In such case, any injury or clinical signs of
 24 disease shall be noted in the dog's health records and the dog
 25 shall be returned to exercise upon recovery from such injury or
 26 disease; or

27 (d) Any dog that is excluded from the exercise
 1 requirements of subsection (1) of this section pursuant to a
 2 written directive of a licensed veterinarian."

3 7. On page 15, line 6, after the first occurrence of
 4 "care" insert "supervision, or control"; in line 23 after the
 5 last "the" insert "commercial"; and in line 24 after "care" insert
 6 "supervision, or control".

7 8. On page 16, in line 9, strike beginning with "A"
 8 through "dogs" and insert "For each dog under the commercial dog
 9 breeder's care, supervision, or control, the breeder shall:

10 (a) Ensure that all breeding dogs"; in line 11 strike the
 11 underscored period and insert an underscored semicolon; strike line
 12 12 and insert

13 "(b) Contact a licensed"; strike beginning with "any" in
 14 line 14 through "care" in line 15 and insert "such dog"; in line 16
 15 strike the underscored period and insert an underscored semicolon;
 16 in line 17 strike "(5) Surgical" and insert

17 "(c) Ensure that all surgical"; in line 21 strike the
 18 underscored period and insert "; and"; in line 22 strike "(6) If"
 19 and insert

20 "(d) Ensure that, if"; in line 23 strike "the attending"
 21 and insert "a licensed".

22 9. On page 17, strike beginning with "This" in line
 23 1 through the period in line 4 and insert "The department may
 24 by rule or regulation require identification of any dog by tag,
 25 tattoo, or other method if the microchip system is determined to be
 26 ineffective."

MOTIONS - Print in Journal

Senator Coash filed the following motion to LB778:

MO64

Withdraw bill.

Senator Avery filed the following motion to LB797:

MO65

Withdraw bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB791. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB825. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB845. No objections. So ordered.

Senators Campbell, Coash, Fulton, K. Haar, McGill, and Wallman asked unanimous consent to add their names as cointroducers to LB889. No objections. So ordered.

Senator Carlson asked unanimous consent to add his name as cointroducer to LB884. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 10:54 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Tuesday, January 10, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 10, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused; and Senator McCoy who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 141, after line 15, insert "Bishop, Riko-Coordinating Commission for Postsecondary Education-Education".

The Journal for the third day was approved as corrected.

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB839	Judiciary
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Health and Human Services
LB843	Judiciary
LB844	Judiciary
LB845	Natural Resources
LB846	Business and Labor
LB847	Transportation and Telecommunications
LB848	Health and Human Services
LB849	Natural Resources
LB850	Revenue

LB851	Revenue
LB852	Banking, Commerce and Insurance
LB853	Banking, Commerce and Insurance
LB854	Banking, Commerce and Insurance
LB855	Revenue
LB856	Judiciary
LB857	Natural Resources
LB858	Government, Military and Veterans Affairs
LB859	Appropriations
LB860	Government, Military and Veterans Affairs
LB861	General Affairs
LB862	Judiciary
LB863	Urban Affairs
LB864	Urban Affairs
LB865	Judiciary
LB866	Business and Labor
LB867	Nebraska Retirement Systems
LB868	Urban Affairs
LB869	Government, Military and Veterans Affairs
LB870	Education
LB871	Health and Human Services
LB872	Revenue
LB873	Natural Resources
LB874	Health and Human Services
LB875	Transportation and Telecommunications
LB876	Banking, Commerce and Insurance
LB877	Natural Resources
LB878	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, January 17, 2012 1:30 p.m.

LB771
LB770

(Signed) Tom Carlson, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 17, 2012 1:30 p.m.

LB726
LB748
LB751
LB769
LB801

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 17, 2012 1:30 p.m.

LB870
LB763
LB800

(Signed) Greg Adams, Chairperson

Judiciary

Room 1113

Wednesday, January 18, 2012 1:30 p.m.

LB734
LB783
LB790
LB865

Room 1113

Thursday, January 19, 2012 1:30 p.m.

LB814
LB815
LB799
LB721
LB807

(Signed) Brad Ashford, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR365 was referred to the Reference Committee.

MOTION - Withdraw LB778

Senator Coash renewed his motion, MO64, found on page 185, to withdraw LB778.

The Coash motion to withdraw the bill prevailed with 38 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB797

Senator Avery renewed his motion, MO65, found on page 185, to withdraw LB797.

The Avery motion to withdraw the bill prevailed with 37 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 705. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 706. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 707. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 709. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 710. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 911. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Reissue Revised Statutes of Nebraska; to clarify a use of the Nebraska Training and Support Trust Fund; and to repeal the original section.

LEGISLATIVE BILL 912. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-113 and 20-113.01, Reissue Revised Statutes of Nebraska; to provide requirements for local laws regulating discrimination; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 913. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3446, 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to redefine a term; to change provisions relating to local effort rate; to change determination and certification dates as prescribed; to void a certification of aid for school fiscal year 2012-13; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 914. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4005, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to reductions in registration periods; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Larson, 40; Lautenbaugh, 18; Schilz, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 54-908, Reissue Revised Statutes of Nebraska, section 28-1017, Revised Statutes Cumulative Supplement, 2010, and section 28-101, Revised Statutes Supplement, 2011; to change provisions relating to the reporting of cruelty to animals; to change a penalty; to create the offense of obtaining employment at an animal facility with intent to disrupt operations; to provide a penalty; to harmonize provisions; and to repeal the original

sections.

LEGISLATIVE BILL 916. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Lambert, 2; Loudon, 49; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.02, 24-707, 24-710.05, 79-933.01, 79-956, 79-980, 79-998, 79-9,106, 81-2014, 81-2031.03, and 84-1312, Reissue Revised Statutes of Nebraska, sections 23-2309.01, 23-2310.05, 23-2321, 84-1310.01, 84-1311.03, and 84-1323, Revised Statutes Cumulative Supplement, 2010, and sections 23-2301, 24-701, 79-902, 81-2026, 81-2041, 84-1301, and 84-1503, Revised Statutes Supplement, 2011; to exempt per diems from the definition of compensation; to require an employer to provide certain termination of employment information to the Public Employees Retirement Board; to require repayment of retirement benefits as prescribed; to clarify provisions relating to tax-qualification requirements; to change provisions relating to rollover distributions and death benefits; to exempt any person under the age of eighteen years from the definition of school employee; to redefine termination of employment; to provide duties for the Public Employees Retirement Board relating to the determination of de minimus amounts and tax-qualification requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 917. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-527, Revised Statutes Cumulative Supplement, 2010, and section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to excessive absenteeism policies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 918. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2103 and 18-2113, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations and analysis of redevelopment projects; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to fees; to amend sections 60-158, 69-2404, and 83-424, Reissue Revised Statutes of Nebraska, and sections 24-703 and 33-117, Revised Statutes Cumulative Supplement, 2010; to change court fees, sheriff's fees, identification inspection fees, and handgun certificate fees; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 920. Introduced by McGill, 26.

A BILL FOR AN ACT relating to court procedure; to amend sections 28-311.09, 42-924, and 42-925, Reissue Revised Statutes of Nebraska; to change provisions relating to harassment protection orders and domestic abuse protection orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 921. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2109, 14-2110, 14-2121, 14-2126, 14-2138, and 14-2139, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of directors, employees, bids, hydrants, and retail sale of natural gas; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to load contents and spillage; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Mello, 5; Brasch, 16; K. Haar, 21; Howard, 9; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to state government; to adopt the Nebraska Buy American Act.

LEGISLATIVE BILL 924. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Redevelopment Act; to amend sections 58-501, 58-503, 58-504, 58-505, 58-507, 58-508, 58-509, 58-510, and 58-533, Reissue Revised Statutes of Nebraska; to change the membership of the board created under the act; to change provisions relating to the area and project applications; to change provisions relating to the division and treatment of property tax; to provide duties for the county assessor, city or joint entity, and Property Tax Administrator; to extend the deadline for the filing of applications under the act; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to provide duties for the Department of Health and Human Services relating to contracts with providers of Health Aid programs; and to declare an emergency.

LEGISLATIVE BILL 926. Introduced by Dubas, 34; Campbell, 25; Gloor, 35; Howard, 9; Lambert, 2; McGill, 26.

A BILL FOR AN ACT relating to foster care; to state intent; to provide for compensation; and to declare an emergency.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 927. Introduced by Louden, 49; Carlson, 38; Dubas, 34; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 54-784.01, Reissue Revised Statutes of Nebraska; to provide that cattle brands are official identification for export or import as prescribed; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by Louden, 49; Dubas, 34; Fulton, 29; Harms, 48; Lautenbaugh, 18; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to mountain lions; to amend section 37-452, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2010; to provide for permits for hunting mountain lions; to provide for fees; to provide age requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by McGill, 26.

A BILL FOR AN ACT relating to health and human services; to amend section 43-1302, Revised Statutes Cumulative Supplement, 2010; to provide a membership requirement for State Foster Care Review Board members; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Brasch, 16; Christensen, 44; Larson, 40; Louden, 49; Nelson, 6; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-102, Reissue Revised Statutes of Nebraska, and sections 23-187, 60-101, 60-123, 60-301, 60-302, 60-339, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, and 60-6,349, Revised Statutes Supplement, 2011; to allow operation of golf car vehicles on highways as prescribed; to provide powers for counties, cities, and villages; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 932. Introduced by Krist, 10.

A BILL FOR AN ACT relating to elections; to amend section 31-735.05, Reissue Revised Statutes of Nebraska; to provide for voting rights for registered voters of sanitary and improvement districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to compulsory attendance; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend sections 32-207, 32-209, 32-213, and 32-214, Reissue Revised Statutes of Nebraska; to provide for appointment by the county board in certain counties; to eliminate powers and duties of the Governor regarding such appointments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Smith, 14.

A BILL FOR AN ACT relating to domestic relations matters; to amend sections 25-2740, 43-1801, 43-1802, and 43-1803, Reissue Revised Statutes of Nebraska; to change grandparent visitation provisions to person with a legitimate interest; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to counties under township organization; to amend section 23-2,100, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to termination of the township board; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Smith, 14; Ashford, 20; Krist, 10; Nordquist, 7.

A BILL FOR AN ACT relating to personal property; to regulate dealers in the business of purchasing and reselling precious items; to provide a penalty; and to harmonize provisions.

LEGISLATIVE BILL 938. Introduced by Nelson, 6; Gloor, 35; Howard, 9; Nordquist, 7; Schumacher, 22.

A BILL FOR AN ACT relating to adult day services; to amend section 68-1206, Reissue Revised Statutes of Nebraska, sections 68-908 and 81-2270, Revised Statutes Cumulative Supplement, 2010, and section

68-1204, Revised Statutes Supplement, 2011; to require a uniform rate for reimbursement; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 371. Introduced by McCoy, 39.

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two-thirds of the legislatures of the several states ("amendments convention"); and

WHEREAS, the Legislature of the State of Nebraska favors the proposal and ratification of an amendment to said Constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

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

1. That, as provided for in Article V of the Constitution of the United States, the Legislature of the State of Nebraska herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

2. That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

4. That a copy of this application be sent by the Clerk of the Legislature to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of Nebraska's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

LEGISLATIVE RESOLUTION 372CA. Introduced by Fulton, 29.

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

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

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

(4) For purposes of this section, if a member of the Legislature serves for a period beginning on the first Wednesday after the first Monday in January of an odd-numbered year through the first Wednesday after the first Monday in January of the following odd-numbered year, the member is deemed to have served for one-half of a term.

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

A constitutional amendment to clarify that service for a specific period is one-half of a term for purposes of term limits for members of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 373CA. Introduced by Lautenbaugh, 18.

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

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

To amend Article III, section 7.

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~ Until January 9, 2013, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Beginning January 9, 2013, each member of the Legislature shall receive an annual salary during his or her term of office equal to thirty-two thousand dollars. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive

no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

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

A constitutional amendment to change the salary of members of the Legislature to thirty-two thousand dollars.

For

Against.

MOTIONS - Print in Journal

Senator Larson filed the following motion to LB856:

MO66

Withdraw bill.

Senator Schilz filed the following motion to LB744:

MO67

Withdraw bill.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

Room 1510

Tuesday, January 17, 2012 1:30 p.m.

LB729

LB786

LB864

LB868

(Signed) Amanda McGill, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 17, 2012 1:30 p.m.

LB714

LB852

LB853

LB854

LB836

(Signed) Rich Pahls, Chairperson

Health and Human Services

Room 1510

Wednesday, January 18, 2012 1:30 p.m.

LB723
LB774
LB794
LB832

Room 1510

Thursday, January 19, 2012 1:30 p.m.

LB773
LB834
LB831
LB788

(Signed) Kathy Campbell, Chairperson

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 1, Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. ~~During the 2011 Session, the Speaker may designate any of the redistricting bills as major proposals with the approval of two thirds of the Executive Board. Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with the redistricting of legislative districts subject to the approval of two thirds of the Executive Board.~~

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

Rule 3, Sec. 11. Conduct During Committee Hearings.

(a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

(b). Electronic Submission of Documents.

(1) Copies of any additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media.

(2) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk.

(3) Senators shall be permitted to use a laptop computer, tablet, or other such device in committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Brasch asked unanimous consent to add her name as cointroducer to LB781. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB896. No objections. So ordered.

Senator Lambert asked unanimous consent to add his name as cointroducer to LB762 and LB750. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB721. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

ADJOURNMENT

At 11:02 a.m., on a motion by Senator Lambert, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 11, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senators Cook, Fulton, McCoy, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB879	Banking, Commerce and Insurance
LB880	Government, Military and Veterans Affairs
LB881	Judiciary
LB882	Banking, Commerce and Insurance
LB883	Revenue
LB884	Agriculture
LB885	Government, Military and Veterans Affairs
LB886	Banking, Commerce and Insurance
LB887	Banking, Commerce and Insurance
LB888	Revenue
LB889	Transportation and Telecommunications
LB890	Banking, Commerce and Insurance
LB891	Health and Human Services
LB892	Health and Human Services
LB893	Transportation and Telecommunications

LB894	Transportation and Telecommunications
LB895	Education
LB896	Transportation and Telecommunications
LB897	Revenue
LB898	Transportation and Telecommunications
LB899	Judiciary
LB900	Health and Human Services
LB901	Appropriations
LB902	Revenue
LB903	Revenue
LB904	Health and Human Services
LB905	Agriculture
LB906	Business and Labor
LB907	Revenue
LB908	Judiciary
LB909	Business and Labor
LB910	Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 18, 2012 1:30 p.m.

LB717
LB720

Room 1507

Thursday, January 19, 2012 1:30 p.m.

LB775
LB754
LB755
LB758

Room 1507

Friday, January 20, 2012 1:30 p.m.

LB719
LB733
LB860

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Wednesday, January 18, 2012 1:30 p.m.

LB908

Room 1113

Friday, January 20, 2012 1:30 p.m.

LB862

LB768

LB843

LB793

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, January 18, 2012 1:30 p.m.

LB725

LB727

Room 1524

Thursday, January 19, 2012 1:30 p.m.

LB818

LB822

LB851

Room 1524

Friday, January 20, 2012 1:30 p.m.

LB750

LB762

(Signed) Abbie Cornett, Chairperson

MOTION - Withdraw LB856

Senator Larson renewed his motion, MO66, found on page 198, to withdraw LB856.

The Larson motion to withdraw the bill prevailed with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB744

Senator Schilz renewed his motion, MO67, found on page 198, to withdraw LB744.

The Schilz motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 939. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to conservators; to amend sections 30-2641 and 30-2642, Reissue Revised Statutes of Nebraska; to change notice provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to adoption; to amend sections 43-104.05 and 43-104.18, Reissue Revised Statutes of Nebraska; to provide for and change compensation provisions for guardians ad litem in certain cases; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Smith, 14.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-206, Reissue Revised Statutes of Nebraska; to change restrictions on disposition of pawned and secondhand goods; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-193, Revised Statutes Cumulative Supplement, 2010; to provisions relating to notice; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to adopt the Insured Homeowners Protection Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 944. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.02, Reissue Revised Statutes of Nebraska; to prohibit certain expenditures for personal services performed by holders of elective office; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 945. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend sections 71-1911 and 71-1911.02, Reissue Revised Statutes of Nebraska; to require licensees to provide proof of radon levels at the child care location as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Adams, 24.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 48-621, 85-1501.01, 85-1520, 85-1521, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, section 85-1511, Revised Statutes Cumulative Supplement, 2010, and sections 13-518, 77-3442, 85-1412, 85-1418, 85-1503, 85-1517, 85-1535, and 90-517, Revised Statutes Supplement, 2011; to adopt the Community College Aid Act; to rename and eliminate funds; to rename a committee; to change provisions relating to revenue bonds; to eliminate an act; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-2201, 85-2202, 85-2203, 85-2204, 85-2205, 85-2206, 85-2207, 85-2208, 85-2209, 85-2210, 85-2211, 85-2212, 85-2213, 85-2215, 85-2216, 85-2217, 85-2218, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2225, 85-2227, 85-2228, and 85-2229, Reissue Revised Statutes of Nebraska, and section 85-2230, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Second Legislature, Second Session, and any special sessions held during the 2012 calendar year.

The Rules Committee renewed the proposed rules change, found on page 199, to Rule 1, Sec. 17.

The Rules Committee's proposed rules change to Rule 1, Sec. 17 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The Rules Committee renewed the proposed rules change, found on page 200, to Rule 3, Sec. 11.

Senator Lautenbaugh, Chairperson of the Rules Committee, asked unanimous consent to withdraw the proposed rules change to Rule 3, Sec. 11. No objections. So ordered.

Senator Krist offered the following proposed rules change:

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ recorded vote as outlined in Sec. 8 (a)(1-2) on the floor of the Legislature.

(1) For each candidate for each standing and select committee chairperson-ship, the following question shall be asked of the body: "Shall Senator 'X' serve as chairperson of the 'Y' committee" followed by a recorded vote. The candidate receiving the highest number of votes in the affirmative shall be chairperson of the standing or select committee in question.

(A). For purposes of this section, each member of the body shall be allowed one affirmative vote for any chairperson-ship and will not be permitted to vote affirmative for multiple candidates unless required to under Sec. 8(a)(2).

(2) If there should be more than two candidates for the same chairperson-ship, the question shall be asked as in Sec. 8(a)(1) for each candidate. The two candidates receiving the most affirmative votes shall then be subject to a second recorded vote as outlined in Sec. 8(a)(1).

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

SENATOR MCGILL PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Krist withdrew his proposed rules change to Rule 3, Sec. 8.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 36 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 947. Introduced by Hadley, 37; Campbell, 25; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Gloor, 35; K. Haar, 21; Harms, 48; B. Harr, 8; Howard, 9; Karpisek, 32; Krist, 10; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3446, 79-1007.18, 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to change provisions relating to an averaging adjustment and a certification date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 948. Introduced by Lambert, 2; McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions and a penalty relating to intimidation by telephone call; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Dubas, 34; Flood, 19; Heidemann, 1; Krist, 10; Mello, 5; Wightman, 36; Campbell, 25; Wallman, 30.

A BILL FOR AN ACT relating to agency budgeting; to amend sections 81-132 and 81-1113, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services and the budget division of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Christensen, 44; Carlson, 38; Langemeier, 23.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.09, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to crediting of repayments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 951. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-934, Revised Statutes Supplement, 2011; to provide for assault with a bodily fluid against a first responder and to define a term; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Cook, 13; Council, 11; Dubas, 34; Gloor, 35; Howard, 9; Krist, 10; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374, section 102; to change provisions relating to the medical assistance program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 953. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to state government; to establish state fleet card programs and create a fund.

LEGISLATIVE BILL 954. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the educational savings plan; to amend sections 85-1806, 85-1809, 85-1810, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 85-1801, 85-1802, 85-1804, 85-1807, and 85-1808, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the plan; to redefine terms; to change provisions relating to participants and participation agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 956. Introduced by Ashford, 20; Cornett, 45; Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Reissue Revised Statutes of Nebraska; to authorize an increase in local option sales tax for municipalities; to change an election requirement; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 957. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to child welfare; to amend sections 73-401, 81-8,240, 81-8,241, 81-8,244, and 81-8,245, Reissue Revised Statutes of Nebraska; to adopt the Office of Inspector General of Nebraska Child Welfare Act; to provide penalties; to change provisions relating to contracts; to change and provide powers and duties for the office of Public Counsel; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend section 71-17,112, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to provide for appropriations to the Nursing Faculty Student Loan Act; to harmonize provisions; to eliminate obsolete provisions; to repeal the original sections; to outright repeal section 71-17,113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to labor; to provide immunity to employers for job references.

LEGISLATIVE BILL 960. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to amend sections 68-965, 71-7611, and 71-8805, Reissue Revised Statutes of Nebraska; to state intent relating to transfers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, January 18, 2012 1:30 p.m.

LB713

LB873

LB877

Room 1525

Thursday, January 19, 2012 1:30 p.m.

Ron Stave - Game and Parks Commission
LB741
LB742
LB828

(Signed) Chris Langemeier, Chairperson

GENERAL FILE**LEGISLATIVE BILL 66.** Title read. Considered.

Committee AM241, found on page 517, First Session, 2011, was considered.

Senator Cornett renewed her amendment, AM386, found on page 598, First Session, 2011, to the committee amendment.

The Cornett amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 343. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 961. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-1207 and 81-3116, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to case management of child welfare services and designation of service areas; to provide limits on contracts and extensions as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 962. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2715.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tax expenditure reporting; to name the Tax Rate Review Committee and provide for a report; and to repeal the original sections.

LEGISLATIVE BILL 963. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-141, 8-183.05, 8-212, 8-213, 8-214, 8-215, 8-230, 8-1901, 8-2101, 8-2103, 8-2104, 8-2107, 8-2108, and 8-2403, Reissue Revised Statutes of Nebraska, sections 8-157, 8-209, 8-2102, and 8-2106, Revised Statutes Cumulative Supplement, 2010, and sections 8-1,140, 8-355, 8-602, and 21-17,115, Revised Statutes Supplement, 2011; to change provisions relating to loan limits and restrictions; to change provisions relating to branch banking, the pledging of securities by trust companies, and fees charged by the Department of Banking and Finance; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to names of financial institutions; to rename the Interstate Branching By Merger Act of 1997; to change and eliminate provisions relating to interstate branch banking and mergers; to harmonize provisions; to repeal the original sections; to outright repeal section 8-2105, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend section 8-602, Revised Statutes Supplement, 2011; to adopt the Nebraska Money Transmitters Act; to provide penalties; to eliminate the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 8-1002, 8-1003, 8-1004, 8-1005, 8-1006, 8-1007, 8-1008, 8-1009, 8-1010, 8-1011, 8-1012, 8-1012.01, 8-1013, 8-1014, 8-1016, and 8-1017, Reissue Revised Statutes of Nebraska, and sections 8-1001, 8-1001.01, 8-1018, and 8-1019, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 965. Introduced by Pahls, 31.

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.

LEGISLATIVE BILL 966. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-1031, Reissue Revised Statutes of Nebraska; to change provisions relating to the canvass of votes; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Schumacher, 22; Cornett, 45; Fischer, 43.

A BILL FOR AN ACT relating to interest; to amend section 45-104.01, Reissue Revised Statutes of Nebraska; to change an interest rate relating to delinquent taxes and special assessments; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB888 and LB937. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Gloor withdrew his name as cointroducer to LB825.

VISITOR

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Thursday, January 12, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 12, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 2012

PRAYER

The prayer was offered by Reverend Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen and Conrad who were excused; and Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB728	Judiciary (rereferred)
LB777	Judiciary (rereferred)
LB911	Business and Labor
LB912	Judiciary
LB913	Education
LB914	Judiciary
LB915	Agriculture
LB916	Nebraska Retirement Systems
LB917	Judiciary
LB918	Urban Affairs
LB919	Judiciary
LB920	Judiciary
LB921	Urban Affairs
LB922	Transportation and Telecommunications

LB923	Government, Military and Veterans Affairs
LB925	Health and Human Services
LB926	Health and Human Services
LB927	Agriculture
LB928	Natural Resources
LB929	Health and Human Services
LB930	Transportation and Telecommunications
LB931	Natural Resources
LB932	Urban Affairs
LB933	Judiciary
LB934	Government, Military and Veterans Affairs
LB935	Judiciary
LB936	Government, Military and Veterans Affairs
LB937	Judiciary
LB938	Health and Human Services
LR365	Executive Board
LR371	Government, Military and Veterans Affairs
LR372CA	Executive Board
LR373CA	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Monday, January 23, 2012 1:30 p.m.

LB841
LB764
LB740
LB922

(Signed) Deb Fischer, Chairperson
Education

Room 1525

Monday, January 23, 2012 1:30 p.m.

LB895
LB809

(Signed) Greg Adams, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, January 23, 2012 1:30 p.m.

LB876
LB879
LB886
LB890

(Signed) Rich Pahls, Chairperson

Appropriations

Room 1524

Monday, January 23, 2012 1:30 p.m.

LB808
LB859

(Signed) Lavon Heidemann, Chairperson

Business and Labor

Room 2102

Monday, January 23, 2012 1:30 p.m.

LB846
LB791
LB866
LB911

(Signed) Steve Lathrop, Chairperson

General Affairs

Room 1510

Monday, January 23, 2012 1:30 p.m.

LB780
LB781
LB861

(Signed) Russ Karpisek, Chairperson

Health and Human Services

Room 1510

Friday, January 20, 2012 1:30 p.m.

Nebraska's State Plan for Community Service Block Grant funds presented
by the Department of Health and Human Services

LB837

LB871

LB904

LB820

(Signed) Kathy Campbell, Chairperson

REPORTS

The following reports were received by the Legislature:

Equal Opportunity Commission, Nebraska

Annual Report, Fiscal Year 2009-2010

Annual Report, Fiscal Year 2010-2011

Insurance, Department of

Total Number of Applicants for Public Benefits and the Number of
Applicants Rejected Pursuant to Such Sections

Natural Resources, Department of

Total Number of Applicants for Public Benefits and the Number of
Applicants Rejected Pursuant to Such Sections

State Treasurer

Annual Report

Workers' Compensation Court

69th Annual Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11, 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

Blomstedt, Matthew L.

Educational Service Unit Coordinating Council

Habben, Jon

Rural Community Schools Association, Nebraska

Keigher & Associates, LLC

Professional Towers Association of Nebraska

Kelley & Jerram, P.C., L.L.O.
 Advantage Capital
 McElyea, Gary
 Coca-Cola Refreshments
 Micek, Cora
 Peetz & Company
 Mines, Mick
 3M Traffic Safety Systems
 Cargill
 Corn Growers Association, American
 Grocery Industry Association, Nebraska
 Humane Society, Nebraska
 Insurance and Financial Advisors, National Association of
 Johnson & Johnson
 League of Nebraska Municipalities
 Mines & Associates
 Papio Valley Preservation Association
 Syngenta
 Mueller Robak LLC
 Facebook
 Grow Ashland
 Stevens, Bradley J.
 Americans for Prosperity
 Wagner, Sylvia B.
 League of Women Voters of Nebraska
 Wieczorek, Bridget
 Nurse-Midwives, Nebraska Affiliate of the American College of,

MOTION - Escort Governor

Senator Harms moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Fischer, Pahls, Heidemann, Cornett, and Howard to serve on said committee.

STATE OF THE STATE ADDRESS

Governor Dave Heineman

State of the State Address
 January 12, 2012
 102nd Legislature
 Second Session

*"Our choice is between providing tax relief for hard-working, middle class taxpayers or more spending for special interest groups.
 I will fight for taxpayers."*

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

I am pleased to be here at the beginning of the 2012 Legislative Session, and I want to acknowledge and recognize that nine of your members will be leaving the Legislature at the end of this year. They include your outstanding Speaker, a steady and rock solid Appropriations Committee Chairman, a superb Revenue Chair, a tenacious Transportation Committee Chair, an effective Natural Resources Committee Chairman, an excellent Banking Committee Chairman, a fighter for Western Nebraska, an advocate for children and families, and a fiscal and social conservative. Senators Flood, Heidemann, Cornett, Fischer, Langemeier, Pahls, Loudon, Howard and Fulton – thank you for your service. Individually and as a group, you have done an outstanding job and Nebraskans appreciate your service.

I am proud of the Legislature and what we have accomplished together. I am proud of our citizens for their input, their insight and their leadership.

Every day I am proud to be the Governor of this great State. As I enter my eighth year as Governor of Nebraska, I am more determined than ever to keep Nebraska moving forward and to address the key challenges of today.

One of the most important challenges that we face is the safety of children that are part of Nebraska's child welfare system. Reforming Nebraska's child welfare system is complicated and complex with no single simple solution. We didn't get into this situation overnight, and we won't get out of it overnight.

It was just a few years ago when many Nebraskans were unhappy with and complaining about how the Department of Health and Human Services was operating the child welfare system. The decision was made to reform the system and change the culture that was necessary to move forward. It hasn't been implemented as well as anyone would like, but I don't want to return to the failed practices of the past. I want us to do better in the future and my sense is so do you.

This is a very difficult challenge because no single one entity of government is totally in charge of the child welfare system. It involves local law enforcement, county attorneys, parents, guardians ad litem, CASA volunteers, foster parents, the Department of Health and Human Services, providers, the courts, the Legislature and many others. Nebraska continues to place children into the child welfare system at approximately two times the national average. We can and must do better than that.

Your Health and Human Services Committee has provided the state a series of recommendations to begin a conversation about how the courts, the Legislature and the Executive Branch can work together to develop a more collaborative, a more coordinated and a more comprehensive approach to

protecting Nebraska's children. I've read the committee report several times. I am working with the leadership of your Health and Human Services Committee to develop a common sense plan of action for the future and I want to thank Senator Campbell and Senator Gloor for their vast commitment of time to this issue.

I want to emphasize what I have said previously, I have no intention of reinstating the lead agency model in the central, northern or western service areas. The focus must be to provide a more efficient delivery of services that helps our children. I support efforts to streamline the focus of the current child welfare system and I have asked Senator Ashford and Senator Hadley to introduce legislation that transfers the management of the youth rehabilitation and treatment centers at Kearney and Geneva from the Department of Health and Human Services to the Department of Correctional Services. This would create a safer treatment environment at these facilities for the youth and the staff. The transfer will also allow the Department of Health and Human Services to put a greater focus on children impacted by abuse and neglect.

We're all in this together. All of us have a responsibility to improve the system. The accountability starts with you and me. Together, we need to bring stability to Nebraska's child welfare system. The focus should be on the future and on measurable results.

Another key issue that we face is the new federal health care law that raises taxes, cuts Medicare and contains an enormous unfunded Medicaid mandate. Because it is the current law, our state is moving forward with the planning and designing of a state health insurance exchange.

Our state has been working hard for nearly two years to protect Nebraska's interests, and I want to assure you and our citizens that Nebraska will not default to the federal government regarding a health insurance exchange. However, it is important to recognize that the United States Supreme Court will decide whether this law is constitutional or not by June 29 of this year. In an unprecedented move, the Supreme Court will have three days of oral arguments on this issue in late March. The simple truth is it would be a costly mistake to spend millions of taxpayer dollars to begin implementing Obamacare until the United States Supreme Court makes its decision.

Another critical issue is our proposal to merge the Department of Labor into the Department of Economic Development. This is the opportunity for business, labor and state government to provide a more coordinated and an even greater focus on job creation, worker training and worker retraining. Thank you Senator Harms and Senator Mello for introducing this bill.

Most importantly, we have worked together to put Nebraska in a strong financial position. We have made difficult decisions for the good of our state. Nebraska hasn't always been as well positioned as we are today. When Senators Flood, Heidemann, Cornett, Fischer, Langemeier, Pahls, Loudon

and Howard began their terms in January of 2005, and when I assumed the office of Governor that same month, the state had just experienced some very tough economic times. Taxes were too high, too many young people were leaving the state, and Nebraska wasn't competitive nationally or globally for jobs.

You and I worked in cooperation with our citizens and our business leaders to dramatically alter Nebraska's economic position. Working together we passed the Nebraska Advantage, and it has been incredibly successful.

Approximately 270 businesses have committed to invest more than \$ 5.9 billion in our economy and to create more than 19,500 jobs here in Nebraska. Working together we passed the largest tax relief package in Nebraska's history that repealed the estate tax, eliminated the marriage penalty in the income tax system, repealed the sales tax on construction labor and lowered income taxes. We wisely built up our cash reserve. We worked together to control the growth of state spending and to pass balanced budgets without raising taxes. We adopted a business-like approach to agency budgets encouraging them to save money and keep it, compared to the previous practice of spend it or lose it.

State government began tightening its belt just like Nebraska families and businesses were doing and look at the results. Nebraska has the second lowest unemployment rate in America at 4.1%. According to Forbes, Nebraska is the eighth best state for business and careers. Nebraska has the fourth largest agriculture economy in America. MSN Careers says Nebraska is the third best state for job seekers. According to Forbes, Lincoln is one of America's safest cities and it is the best city in America for new jobs while Omaha is the most affordable city in America and the fifth best city in America for young professionals. According to CNN Money, Papillion is the fifth best place in America to live.

Bloomberg Business Week identified Arlington, Nebraska as the second best place in America to raise kids because it's a Midwestern farming community with top notch schools. Think about it, that's Nebraska – small towns, safe communities, good jobs, great schools, affordable homes, and an unmatched quality of life. Whether it's Arlington, Wahoo, Auburn, Holdrege, Imperial, Scottsbluff, Gering, Valentine, Cedar Rapids, Norfolk, North Platte, Kearney, Grand Island, York or a neighborhood in Lincoln, Omaha or Sarpy County, Nebraska communities are the American Dream. We have faith and confidence in Nebraskans, their families and our communities. We believe in freedom, hard work and self-sufficiency. We believe in providing every child the opportunity to receive a quality education.

Let me say it again - Nebraska has what hard-working American families want – safe communities, good jobs, great schools, affordable neighborhoods and an unmatched quality of life. America's elite cities are

too expensive for middle class families. These cities have high taxes and burdensome regulations, both of which discourage job creation.

Today, technology connects us like never before and now Americans can live and work anywhere. This provides Nebraska an opportunity for growth like we have never before seen. America's middle class families want to live in states like Nebraska because we have career opportunities, short commute times, a lower cost of living and a sense of community. For the first time ever, Nebraska's population growth exceeded the national average for two years in a row in 2009 and 2010, and in 2011, Nebraska only narrowly missed growing as rapidly as the national average. Nebraska has economic and education momentum. Working with our citizens, we have developed a bold, innovative and strategic vision to grow our economy and to strengthen our education system.

Just last year we invested in the University of Nebraska's Innovation Campus. We passed the Talent and Innovation Initiative to continue improving Nebraska's small business and entrepreneurial environment. We've made exceptional progress during the past few years, but we have more work to do.

According to the Tax Foundation rankings, in 2006 Nebraska was one of the top ten highest tax states in America. Nebraska was 45 out of 50 states. Today we are 29th. Since 2006, Nebraska has made greater and more significant improvement in our tax climate than 48 other states.

That's good news, but we can do better than 29th. Even with our healthy economy, many Nebraska middle class families still struggle from paycheck to paycheck. We can help these families by changing Nebraska's income tax structure and allowing them to keep more of the money they make. If your adjusted gross income is more than \$54,000, you are taxed at the same marginal rate as Warren Buffett. That is unfair to middle class families. Our hard-working taxpayers are tired of government taking too much of their paycheck.

In 2011, Nebraska net tax receipts grew by \$ 349 million. The opportunity to provide tax relief for our taxpayers is now. Our hard-working, middle class taxpayers need more discretionary income to take care of their families and to provide their kids with a good education.

For the past few months, I have been working with Senator Cornett to develop a major tax relief initiative for Nebraska's hard-working, middle class families and today Senator Cornett is introducing that bill. Senator Cornett, thank you. We are asking you to join us in providing tax relief for Nebraska's middle class taxpayers. Our proposal lowers rates and expands the brackets so that Nebraska's hard-working taxpayers can keep more of their income.

Our proposal eliminates the inheritance tax. You've probably seen the recent headline in Forbes – Nebraska is named as a state "Where Not to Die in 2012." Even high tax states like Massachusetts, New York and California don't have an inheritance tax. Nebraska is one of only eight states that has an inheritance tax and we need to change that. I know you'll hear from county officials, but this is about good tax policy and completing the elimination of the death tax.

Our proposal reduces the corporate income tax rate to help small businesses grow. Our highest priority should be tax relief for Nebraska's hard-working, middle class taxpayers. Special interest groups will argue we can't afford tax relief because they want to take that money from our hard-working taxpayers and spend it on their favorite projects. The question is tax relief for hard-working middle class Nebraska taxpayers or more spending for special interest groups? The choice for us is clear.

I'm going to fight for Nebraska's hard-working taxpayers because they need our help. For example, if you are a young family of four living in south Omaha with an adjusted gross income of \$30,000, with our proposal, you will receive a 29.5% tax cut. If you are a single mom living in northeast Lincoln with two kids with an adjusted gross income of \$40,000, you will receive a 10.5% tax cut. If you are a hard-working middle class family of four living in Bellevue, York, Kearney, Valentine, Alliance or Columbus with an adjusted gross income of \$75,000, you will receive a 10.9% tax cut. If you live in Norfolk or Grand Island and your adjusted gross income is \$100,000, your tax cut will be 7.2%. However, if you live in central Omaha and your adjusted gross income is \$1,000,000, you will only receive a 2% tax cut.

The focus of this bold tax relief plan provides Nebraska's hard-working, middle class taxpayers the help they need. Nebraska families have had to tighten their belts and learn to do more with less. So should government.

This is about our future. This is our time. This is our moment in history. Together we can make it happen. Let's get to work.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

SENATOR GLOOR PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 968. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374, sections 46, 47, 66, 93, 98, 100, 102, 104, 105, 109, 115, 132, 200, 226, 235, and 249; Laws 2011, LB 376, section 19; and Laws 2011, LB 377, section 8; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 969. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend section 84-1616, Reissue Revised Statutes of Nebraska; section 66-1345.04, Revised Statutes Supplement, 2011; and Laws 2011, LB378, section 14; to provide for a transfer; to change provisions relating to certain transfers; to change the use of a fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 970. Introduced by Cornett, 45; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001, 77-2701, 77-2701.01, 77-2715.01, 77-2715.02, 77-2727, and 77-2734.02, Reissue Revised Statutes of Nebraska, section 77-2734.01, Revised Statutes Cumulative Supplement, 2010, and section 77-2717, Revised Statutes Supplement, 2011; to terminate the inheritance tax; to change income tax rates and calculation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by Harms, 48; Carlson, 38; Lambert, 2; Lathrop, 12; McCoy, 39; Mello, 5; Pahls, 31; Schilz, 47; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 25-1558, 48-121.02, 48-1,118, 48-214, 48-222, 48-229, 48-301, 48-302, 48-302.04, 48-303, 48-304, 48-307, 48-309, 48-310, 48-310.01, 48-310.02, 48-311, 48-312, 48-401, 48-402, 48-403, 48-404, 48-405, 48-412, 48-413, 48-414, 48-415, 48-416, 48-421, 48-425, 48-427, 48-428, 48-431, 48-440, 48-443, 48-444, 48-445, 48-446, 48-501.01, 48-503, 48-504, 48-505, 48-507, 48-511, 48-513, 48-514, 48-515, 48-516, 48-518, 48-519, 48-524, 48-602, 48-603.01, 48-605, 48-606, 48-606.01, 48-607, 48-608, 48-609, 48-611, 48-612, 48-612.01, 48-613, 48-614, 48-616, 48-617, 48-618, 48-619, 48-621, 48-622.02, 48-622.03, 48-623, 48-626, 48-627, 48-628,

48-628.01, 48-628.02, 48-628.03, 48-628.05, 48-629, 48-629.01, 48-630, 48-632, 48-633, 48-634, 48-635, 48-636, 48-637, 48-638, 48-641, 48-642, 48-643, 48-646, 48-647, 48-648, 48-648.01, 48-649, 48-650, 48-651, 48-652, 48-654, 48-654.01, 48-655, 48-656, 48-657, 48-658, 48-660, 48-660.01, 48-661, 48-662, 48-663.01, 48-665, 48-665.01, 48-667, 48-668, 48-668.01, 48-668.02, 48-668.03, 48-720, 48-721, 48-722, 48-723, 48-724, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-733, 48-735.01, 48-737, 48-738, 48-743, 48-1202, 48-1203.01, 48-1205, 48-1206, 48-1618, 48-1619, 48-1625, 48-1626, 48-1627, 48-1702, 48-1705, 48-1706, 48-1710, 48-1802, 48-1803, 48-1804, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1817, 48-1819, 48-2103, 48-2106, 48-2107, 48-2108, 48-2110, 48-2111, 48-2112, 48-2113, 48-2114, 48-2117, 48-2208, 48-2210, 48-2213, 48-2214, 48-2502, 48-2504, 48-2506, 48-2509, 48-2511, 48-2512.01, 48-2514, 48-2516, 48-2518, 48-2520, 48-2521, 48-2522, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2702, 48-2902, 48-2907, 48-2908, 48-2910, 49-506, 55-161, 55-161.01, 60-368, 60-488, 68-1711, 68-1732, 74-915, 74-917, 77-373.01, 77-3,116, 77-27,188, 77-27,197, 77-27,198, 77-27,199, 77-27,201, 77-27,202, 77-27,203, 77-27,205, 77-27,206, 77-27,207, 77-27,208, 77-27,209, 77-3902, 77-3903, 77-3904, 77-3905, 77-3906, 77-3907, 77-3908, 77-5403, 77-5521, 77-5707.01, 77-5712, 77-5903, 81-101, 81-102, 81-401, 81-402, 81-403, 81-405, 81-8,220, 81-1202, 81-1204, 81-1204.01, 81-1206, 81-1208, 81-1209, 81-1210, 81-1356, and 85-1539, Reissue Revised Statutes of Nebraska, sections 23-120, 42-917, 43-1723, 43-1726, 77-378, 77-2711, 77-27,119, 81-1201.04, 81-1203, and 85-1008, Revised Statutes Cumulative Supplement, 2010, and sections 37-917, 43-2,108.05, 48-604, 48-622.01, 48-631, 49-617, 81-1205, 84-1301, and 84-1307, Revised Statutes Supplement, 2011; to merge the Department of Labor into the Department of Economic Development; to merge the office and position of Commissioner of Labor into the office and position of Director of Economic Development; to provide powers and duties; to change the membership of boards; to provide for transition of personnel, property, and powers and duties; to eliminate obsolete and terminated provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 81-1201.02, 81-1201.03, 81-12,117, 81-12,118, 81-12,119, 81-12,120, 81-12,121, 81-12,122, 81-12,123, 81-12,124, 90-225, 90-526, 90-532, 90-533, and 90-534, Reissue Revised Statutes of Nebraska, and section 81-1212, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 972. Introduced by Ashford, 20; Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the juvenile rehabilitation and treatment facilities; to amend sections 43-251.01, 43-403, 43-404, 43-405, 43-407, 43-408, 43-411, 43-417, 83-107.01, 83-171, 83-173, 83-905, and 83-922, Reissue Revised Statutes of Nebraska, section 43-245, Revised Statutes Cumulative Supplement, 2010, and sections 28-934, 43-286, 43-416, and 81-1316, Revised Statutes Supplement, 2011; to transfer the youth

rehabilitation and treatment centers to the Department of Correctional Services; to create the Division of Juvenile Rehabilitation and Treatment within the department; to eliminate obsolete provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 43-299, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 973. Introduced by Coash, 27.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2322, 24-710.02, 48-1401, 79-948, 79-9,104, 81-2032, 84-1324, and 84-1505, Reissue Revised Statutes of Nebraska, and section 14-2111, Revised Statutes Supplement, 2011; to provide for the use of retirement benefits to pay civil damages for utilities district employees and appointees, police officers, firefighters, county employees, judges, participants in deferred compensation plans, school employees, officers of the Nebraska State Patrol, and state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Smith, 14; Ashford, 20; Avery, 28; Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Fair Bidding Act.

LEGISLATIVE BILL 976. Introduced by Nordquist, 7; Dubas, 34; B. Harr, 8; Howard, 9; Karpisek, 32; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2010; to exempt social security benefits from state income taxation; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Mello, 5; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Property Tax Relief Act.

LEGISLATIVE BILL 978. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2011; to prohibit the

sale of alcoholic liquor and beer as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 979. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-326, Reissue Revised Statutes of Nebraska; to change provisions relating to requirements for licensure; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 343. Considered.

Senator Langemeier offered the following motion:

MO68

Indefinitely postpone.

Laid over.

ANNOUNCEMENT

The Chair announced January 15 is Senator Janssen's birthday.

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Committee AM376, found on page 652, First Session, 2011, was considered.

Senator Council renewed her amendment, AM680, found on page 1154, First Session, 2011, to the committee amendment.

The Council amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 370. Title read. Considered.

Pending.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB633:
AM1690

- 1 1. On page 14, line 13, after "payment" insert "in the
- 2 same manner and under the same authorization for levy of taxes as
- 3 applied for the bonds being refunded".

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Friday, January 20, 2012 1:30 p.m.

LB760

LB931

(Signed) Chris Langemeier, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 66A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, One Hundred Second Legislature, Second Session, 2012.

LEGISLATIVE BILL 980. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.08, Reissue Revised Statutes of Nebraska; to change provisions relating to an adjustment to income for certain capital gains and extraordinary dividends; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Ashford, 20; Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to authorize and appropriate funds for renovation of certain living units at the Youth Rehabilitation and Treatment Center-Kearney as prescribed.

LEGISLATIVE BILL 982. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to liens; to provide for the removal of improper or fraudulent liens; to provide powers and duties for the Secretary of State; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 983. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5803, Reissue Revised Statutes of Nebraska; to change provisions relating to a research tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Krist, 10.

A BILL FOR AN ACT relating to insurance; to amend section 44-6408, Reissue Revised Statutes of Nebraska; to increase requirements for uninsured and underinsured motor vehicle liability coverage; and to repeal the original section.

LEGISLATIVE BILL 985. Introduced by Krist, 10; Ashford, 20; Campbell, 25; B. Harr, 8; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to juvenile justice; to provide for a pilot program as prescribed; and to declare an emergency.

LEGISLATIVE BILL 986. Introduced by Dubas, 34; Heidemann, 1; Loudon, 49; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.36 and 77-2708.01, Reissue Revised Statutes of Nebraska; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-110, Revised Statutes Supplement, 2011; to provide for a division of the Nebraska Liquor Control Commission to investigate violations of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 988. Introduced by Howard, 9; Gloor, 35; B. Harr, 8; Krist, 10; Lathrop, 12; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to medical services; to amend sections 47-703, 71-919, 71-922, and 71-926, Reissue Revised Statutes of Nebraska; to provide a rate of payment for certain medical services in emergency protective custody situations; and to repeal the original sections.

LEGISLATIVE BILL 989. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to 21st Century Community Learning Centers; to amend sections 77-3442 and 79-1028.01, Revised Statutes Supplement, 2011; to change provisions relating to property tax levy limitations and school district budget authority; and to repeal the original sections.

LEGISLATIVE BILL 990. Introduced by Fulton, 29; Bloomfield, 17; Janssen, 15; Krist, 10; Lambert, 2; Louden, 49; Mello, 5; Nelson, 6; Nordquist, 7; Price, 3; Wallman, 30.

A BILL FOR AN ACT relating to schools; to amend section 79-707, Reissue Revised Statutes of Nebraska; to change provisions relating to flags; to provide for recitation of a pledge; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to provide for a study relating to countywide school districts.

LEGISLATIVE BILL 992. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180 and 53-180.05, Revised Statutes Supplement, 2011; to prohibit the presence of minors on certain licensed premises as prescribed; to change and provide for penalties; and to repeal the original sections.

LEGISLATIVE BILL 993. Introduced by Ashford, 20; Avery, 28; Campbell, 25; Dubas, 34; B. Harr, 8; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-728 and 28-729, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to child abuse and neglect investigation teams, child abuse and neglect treatment teams, and child advocacy centers; to define a term; to repeal the original sections; and to outright repeal sections 28-732 and 28-733, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 994. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to state colleges; to amend section 13-2704, Revised Statutes Supplement, 2011; to create a fund; to provide for fund transfers; and to repeal the original section.

LEGISLATIVE BILL 995. Introduced by Heidemann, 1; Campbell, 25.

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.

RESOLUTION

LEGISLATIVE RESOLUTION 374. Introduced by Heidemann, 1.

WHEREAS, the Palmyra Volunteer Fire Department is celebrating its 100th anniversary in 2012; and

WHEREAS, the Palmyra Volunteer Fire Department has a notable history of volunteer service to Palmyra and its surrounding communities; and

WHEREAS, in 1912, the village of Palmyra founded a volunteer fire department which continues to serve and protect the community today; and

WHEREAS, the 13-member department stands ready to assist the community in whatever situation arises.

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

1. That the Legislature congratulates the Palmyra Volunteer Fire Department on its 100th anniversary and expresses its thanks to the members of the Palmyra Volunteer Fire Department for their outstanding work over the last century.

2. That a copy of this resolution be sent to the Palmyra Volunteer Fire Department.

Laid over.

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 356, 357, 359, 360, 361, and 363 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 356, 357, 359, 360, 361, and 363.

UNANIMOUS CONSENT - Add Cointroducers

Senator Hadley asked unanimous consent to add his name as cointroducer to LB944. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB952 and LB944. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB944. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB970. No objections. So ordered.

VISITORS

Visiting the Chamber was Andrea Skolkin from Omaha.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 11:44 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, January 17, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

MESSAGE FROM THE GOVERNOR

January 14, 2012

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

Dear Mr. President, Speaker Flood and Senators:

I hereby appoint Lester R. Seiler to fill the vacancy in the 33rd Legislative District created by the passing of Senator Dennis Utter. This appointment takes effect on January 14, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint Lester R. Seiler as a member of the Legislature - District 33.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 14, 2012, and continue until January 8, 2013, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman
Governor

(Signed) John A. Gale
Secretary of State

COMMUNICATIONS

Received communications from Joann Schaefer MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the reappointments of the following to the Stem Cell Research Advisory Committee:

Dr. Rebecca Jane Morris
Dr. Dennis Roop
Dr. Gerald Spangrude
Dr. Bradley Keller

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB907	Agriculture (rereferred)
LB939	Judiciary
LB940	Judiciary
LB941	Judiciary
LB942	Banking, Commerce and Insurance
LB943	Banking, Commerce and Insurance
LB944	Government, Military and Veterans Affairs
LB945	Health and Human Services
LB946	Education
LB947	Education

LB948 Judiciary
LB949 Health and Human Services
LB950 Natural Resources
LB951 Judiciary
LB952 Appropriations
LB953 Government, Military and Veterans Affairs
LB954 Education
LB955 Appropriations
LB956 Revenue
LB957 Health and Human Services
LB958 Appropriations
LB959 Business and Labor
LB960 Appropriations
LB961 Health and Human Services
LB962 Revenue
LB963 Banking, Commerce and Insurance
LB964 Banking, Commerce and Insurance
LB965 Banking, Commerce and Insurance
LB966 Government, Military and Veterans Affairs
LB967 Revenue
LB968 Appropriations
LB969 Appropriations
LB970 Revenue
LB971 Government, Military and Veterans Affairs
LB972 Judiciary
LB973 Nebraska Retirement Systems
LB974 Revenue
LB975 Government, Military and Veterans Affairs
LB976 Revenue
LB977 Revenue
LB978 General Affairs
LB979 General Affairs
LB980 Revenue
LB981 Appropriations
LB982 Banking, Commerce and Insurance
LB983 Revenue
LB984 Banking, Commerce and Insurance
LB985 Judiciary
LB986 Revenue
LB987 General Affairs
LB988 Health and Human Services
LB989 Revenue
LB990 Education
LB991 Education
LB992 General Affairs
LB993 Judiciary
LB994 Appropriations
LB995 Health and Human Services

Keller, Bradley-Stem Cell Research Advisory Committee-Health and Human Services

Morris, Rebecca Jane-Stem Cell Research Advisory Committee-Health and Human Services

Roop, Dennis-Stem Cell Research Advisory Committee-Health and Human Services

Spangrude, Gerald-Stem Cell Research Advisory Committee-Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Room 1507

Tuesday, January 24, 2012 1:30 p.m.

LB784

LB887

LB942

LB943

(Signed) Rich Pahls, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 996. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to compulsory attendance; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 997. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to power lines; to amend sections 48-436, 48-437, 48-438, and 60-6,299, Reissue Revised Statutes of Nebraska; to change provisions relating to high voltage conductor safety; and to repeal the original sections.

LEGISLATIVE BILL 998. Introduced by Krist, 10.

A BILL FOR AN ACT relating to foster care; to amend sections 28-726, 43-1303, 43-1304, 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01, 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska,

sections 43-1302 and 43-3001, Revised Statutes Cumulative Supplement, 2010, and sections 43-285, 43-1301, and 43-1314, Revised Statutes Supplement, 2011; to eliminate the State Foster Care Review Board; to create the Foster Care Review Office; to rename a fund; to provide for an executive director; to provide powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 43-1306, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 999. Introduced by Price, 3.

A BILL FOR AN ACT relating to flags; to amend section 80-206, Reissue Revised Statutes of Nebraska; to authorize the display of an honor and remember flag at certain public buildings as prescribed; and to repeal the original section.

ANNOUNCEMENT

The Chair announced today is Senator Schilz's birthday.

GENERAL FILE

LEGISLATIVE BILL 66A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11 present and not voting.

LEGISLATIVE BILL 370. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 364, 366, 367, 368, 369, and 370 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 364, 366, 367, 368, 369, and 370.

GENERAL FILE

LEGISLATIVE BILL 415. Title read. Considered.

Committee AM525, found on page 773, First Session, 2011, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present

and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 503. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Committee AM631, found on page 799, First Session, 2011, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Wednesday, January 25, 2012 1:30 p.m.

LB891
LB900
LB825
LB826

(Signed) Kathy Campbell, Chairperson

Appropriations

Room 1524

Tuesday, January 24, 2012 1:30 p.m.

LB968
LB969

(Signed) Lavon Heidemann, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 24, 2012 1:30 p.m.

LB718
LB724
LB910

LB803

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 24, 2012 1:30 p.m.

LB946

(Signed) Greg Adams, Chairperson

Urban Affairs

Room 1510

Tuesday, January 24, 2012 1:30 p.m.

LB918

LB921

LB932

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 705. Placed on Select File.

LEGISLATIVE BILL 706. Placed on Select File.

LEGISLATIVE BILL 707. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File.

LEGISLATIVE BILL 709. Placed on Select File.

LEGISLATIVE BILL 710. Placed on Select File.

LEGISLATIVE BILL 66. Placed on Select File with amendment.

ER143

- 1 1. On page 1, strike beginning with "29-4106" in line
- 2 2 through line 4 and insert "29-4107, Reissue Revised Statutes
- 3 of Nebraska, and section 29-4106, Revised Statutes Cumulative
- 4 Supplement, 2010; to change provisions relating to DNA collection
- 5 and the costs of DNA sample kits; and to repeal the original
- 6 sections.".

(Signed) Tyson Larson, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Conrad has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 418. Title read. Considered.

Committee AM643, found on page 801, First Session, 2011, was considered.

SENATOR GLOOR PRESIDING**PRESIDENT SHEEHY PRESIDING**

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1000. Introduced by McGill, 26.

A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska; to change certain county clerk fees; and to repeal the original section.

LEGISLATIVE BILL 1001. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the government; to amend section 71-6405, Revised Statutes Supplement, 2011; to create the Building Code Advisory Committee; to provide for membership; to provide powers and duties; to provide for expenses; to change and eliminate provisions relating to compliance with and amendments to the state building code by state agencies; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5829.04, Reissue Revised Statutes of Nebraska; to change provisions relating to the moratorium on long-term care beds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1003. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-509, 60-534, and 60-549, Reissue Revised

Statutes of Nebraska, and section 60-501, Revised Statutes Supplement, 2011; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Reissue Revised Statutes of Nebraska; to authorize credit unions to receive deposits of public funds; and to repeal the original section.

LEGISLATIVE BILL 1005. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to the Voluntary Emergency Responders Job Protection Act; to amend sections 35-1403, 35-1406, and 35-1407, Reissue Revised Statutes of Nebraska, and section 35-1402, Revised Statutes Cumulative Supplement, 2010; to include members of state emergency response teams established under the Emergency Management Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1006. Introduced by Fulton, 29; Avery, 28.

A BILL FOR AN ACT relating to blind and visually impaired persons; to amend section 71-8611, Reissue Revised Statutes of Nebraska; to change provisions relating to a priority for vending facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1007. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-114.03, Reissue Revised Statutes of Nebraska; to require costs to be stated on reports to the Legislature; to provide a duty for the Clerk of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Supplement, 2011; to provide for utilization and treatment guidelines for medical, surgical, and hospital services; to authorize a medical director; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2263, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 2011; to declare probation records not subject to disclosure as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Nordquist, 7; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1017.02, Revised Statutes Supplement, 2011; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1011. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, and 77-2717, Revised Statutes Supplement, 2011; to adopt the Property Tax Relief Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1012. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-121 and 48-162.01, Reissue Revised Statutes of Nebraska, and section 48-120, Revised Statutes Supplement, 2011; to change provisions relating to medical treatment and temporary disability compensation; and to repeal the original sections.

LEGISLATIVE BILL 1013. Introduced by Mello, 5; Conrad, 46; Nordquist, 7.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-908, and 84-911, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for award of attorney's fees and court costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to provide for a performance audit of the Department of Roads; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Revised Statutes Supplement, 2011; to change provisions relating to child care reimbursement; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1016. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to public health and welfare; to require the Department of Health and Human Services to contract with certain agencies as prescribed.

LEGISLATIVE BILL 1017. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to amend section 58-703, Revised Statutes Supplement, 2011; to transfer funds to the Affordable Housing Trust Fund; to change provisions relating to the fund; and to repeal the original section.

LEGISLATIVE BILL 1018. Introduced by Conrad, 46.

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

LEGISLATIVE BILL 1019. Introduced by Harms, 48; Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for capital improvements at the Nebraska State Colleges.

LEGISLATIVE BILL 1020. Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Council, 11; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend section 9-836.01, Revised Statutes Cumulative Supplement, 2010, and section 9-812, Revised Statutes Supplement, 2011; to adopt the Nebraska Coordinated School Health Act; to change allocation provisions relating to the Education Innovation Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1021. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,274, Reissue Revised Statutes of Nebraska; to change provisions relating to actions involving motor vehicle collisions with domestic animals; and to repeal the original section.

LEGISLATIVE BILL 1022. Introduced by Nordquist, 7; Flood, 19; Heidemann, 1.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Revised Statutes Supplement, 2011; to change

officer and employer contribution rates as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1023. Introduced by Avery, 28.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska; to provide for the waiver of fees for dependents of veterans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend section 81-1316, Revised Statutes Supplement, 2011; to provide exemptions from the State Personnel System; and to repeal the original section.

LEGISLATIVE BILL 1025. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Reissue Revised Statutes of Nebraska; to prohibit certain gifts and contributions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1026. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska; to change provisions relating to confidential records; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2401, 38-2418, 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska; to provide and eliminate requirements for a credential as an administrator of a facility for persons with head injuries and associated disorders; to provide requirements for such facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1028. Introduced by Cook, 13.

A BILL FOR AN ACT relating to health and human services; to provide duties for the Department of Health and Human Services; and to require application for a federal grant as prescribed.

LEGISLATIVE BILL 1029. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142 and 76-1006, Reissue Revised Statutes of Nebraska; to require a complainant or trustee to provide an address for acceptance of demands of

payment as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,109 and 60-6,133, Reissue Revised Statutes of Nebraska; to change provisions relating to obligations of drivers; and to repeal the original sections.

LEGISLATIVE BILL 1031. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-503, Uniform Commercial Code, Revised Statutes Supplement, 2011; to change provisions relating to name of debtor; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1032. Introduced by Wightman, 36; Campbell, 25.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-105 and 38-124, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to display of credentials and advertisement; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5708, 77-5723, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715 and 77-5725, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for renewable energy projects as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1034. Introduced by Nordquist, 7; Lathrop, 12; Lautenbaugh, 18.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Supplement, 2011; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1035. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to airport authorities; to amend section 32-811, Revised Statutes Supplement, 2011; to provide for automatic nomination of candidates for airport authority boards as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Nordquist, 7; Karpisek, 32; Lambert, 2; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2317 and 84-1319, Revised Statutes Cumulative Supplement, 2010, and sections 23-2308.01, 23-2319.01, 84-1309.02, and 84-1321.01, Revised Statutes Supplement, 2011; to provide for a cash balance benefit election for certain county and state employees; to change provisions relating to county and state employer funds; to create funds; to harmonize provisions; to repeal the original sections; to outright repeal section 23-2319.02, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

LEGISLATIVE BILL 1037. Introduced by Nelson, 6; Avery, 28; Hansen, 42; Harms, 48; Mello, 5; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to the arts; to amend section 82-332, Revised Statutes Cumulative Supplement, 2010, and section 82-331, Revised Statutes Supplement, 2011; to change provisions relating to dollar-for-dollar matches; and to repeal the original sections.

LEGISLATIVE BILL 1038. Introduced by Council, 11; Ashford, 20; Campbell, 25; B. Harr, 8; Krist, 10; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to children; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and section 79-217, Revised Statutes Cumulative Supplement, 2010; to define terms; to require blood-lead testing prior to school enrollment; to provide for exceptions; to provide duties for the Department of Health and Human Services regarding blood-lead testing and notification of parents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Brasch, 16.

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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 375CA. Introduced by Schumacher, 22.

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

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

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) (a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a

licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) (a) The Legislature may authorize and regulate any other game of chance, lottery, or gift enterprise, except that the Legislature shall not authorize any game of chance, lottery, or gift enterprise under this subsection to be operated within sixty miles of the border of a bordering state which, within one year after the adoption of this subsection, enters into a compact that, in substance, provides for the bordering state to share gaming revenue with the State of Nebraska in consideration for the State of Nebraska not authorizing games of chance under this subsection within sixty miles of the border of the bordering state. The bordering state shall share its gaming revenue with the State of Nebraska in proportion to its population as determined by the most recent federal decennial census residing within sixty miles of a game of chance operated under its authority or by its agreement with a federally recognized Indian tribe compared to the population as determined by the most recent federal decennial census residing in the State of Nebraska within sixty miles of any such game of chance.

(b) For purposes of this subsection:

(i) Gaming premises means the site where games of chance of the type which could be authorized in Nebraska only under this subsection are conducted and any hotel, liquor establishment, or entertainment facility which is located in the same county as such site and from which income is derived by the owner of the site, the operator of the game of chance, or any affiliate of the owner or operator; and

(ii) Gaming revenue means revenue derived by the bordering state or any political subdivision thereof from (A) taxation or licensing of the types of games of chance which could be authorized in Nebraska only under this subsection, (B) access or admission fees for the gaming premises, (C) property and ad valorem taxes levied upon gaming premises in excess of ten thousand dollars annually, (D) sales, use, and excise taxes on activities conducted on the gaming premises, (E) taxes on income produced on the gaming premises, and (F) a compact with a federally recognized Indian tribe having jurisdiction over Indian lands in the bordering state.

(c) Subject to the terms of any gaming compact entered into by the State of Nebraska and a federally recognized Indian tribe having jurisdiction over Indian lands in Nebraska, the proceeds of any compact entered into by the State of Nebraska and a bordering state as described in this subsection and the proceeds of any tax on gaming activity authorized by the Legislature under this subsection which are credited to the General Fund at the direction of the Legislature shall be distributed by the Legislature for the following purposes, as directed by the Legislature:

(i) The Legislature shall provide for the transfer of an amount it determines to be prudent to the Cash Reserve Fund; and

(ii) Of the balance remaining:

(A) Seventy-five percent shall be appropriated for education as the Legislature may direct;

(B) Twenty-four percent shall be appropriated for public transportation infrastructure as the Legislature may direct; and

(C) One percent shall be transferred to the Compulsive Gamblers Assistance Fund.

(d) Nothing in this subsection limits the authority of the Legislature under subsections (1) through (4) of this section.

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

A constitutional amendment to permit the Legislature to authorize and regulate games of chance, lotteries, and gift enterprises, to provide requirements for compacts with bordering states, and to provide for the distribution of tax proceeds from such activities to the state Cash Reserve Fund, education, public transportation infrastructure, and the Compulsive Gamblers Assistance Fund.

For

Against.

LEGISLATIVE RESOLUTION 376CA. Introduced by Mello, 5.

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

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

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping ~~substandard and blighted~~ property in need of rehabilitation or redevelopment in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise.

Except as provided in this section and notwithstanding ~~Notwithstanding~~ any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ twenty years, on the assessed valuation of the property in the project area portion of a designated ~~blighted and substandard~~ area in need of rehabilitation or redevelopment that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of twenty years on the collection of all taxes levied on the excess value of property and collected for the payment of the indebtedness incurred for the purpose of rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area was previously owned by the State of Nebraska and if the

indebtedness to be incurred for the rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within twenty years.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

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

A constitutional amendment to change standards for redevelopment projects and change the special tax treatment for property in need of rehabilitation or redevelopment from fifteen to twenty years and to authorize the Legislature to extend the term of such special tax treatment from twenty to thirty years.

For

Against.

UNANIMOUS CONSENT - Add Cointroducers

Senator Krist asked unanimous consent to add his name as cointroducer to LB993. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB986. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB952, LB923, LB891, LB835, and LB825. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB469. No objections. So ordered.

Senator Lambert asked unanimous consent to add his name as cointroducer to LB902. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB993. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Weiss from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 18, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 25, 2012 1:30 p.m.

LB736
LB878
LB759

Room 1507

Thursday, January 26, 2012 1:30 p.m.

LB767
LB779
LB885
LB923

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1040. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to state highways; to amend section 39-1344, Reissue Revised Statutes of Nebraska, and section 39-1359, Revised Statutes Supplement, 2011; to change provisions relating to snow removal and encroachments and regulation of state rights-of-way; and to repeal the original sections.

LEGISLATIVE BILL 1041. Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act.

LEGISLATIVE BILL 1042. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2301, 38-2315, and 71-605, Reissue Revised Statutes of Nebraska; to authorize nurse practitioners to sign death certificates as prescribed; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to public power districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to contracts or agreements for discounted rates; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to hazardous liquids; to amend section 75-109.01, Reissue Revised Statutes of Nebraska, as amended by section 14, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011; to provide powers and duties for the Public Service Commission regarding regulation of transportation and pipeline facilities; to harmonize provisions; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 418. Committee AM643, found on page 801, First Session, 2011, and considered on page 240, was renewed.

Senator Mello offered the following amendment to the committee amendment:

AM1705

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following
4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
6 of Nebraska, is amended to read:

7 ~~49-1474.02 (1) Any person who makes an expenditure~~
8 ~~reportable under the Nebraska Political Accountability and~~
9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
10 ~~prerecorded message or a recorded message relating to a candidate~~
11 ~~or ballot question shall include, immediately preceding the~~
12 ~~message, the name of the person making the expenditure. Such~~
13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
14 ~~9 p.m. at the location of the person receiving the messages.~~

15 ~~(2)~~(1) Any person who makes an expenditure reportable
16 under the ~~act~~ Nebraska Political Accountability and Disclosure Act
17 to disseminate by any means of telecommunication a message relating
18 to a candidate or ballot question which is not a recorded message
19 or a prerecorded message shall, immediately upon the request of the
20 recipient of the message, disclose the name of the person making
21 the expenditure. If the message is disseminated through an employee
22 or agent of the person making the expenditure, the employee or
1 agent shall, immediately upon the request of the recipient of the
2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~(2) Any person who makes an expenditure reportable
4 under the act to disseminate by any electronic means, including
5 the Internet or email, a message relating to a candidate or ballot
6 question shall include in the message the name of the person making
7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
11 dialing-announcing device other than for telephone solicitations
12 shall register the device with the commission pursuant to the
13 application process, without a fee, and shall include with the
14 application a detailed explanation of the use planned and the
15 message to be used.

16 (2) All telephone messages transmitted by an automatic
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
19 identity of the person on whose behalf the message is being
20 transmitted;

21 (b) During or after the message, state clearly the
22 telephone number, other than that of the device which made the
23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message, the name
25 of the person making the expenditure if the message is being

26 transmitted for a person making an expenditure reportable under the
 27 Nebraska Political Accountability and Disclosure Act to disseminate
 1 a message relating to a candidate or ballot question; and

2 ~~(e)~~(d) Transmit messages only between the hours of 8
 3 a.m. and 9 p.m. at the location of the person receiving the
 4 message.

5 (3) This section does not apply to (a) a message from
 6 any elementary, secondary, or postsecondary educational institution
 7 to any of its students, parents, or employees, (b) a message to a
 8 person with whom the person placing the call or the person on whose
 9 behalf the message is being transmitted has an established business
 10 or personal relationship, (c) a message from an employer advising
 11 any of its employees of work schedules, or (d) a message from a
 12 political subdivision as defined in section 13-903.

13 (4) A person contracting with a third party to connect
 14 or operate an automatic dialing-announcing device for other
 15 than telephone solicitations shall be jointly and severally
 16 liable with the third party for connecting and operating the
 17 automatic dialing-announcing device in violation of the Automatic
 18 Dialing-Announcing Devices Act or the rules and regulations adopted
 19 and promulgated under the act.

20 (5) A person contracting with a third party to connect
 21 or operate an automatic dialing-announcing device for other
 22 than telephone solicitations shall file with the commission the
 23 message to be used within twenty-four hours after the message is
 24 transmitted.

25 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
 26 Revised Statutes of Nebraska, are repealed.

Pending.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, January 25, 2012 1:30 p.m.

LB802
 LB804
 LB805
 LB839
 LB806

Room 1113

Thursday, January 26, 2012 1:30 p.m.

LB972

LB985
LB920
LB787

Room 1113

Friday, January 27, 2012 1:30 p.m.

LB730
LB840
LB948
LB881

(Signed) Brad Ashford, Chairperson

Appropriations

Room 1003

Wednesday, January 25, 2012 1:30 p.m.

Agency 10 - Auditor of Public Accounts
Agency 24 - Motor Vehicles, Department of
Agency 28 - Veterans' Affairs, Department of
Agency 37 - Workers' Compensation Court
Agency 39 - Brand Committee, Nebraska
Agency 60 - Ethanol Board, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice

Room 1003

Thursday, January 26, 2012 1:30 p.m.

Agency 14 - Public Service Commission
Agency 31 - Military Department
Agency 77 - Industrial Relations, Commission of
Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Lavon Heidemann, Chairperson

Natural Resources

Room 1525

Wednesday, January 25, 2012 1:30 p.m.

LB739
LB849

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Wednesday, January 25, 2012 1:30 p.m.

LB830
LB745

Room 1524

Thursday, January 26, 2012 1:30 p.m.

LB970

Room 1524

Friday, January 27, 2012 1:30 p.m.

LB850
LB872

(Signed) Abbie Cornett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1045. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-526, Reissue Revised Statutes of Nebraska; to authorize emergency expenditures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01, 81-1401, 81-1406, 81-1412.02, 81-1414, 81-1414.04,

81-1414.05, and 81-1439, Reissue Revised Statutes of Nebraska, and sections 81-1403 and 81-1404, Revised Statutes Supplement, 2011; to change provisions relating to law enforcement certification and continuing education; to provide penalties; to define terms; to provide powers and duties for the director of the Nebraska Law Enforcement Training Center and the Nebraska Police Standards Advisory Council; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1047. Introduced by Howard, 9.

A BILL FOR AN ACT relating to health care professionals; to require safe injection practices as prescribed; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1048. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374, section 108; to provide for appropriations for nurse visitation services as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1049. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to scrap metal recycling; to amend sections 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for the purchase of certain regulated metals property; to change provisions relating to a payment for purchase of copper; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to provide a sales and use tax incentive for procurement processing companies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Coash, 27.

A BILL FOR AN ACT relating to abuse and neglect; to amend sections 28-348, 28-350, 28-351, 28-355, 28-367, 28-370, 28-386, 28-387, and 28-713.01, Reissue Revised Statutes of Nebraska, and section 28-376, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to reports of abuse investigated for the Adult Protective Services Central Registry and the central register of child protection cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to counties; to amend section 39-1802, Reissue Revised Statutes of Nebraska; to require notice of certain maintenance actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by Louden, 49; Mello, 5; Wallman, 30.

A BILL FOR AN ACT relating to travel and tourism; to amend sections 81-1201.07, 81-1201.22, 81-1245, 81-1246, 81-1247, 81-1248, 81-1249, 81-1250, 81-1251, 81-1252, 81-1253, 81-1254, 81-1256, 81-1257, 81-1258, 81-1259, 81-1261, 81-1262, and 81-1263, Reissue Revised Statutes of Nebraska, sections 77-2711 and 81-1201.04, Revised Statutes Cumulative Supplement, 2010, and sections 81-1201.13, 81-1255, and 81-1260, Revised Statutes Supplement, 2011; to transfer and change provisions relating to the Nebraska Visitors Development Act; to define and redefine terms; to create and provide duties for a commission; to eliminate a division and an advisory committee; to provide for transition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to ancillary product contracts; to define terms; to exempt ancillary product contracts from state insurance laws; and to authorize the sale of ancillary product contracts in conjunction with other contracts as prescribed.

LEGISLATIVE BILL 1055. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a Kearney Division facility for the University of Nebraska Medical Center College of Nursing and School of Allied Health Professions; and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924, 42-925, and 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to harassment and domestic abuse protection orders; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3602, 2-3623, 2-3632, and 2-3633, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Corn Resources Act; to provide an operative date; to repeal the original sections; and to outright

repeal section 2-3627, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1058. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to labor; to amend sections 48-630, 48-632, 48-634, 48-636, 48-637, 48-644, 48-652, 48-655, 48-663.01, 48-665, 48-665.01, and 48-2302, Reissue Revised Statutes of Nebraska; to change provisions of the Employment Security Law and the New Hire Reporting Act to conform to federal law; to change and eliminate provisions relating to appeal tribunals; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-633, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1059. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state offices; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the State Officers Compensation Act; to require statements of financial interests and conflict of interest; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Avery, 28.

A BILL FOR AN ACT relating to rules and regulations; to amend sections 84-906.02, 84-906.03, and 84-907.06, Reissue Revised Statutes of Nebraska, and sections 84-907 and 84-907.09, Revised Statutes Supplement, 2011; to change procedures regarding publication of notice; to provide and change powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1061. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Nordquist, 7; Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-118 and 43-147, Reissue Revised Statutes of Nebraska; to provide for an adoption assistance agreement and continuation of adoption assistance as prescribed; to harmonize provisions; to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Cook, 13.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-912, Reissue Revised Statutes of Nebraska, and section 68-901, Revised

Statutes Supplement, 2011; to adopt the Children's Health and Treatment Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5510, Revised Statutes Supplement, 2011; to permit the procurement of sickness and accident insurance from a nonadmitted insurer; and to repeal the original section.

LEGISLATIVE BILL 1065. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a Lincoln Division facility for the University of Nebraska Medical Center College of Nursing; and to declare an emergency.

LEGISLATIVE BILL 1066. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for planning and architectural design of a veterinary diagnostic laboratory facility; and to declare an emergency.

LEGISLATIVE BILL 1067. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Revised Statutes Supplement, 2011; to change restrictions on keno; and to repeal the original section.

LEGISLATIVE BILL 1068. Introduced by Adams, 24.

A BILL FOR AN ACT relating to special education; to create and provide duties for the Medicaid in the Public Schools Task Force; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1804, 77-1806, 77-1807, 77-1808, 77-1812, 77-1818, 77-1819, 77-1823, and 77-1824, Reissue Revised Statutes of Nebraska; to change provisions relating to tax sales; to authorize grouping of properties and premiums; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-1820, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1070. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to elections; to amend section 32-616, Revised Statutes Supplement, 2011; to change eligibility provisions for petitions for placement on the general election ballot; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2612, Revised Statutes Cumulative Supplement, 2010; to extend the deadline for acceptance of applications under the act; and to repeal the original section.

LEGISLATIVE BILL 1072. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; Cook, 13; B. Harr, 8; Wallman, 30.

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

LEGISLATIVE BILL 1073. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; Cook, 13; B. Harr, 8; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1074. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to education; to amend section 79-2,104, Revised Statutes Cumulative Supplement, 2010; to provide duties for the State Department of Education relating to the federal Family Educational Rights and Privacy Act of 1974; and to repeal the original section.

LEGISLATIVE BILL 1075. Introduced by Cornett, 45; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska; to provide for assessment of rent-restricted housing projects by the Property Tax Administrator; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to public records and meetings; to amend sections 84-712 and 84-1412, Reissue Revised Statutes of Nebraska, and section 84-1411, Revised Statutes Cumulative Supplement, 2010; to change

provisions relating to copies of records and speaking at meetings; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Howard, 9; B. Harr, 8; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Supplement, 2011; to require certain facilities to offer vaccinations as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103.18, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1079. Introduced by Mello, 5; Council, 11; Harms, 48.

A BILL FOR AN ACT relating to education; to state findings; to define terms; to provide for grants for bridge programs as prescribed; and to provide duties for the State Department of Education and the Department of Health and Human Services.

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2011; to provide a property tax exemption and a sales and use tax exemption relating to data centers; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Christensen, 44; Hansen, 42; Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer permits; to amend section 37-448, Revised Statutes Cumulative Supplement, 2010; to provide for free permits for farmers to hunt antlerless deer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1082. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1001, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1009, 16-1010, 16-1012, 16-1013, 16-1014, 16-1015, 16-1016, 16-1019, and 18-1221, Reissue Revised Statutes of Nebraska, sections 13-520 and 18-1723, Revised Statutes Cumulative Supplement, 2010, and sections 16-1017 and

77-3442, Revised Statutes Supplement, 2011; to name the Police Officers Retirement Act and to change provisions relating to participation, vesting, employee and employer contributions, and tax levies; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1083. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Nurse Practice Act; to amend section 38-2218, Reissue Revised Statutes of Nebraska; to clarify permitted practices; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1084. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend sections 72-204 and 72-232, Reissue Revised Statutes of Nebraska; to require that all land owned and leased by the board be open to the public for hunting, fur harvesting, and fishing as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by B. Harr, 8; Ashford, 20.

A BILL FOR AN ACT relating to tourism; to adopt the Tourism Development Act; and to provide an operative date.

LEGISLATIVE BILL 1086. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide an additional ground for seeking visitation; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 418. The Mello amendment, AM1705, found in this day's Journal, to the committee amendment, was renewed.

Senator Mello moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Mello requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Ashford	Council	Howard	Nordquist
Avery	Dubas	Karpisek	Schumacher
Coash	Haar, K.	Lathrop	Sullivan
Cook	Harr, B.	McGill	Wallman

Voting in the negative, 25:

Adams	Christensen	Harms	Larson	Price
Bloomfield	Fischer	Janssen	Lautenbaugh	Schilz
Brasch	Flood	Krist	Louden	Seiler
Campbell	Gloor	Lambert	McCoy	Smith
Carlson	Hadley	Langemeier	Nelson	Wightman

Present and not voting, 4:

Cornett	Mello	Pahls	Pirsch
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Excused and not voting, 4:

Conrad	Fulton	Hansen	Heidemann
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The Mello amendment lost with 16 ayes, 25 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following motion:

MO69

Reconsider the vote taken on AM1705.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1087. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to compressed natural gas; to amend sections 66-1810 and 66-1825, Reissue Revised Statutes of Nebraska; to adopt the Compressed Natural Gas Innovation Act; to change provisions relating to jurisdictional utilities and natural gas public utilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-262, 43-263, 43-264, 43-265, and 43-270, Reissue Revised Statutes of Nebraska; to change notice, summons, and warrant provisions; to require notice to both parents when possible; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1089. Introduced by Nelson, 6; Campbell, 25; Cook, 13; Cornett, 45; Council, 11; Hadley, 37; Harms, 48; B. Harr, 8; Howard, 9; Krist, 10; Lambert, 2; Lathrop, 12; McGill, 26; Nordquist, 7;

Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a cancer research facility at the Eugene C. Eppley Institute for Research in Cancer and Allied Diseases of the University of Nebraska Medical Center; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the State Department of Education; to define terms; to provide for grants and the distribution of information relating to the Summer Food Service Program; to provide powers and duties for the State Department of Education.

LEGISLATIVE BILL 1091. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-450.03 and 86-457, Reissue Revised Statutes of Nebraska, and section 86-313, Revised Statutes Cumulative Supplement, 2010; to adopt the Prepaid Wireless Surcharge Act; to eliminate certain charges relating to prepaid wireless service; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal section 86-450.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1092. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1504, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Environmental Quality regarding disposal of mercury-containing light bulbs; and to repeal the original section.

LEGISLATIVE BILL 1093. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1912, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to foreclosure proceedings for delinquent real estate taxes; and to repeal the original section.

LEGISLATIVE BILL 1094. Introduced by Harms, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2010; to provide for an election in certain counties to authorize county clerks to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,104 and 60-3,130.04, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Supplement, 2011; to provide for Beef State license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1096. Introduced by Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Supplement, 2011; to provide a sales and use tax exemption for purchases of nonprofit mental health centers; to provide an operative date; and to repeal the original section.

RESOLUTION**LEGISLATIVE RESOLUTION 377CA.** Introduced by Avery, 28.

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

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

To amend Article III, sections 7 and 19:

III-7 (1) At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature.

(2) When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

(3) Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

(4) This subsection terminates on the first Wednesday after the first Monday in January 2015. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive

an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-19 (1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

(2) The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to the Legislature or the judiciary, or officers elected or appointed to a board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

(3) Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(4) The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska.

(5) For purposes of establishing salary, travel expense, and benefit provisions for state constitutional officers named in Article IV, section 1, of this Constitution and for members of the Legislature, the Legislature shall establish a compensation commission composed of members selected by the Legislature. The commission shall establish the salary, travel expense, and benefit provisions, and the Legislature shall appropriate funds for such purposes.

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

A constitutional amendment to terminate constitutional provisions regarding compensation of members and employees of the Legislature and to provide for a compensation commission for state constitutional officers and members of the Legislature.

For

Against.

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Campbell has filed a Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

COMMITTEE ON COMMITTEES REPORT

January 18, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Patrick:

I am writing to inform you that the Committee on Committees met and voted to place Senator Schilz on Banking, Commerce and Insurance Committee and Rules Committee; Senator Brasch on Revenue Committee; and Senator Seiler to Education Committee and Government Committee.

Sincerely,
(Signed) Tom Hansen, Chairperson
Committee on Committees

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 836. Placed on General File with amendment.
AM1700

- 1 1. On page 2, line 8, strike "shall", show as stricken,
- 2 and insert "may"; and in line 11 after "conditions" insert "as an
- 3 alternative to the furnishing of securities or the providing of a
- 4 deposit guaranty bond pursuant to the Public Funds Deposit Security
- 5 Act".

(Signed) Rich Pahls, Chairperson

MOTION - Print in Journal

Senator Mello filed the following motion to LB418:
MO70
Bracket until April 12, 2012.

VISITORS

Visitors to the Chamber were Senator Carlson's wife and son, Margo and Nathan Carlson, from Holdrege; Richard and Dianne Stovall from Gypsum, CO; 29 twelfth-grade students from Syracuse; Senator Seiler's wife, Joann, from Hastings; Becky Williams, Marilyn Ide, and Lori Engler from Holdrege; Kelsey Bousquet from South South City; Senator Christensen's wife, Kathy, from Imperial, his daughter, Erica Fish, from Omaha; and Betty Lou Harris, Jackie Brown, and Lindsey Foote from Imperial.

The Doctor of the Day was Dr. Mark Ptacek from O'Neill.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:45 a.m., Thursday, January 19, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 19, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 2012

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad, Cook, Council, K. Haar, Hadley, Karpisek, and Loudon who were excused; and Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 270, line 5, strike "JoAnne" and insert "Joann".
The Journal for the ninth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB924	Urban Affairs
LB996	Education
LB997	Business and Labor
LB998	Health and Human Services
LB999	Government, Military and Veterans Affairs
LB1000	Judiciary
LB1001	Urban Affairs
LB1002	Health and Human Services
LB1003	Banking, Commerce and Insurance
LB1004	Banking, Commerce and Insurance
LB1005	Business and Labor
LB1006	Government, Military and Veterans Affairs
LB1007	Executive Board

LB1008	Business and Labor
LB1009	Judiciary
LB1010	Health and Human Services
LB1011	Revenue
LB1012	Business and Labor
LB1013	Government, Military and Veterans Affairs
LB1014	Government, Military and Veterans Affairs
LB1015	Appropriations
LB1016	Health and Human Services
LB1017	Appropriations
LB1018	Banking, Commerce and Insurance
LB1019	Appropriations
LB1020	Education
LB1021	Judiciary
LB1022	Nebraska Retirement Systems
LB1023	Government, Military and Veterans Affairs
LB1024	Government, Military and Veterans Affairs
LB1025	Government, Military and Veterans Affairs
LB1026	Banking, Commerce and Insurance
LB1027	Health and Human Services
LB1028	Health and Human Services
LB1029	Judiciary
LB1030	Transportation and Telecommunications
LB1031	Banking, Commerce and Insurance
LB1032	Health and Human Services
LB1033	Revenue
LB1034	Education
LB1035	Government, Military and Veterans Affairs
LB1036	Nebraska Retirement Systems
LB1037	Appropriations
LB1038	Education
LB1039	Transportation and Telecommunications
LR375CA	General Affairs
LR376CA	Urban Affairs

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 714. Placed on General File.

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 853. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

Room 1525

Wednesday, February 15, 2012 12:10 p.m.

Richard DeFusco - Nebraska Investment Council
Stuart Simpson - Public Employees Retirement Board

Room 1525

Thursday, January 26, 2012 12:10 p.m.

LB916
LB1036

(Signed) Jeremy Nordquist, Chairperson

Natural Resources

Room 1525

Thursday, January 26, 2012 1:30 p.m.

LB743

(Signed) Chris Langemeier, Chairperson

MOTION - Escort Chief Justice

Senator Ashford moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Wightman, Coash, McGill, and Lathrop to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this body, and specifically thank the Speaker for inviting me to address you again this year.

It is always a great honor for me to report on the Court's past year and discuss the Court's future. But first I will introduce my fellow Justices of the Supreme Court.

To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. Justice William Connolly of Hastings is unable to be with us this morning.

Today I will speak to you about the elderly and children in our courts, technology and the future of our courts, and the Court's budget, emphasizing our commitments to cooperation, accessibility, affordability, and accountability.

1. The Elderly in the Courts

I will first speak to you about the elderly in our courts. Last year this Legislature responded to a report from a committee which studied the status of adult guardianships and conservatorships in the Nebraska court system. The Committee's recommendations were incorporated into LB 157, sponsored by Senator Colby Coash, which was passed unanimously as the Guardianship Reform Act of 2011. Your actions were both timely and far-sighted.

While the total population of the State is expected to grow 11 percent by 2030, the number of Nebraskans between the ages of 70 and 79 is expected to grow by more than 80 percent during that same time. We expect the number of guardianships and conservatorships to likewise grow dramatically in the next two decades.

The statutory changes in LB 157 went into effect on January 1 of this year. Among other provisions the new law requires background checks for guardians and conservators, and mandates bonds for conservators when the assets of a ward are greater than \$10,000.

The courts have finalized the changes called for by the statute. All of the necessary forms, as well as informational guides and links to statutes and court rules, have been made available on the judicial branch website at www.supremecourt.ne.gov.

In addition, training is being offered for court staff, judges, financial institutions, guardians, and conservators. We are aided in this process by the Nebraska State Bar Association and individual lawyers and volunteers throughout the State.

These efforts have resulted in Nebraska's recognition as a national leader in this area. Other states have contacted us to review our reforms. The National Center for State Courts has established a link on its elder law website for information about the changes in the guardianship and conservatorship procedures here in Nebraska.

None of us is naïve enough to believe that elderly persons will no longer be subject to abuse. But the statutory changes made by this Legislature, which are being implemented by the judicial branch, will provide for better checks and balances. We appreciate the willingness of this body to provide increased protection to the vulnerable elderly of our State.

The Nebraska Supreme Court will continue to make every effort to ensure that these legislatively mandated changes to guardianships and conservatorships will be effectively administered.

2. Children In The Courts

Likewise, the courts have a number of innovative projects concerning children in the courts. Although time does not allow me to speak about all of these projects, I will address several of them.

LR 37 Report

I first note that the Court read with interest the LR 37 report issued by your Health and Human Services Committee, under the leadership of Senator Kathy Campbell. We are humbled by the report's vote of confidence in the courts. We acknowledge with gratitude the Committee's charge to the courts and will use all available resources to continue to explore and implement innovative programs for Nebraska's children.

Inter-branch Agreement

Consistent with LR 37, the courts have participated in inter-branch cooperation on several levels. On a statewide level, with the help of the Casey Family Programs Foundation, a working group has been convened comprised of representatives from all three branches of state government. The purpose of this group is to identify solutions to the ongoing issues relating to children in the state foster care system.

Nebraska Court of Appeals Chief Judge Everett Inbody, State Court Administrator Janice Walker, and I are regularly joined by Senators Kathy Campbell and Brad Ashford in meetings with Department of Education Commissioner Roger Breed and others, including Department of Health and Human Services Chief Executive Officer Kerry Winterer. This group continues to search for practical ways to improve service delivery in child welfare cases in our juvenile and county courts.

On the local level, we work to improve the court system for abused and neglected children across the State. This is being accomplished by utilizing the Court's "Through the Eyes of the Child Initiative."

Every judicial district has teams headed by local county or juvenile court judges, which work to find better, speedier ways to deal with families and children in our juvenile courts. Our Through the Eyes of the Child teams are available as local forums to the Department of Health and Human Services for discussion as the Department strives to meet its obligations to children in foster care across the State.

I want to cite in particular several local teams. First, I would like to recognize the Dawson County Through the Eyes of the Child team, led by Judge Carlton Clark. The Dawson County team has conscientiously worked to move its child welfare cases forward, continually outperforming the rest of the State.

Today I also acknowledge the efforts and leadership of the Douglas County Separate Juvenile Court Judges who are working with the Douglas County Attorney, the Douglas County Public Defender, the Department of Health and Human Services, guardians-ad-litem, court-appointed special advocates, and others to expedite permanence for children in that court.

I challenge all involved in that difficult process to find answers to the question: "How can we best serve the families and children in Omaha, Nebraska?"

Truancy

No timely discussion of children in the courts would be complete without addressing truancy. Last year I stated that "truancy is a major contributing factor to underperformance and underachievement of our State's young people." With the passage of Senator Ashford's LB 800 during last year's legislative session, truancy was brought to the forefront and much progress has been made in addressing the issue.

I would like to thank Nebraska's county attorneys, school administrators, and others who instituted changes on a local level by addressing truancy issues prior to formal court involvement. By focusing our efforts on prevention and on diversion of truants before they enter the court system, all parties benefit. The courts' resources should be reserved for the most difficult truancy cases. Programs in Douglas, Hall, Saunders, Lancaster, and other counties have been effective in doing just that.

Juvenile Service Delivery Project

I have also previously spoken to you about a project developed and operated by the Court's Office of Probation Administration, led by Probation Administrator Ellen Brokofsky. The Nebraska Juvenile Service Delivery Project is run in conjunction with the Department of Health and Human Services. This project allows children, found to have violated the law, to receive necessary rehabilitative services without those children being made wards of the State.

The pilot project, currently operating in Douglas County, has shown great promise. While under probation supervision, 635 juveniles were able to access rehabilitative services without becoming State wards. And 83 percent of the juveniles participating in the project were served while remaining in their own homes.

We think this program is both efficient and effective. We hope the program will be fully funded and expanded to at least one county in rural Nebraska. In particular, we thank Senator Bob Krist for his ongoing support in seeking full funding for this program.

3. Community-Based Services/Probation

The Court's probation officers not only provide programs for children, they also provide Nebraska's only comprehensive system of community-based corrections for adults.

The Community Corrections Council was statutorily abolished during the last legislative session. However, the commitment to continue to provide meaningful sentencing alternatives through community supervision initiatives remains strong under the Court's Office of Probation Administration.

Significant strides have been made over the past six years to offer specialized probation programs and to offer participation in problem-solving courts as viable alternatives to imprisonment. These community-based programs are both effective and far less costly than incarceration.

As an example, Probation's nationally recognized Specialized Substance Abuse Supervision Program is intended for individuals charged with a drug offense and assessed to be at high risk to reoffend. Each participant has a story to tell about the personal impact of the program. It is not unusual for successful participants to say this program has saved their families and saved their lives.

Likewise, Nebraska's 25 problem-solving courts perform a similar service. They have just undergone an extensive evaluation by the University of Nebraska Public Policy Center. Preliminary results indicate that these courts can also make dramatic changes in the lives of drug-addicted non-violent offenders by providing challenging rehabilitative programs rather than costly incarceration.

4. Technology in the Courts

I turn now to technology in the courts. As I spoke to you last year, the court system was looking forward to integrating both the Douglas County District Court and the Douglas County Separate Juvenile Court into the Court's statewide case management computer system. That mission has been accomplished.

We are now one of only a few court systems in the nation that have a statewide comprehensive case management system. This system allows for electronic filing of cases, electronic payment of fines, and electronic viewing of court records 24 hours a day, as well as improved collection of statistical data.

We are making great progress in the area of electronic filing of cases. An example of the efficiency and cost savings that eFiling brings to the Court system is shown by last December's new county court civil filings: In December 2011, 63 percent of the total civil filings in the State's county courts were done electronically, saving several thousand hours of staff time.

Our ever-increasing use of technology in the courts has also helped to improve overall productivity in the area of payment collections. In 2011, our electronic payment system for traffic fines collected over \$6.3 million -- an increase of over 25 percent from the previous year.

Through our partnership with Nebraska.gov, our courts also allow online payments of other court fines and costs, including civil judgments, criminal fees and fines, restitution, and probation fees. All combined, collections through the Court's ePayment systems totaled nearly \$9.5 million in 2011.

5. The Future of the Courts

The Judicial Branch continues to look to the future and plan for greater efficiencies. I am pleased to report to you that the Nebraska Supreme Court's Re-engineering Committee has now established an ongoing relationship with the National Center for State Courts.

The National Center will assist our Judicial Branch with the establishment of pilot projects pertaining to centralized fine collection,

remote review of guardianship/conservatorship accountings, technology enhancement, and the sharing of court services across county lines. These projects, designed to enhance efficiency and better utilize staff resources statewide, will begin in 2012.

For example, court employees in Colfax County will be able to process electronic filings for court employees in Douglas County, or a court employee in Knox County will be able to review a guardian's annual accounting filed in Adams County. Our probation staff in one county can transcribe pre-sentence investigation reports for our staff in another county.

Additionally, Judge Anne Paine of McCook will conduct a pilot project in the 17 counties that comprise the 11th judicial district. One employee will oversee collection of fines and costs for all county courts in the district.

It is hoped that these projects can serve as models for rural courts and allow us to preserve jobs in communities with fewer needs, while easing the burden of courts which have greater demands on staff time.

I also wish to note that the Nebraska Association of County Officials has included working with the Court's Reengineering Committee in its recommendations for county government in the future. I am pleased by NACO's recommendation that its 2020 Committee cooperate with the Court's Re-engineering Committee to develop procedures and technology that are efficient and economical. We are indebted to county governments across the state who partner with us in all 93 counties and provide facilities and operating expenses for the trial courts and probation.

6. The Court's Budget

The Court's personnel expenses, however, are paid from the State's budget. I appreciate the Legislature's recognition of the unique role of the judicial branch and the assistance we received during the last two budget cycles.

Although our budget was reduced several times, through cost-saving measures and the efforts of our court and probation staff, we have been able to maintain access to justice for all Nebraskans. With your help, we have not had to close courts or jeopardize court and probation services -- actions which many other state courts were forced to take in order to survive budget reductions.

I am very proud of the sacrifices our court and probation employees have made by stepping up to the challenge of doing more with less. These employees are continually learning new skills and adapting to new methods to meet our constitutional responsibilities.

7. Anniversaries

As the judicial branch looks ahead to its role in providing services to Nebraska's citizens, we also wish to look back at two important anniversaries that took place in 2011.

First, we celebrated the 20th anniversary of the Nebraska Court of Appeals, which has greatly improved the delivery of justice in Nebraska.

Prior to the establishment of the Court of Appeals, some cases languished for years before being decided. The appellate docket is now current and the Court of Appeals, as well as the Supreme Court, continues to innovate and find ways to expeditiously handle our appellate cases.

Last year also marked the 20th anniversary of the Dispute Resolution Act, which formally established the use of mediation in Nebraska courts. The Office of Dispute Resolution of the Nebraska Supreme Court partners with Nebraska's nonprofit mediation centers in Fremont, Kearney, Scottsbluff, Beatrice, Lincoln, and Omaha to provide mediation and dispute resolution to Nebraska's courts and citizens. Mediation is a major component in the Parenting Act passed by this Legislature in 2007.

Neither of these anniversaries would have been possible without the foresight of former Supreme Court Chief Justice William C. Hastings, who passed away in 2010. Chief Justice Hastings was the driving force behind the creation of these two entities, and the Supreme Court honored him in a memorial service held this past December.

Conclusion

I would like to end by noting, as I have in the past, that our courts perform the constitutionally mandated role of providing access to justice for all Nebraska citizens. And I want to reiterate that the judicial branch is committed to efficiently fulfilling that critical role.

We continue to be committed to cooperation, to making the judicial branch and its services accessible and affordable, and to being held accountable.

Thank you for this opportunity to speak with you today. And thank you for the good work you do for the courts and for the citizens of Nebraska.

The committee escorted the Chief Justice from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1098. Introduced by Council, 11.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Revised Statutes Supplement, 2011; to repeal the Build Nebraska Act and eliminate a fund; to change distribution of sales and use tax revenue; to repeal the original sections; and to outright repeal sections 39-2701, 39-2702, 39-2703, 39-2704, and 39-2705, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 1099. Introduced by Council, 11; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-272, 43-273, 43-284, 43-290, 43-292.01, and 43-2,101, Reissue Revised Statutes of Nebraska, section 43-272.01, Revised Statutes Cumulative Supplement, 2010, and section 43-286, Revised Statutes Supplement, 2011; to change provisions relating payment of juvenile support, transportation, and counsel expenses; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to state findings; to provide for an advisory committee; and to require a report.

LEGISLATIVE BILL 1101. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Reissue Revised Statutes of Nebraska; to change a provision relating to county assessors; to provide operative dates; to repeal the original section; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 1102. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to medical records; to amend sections 71-8402, 71-8406, 71-8407, and 83-178, Reissue Revised Statutes of Nebraska, and section 71-8403, Revised Statutes Cumulative Supplement, 2010; to provide for access to a deceased family member's medical records as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Postsecondary Institution Act; to amend sections 85-2403, 85-2405, 85-2406, 85-2408, 85-2412, 85-2413, 85-2414, 85-2415, 85-2416, and 85-2417, Revised Statutes Supplement, 2011; to provide for recurrent authorization to operate; to harmonize provisions; to eliminate expired provisions; to repeal the original sections; and to outright repeal sections 85-2410 and 85-2411, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 1105. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 79-241, 79-1104.02, 79-1118.01, and 79-1336, Reissue Revised Statutes of Nebraska, sections 79-234, 79-237, 79-1007.20, 79-1204, and 79-2118, Revised Statutes Cumulative Supplement, 2010, and sections 79-1003, 79-1028.01, and 79-2104.02, Revised Statutes Supplement, 2011; to change and eliminate provisions relating to the enrollment option program, the Tax Equity and Educational Opportunities Support Act, the Educational Service Units Act, and distance education equipment reimbursement; to redefine a term pursuant to the Special Education Act; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 79-756, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1106. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1374, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessment of improvements on leased public lands; and to repeal the original section.

LEGISLATIVE BILL 1107. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Reissue Revised Statutes of Nebraska; to change provisions relating to the movement of vehicles and other property after an accident; to provide immunity as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Reissue Revised Statutes of Nebraska; to change provisions relating to a sales and use tax exemption for manufacturing machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1109. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Revised Statutes Cumulative Supplement, 2010; to create the classification of inundated agricultural land; to provide an application procedure; and to repeal the original section.

LEGISLATIVE BILL 1110. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to housing; to amend sections 58-701, 58-704, 58-705, 58-707, 58-709, 68-1601, 68-1602, 68-1603, 68-1604, 68-1605, 68-1606, 68-1607, and 68-1608, Reissue Revised Statutes of

Nebraska, and sections 58-702, 58-703, 58-706, 58-708, 58-711, 76-903, and 81-1213, Revised Statutes Supplement, 2011; to provide for assistance for temporary and permanent housing as a result of a natural disaster; to change provisions of the Nebraska Affordable Housing Act and the Homeless Shelter Assistance Trust Fund Act; to transfer funds; to harmonize provisions, and to repeal the original sections.

LEGISLATIVE BILL 1111. Introduced by Flood, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-476.01, 60-496, 60-497, 60-497.03, 60-498, 60-4,120.02, 60-4,125, 60-694.01, 60-696, 60-6,216, 60-6,217, 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, and sections 28-306, 28-394, 60-698, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,198, and 60-6,211.05, Revised Statutes Supplement, 2011; to change provisions relating to penalties involving operator's license revocation; to provide powers and duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1112. Introduced by Flood, 19.

A BILL FOR AN ACT relating to state highways; to amend section 39-1365.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to state highway system plans; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Flood, 19.

A BILL FOR AN ACT relating to power of attorney; to amend section 30-3408, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Supplement, 2011; to adopt the Nebraska Uniform Power of Attorney Act; to repeal the Uniform Durable Power of Attorney Act and the Nebraska Short Form Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-2665, 30-2666, 30-2667, 30-2668, 30-2669, 30-2670, 30-2671, 30-2672, 49-1501, 49-1502, 49-1503, 49-1504, 49-1505, 49-1506, 49-1507, 49-1508, 49-1509, 49-1510, 49-1511, 49-1512, 49-1513, 49-1514, 49-1515, 49-1516, 49-1517, 49-1518, 49-1519, 49-1520, 49-1521, 49-1522, 49-1523, 49-1524, 49-1525, 49-1526, 49-1527, 49-1528, 49-1529, 49-1530, 49-1531, 49-1532, 49-1533, 49-1534, 49-1535, 49-1536, 49-1537, 49-1538, 49-1539, 49-1540, 49-1541, 49-1542, 49-1543, 49-1544, 49-1545, 49-1546, 49-1547, 49-1548, 49-1549, 49-1550, 49-1551, 49-1552, 49-1553, 49-1554, 49-1555, 49-1556, 49-1557, 49-1558, 49-1559, 49-1560, 49-1561, and 49-1562, Reissue Revised Statutes of Nebraska, and sections 30-2664 and 30-2665.01, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 1114. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,139.01, 77-27,139.04, and 77-27,144, Reissue Revised Statutes of Nebraska, and sections 13-2814, 77-27,139.02, and 77-27,139.03, Revised Statutes Supplement, 2011; to change distribution of the Municipal Equalization Fund and aid to municipalities; to eliminate collection fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1115. Introduced by Flood, 19.

A BILL FOR AN ACT relating to jurisdictional utilities; to amend sections 66-1801, 66-1808, and 66-1831, Reissue Revised Statutes of Nebraska; to authorize construction and operation of natural gas pipeline facilities as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1116. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original section.

LEGISLATIVE BILL 1117. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2724, Reissue Revised Statutes of Nebraska, and section 77-2717, Revised Statutes Supplement, 2011; to change income tax calculations relating to the federal alternative minimum tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1118. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5703, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715, 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for large data center projects; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1119. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to civil procedure; to limit liability for

bucking bull activities as prescribed; to define terms; and to require warning signs.

LEGISLATIVE BILL 1121. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-787 and 31-789, Reissue Revised Statutes of Nebraska; to change provisions relating to signatures on recall petitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1122. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Reissue Revised Statutes of Nebraska; to change a power of the Department of Health and Human Services relating to the limitation of certain services as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1123. Introduced by Council, 11.

A BILL FOR AN ACT relating to community development; to amend section 81-3603, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Healthy Food Financing Initiative Act; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Council, 11; Ashford, 20; B. Harr, 8; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-1201, Reissue Revised Statutes of Nebraska, section 79-1248, Revised Statutes Cumulative Supplement, 2010, and section 79-757, Revised Statutes Supplement, 2011; to provide for designation of priority schools; to provide duties for the State Department of Education, the Commissioner of Education, the Educational Service Unit Coordinating Council, and educational service units; to provide for a kindergarten readiness advisory group and assessment standard; to provide for priority school intervention teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1125. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change a provision relating to occupation tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1126. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-327, 13-328, and 17-1002, Reissue Revised Statutes of Nebraska; to

provide and change extraterritorial jurisdiction of a village as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1127. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-611 and 28-611.01, Revised Statutes Cumulative Supplement, 2010; to change provisions and penalties relating to issuing or passing a bad check or issuing a no-account check; and to repeal the original sections.

LEGISLATIVE BILL 1128. Introduced by Schumacher, 22; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.03 and 77-3806, Reissue Revised Statutes of Nebraska, section 77-908, Revised Statutes Cumulative Supplement, 2010, and sections 49-801.01, 77-2715.07, and 77-2717, Revised Statutes Supplement, 2011; to adopt the New Markets Job Growth Investment Act; to provide tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1129. Introduced by Coash, 27.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of autism spectrum disorders; to define terms; and to provide duties for the Director of Insurance.

LEGISLATIVE BILL 1130. Introduced by Coash, 27.

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.

SELECT FILE

LEGISLATIVE BILL 705. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 706. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 707. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 709. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 710. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO69, found on page 265, to reconsider the vote taken on AM1705.

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

Senator Mello requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 14:

Avery	Harr, B.	Lathrop	Nordquist	Sullivan
Dubas	Howard	McGill	Pahls	Wallman
Fulton	Krist	Mello	Pirsch	

Voting in the negative, 27:

Adams	Christensen	Hansen	Lautenbaugh	Seiler
Ashford	Coash	Harms	McCoy	Smith
Bloomfield	Cornett	Heidemann	Nelson	Wightman
Brasch	Fischer	Janssen	Price	
Campbell	Flood	Lambert	Schilz	
Carlson	Gloor	Langemeier	Schumacher	

Excused and not voting, 8:

Conrad	Council	Hadley	Larson
Cook	Haar, K.	Karpisek	Louden

The Mello motion to reconsider failed with 14 ayes, 27 nays, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1131. Introduced by McGill, 26.

A BILL FOR AN ACT relating to public schools; to adopt the Innovation, Discovery, and Entrepreneurial Act.

LEGISLATIVE BILL 1132. Introduced by McGill, 26; Schilz, 47.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska, and section 18-2147, Revised Statutes Supplement, 2011; to provide an effective date for the division of ad valorem taxes for real property located outside the corporate boundaries of a city; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1133. Introduced by Avery, 28.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Avery, 28.

A BILL FOR AN ACT relating to eminent domain; to amend sections 25-2501, 25-2502, 25-2503, 25-2504, 25-2505, 25-2506, and 76-704, Reissue Revised Statutes of Nebraska, and section 2-3234.07, Revised Statutes Cumulative Supplement, 2010; to provide and change provisions relating to agency condemnation of property for a public purpose; to define and redefine terms; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1135. Introduced by K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-2717, Revised Statutes Supplement, 2011; to provide an income tax credit relating to purchases of energy star certified materials and equipment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to employment; to state findings; to create and provide for a wage subsidy program; to provide duties for the Department of Health and Human Services; to provide for termination of the program; to state intent relating to appropriations; to provide an operative

date; and to declare an emergency.

LEGISLATIVE BILL 1137. Introduced by Mello, 5; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to land banks; to adopt the Nebraska Municipal Land Bank Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1138. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Community Development Assistance Act; to amend sections 13-202, 13-203, 13-204, and 13-207, Reissue Revised Statutes of Nebraska, and section 13-206, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to legislative findings, community betterment organizations, and tax credits; and to repeal the original sections.

LEGISLATIVE BILL 1139. Introduced by Mello, 5.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1215, Reissue Revised Statutes of Nebraska; to prohibit receiving certain types of wagers as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1140. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,184, 81-8,185, 81-8,186, 81-8,189, 81-8,190, 81-8,191.01, 81-8,192, 81-8,193, 81-8,195, 81-8,196, 81-8,197, 81-8,198, 81-8,199, 81-8,200, 81-8,200.01, 81-8,200.02, 81-8,201, 81-8,202, 81-8,203, 81-8,204, 81-8,205, 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska, and section 81-8,194, Revised Statutes Cumulative Supplement, 2010; to eliminate registration of professional landscape architects; to license professional landscape architects; to change provisions relating to licensure requirements and examinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by McGill, 26.

A BILL FOR AN ACT relating to government; to amend sections 55-157 and 81-1170.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement of travel expenses for Nebraska National Guard members as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1142. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; and to create an advisory committee.

LEGISLATIVE BILL 1143. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to stacking of coverage; and to repeal the original sections.

LEGISLATIVE BILL 1144. Introduced by Ashford, 20; Nordquist, 7; Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend sections 79-1001, 79-1003, 79-1007.11, and 85-1412, Revised Statutes Supplement, 2011; to provide for career academy schools; to provide for a career academy school allowance under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by McGill, 26; Christensen, 44; Mello, 5.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-802 and 28-830, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2011; to provide for the forfeiture of assets involved in human trafficking; to change the penalty for pandering; to require the posting of signs, the establishment of a commission, and the training of certain officials regarding human trafficking; to provide for the vacating of certain convictions of victims of human trafficking; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1146. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the Nebraska Prostitution Intervention and Treatment Act; to state intent; and to declare an emergency.

LEGISLATIVE BILL 1147. Introduced by Dubas, 34; Avery, 28; B. Harr, 8; Karpisek, 32; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Nordquist, 7; Schilz, 47; Schumacher, 22.

A BILL FOR AN ACT relating to the State Capitol; to amend section 81-1120.27, Revised Statutes Cumulative Supplement, 2010; to provide for public wireless Internet access; to provide for use by employees and officials; and to repeal the original section.

LEGISLATIVE BILL 1148. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to marriage and family therapists; to amend section 38-2133, Reissue Revised Statutes of Nebraska; to change provisions relating to qualified supervisors and supervision requirements for certification; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by McGill, 26.

A BILL FOR AN ACT relating to children; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska, and sections 43-285 and 43-905, Revised Statutes Supplement, 2011; to provide for guardianship by a designee of the Department of Health and Human Services; to change provisions relating to caseloads; to create and provide duties for the Child Welfare Caseload Estimating Committee; and to repeal the original sections.

LEGISLATIVE BILL 1150. Introduced by McGill, 26.

A BILL FOR AN ACT relating to foster care; to amend sections 43-285 and 43-905, Revised Statutes Supplement, 2011; to adopt the Young Adult Voluntary Foster Care Services Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1151. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to eliminate a sunset provision; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1152. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-622.02 and 48-622.03, Reissue Revised Statutes of Nebraska; to provide for job training programs for recipients of unemployment insurance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1153. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to juveniles; to amend section 43-2,129, Revised Statutes Supplement, 2011; to require certain juvenile court-ordered treatment or services to be provided in a timely manner; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1154. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-622.02 and 48-622.03, Reissue Revised Statutes of Nebraska; to provide for job training programs for recipients of unemployment insurance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1155. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,108 and 60-4,110, Reissue Revised Statutes of Nebraska; to change penalties relating to operating a motor vehicle while

under orders not to operate a motor vehicle; and to repeal the original sections.

LEGISLATIVE BILL 1156. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1024, Revised Statutes Cumulative Supplement, 2010, and sections 79-1001, 79-1023, 79-1027, and 79-1028.01, Revised Statutes Supplement, 2011; to exempt certain schools from expenditure limits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1157. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1463.01, Reissue Revised Statutes of Nebraska; to change provisions relating to late filing fees; and to repeal the original section.

LEGISLATIVE BILL 1158. Introduced by Krist, 10.

A BILL FOR AN ACT relating to medical assistance; to amend section 71-801, Reissue Revised Statutes of Nebraska; to provide requirements for behavioral health managed care contracts; to provide duties for the Department of Health and Human Services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1159. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 71-5666, 71-5667, 71-5668, 73-501, 73-502, 73-504, 73-505, 73-506, 73-509, and 81-154.01, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, section 73-507, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide additional requirements for contracts valued at twenty-five million dollars or more; to provide duties for state agencies and the materiel division of the Department of Administrative Services; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, and 73-306, Reissue Revised Statutes of Nebraska, and section 73-307, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011.

LEGISLATIVE BILL 1160. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to health and human services; to define terms; to state intent; to require development of an information system as prescribed; to require reports; to provide for an evaluation and a report; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Smith, 14.

A BILL FOR AN ACT relating to oil pipelines; to amend section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide for study and evaluation of routes for proposed oil pipelines; to provide powers and duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1162. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-101 and 64-112, Reissue Revised Statutes of Nebraska; to provide for appointment of nonresidents as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1163. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to deer; to amend sections 37-201 and 37-448, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to special deer depredation seasons; to provide for donation of deer; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1164. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to prohibit the Attorney General from bringing an action pursuant to a certain federal statute; and to repeal the original section.

LEGISLATIVE BILL 1165. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-527, Revised Statutes Cumulative Supplement, 2010, and sections 79-209 and 79-2121, Revised Statutes Supplement, 2011; to change provisions relating to truancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1166. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to county government; to eliminate elective offices when approved by registered voters; to provide for appointment of certain county officials; and to declare an emergency.

LEGISLATIVE BILL 1167. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public contracts; to amend sections 39-8,105, 39-1302, and 60-6,188, Reissue Revised Statutes of Nebraska; to require certain provisions in highway and bridge construction and maintenance contracts; to require identifying signage as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1168. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to adopt the School District Purchasing Act.

LEGISLATIVE BILL 1169. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to require reporting of the disappearance or death of a child as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1170. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1469.06, Reissue Revised Statutes of Nebraska; to change provisions relating to separate segregated political funds of businesses and associations; and to repeal the original section.

LEGISLATIVE BILL 1171. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to government; to adopt the Nebraska Balance of Powers Act.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO70, found on page 269, to bracket until April 12, 2012.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1172. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to children; to amend section 43-292.02, Reissue Revised Statutes of Nebraska; to provide an additional ground for termination of parental rights; and to repeal the original section.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Friday, January 27, 2012 1:30 p.m.

LB929

LB998

LB988

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 190. Placed on Select File with amendment. ER144

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 14-2102, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 14-2102 In each metropolitan utilities district service
- 6 area, there shall be a board of directors consisting of seven
- 7 members. The members shall be elected as provided in section
- 8 32-540.
- 9 Registered voters within the boundaries of the district
- 10 shall be registered voters of such district. A registered voter of
- 11 the district ~~and~~ shall be eligible for the office of director from
- 12 the election district in which he or she resides, subject to the
- 13 special qualification of residence for the outside member.
- 14 The outside member specified in subsection (1) of section
- 15 32-540 shall be a registered voter residing within the district but
- 16 outside the corporate limits of the city of the metropolitan class
- 17 for which the district was created. In the event of the annexation
- 18 of the area within which the outside member resides, he or she may
- 19 continue to serve as the outside member until the expiration of
- 20 the term of office for which such member was elected and until a
- 21 successor is elected and qualified.

22 Sec. 2. Section 32-540, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 32-540 (1) Until the first election held after January
2 1, 2012, in ~~In~~ each metropolitan utilities district service area,
3 two of the members of the board of directors shall be chosen at
4 large by the registered voters within the district at the time
5 of the statewide primary and statewide general elections held in
6 the even-numbered years, except that at the primary and general
7 elections held in 1978 and every six years thereafter and before
8 January 1, 2012, three members, one of whom shall be known as the
9 outside member, shall be elected at large by the registered voters
10 within the district.

11 (2) On or before January 1, 2012, for each election held
12 after such date, the election commissioner in the most populous
13 county in each metropolitan utilities district service area shall
14 divide the service area into seven election districts of compact
15 and contiguous territory and of approximately equal population as
16 determined pursuant to the most recent federal decennial census.
17 Such election districts shall be numbered consecutively from one
18 to seven. One member of the metropolitan utilities district board
19 of directors shall be elected from each district by the registered
20 voters of the metropolitan utilities district. At the general
21 election in November 2012, the members representing election
22 districts 1 and 5 shall be elected for initial terms of two
23 years and until their successors are elected and qualified. At
24 the general election in November 2014, the members representing
25 election districts 2, 4, and 6 shall be elected for initial terms
26 of four years and until their successors are elected and qualified.
27 At the general election in November 2016, the members representing
1 election districts 3 and 7 shall be elected for initial terms of
2 six years and until their successors are elected and qualified.
3 Thereafter, all members shall be elected for terms of six years and
4 until their successors are elected and qualified. Any member of the
5 board elected before the effective date of this act shall remain on
6 the board until the expiration of the term to which he or she was
7 elected unless removed for cause other than failure to reside in
8 his or her assigned election district.

9 (3) Nomination and election of all directors shall be by
10 nonpartisan ballot. ~~Members~~ Except as provided in subsection (2)
11 of this section, members of the board shall hold office for a
12 period of six years from the first Tuesday after the first Monday
13 in January following their election or until their successors are
14 elected and qualified. The directors shall meet the qualifications
15 found in sections 14-2102 and 14-2103.

16 Sec. 3. Original section 32-540, Reissue Revised Statutes
17 of Nebraska, and section 14-2102, Revised Statutes Cumulative
18 Supplement, 2010, are repealed.

19 2. On page 1, strike beginning with "public" in line
20 1 through "70-619" in line 2 and insert "metropolitan utilities

21 districts; to amend section 32-540".

LEGISLATIVE BILL 66A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 378. Introduced by Schilz, 47.

WHEREAS, the Ogallala High School one-act play won the 2011 Class B state championship; and

WHEREAS, Nate Baldwin was named the Class B Outstanding Male Performer; and

WHEREAS, Kate Diaz, the director for the Ogallala High School one-act play, did an outstanding job of guiding the students to the state championship; and

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

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

1. That the Legislature congratulates the members of the Ogallala High School one-act play on winning the 2011 Class B state championship.

2. That a copy of this resolution be sent to the members of the Ogallala High School one-act play and their director, Kate Diaz.

Laid over.

LEGISLATIVE RESOLUTION 379. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South Storm won the 2011 Class B Girls' State Golf Championship; and

WHEREAS, the Storm finished the championship tournament with a team score of 673, defeating runner-up McCook High School by eight strokes; and

WHEREAS, the victory gave the Storm their first state championship in girls' golf; 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 Elkhorn South Storm on winning the 2011 Class B Girls' State Golf Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and their coach, Mimi Ramsbottom.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South Storm won the 2011 Class B Boys' State Tennis Championship; and

WHEREAS, the Storm defeated runner-up Lincoln Pius X by a score of 44 to 42.5 to win the team title; 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 Elkhorn South Storm on winning the 2011 Class B Boys' State Tennis Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and their coach, Steve Bischof.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Fulton, 29.

WHEREAS, Colonel Harry Francis Cunningham was a partner in the architectural firm of Bertram Grosvenor Goodhue at the time of Goodhue's death in 1924; and

WHEREAS, Colonel Harry Francis Cunningham succeeded Goodhue as lead architect for the State Capitol; and

WHEREAS, Colonel Cunningham is responsible for the final design of the State Capitol's majestic and renowned tower, the interior design of the Memorial Chamber at the tower's pinnacle, and the design of the original George W. Norris Legislative Chamber doors; and

WHEREAS, Colonel Cunningham's architectural leadership and skill improved upon the original design by Bertram Grosvenor Goodhue so as to make Nebraska's State Capitol the "fourth architectural wonder of the world"; and

WHEREAS, Colonel Cunningham's architectural legacy in Nebraska extended beyond the completion of the State Capitol with his founding of the first school of architecture at the University of Nebraska at Lincoln, where the Harry F. Cunningham Gold Medal for Architectural Excellence in the State of Nebraska is the highest honor bestowed by the American Institute of Architects Nebraska to this day; and

WHEREAS, it was deemed appropriate to honor the achievements of Bertram Grosvenor Goodhue by renaming 15th Street in Lincoln Goodhue Boulevard in 2007 upon the seventy-fifth anniversary of the State Capitol's completion; and

WHEREAS, three of the four avenues which lead to the respective entries to the State Capitol have been assigned honorary names; and

WHEREAS, Colonel Cunningham's achievements have had a lasting impact on the physical and cultural landscape of Lincoln and the State of Nebraska.

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

1. That the Legislature deems it fitting and appropriate that the achievements and legacy of Colonel Harry Francis Cunningham be solemnly recognized on the eightieth anniversary of the completion of the State Capitol and hereby requests that the Lincoln City Council resolve to rename a portion of "J" Street adjacent to the Capitol's east entry in honor of Colonel Cunningham.

2. That a copy of this resolution be sent to each member of the Lincoln City Council, the mayor of the City of Lincoln, the Office of the Nebraska Capitol Commission, and to a descendant of Colonel Cunningham who resides in Lincoln.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR381 was referred to the Reference Committee.

ANNOUNCEMENT

The Revenue Committee elected Senator Louden as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Schumacher asked unanimous consent to add his name as cointroducer to LB1115. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB1068. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Nelson filed the following amendment to LB418:
AM1717

(Amendments to Standing Committee amendments, AM643)

- 1 1. Insert the following new amendments:
- 2 3. Insert the following new section:
- 3 Section 1. Section 49-1474.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 49-1474.02 (1) Any person who makes an expenditure
- 6 reportable under the Nebraska Political Accountability and
- 7 Disclosure Act to disseminate by any means of telecommunication a
- 8 prerecorded message or a recorded message relating to a candidate
- 9 or ballot question shall
- 10 (a) Prior to dissemination of such message, file a
- 11 statement to register the use of such a message with the

12 commission. The statement shall be on a form prescribed by the
13 commission and shall include the name and address of the person
14 paying for the message and a detailed description of the planned
15 use. The commission shall not charge a fee for such registration
16 and shall maintain the statement on file; and

17 ~~(b) Immediately include, immediately~~ preceding the
18 message, state the name of the person making the expenditure.

19 Such messages shall be disseminated only between the
20 hours of 8 a.m. and 9 p.m. at the location of the person receiving
21 the messages.

22 (2) Any person who makes an expenditure reportable under
1 the act to disseminate by any means of telecommunication a message
2 relating to a candidate or ballot question which is not a recorded
3 message or a prerecorded message shall, immediately upon the
4 request of the recipient of the message, disclose the name of
5 the person making the expenditure. If the message is disseminated
6 through an employee or agent of the person making the expenditure,
7 the employee or agent shall, immediately upon the request of the
8 recipient of the message, disclose the name of the person making
9 the expenditure.

10 (3) Any person who makes an expenditure reportable under
11 the act to disseminate by any electronic means, including the
12 Internet or email, a message relating to a candidate or ballot
13 question shall include in the message the name of the person making
14 the expenditure.

15 4. Renumber the remaining sections and correct the
16 repealer accordingly.

VISITORS

Visitors to the Chamber were Warren Whitted, Marsha Fangmeyer, Liz Neeley, and Sam Clinch from the Nebraska State Bar Association; and former Senator Jerry Schmitt and wife, Lavonne, from Ord.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:45 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Friday, January 20, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 20, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 2012

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad, K. Haar, Hadley, and McGill who were excused; and Senators Christensen, Hansen, Janssen, Lautenbaugh, and Pahls who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 298, line 17, strike "LB" and insert "LR".
The Journal for the tenth day was approved as corrected.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 705. Placed on Final Reading.
LEGISLATIVE BILL 706. Placed on Final Reading.
LEGISLATIVE BILL 707. Placed on Final Reading.
LEGISLATIVE BILL 708. Placed on Final Reading.
LEGISLATIVE BILL 709. Placed on Final Reading.
LEGISLATIVE BILL 710. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 370. Placed on Select File with amendment.
ER145

- 1 1. Strike original section 7 and insert the following new
2 section:
3 Sec. 7. Section 77-1902, Revised Statutes Supplement,
4 2011, is amended to read:
5 77-1902 When land has been sold for delinquent taxes and
6 a tax sale certificate ~~or tax deed~~ has been issued, the holder of
7 such tax sale certificate ~~or tax deed~~ may, ~~instead of demanding a~~
8 ~~deed or, if a deed has been issued,~~ by surrendering the same tax
9 sale certificate in court, proceed in the district court of the
10 county in which the land is situated to foreclose the lien for
11 taxes represented by the tax sale certificate ~~or tax deed~~ and all
12 subsequent tax liens thereon, excluding any lien on real estate for
13 special assessments levied by any sanitary and improvement district
14 which special assessments have not been previously offered for sale
15 by the county treasurer, in the same manner and with like effect as
16 in the foreclosure of a real estate mortgage, except as otherwise
17 specifically provided by sections 77-1903 to 77-1917. Such action
18 shall only be brought within six months after the expiration of
19 three years from the date of sale of any real estate for taxes or
20 special assessments.
21 2. On page 1, line 3; and page 6, line 25, strike
22 "77-1902,".
23 3. On page 1, line 4; and page 7, line 1, after
1 "Nebraska" insert ", and section 77-1902, Revised Statutes
2 Supplement, 2011".

LEGISLATIVE BILL 415. Placed on Select File.

LEGISLATIVE BILL 503. Placed on Select File.

LEGISLATIVE BILL 352. Placed on Select File with amendment.
ER146

- 1 1. On page 1, line 2, before the semicolon insert ", and
2 section 3-303, Revised Statutes Cumulative Supplement, 2010"; in
3 line 3 after the semicolon insert "to harmonize provisions;"; and
4 in line 4 strike "section" and insert "sections".

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1040	Transportation and Telecommunications

LB1041	Health and Human Services
LB1042	Health and Human Services
LB1043	Natural Resources
LB1044	Natural Resources
LB1045	Education
LB1046	Judiciary
LB1047	Health and Human Services
LB1048	Appropriations
LB1049	Judiciary
LB1050	Revenue
LB1051	Judiciary
LB1052	Transportation and Telecommunications
LB1053	Government, Military and Veterans Affairs
LB1054	Banking, Commerce and Insurance
LB1055	Appropriations
LB1056	Judiciary
LB1057	Agriculture
LB1058	Business and Labor
LB1059	Executive Board
LB1060	Government, Military and Veterans Affairs
LB1061	Revenue
LB1062	Health and Human Services
LB1063	Health and Human Services
LB1064	Banking, Commerce and Insurance
LB1065	Appropriations
LB1066	Appropriations
LB1067	General Affairs
LB1068	Education
LB1069	Revenue
LB1070	Government, Military and Veterans Affairs
LB1071	Revenue
LB1072	Business and Labor
LB1073	Business and Labor
LB1074	Education
LB1075	Revenue
LB1076	Government, Military and Veterans Affairs
LB1077	Health and Human Services
LB1078	General Affairs
LB1079	Education
LB1080	Revenue
LB1081	Natural Resources
LB1082	Nebraska Retirement Systems
LB1083	Health and Human Services
LB1084	Education
LB1085	Revenue
LB1086	Judiciary
LB1087	Natural Resources
LB1088	Judiciary
LB1089	Appropriations

LB1090	Education
LB1091	Transportation and Telecommunications
LB1092	Natural Resources
LB1093	Judiciary
LB1094	Government, Military and Veterans Affairs
LB1095	Transportation and Telecommunications
LB1096	Judiciary
LB1097	Revenue
LR377CA	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Natural Resources

The Natural Resources 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.

Ron Stave - Game and Parks Commission

Aye: 6 Carlson, Christensen, Dubas, McCoy, Schilz, Smith Nay: 0 Absent: 1 K. Haar. Present and not voting: 1 Langemeier.

(Signed) Chris Langemeier, Chairperson

REPORTS

The following reports were received by the Legislature:

Motor Vehicles, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Number of Operator's Licenses Suspended Under the License Suspension Act 2011 Annual Report

Revenue, Department of

Charitable Gaming Division's 2011 Annual Report

Roads, Department of

Nebraska State Highway Commission Quarterly Report as of December 31, 2011

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 19, 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

Allen, Andreas
Firearms Owners Association, Nebraska (NFOA)
Amack, Angela K.
Public Advocacy, The Nebraska Commission on
Bedke, Eric J.
ABATE of Nebraska, Inc.
Duensing, David A.
ABATE of Nebraska, Inc.
Harding, William A.
Builders & Contractors, Inc., Associated
Kissel/E&S Associates, LLC
Boys & Girls Clubs of Nebraska
McKenzie, Janis M.
Mines & Associates
Miller, Todd C.
ABATE of Nebraska, Inc.
Mueller Robak LLC
Biotherapeutics, Alliance for (formerly Alliance for Plasma Therapies)
O'Hara Lindsay & Associates, Inc.
TracFone Wireless, Inc.
Pappas, James E.
Cattlemen of Nebraska, Independent
Peez, Natalie, Peez & Company
Yahoo, Inc.
Popken, Kent T.
Rural Independent Companies, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
Pinnacle Bank
Rubin, Barry R.
Nebraskans for Jobs & Energy Independence
Schleich, Cathy
Children's Hospital & Medical Center

GENERAL FILE

LEGISLATIVE BILL 418. The Mello motion, MO70, found on page 269 and considered on page 293, to bracket until April 12, 2012, was renewed.

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

Senator Mello requested a roll call vote on his motion to bracket.

Voting in the affirmative, 17:

Adams	Dubas	Langemeier	Nordquist	Wallman
Avery	Harr, B.	Lathrop	Pahls	
Coash	Howard	Louden	Schumacher	
Council	Karpisek	Mello	Sullivan	

Voting in the negative, 23:

Ashford	Cornett	Hansen	Larson	Seiler
Bloomfield	Fischer	Harms	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Wightman
Campbell	Fulton	Krist	Price	
Carlson	Gloor	Lambert	Schilz	

Present and not voting, 1:

Pirsch

Excused and not voting, 8:

Christensen	Cook	Hadley	Lautenbaugh
Conrad	Haar, K.	Heidemann	McGill

The Mello motion to bracket failed with 17 ayes, 23 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 677. Placed on General File with amendment.
AM1704

- 1 1. Strike sections 4 and 5 and insert the following new
- 2 sections:
- 3 Sec. 4. For purposes of sections 28-308, 28-309, and
- 4 28-310 and section 5 of this act:
- 5 (1) Health care professional means a physician or other
- 6 health care practitioner who is licensed, certified, or registered
- 7 to perform specified health services consistent with state law who
- 8 practices at a hospital or a health clinic;
- 9 (2) Health clinic has the definition found in section
- 10 71-416; and
- 11 (3) Hospital has the definition found in section 71-419.
- 12 Sec. 5. Every hospital and health clinic shall display at
- 13 all times in a prominent place a printed sign with a minimum height
- 14 of twenty inches and a minimum width of fourteen inches, with each

15 letter to be a minimum of one-fourth inch in height, which shall
 16 read as follows:

17 WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A
 18 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS
 19 OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

20 2. On page 2, lines 7 through 10, strike the new matter
 21 and insert "A person who commits assault in the first degree on
 22 a health care professional while the health care professional is
 23 engaged in the performance of his or her official duties at a
 1 hospital or a health clinic shall upon conviction be sentenced to
 2 not less than two years imprisonment.".

3 3. On page 2, line 25, through page 3, line 3, strike
 4 the new matter and insert "A person who commits assault in the
 5 second degree on a health care professional while the health care
 6 professional is engaged in the performance of his or her official
 7 duties at a hospital or a health clinic shall upon conviction be
 8 sentenced to not less than one year imprisonment.".

9 4. On page 3, strike lines 14 through 17 and insert the
 10 following new subsection:

11 "(3) A person who commits assault in the third degree
 12 on a health care professional while the health care professional
 13 is engaged in the performance of his or her official duties at a
 14 hospital or a health clinic shall upon conviction be sentenced to
 15 not less than six months imprisonment.".

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, January 31, 2012 1:30 p.m.

LB884

LB915

(Signed) Tom Carlson, Chairperson

Appropriations

Room 1524

Monday, January 30, 2012 1:30 p.m.

Agency 25 - Health and Human Services

LB901
LB952

Room 1524

Tuesday, January 31, 2012 1:30 p.m.

Agency 13 - Education, Department of
Agency 34 - Library Commission, Nebraska
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 54 - Historical Society, Nebraska State
LB994
LB1019

(Signed) Lavon Heidemann, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, January 31, 2012 12:10 p.m.

LB973
LB1022

Room 1525

Monday, February 6, 2012 12:10 p.m.

LB867
LB1082

(Signed) Jeremy Nordquist, Chairperson

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

MOTION - Print in Journal

Senator Lathrop filed the following motion to LB1154:
MO71
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Nelson renewed his amendment, AM1717, found on page 298, to the committee amendment.

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

SENATOR GLOOR PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Nelson amendment was adopted with 32 ayes, 7 nays, 3 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 873. Placed on General File.

(Signed) Chris Langemeier, Chairperson

Agriculture

LEGISLATIVE BILL 770. Placed on General File.

LEGISLATIVE BILL 771. Placed on General File with amendment.
AM1707

- 1 1. On page 8, lines 8 through 10, strike the new matter
- 2 and reinstate the stricken matter.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello offered the following motion:
MO72

Reconsider the vote taken on AM1717.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 536. Placed on General File with amendment. AM1668 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB418:
AM1727

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following
4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
6 of Nebraska, is amended to read:

7 49-1474.02 ~~(1) Any person who makes an expenditure~~
8 ~~reportable under the Nebraska Political Accountability and~~
9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
10 ~~prerecorded message or a recorded message relating to a candidate~~
11 ~~or ballot question shall include, immediately preceding the~~
12 ~~message, the name of the person making the expenditure. Such~~
13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
14 ~~9 p.m. at the location of the person receiving the messages.~~

15 ~~(2)~~ (1) Any person who makes an expenditure reportable
16 under the ~~act~~ Nebraska Political Accountability and Disclosure Act
17 to disseminate by any means of telecommunication a message relating
18 to a candidate or ballot question which is not a recorded message
19 or a prerecorded message shall, immediately upon the request of the
20 recipient of the message, disclose the name of the person making
21 the expenditure. If the message is disseminated through an employee
22 or agent of the person making the expenditure, the employee or
1 agent shall, immediately upon the request of the recipient of the
2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~ (2) Any person who makes an expenditure reportable
4 under the act to disseminate by any electronic means, including
5 the Internet or email, a message relating to a candidate or ballot
6 question shall include in the message the name of the person making
7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
11 dialing-announcing device other than for telephone solicitations
12 shall register the device with the commission pursuant to the
13 application process, without a fee, and shall include with the

14 application a detailed explanation of the use planned and the
15 message to be used.

16 (2) All telephone messages transmitted by an automatic
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
19 identity of the person on whose behalf the message is being
20 transmitted;

21 (b) During or after the message, state clearly the
22 telephone number, other than that of the device which made the
23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message and
25 immediately following the message, the name of the person making
26 the expenditure if the message is being transmitted for a person
27 making an expenditure reportable under the Nebraska Political
1 Accountability and Disclosure Act to disseminate a message relating
2 to a candidate or ballot question; and

3 ~~(e)-(d)~~ Transmit messages only between the hours of 8
4 a.m. and 9 p.m. at the location of the person receiving the
5 message.

6 (3) This section does not apply to (a) a message from
7 any elementary, secondary, or postsecondary educational institution
8 to any of its students, parents, or employees, (b) a message to a
9 person with whom the person placing the call or the person on whose
10 behalf the message is being transmitted has an established business
11 or personal relationship, (c) a message from an employer advising
12 any of its employees of work schedules, or (d) a message from a
13 political subdivision as defined in section 13-903.

14 (4) A person contracting with a third party to connect
15 or operate an automatic dialing-announcing device for other
16 than telephone solicitations shall be jointly and severally
17 liable with the third party for connecting and operating the
18 automatic dialing-announcing device in violation of the Automatic
19 Dialing-Announcing Devices Act or the rules and regulations adopted
20 and promulgated under the act.

21 (5) A person contracting with a third party to connect
22 or operate an automatic dialing-announcing device for other
23 than telephone solicitations shall file with the commission the
24 message to be used within twenty-four hours after the message is
25 transmitted.

26 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
27 Revised Statutes of Nebraska, are repealed.

Senator Mello filed the following amendment to LB418:
AM1725

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following
4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
6 of Nebraska, is amended to read:

7 49-1474.02 ~~(1) Any person who makes an expenditure~~
8 ~~reportable under the Nebraska Political Accountability and~~
9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
10 ~~prerecorded message or a recorded message relating to a candidate~~
11 ~~or ballot question shall include, immediately preceding the~~
12 ~~message, the name of the person making the expenditure. Such~~
13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
14 ~~9 p.m. at the location of the person receiving the messages.~~

15 (2)(1) Any person who makes an expenditure reportable
16 under the ~~act~~ Nebraska Political Accountability and Disclosure Act
17 to disseminate by any means of telecommunication a message relating
18 to a candidate or ballot question which is not a recorded message
19 or a prerecorded message shall, immediately upon the request of the
20 recipient of the message, disclose the name of the person making
21 the expenditure. If the message is disseminated through an employee
22 or agent of the person making the expenditure, the employee or
1 agent shall, immediately upon the request of the recipient of the
2 message, disclose the name of the person making the expenditure.

3 ~~(3)(2)~~ Any person who makes an expenditure reportable
4 under the act to disseminate by any electronic means, including
5 the Internet or email, a message relating to a candidate or ballot
6 question shall include in the message the name of the person making
7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
11 dialing-announcing device other than for telephone solicitations
12 shall register the device with the commission pursuant to the
13 application process, without a fee, and shall include with the
14 application a detailed explanation of the use planned and the
15 message to be used.

16 (2) All telephone messages transmitted by an automatic
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
19 identity of the person on whose behalf the message is being
20 transmitted;

21 (b) During or after the message, state clearly the
22 telephone number, other than that of the device which made the
23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message, the name
25 of the person making the expenditure if the message is being
26 transmitted for a person making an expenditure reportable under the
27 Nebraska Political Accountability and Disclosure Act to disseminate
1 a message relating to a candidate or ballot question; and

2 ~~(e)-(d)~~ Transmit messages only between the hours of 8
3 a.m. and 9 p.m. at the location of the person receiving the
4 message.

5 (3) This section does not apply to (a) a message from
6 any elementary, secondary, or postsecondary educational institution
7 to any of its students, parents, or employees, (b) a message to a
8 person with whom the person placing the call or the person on whose
9 behalf the message is being transmitted has an established business
10 or personal relationship, (c) a message from an employer advising
11 any of its employees of work schedules, or (d) a message from a
12 political subdivision as defined in section 13-903.

13 (4) A person contracting with a third party to connect
14 or operate an automatic dialing-announcing device for other
15 than telephone solicitations shall be jointly and severally
16 liable with the third party for connecting and operating the
17 automatic dialing-announcing device in violation of the Automatic
18 Dialing-Announcing Devices Act or the rules and regulations adopted
19 and promulgated under the act.

20 (5) A person contracting with a third party to connect
21 or operate an automatic dialing-announcing device for other
22 than telephone solicitations shall file with the commission the
23 message to be used within twenty-four hours after the message is
24 transmitted.

25 (6) The commission shall report annually, on or before
26 December 31, the number of devices registered by persons making
27 expenditures reportable under the Nebraska Political Accountability
1 and Disclosure Act and the number of calls made by such devices.

2 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
3 Revised Statutes of Nebraska, are repealed.

Senator Mello filed the following amendment to LB418:
AM1726

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following
4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
6 of Nebraska, is amended to read:

7 49-1474.02 ~~(1) Any person who makes an expenditure~~
8 ~~reportable under the Nebraska Political Accountability and~~
9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
10 ~~prerecorded message or a recorded message relating to a candidate~~
11 ~~or ballot question shall include, immediately preceding the~~
12 ~~message, the name of the person making the expenditure. Such~~
13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
14 ~~9 p.m. at the location of the person receiving the messages.~~

15 (2) ~~(1) Any person who makes an expenditure reportable~~
16 ~~under the act~~ Nebraska Political Accountability and Disclosure Act
17 to disseminate by any means of telecommunication a message relating
18 to a candidate or ballot question which is not a recorded message
19 or a prerecorded message shall, immediately upon the request of the

20 recipient of the message, disclose the name of the person making
 21 the expenditure. If the message is disseminated through an employee
 22 or agent of the person making the expenditure, the employee or
 1 agent shall, immediately upon the request of the recipient of the
 2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~(2) Any person who makes an expenditure reportable
 4 under the act to disseminate by any electronic means, including
 5 the Internet or email, a message relating to a candidate or ballot
 6 question shall include in the message the name of the person making
 7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
 11 dialing-announcing device other than for telephone solicitations
 12 shall register the device with the commission pursuant to the
 13 application process, without a fee, and shall include with the
 14 application a detailed explanation of the use planned and the
 15 message to be used.

16 (2) All telephone messages transmitted by an automatic
 17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
 19 identity of the person on whose behalf the message is being
 20 transmitted;

21 (b) During or after the message, state clearly the
 22 telephone number, other than that of the device which made the
 23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message, the name
 25 of the person making the expenditure if the message is being
 26 transmitted for a person making an expenditure reportable under the
 27 Nebraska Political Accountability and Disclosure Act to disseminate
 1 a message relating to a candidate or ballot question; and

2 ~~(e)~~(d) Transmit messages only between the hours of 8
 3 a.m. and 9 p.m. at the location of the person receiving the
 4 message.

5 (3) This section does not apply to (a) a message from
 6 any elementary, secondary, or postsecondary educational institution
 7 to any of its students, parents, or employees, (b) a message to a
 8 person with whom the person placing the call or the person on whose
 9 behalf the message is being transmitted has an established business
 10 or personal relationship, (c) a message from an employer advising
 11 any of its employees of work schedules, or (d) a message from a
 12 political subdivision as defined in section 13-903.

13 (4) A person contracting with a third party to connect
 14 or operate an automatic dialing-announcing device for other
 15 than telephone solicitations shall be jointly and severally
 16 liable with the third party for connecting and operating the
 17 automatic dialing-announcing device in violation of the Automatic
 18 Dialing-Announcing Devices Act or the rules and regulations adopted
 19 and promulgated under the act.

20 (5) A person contracting with a third party to connect
 21 or operate an automatic dialing-announcing device for other
 22 than telephone solicitations shall file with the commission the
 23 message to be used within twenty-four hours after the message is
 24 transmitted.

25 (6) The commission shall report annually, on or before
 26 December 31, the number of devices registered under this section
 27 and the number of calls made by such devices.

- 1 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
- 2 Revised Statutes of Nebraska, are repealed.

Senator Mello filed the following amendment to LB418:
 AM1728

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
 2 amendment:

3 1. Strike the original sections and insert the following
 4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
 6 of Nebraska, is amended to read:

7 49-1474.02 ~~(1) Any person who makes an expenditure~~
 8 ~~reportable under the Nebraska Political Accountability and~~
 9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
 10 ~~prerecorded message or a recorded message relating to a candidate~~
 11 ~~or ballot question shall include, immediately preceding the~~
 12 ~~message, the name of the person making the expenditure. Such~~
 13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
 14 ~~9 p.m. at the location of the person receiving the messages.~~

15 ~~(2)~~(1) Any person who makes an expenditure reportable
 16 under the ~~act~~Nebraska Political Accountability and Disclosure Act
 17 to disseminate by any means of telecommunication a message relating
 18 to a candidate or ballot question which is not a recorded message
 19 or a prerecorded message shall, immediately upon the request of the
 20 recipient of the message, disclose the name of the person making
 21 the expenditure. If the message is disseminated through an employee
 22 or agent of the person making the expenditure, the employee or
 1 agent shall, immediately upon the request of the recipient of the
 2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~(2) Any person who makes an expenditure reportable
 4 under the act to disseminate by any electronic means, including
 5 the Internet or email, a message relating to a candidate or ballot
 6 question shall include in the message the name of the person making
 7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
 11 dialing-announcing device other than for telephone solicitations
 12 shall register the device with the commission pursuant to the
 13 application process, without a fee, and shall include with the

14 application a detailed explanation of the use planned and the
15 message to be used.

16 (2) All telephone messages transmitted by an automatic
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
19 identity of the person on whose behalf the message is being
20 transmitted;

21 (b) During or after the message, state clearly the
22 telephone number, other than that of the device which made the
23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message, the name
25 of the person making the expenditure if the message is being
26 transmitted for a person making an expenditure reportable under the
27 Nebraska Political Accountability and Disclosure Act to disseminate
1 a message relating to a candidate or ballot question;

2 (d) Include, after the message, a statement by a
3 candidate that he or she approves the message if the message
4 is being transmitted for a person making an expenditure for or on
5 behalf of a candidate or candidate committee and the expenditure
6 is reportable under the Nebraska Political Accountability and
7 Disclosure Act to disseminate a message relating to a candidate;
8 and

9 ~~(e)~~ (e) Transmit messages only between the hours of 8
10 a.m. and 9 p.m. at the location of the person receiving the
11 message.

12 (3) This section does not apply to (a) a message from
13 any elementary, secondary, or postsecondary educational institution
14 to any of its students, parents, or employees, (b) a message to a
15 person with whom the person placing the call or the person on whose
16 behalf the message is being transmitted has an established business
17 or personal relationship, (c) a message from an employer advising
18 any of its employees of work schedules, or (d) a message from a
19 political subdivision as defined in section 13-903.

20 (4) A person contracting with a third party to connect
21 or operate an automatic dialing-announcing device for other
22 than telephone solicitations shall be jointly and severally
23 liable with the third party for connecting and operating the
24 automatic dialing-announcing device in violation of the Automatic
25 Dialing-Announcing Devices Act or the rules and regulations adopted
26 and promulgated under the act.

27 (5) A person contracting with a third party to connect
1 or operate an automatic dialing-announcing device for other
2 than telephone solicitations shall file with the commission the
3 message to be used within twenty-four hours after the message is
4 transmitted.

5 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
6 Revised Statutes of Nebraska, are repealed.

Senator B. Harr filed the following amendment to LB418:
AM1730

(Amendments to AM1717)

- 1 1. On page 1, line 14, after "message" insert ", the
- 2 script of the message,".

UNANIMOUS CONSENT - Add Cointroducers

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB826. No objections. So ordered.

Senators Campbell, Carlson, Christensen, Hansen, Schilz, and Wallman asked unanimous consent to add their names as cointroducers to LB998. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Nebraska Dental Hygienists Association from across Nebraska; Senator Dubas' daughter and granddaughters, Deanna, Franny, and Rose Ebmeier, from Lincoln.

The Doctor of the Day was Dr. Miller from Lexington.

ADJOURNMENT

At 11:48 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 23, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 23, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, McGill, and Wightman who were excused; and Senators Cornett, Flood, Heidemann, Langemeier, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1098	Revenue
LB1099	Judiciary
LB1101	Government, Military and Veterans Affairs
LB1102	Revenue
LB1103	Health and Human Services
LB1104	Education
LB1105	Education
LB1106	Revenue
LB1107	Judiciary
LB1108	Revenue
LB1109	Revenue
LB1110	Appropriations
LB1111	Judiciary
LB1112	Transportation and Telecommunications

LB1113	Judiciary
LB1114	Revenue
LB1115	Urban Affairs
LB1116	Government, Military and Veterans Affairs
LB1117	Revenue
LB1118	Revenue
LB1119	Judiciary
LB1120	Judiciary
LB1121	Urban Affairs
LB1122	Health and Human Services
LB1123	Agriculture
LB1124	Education
LB1125	Natural Resources
LB1126	Urban Affairs
LB1127	Judiciary
LB1128	Revenue
LB1129	Banking, Commerce and Insurance
LB1130	General Affairs
LB1131	Education
LB1132	Urban Affairs
LB1133	Executive Board
LB1134	Judiciary
LB1135	Revenue
LB1136	Health and Human Services
LB1137	Urban Affairs
LB1138	Revenue
LB1139	General Affairs
LB1140	Government, Military and Veterans Affairs
LB1141	Government, Military and Veterans Affairs
LB1142	Health and Human Services
LB1143	Banking, Commerce and Insurance
LB1144	Education
LB1145	Judiciary
LB1146	Appropriations
LB1147	Executive Board
LB1148	Health and Human Services
LB1149	Health and Human Services
LB1150	Health and Human Services
LB1151	Business and Labor
LB1152	Business and Labor
LB1153	Judiciary
LB1154	Business and Labor
LB1155	Transportation and Telecommunications
LB1156	Education
LB1157	Government, Military and Veterans Affairs
LB1158	Health and Human Services
LB1159	Government, Military and Veterans Affairs
LB1160	Health and Human Services
LB1161	Natural Resources

LB1162 Judiciary
 LB1163 Natural Resources
 LB1164 Judiciary
 LB1165 Judiciary
 LB1166 Government, Military and Veterans Affairs
 LB1167 Transportation and Telecommunications
 LB1168 Education
 LB1169 Judiciary
 LB1170 Government, Military and Veterans Affairs
 LB1171 Government, Military and Veterans Affairs
 LB1172 Judiciary

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 269. Placed on General File with amendment.
 AM1597

1 1. Strike original sections 3 and 4 and insert the
 2 following new sections:
 3 Sec. 3. Section 45-927, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 45-927 ~~All fees, charges, costs, and fines collected by~~
 6 ~~the director under the Delayed Deposit Services Licensing Act shall~~
 7 ~~be remitted to the State Treasurer. Fees, charges, and costs shall~~
 8 ~~be credited to the Financial Institution Assessment Cash Fund, and~~
 9 ~~fines shall be credited to the permanent school fund.~~
 10 (1) The director shall collect fees, charges, costs, and
 11 fines under the Delayed Deposit Services Licensing Act and remit
 12 them to the State Treasurer. Except as provided in subsection
 13 (2) of this section, the State Treasurer shall credit the fees,
 14 charges, and costs to the Financial Institution Assessment Cash
 15 Fund and distribute the fines in accordance with Article VII,
 16 section 5, of the Constitution of Nebraska.
 17 (2) For fees collected pursuant to section 45-910, the
 18 State Treasurer shall (a) credit one hundred fifty dollars of
 19 each renewal fee for a main office to the Financial Institution
 20 Assessment Cash Fund and three hundred fifty dollars of each
 21 renewal fee for a main office to the Financial Literacy Cash Fund
 22 and (b) credit one hundred dollars of each renewal fee for a branch
 23 office to the Financial Institution Assessment Cash Fund and four
 1 hundred dollars of each renewal fee for a branch office to the
 2 Financial Literacy Cash Fund.
 3 Sec. 4. The Financial Literacy Cash Fund is created.
 4 Amounts credited to the fund shall include that portion of
 5 each renewal fee as provided in section 45-927 and such other
 6 revenue as is incidental to administration of the fund. The fund

7 shall be administered by the University of Nebraska and shall
 8 be used to provide assistance to nonprofit entities that offer
 9 financial literacy programs to students in grades kindergarten
 10 through twelve. Any money in the fund available for investment
 11 shall be invested by the state investment officer pursuant to
 12 the Nebraska Capital Expansion Act and the Nebraska State Funds
 13 Investment Act.

(Signed) Rich Pahls, Chairperson

Health and Human Services

LEGISLATIVE BILL 646. Placed on General File.

LEGISLATIVE BILL 540. Placed on General File with amendment.
 AM1719

- 1 1. On page 7, line 4, strike "2011" and insert "2012";
- 2 and in line 13 after the period insert "No state funds shall be
- 3 utilized to pay for abortion services.".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Monday, January 30, 2012 1:30 p.m.

LB963
 LB964
 LB965
 LB1004

Room 1507

Tuesday, January 31, 2012 1:30 p.m.

LB1018
 LB1031
 LB811
 LB1064

(Signed) Rich Pahls, Chairperson

Education

Room 1525

Monday, January 30, 2012 1:30 p.m.

LB1144
LB1131
LB996
LB1124

Room 1525

Tuesday, January 31, 2012 1:30 p.m.

LB1090
LB1020
LB1038

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 30, 2012 1:30 p.m.

LB930
LB746
LB875
LB1039

Room 1113

Tuesday, January 31, 2012 1:30 p.m.

LB898
LB747
LB896
LB889

(Signed) Deb Fischer, Chairperson

MOTION - Withdraw LB1154

Senator Lathrop renewed his motion, MO71, found on page 308, to withdraw LB1154.

The Lathrop motion to withdraw the bill prevailed with 37 ayes, 0 nays, 3

present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO72, found on page 309, to reconsider AM1717.

SENATOR FISCHER PRESIDING

PRESIDENT SHEEHY PRESIDING

SPEAKER FLOOD PRESIDING

Senator Nelson offered the following motion:
MO74

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nelson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 26:

Adams	Fischer	Harms	Lautenbaugh	Seiler
Bloomfield	Flood	Heidemann	McCoy	Smith
Brasch	Fulton	Janssen	Nelson	
Campbell	Gloor	Krist	Pirsch	
Carlson	Hadley	Lambert	Price	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 17:

Avery	Dubas	Karpisek	Mello	Sullivan
Coash	Haar, K.	Langemeier	Nordquist	
Cook	Harr, B.	Lathrop	Pahls	
Council	Howard	Louden	Schumacher	

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Conrad	Cornett	McGill	Wallman	Wightman
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The Nelson motion to invoke cloture failed with 26 ayes, 17 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 828. Placed on General File with amendment.
AM1729

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 76-3004, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-3004 No interest in any wind or solar resource located
- 5 on a tract of land and associated with the production or potential
- 6 production of ~~wind-generated wind or solar~~ energy on the tract of
- 7 land may be severed from the surface estate.
- 8 Sec. 23. Since an emergency exists, this act takes effect
- 9 when passed and approved according to law.
- 10 2. On page 4, strike beginning with "The" in line 1
- 11 through line 13 and show the old matter as stricken.
- 12 3. On page 5, line 22, after "the" insert "solar
- 13 agreement or".
- 14 4. On page 6, line 5, after "any" insert "wind or solar";
- 15 and in line 7 strike "wind-generated" and insert "wind or solar".
- 16 5. Amend the repealer and renumber the remaining sections
- 17 accordingly.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 1, 2012 1:30 p.m.

LB1043

LB1092

(Signed) Chris Langemeier, Chairperson

Agriculture

Room 1524

Tuesday, February 7, 2012 1:30 p.m.

LB905

LB1057

Room 1524

Tuesday, February 14, 2012 1:30 p.m.

LB927
LB907

(Signed) Tom Carlson, Chairperson

Appropriations

Room 1003

Wednesday, February 1, 2012 1:30 p.m.

Agency 5 - Supreme Court
Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 75 - Investment Council, Nebraska
Agency 84 - Environmental Quality, Department of
Agency 72 - Economic Development, Department of
LB955
LB1037

Room 1003

Thursday, February 2, 2012 1:30 p.m.

LB1055
LB1065
LB1066
LB1089

(Signed) Lavon Heidemann, Chairperson

Education

Room 1525

Monday, February 6, 2012 1:30 p.m.

Riko Bishop - Coordinating Commission for Postsecondary Education
Karen Davis - Coordinating Commission for Postsecondary Education
Joyce Simmons - Coordinating Commission for Postsecondary Education
Carol Zink - Coordinating Commission for Postsecondary Education
LB1079
LB1034
LB954
LB1104

Room 1525

Tuesday, February 7, 2012 1:30 p.m.

LB990
LB991
LB1074
LB1105

Room 1525

Monday, February 13, 2012 1:30 p.m.

LB1156
LB947
LB913

Room 1525

Tuesday, February 21, 2012 1:30 p.m.

LB1084
LB1168
LB1045
LB1068

(Signed) Greg Adams, Chairperson

Business and Labor

Room 2102

Monday, January 30, 2012 1:30 p.m.

LB738
LB906
LB909
LB1008
LB1012
LB1151

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Pending.

MOTION - Print in Journal

Senator Ashford filed the following motion to LB1166:
MO75
Withdraw bill.

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB418:
AM1731

(Amendments to Standing Committee amendments, AM643)

- 1 1. Insert the following new amendments:
- 2 3. Insert the following new section:
- 3 Sec. 2. Section 86-251, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-251 (1) A person shall not use an automatic
- 6 dialing-announcing device to deliver a recorded message to another
- 7 person without the recipient's permission.
- 8 (2) A person shall not connect or operate an automatic
- 9 dialing-announcing device in such a manner as to allow it to dial
- 10 telephone numbers sequentially which means in any manner other
- 11 than a random manner. A detectable, predictable pattern which can
- 12 be used to accurately project the device's number dialing shall
- 13 satisfy a finding that sequential number dialing is taking place in
- 14 violation of this section.
- 15 4. Renumber the remaining sections and correct the
- 16 repealer accordingly.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Monday, January 30, 2012 1:30 p.m.

LB979
LB1067
LR375CA
LB1139

(Signed) Russ Karpisek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB1089. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were senior nursing students from Lincoln.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 24, 2012
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 2012

PRAYER

The prayer was offered by Senator Dubas.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Langemeier who were excused; and Senators B. Harr, Karpisek, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Wednesday, February 1, 2012 1:30 p.m.

LB1016
LB821
LB1041

Room 1510

Thursday, February 2, 2012 1:30 p.m.

LB926
LB1062
LB1149
LB1150

Room 1510

Friday, February 3, 2012 1:30 p.m.

LB995
LB1047
LB1077
LB1042

Room 1510

Wednesday, February 8, 2012 1:30 p.m.

LB949
LB925
LB1158
LB1160

Room 1510

Thursday, February 9, 2012 1:30 p.m.

LB1028
LB1063
LB1083
LB1122

Room 1510

Wednesday, February 15, 2012 1:30 p.m.

LB842
LB938
LB1010
LB1136

Room 1510

Thursday, February 16, 2012 1:30 p.m.

LB1032
LB1103
LB1142

Room 1510

Wednesday, February 22, 2012 1:30 p.m.

LB712

LB945
LB1148

Room 1510

Thursday, February 23, 2012 1:30 p.m.

LB848
LB892
LB1027

(Signed) Kathy Campbell, Chairperson

MOTION - Withdraw LB1166

Senator Ashford renewed his motion, MO75, found on page 328, to withdraw LB1166.

The Ashford motion to withdraw the bill prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 60. Senator Krist offered the following amendment:
AM1732

- 1 1. On page 2, line 20, after the period insert "The
- 2 primary source for age verification shall be a government-issued
- 3 identification pursuant to subsection (1) of section 53-180.06.".

Senator Cornett offered the following motion:
MO76

Recommit to General Affairs Committee.

Senator Cornett moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Cornett requested a roll call vote on her motion to recommit to committee.

Voting in the affirmative, 20:

Ashford	Coash	Fulton	Louden	Pirsch
Avery	Cornett	Haar, K.	McCoy	Smith
Campbell	Dubas	Harms	McGill	Wallman
Carlson	Flood	Howard	Pahls	Wightman

Voting in the negative, 24:

Adams	Fischer	Heidemann	Lathrop	Schilz
Bloomfield	Gloor	Janssen	Lautenbaugh	Schumacher
Brasch	Hadley	Karpisek	Nelson	Seiler
Christensen	Hansen	Krist	Nordquist	Sullivan
Cook	Harr, B.	Lambert	Price	

Present and not voting, 2:

Council Mello

Excused and not voting, 3:

Conrad Langemeier Larson

The Cornett motion to recommit to committee failed with 20 ayes, 24 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Krist amendment was adopted with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 725. Placed on General File.

(Signed) Abbie Cornett, Chairperson

General Affairs

LEGISLATIVE BILL 470. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Appropriations

LEGISLATIVE BILL 808. Indefinitely postponed.

(Signed) Lavon Heidemann, Chairperson

NOTICE OF COMMITTEE HEARING
Urban Affairs

Room 1510

Tuesday, January 31, 2012 1:30 p.m.

LB716
LB924
LB863

(Signed) Amanda McGill, Chairperson

GENERAL FILE**LEGISLATIVE BILL 304.** Title read. Considered.

Pending.

RESOLUTION**LEGISLATIVE RESOLUTION 382.** Introduced by Cook, 13.

WHEREAS, Magda Peck, Sc.D., has served Nebraska for twenty-two years in various roles at the University of Nebraska Medical Center, including as associate dean for community engagement and public health practice; and

WHEREAS, Dr. Peck strengthened Nebraska's public health infrastructure by working to found the University of Nebraska Medical Center - University of Nebraska at Omaha Graduate Program in Public Health, the University of Nebraska Medical Center's Great Plains Public Health Leadership Institute, and CityMatCH, a national organization with a mission to improve the health and well-being of urban women, children, and families by strengthening the public health organizations and leaders in their communities; and

WHEREAS, Dr. Peck has been a champion for social justice and public health in Nebraska and has been instrumental in building public health education in this state; and

WHEREAS, Dr. Peck has accepted the position of founding dean of the Joseph J. Zilber School of Public Health at the University of Wisconsin-Milwaukee.

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

1. That the Legislature recognizes and commends Dr. Magda Peck for her contributions to Nebraska's lasting institutions and the health of our communities.

2. That a copy of this resolution be sent to Magda Peck, Sc.D.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB842, LB863, LB998, LB1100, LB1123, LB1133, and LB1144. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB986 and LB1101. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB998. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Council, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 25, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 2012

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad and Langemeier who were excused; and Senators Campbell, Cornett, Lautenbaugh, Seiler, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 60. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 879. Placed on General File.

LEGISLATIVE BILL 886. Placed on General File.

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File with amendment.

AM1685

- 1 1. Strike original section 8.
- 2 2. On page 2, line 5; page 3, line 4; page 4, line 21;
- 3 page 6, line 13; page 7, line 12; page 8, line 11; page 9, line 14;
- 4 and page 11, line 13, strike "three" and insert "five".

- 5 3. On page 2, line 6, strike "the" and insert "its".
 6 4. On page 3, line 4, strike the second occurrence of
 7 "the" and insert "its automatic".
 8 5. On page 4, line 22; page 7, line 13; and page 9, line
 9 15, strike "dissolution" and insert "revocation".
 10 6. On page 6, line 13; page 8, line 11; and page 11, line
 11 13, strike the last "the" and insert "its administrative".
 12 7. On page 12, line 18, strike "sections" and insert
 13 "section" and strike "and 21-2611".
 14 8. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

Business and Labor

LEGISLATIVE BILL 911. Placed on General File.

(Signed) Steve Lathrop, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1093	Revenue (rereferred)
LB1100	Banking, Commerce and Insurance
LB1110	Health and Human Services (rereferred)
LR381	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
 Executive Board

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 1524

Monday, February 13, 2012 1:30 p.m.

LB1072

LB1073

J. L. Spray - Commission of Industrial Relations

Room 2102

Monday, February 6, 2012 1:30 p.m.

LB959
LB997
LB1005
LB1058
LB1152

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 1, 2012 1:30 p.m.

LB1070
LB934
LB966
LB757
LB1035

Room 1507

Thursday, February 2, 2012 1:30 p.m.

LB971
LB1053
LB772
LB823

Room 1507

Friday, February 3, 2012 1:30 p.m.

LB765
LB1159
LB792
LB858

(Signed) Bill Avery, Chairperson

Executive Board

Room 2102

Wednesday, February 1, 2012 12:00 p.m.

LB1147
LR358CA
LR372CA
LR365

(Signed) John Wightman, Chairperson

Health and Human Services

Room 1510

Thursday, February 23, 2012 1:30 p.m.

LB1110

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, February 1, 2012 1:30 p.m.

LB737
LB1000
LB899
LB939
LB812
LB1051

Room 1113

Thursday, February 2, 2012 1:30 p.m.

LB1119
LB816
LB817
LB951
LB1009

Room 1113

Friday, February 3, 2012 1:30 p.m.

LB993
LB917
LB933
LB1165

(Signed) Brad Ashford, Chairperson

REVISED CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a revised Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR374 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR374.

GENERAL FILE

LEGISLATIVE BILL 304. Senator McGill offered the following amendment:

AM1753

- 1 1. On page 2, strike beginning with the second "a" in
- 2 line 3 through "71-502.01" in line 4 and insert "chlamydia or
- 3 gonorrhea".

SENATOR GLOOR PRESIDING

Senator McGill moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The McGill amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator McGill moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator McGill requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Ashford	Cornett	Hadley	Mello	Wightman
Avery	Council	Howard	Nordquist	
Campbell	Dubas	Karpisek	Pahls	
Coash	Gloor	Lautenbaugh	Schumacher	
Cook	Haar, K.	McGill	Wallman	

Voting in the negative, 24:

Adams	Fischer	Harr, B.	Larson	Price
Bloomfield	Flood	Heidemann	Lathrop	Schilz
Brasch	Fulton	Janssen	Louden	Smith
Carlson	Hansen	Krist	McCoy	Sullivan
Christensen	Harms	Lambert	Nelson	

Present and not voting, 1:

Pirsch

Excused and not voting, 3:

Conrad Langemeier Seiler

Failed to advance to Enrollment and Review Initial with 21 ayes, 24 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

ANNOUNCEMENT

The Education Committee designates LB946 as its priority bill.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 800. Placed on General File.

LEGISLATIVE BILL 946. Placed on General File.

LEGISLATIVE BILL 895. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 459. Title read. Considered.

Committee AM720, found on page 820, First Session, 2011, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 473. Title read. Considered.

Committee AM782, found on page 874, First Session, 2011, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 633. Title read. Considered.

Committee AM801, found on page 898, First Session, 2011, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Adams renewed his amendment, AM1690, found on page 227.

The Adams amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Adams offered the following amendment:

AM1745

- 1 1. Insert the following new sections:
- 2 Section 1. Section 79-1022, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 79-1022 (1) On or before March 10, 2010, and March
- 5 1, 2011, for school fiscal year 2010-11, on or before July
- 6 1, 2011, for school fiscal year 2011-12, on or before May 1,
- 7 2012, for school fiscal year 2012-13, and on or before March
- 8 1 of each year thereafter for each ensuing fiscal year, the
- 9 department shall determine the amounts to be distributed to each
- 10 local system and each district pursuant to the Tax Equity and
- 11 Educational Opportunities Support Act and shall certify the amounts
- 12 to the Director of Administrative Services, the Auditor of Public
- 13 Accounts, each learning community, and each district. The amount
- 14 to be distributed to each district that is not a member of a
- 15 learning community from the amount certified for a local system
- 16 shall be proportional based on the formula students attributed to

17 each district in the local system. The amount to be distributed
 18 to each district that is a member of a learning community from
 19 the amount certified for the local system shall be proportional
 20 based on the formula needs calculated for each district in the
 21 local system. On or before March 1, 2011, for school fiscal
 22 year 2010-11, on or before July 1, 2011, for school fiscal
 23 year 2011-12, on or before May 1, 2012, for school fiscal year
 1 2012-13, and on or before March 1 of each year thereafter for
 2 each ensuing fiscal year, the department shall report the necessary
 3 funding level to the Governor, the Appropriations Committee of
 4 the Legislature, and the Education Committee of the Legislature.
 5 Except as otherwise provided in this subsection, certified state
 6 aid amounts, including adjustments pursuant to section 79-1065.02,
 7 shall be shown as budgeted non-property-tax receipts and deducted
 8 prior to calculating the property tax request in the district's
 9 general fund budget statement as provided to the Auditor of Public
 10 Accounts pursuant to section 79-1024. Increases in state aid for
 11 school fiscal year 2010-11 from the first certification in 2010
 12 to the second certification on or before March 1, 2011, shall not
 13 require a school district to revise its previously adopted budget
 14 statement pursuant to section 13-511 for school fiscal year 2010-11
 15 unless expenditures are increased in such school fiscal year as a
 16 result of such increases in state aid. The amount of such increased
 17 state aid that has not been included in an amended budget for
 18 school fiscal year 2010-11 shall be included in the unencumbered
 19 cash balance pursuant to section 13-504 for the school fiscal year
 20 2011-12 budget for each school district.

21 (2) Except as provided in this subsection, subsection
 22 (8) of section 79-1016, and sections 79-1033 and 79-1065.02, the
 23 amounts certified pursuant to subsection (1) of this section shall
 24 be distributed in ten as nearly as possible equal payments on the
 25 last business day of each month beginning in September of each
 26 ensuing school fiscal year and ending in June of the following
 27 year, except that when a school district is to receive a monthly
 1 payment of less than one thousand dollars, such payment shall be
 2 one lump-sum payment on the last business day of December during
 3 the ensuing school fiscal year. For school fiscal year 2010-11,
 4 payments shall be based on the amounts certified pursuant to
 5 subsection (1) of this section on March 10, 2010, except that on
 6 the last business day of April, the department shall make federal
 7 Education Jobs Fund allocations available pursuant to section
 8 79-1028.04 equal to any increases in state aid for school fiscal
 9 year 2010-11 from the first certification in 2010 to the second
 10 certification on or before March 1, 2011, rounded to the nearest
 11 whole dollar.

12 Sec. 2. Section 79-1022.02, Revised Statutes Supplement,
 13 2011, is amended to read:

14 79-1022.02 Notwithstanding any other provision of law,
 15 ~~the any~~ certification of state aid pursuant to section 79-1022,

16 certification of budget authority pursuant to section 79-1023, and
17 certification of applicable allowable reserve percentages pursuant
18 to section 79-1027 completed prior to the effective date of this
19 act for school fiscal year 2012-13 is null and void. ~~to be paid to~~
20 school districts during school fiscal year 2010-11 is null and void
21 with regard to the total state aid to be paid during school fiscal
22 year 2010-11. State aid to be paid during such school year and the
23 certifications pursuant to section 79-1022 shall be recertified for
24 the purpose of determining federal Education Jobs Fund allocations
25 and adjusting the total state aid to be paid to include such
26 allocations on or before March 1, 2011, using data sources as they
27 existed on March 10, 2010.

1 Sec. 3. Section 79-1023, Revised Statutes Supplement,
2 2011, is amended to read:

3 79-1023 (1) On or before March 10, 2010, on or before
4 July 1, 2011, on or before May 1, 2012, and on or before March 1 of
5 each year thereafter, the department shall determine and certify to
6 each school district budget authority for the general fund budget
7 of expenditures for the immediately following school fiscal year.

8 (2) For school fiscal years prior to school fiscal
9 year 2011-12, except as provided in section 79-1028.01, no
10 school district shall have a general fund budget of expenditures
11 minus special grant funds and the special education budget of
12 expenditures more than the greater of (a) the product of the
13 difference of the general fund budget of expenditures minus special
14 grant funds and the special education budget of expenditures
15 for the immediately preceding school fiscal year multiplied by
16 (i) except as otherwise provided in subdivision (a)(ii) of this
17 subsection, the sum of one plus the local system's applicable
18 allowable growth rate or (ii) for school fiscal year 2010-11, the
19 sum of one plus seventy-five hundredths of one percent plus the
20 local system's applicable allowable growth rate or (b)(i) except as
21 otherwise provided in subdivision (b)(ii) of this subsection, the
22 difference of one hundred twenty percent of formula need for such
23 school fiscal year minus the product of the sum of one plus the
24 basic allowable growth rate for such school fiscal year multiplied
25 by the special education budget of expenditures as filed on the
26 school district budget statement on or before September 20 for
27 the immediately preceding school fiscal year or (ii) for school
1 fiscal years 2009-10 and 2010-11, the difference of one hundred
2 sixteen and fifteen-hundredths percent of formula need for such
3 school fiscal year minus the product of the sum of one plus the
4 basic allowable growth rate for such school fiscal year multiplied
5 by the special education budget of expenditures as filed on the
6 school district budget statement on or before September 20 for the
7 immediately preceding school fiscal year.

8 (3) For school fiscal year 2011-12, except as provided in
9 sections 79-1028.01, 79-1029, and 79-1030, each school district
10 shall have budget authority for the general fund budget of

11 expenditures equal to the greater of (a) the general fund budget
 12 of expenditures for school fiscal year 2010-11 minus exclusions
 13 for school fiscal year 2010-11 that fit within subsection (1)
 14 of section 79-1028.01 with the difference increased by an amount
 15 equal to one and one hundred fifteen thousandths percent of the
 16 formula need calculated for school fiscal year 2010-11, (b) the
 17 general fund budget of expenditures for school fiscal year 2010-11
 18 minus exclusions for school fiscal year 2010-11 that fit within
 19 subsection (1) of section 79-1028.01 with the difference increased
 20 by an amount equal to any student growth adjustment calculated
 21 for school fiscal year 2011-12, or (c) one hundred ten percent
 22 of formula need for school fiscal year 2011-12 minus the special
 23 education budget of expenditures as filed on the school district
 24 budget statement on or before September 20 for school fiscal
 25 year 2010-11, which special education budget of expenditures is
 26 increased by the basic allowable growth rate for school fiscal year
 27 2011-12.

1 (4) For school fiscal year 2012-13 and each school
 2 fiscal year thereafter, except as provided in sections 79-1028.01,
 3 79-1029, and 79-1030, each school district shall have budget
 4 authority for the general fund budget of expenditures equal to the
 5 greater of (a) the general fund budget of expenditures for the
 6 immediately preceding school fiscal year minus exclusions pursuant
 7 to subsection (1) of section 79-1028.01 for such school fiscal year
 8 with the difference increased by the basic allowable growth rate
 9 for the school fiscal year for which budget authority is being
 10 calculated, (b) the general fund budget of expenditures for the
 11 immediately preceding school fiscal year minus exclusions pursuant
 12 to subsection (1) of section 79-1028.01 for such school fiscal
 13 year with the difference increased by an amount equal to any
 14 student growth adjustment calculated for the school fiscal year for
 15 which budget authority is being calculated, or (c) one hundred ten
 16 percent of formula need for the school fiscal year for which budget
 17 authority is being calculated minus the special education budget of
 18 expenditures as filed on the school district budget statement on
 19 or before September 20 for the immediately preceding school fiscal
 20 year, which special education budget of expenditures is increased
 21 by the basic allowable growth rate for the school fiscal year for
 22 which budget authority is being calculated.

23 (5) For any school fiscal year for which the budget
 24 authority for the general fund budget of expenditures for a school
 25 district is based on a student growth adjustment, the budget
 26 authority for the general fund budget of expenditures for such
 27 school district shall be adjusted in future years to reflect
 1 any student growth adjustment corrections related to such student
 2 growth adjustment.

3 Sec. 4. Section 79-1027, Revised Statutes Supplement,
 4 2011, is amended to read:

5 79-1027 No district shall adopt a budget, which includes

6 total requirements of depreciation funds, necessary employee
 7 benefit fund cash reserves, and necessary general fund cash
 8 reserves, exceeding the applicable allowable reserve percentages
 9 of total general fund budget of expenditures as specified in the
 10 schedule set forth in this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

18 On or before March 10, 2010, on or before July 1,
 19 2011, on or before May 1, 2012, and on or before March 1 each
 20 year thereafter, the department shall determine and certify each
 21 district's applicable allowable reserve percentage.

22 Each district with combined necessary general fund cash
 23 reserves, total requirements of depreciation funds, and necessary
 24 employee benefit fund cash reserves less than the applicable
 25 allowable reserve percentage specified in this section may,
 26 notwithstanding the district's applicable allowable growth rate,
 27 increase its necessary general fund cash reserves such that the
 1 total necessary general fund cash reserves, total requirements
 2 of depreciation funds, and necessary employee benefit fund
 3 cash reserves do not exceed such applicable allowable reserve
 4 percentage.

5 Sec. 5. Section 79-1031.01, Revised Statutes Supplement,
 6 2011, is amended to read:

7 79-1031.01 The Appropriations Committee of the
 8 Legislature shall annually include the amount necessary to fund the
 9 state aid that will be certified to school districts on or before
 10 March 1, 2011, for school fiscal year 2010-11, on or before July 1,
 11 2011, for school fiscal year 2011-12, on or before May 1, 2012,
 12 for school fiscal year 2012-13, and on or before March 1 for each
 13 ensuing school fiscal year thereafter in its recommendations to the
 14 Legislature to carry out the requirements of the Tax Equity and
 15 Educational Opportunities Support Act.

16 Sec. 9. Since an emergency exists, this act takes effect
 17 when passed and approved according to law.

18 2. Renumber the remaining sections and correct the
 19 repealer accordingly.

The Adams amendment was adopted with 29 ayes, 0 nays, 18 present and
 not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present
 and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 19CA. Considered.

Committee AM866, found on page 907, First Session, 2011, was considered.

Pending.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, February 6, 2012 1:30 p.m.

LB1015
LB1017
LB960
LB981

Room 1003

Tuesday, February 7, 2012 1:30 p.m.

LB958
LB1048
LB1146

(Signed) Lavon Heidemann, Chairperson

Revenue

Room 1524

Wednesday, February 1, 2012 1:30 p.m.

LB749
LB903
LB983
LB1033

Room 1524

Thursday, February 2, 2012 1:30 p.m.

LB731
LB980
LB1080
LB1118

Room 1524

Friday, February 3, 2012 1:30 p.m.

LB1128
LB752
LB962

(Signed) Abbie Cornett, Chairperson

AMENDMENT - Print in Journal

Senator Brasch filed the following amendment to LB1039:
AM1710

- 1 1. On page 6, lines 9 and 18; and page 7, line 15, strike
- 2 "yellow warning", show the old matter as stricken, and insert
- 3 "red".
- 4 2. On page 7, line 8, strike "alternately" and show as
- 5 stricken; and in line 9 after "lights" insert "and red signal
- 6 lights".

UNANIMOUS CONSENT - Add Cointroducers

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB996. No objections. So ordered.

Senators Christensen, Larson, Schilz, and Sullivan asked unanimous consent to add their names as cointroducers to LB1156. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB1165. No objections. So ordered.

Senators Bloomfield, Harms, B. Harr, and Schumacher asked unanimous consent to add their names as cointroducers to LB998. No objections. So ordered.

VISITORS

Visitors to the Chamber were Marcus Wheeler and Alfonzo Robinson from Omaha.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 26, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 2012

PRAYER

The prayer was offered by Reverend Marta Wheeler, Giltner United Methodist Church, Phillips and Giltner.

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 Senators Conrad and Sullivan who were excused; and Senators Campbell, Lautenbaugh, Loudon, Price, Wallman, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 459. Placed on Select File with amendment.
ER149

- 1 1. On page 1, strike beginning with "provide" in line 1
- 2 through "of" in line 3 and insert "prohibit defining or assigning
- 3 a legal status for".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 942. Placed on General File.

(Signed) Rich Pahls, Chairperson

Education

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 801. Placed on General File.

LEGISLATIVE BILL 841. Placed on General File.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Thursday, February 2, 2012 1:30 p.m.

- LB928
- LB1081
- LB1163

Room 1525

Friday, February 3, 2012 1:30 p.m.

- LB1087

Room 1525

Wednesday, February 8, 2012 1:30 p.m.

- LB732
- LB857

Room 1525

Thursday, February 9, 2012 1:30 p.m.

- LB796

Room 1525

Wednesday, February 15, 2012 1:30 p.m.

- LB950
- LB1125

Room 1525

Thursday, February 16, 2012 1:30 p.m.

LB845
LB1161

Room 1525

Wednesday, February 22, 2012 1:30 p.m.

LB756
LB1044

(Signed) Chris Langemeier, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 383.** Introduced by Flood, 19.

WHEREAS, on May 4, 2011, President Barack Obama submitted to the United States Senate the nomination of Nebraska Supreme Court Judge John M. Gerrard to the United States District Court for the District of Nebraska; and

WHEREAS, at Judge Gerrard's confirmation hearing before the United States Senate Judiciary Committee, both of Nebraska's United States Senators, Sen. Ben Nelson and Sen. Mike Johanns, spoke in favor of his nomination; and

WHEREAS, on January 23, 2011, the United States Senate voted 74-16 to confirm Judge Gerrard to be United States District Judge for the District of Nebraska; and

WHEREAS, Judge Gerrard is a native of Schuyler, Nebraska, and received a Bachelor of Science degree from Nebraska Wesleyan University, a Masters of Public Administration from the University of Arizona, and his law degree from Pacific McGeorge School of Law; and

WHEREAS, Judge Gerrard has served as a private attorney, a city attorney, and as counsel to several public schools in Nebraska while engaged in the general practice of law in Norfolk from 1981 through 1995; and

WHEREAS, Judge Gerrard was appointed by Governor Ben Nelson to the Nebraska Supreme Court in 1995, the youngest person ever appointed to the state supreme court bench; and

WHEREAS, Judge Gerrard has received numerous honors and awards in connection with his public service on the Nebraska Supreme Court, including the Nebraska State Bar Foundation's Legal Pioneer Award for leading initiatives promoting racial and ethnic fairness in 2009, the Nebraska Judicial System's Distinguished Judge for Improvement of Judicial System Award in 2006, the Nebraska College of Law Black Students Association's, Outstanding Community Leader Award for

contributions to legal diversity in 2005, and Nebraska Wesleyan University's Alumni Achievement Award in 1999; and

WHEREAS, Judge Gerrard has tirelessly served on Nebraska Supreme Court committees, including the Minority and Justice Committee and Interpreter Advisory Committee; and

WHEREAS, Judge Gerrard has been active and involved in the community, through Big Brothers/Big Sisters of Northeast Nebraska, City Impact, Lincoln People's City Mission, Lincoln Youth Track Club, Meals on Wheels, the Robert Van Pelt American Inns of Court, and the Southeast Nebraska Fellowship of Christian Athletes; and

WHEREAS, Judge Gerrard enjoys presentations to the public, particularly to high school and college groups, that educate others and demystify the justice system; and

WHEREAS, Judge Gerrard is a respected jurist and legal scholar and the author of more than 480 opinions for the Nebraska Supreme Court.

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

1. That the Nebraska Legislature congratulates Judge John M. Gerrard on his confirmation as United States District Judge for the District of Nebraska and his outstanding career on the Nebraska Supreme Court.

2. That a copy of this resolution be sent to Judge John M. Gerrard.

Laid over.

MOTION - Approve Appointment

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 304:

Game and Parks Commission
Ron Stave

Voting in the affirmative, 32:

Adams	Council	Hansen	McCoy	Schilz
Avery	Dubas	Harr, B.	McGill	Schumacher
Bloomfield	Fischer	Heidemann	Mello	Seiler
Carlson	Flood	Howard	Nelson	Smith
Christensen	Fulton	Karpisek	Nordquist	
Cook	Haar, K.	Krist	Pahls	
Cornett	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Coash	Harms	Lambert	Larson
Brasch	Gloor	Janssen	Langemeier	

Excused and not voting, 8:

Campbell	Lautenbaugh	Price	Wallman
Conrad	Louden	Sullivan	Wightman

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 19CA. Committee AM866, found on page 907, First Session, 2011, and considered on page 348, was renewed.

SPEAKER FLOOD PRESIDING

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

Committee AM928, found on page 931, First Session, 2011, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Committee AM965, found on page 956, First Session, 2011, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

Room 1510

Tuesday, February 7, 2012 1:30 p.m.

LB1115
LB1137
LB1121

Room 1510

Tuesday, February 14, 2012 1:30 p.m.

LB1126
LB1132
LB1001
LR376CA

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 384. Introduced by Christensen, 44; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lambert, 2; Langemeier, 23; Larson, 40; Lathrop, 12; Louden, 49; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Wallman, 30; Wightman, 36.

WHEREAS, Carol Stitt served as the executive director of the State Foster Care Review Board for twenty-nine years; and

WHEREAS, during Carol Stitt's tenure as executive director she fought to improve the lives of the families and children in the foster care system; and

WHEREAS, Carol Stitt developed the nation's first statewide independent tracking system of children in out-of-home care, did judicial and guardian ad litem training, and conducted numerous special research projects, including a study of the relationship between child abuse and the adult prison population.

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

1. That the Legislature thanks Carol Stitt for her twenty-nine years of extensive service as executive director of the State Foster Care Review Board.

2. That a copy of this resolution be sent to Carol Stitt.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 276. Title read. Considered.

Pending.

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LR40CA:
AM1611

(Amendments to AM886)

- 1 1. On page 1, line 9, after the period insert "This
- 2 section shall not be construed to modify any provision of law
- 3 relating to Article XV, section 4, Article XV, section 5, Article
- 4 XV, section 6, or Article XV, section 7, of this constitution.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Brasch asked unanimous consent to add her name as cointroducer to LB986. No objections. So ordered.

VISITORS

Visitors to the Chamber were John Ravenscroft from Valentine; Jack Hosking from Omaha; Erv Eisenmenger from West Point; Sarah, Teddy, Claire, Victor, and Isaac Fanta from Creighton.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Friday, January 27, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 27, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 27, 2012

PRAYER

The prayer was offered by Chaplain Stephen Floyd, Church of the Nazarene, Falls City.

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 Senators Christensen, Conrad, B. Harr, Larson, Schilz, and Sullivan who were excused; and Senators Campbell, Cornett, Langemeier, Lautenbaugh, Loudon, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 473. Placed on Select File with amendment. ER151 is available in the Bill Room.

LEGISLATIVE BILL 633. Placed on Select File with amendment. ER150 is available in the Bill Room.

LEGISLATIVE RESOLUTION 19CA. Placed on Select File with amendment.

ER153

- 1 1. In the Standing Committee amendments, AM866, strike
- 2 lines 3 and 4.
- 3 2. On page 1, line 2, strike "FIRST" and insert "SECOND"

(Signed) Tyson Larson, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

REPORTS

The following reports were received by the Legislature:

Aeronautics, Nebraska Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Banking and Finance, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Education, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Energy Office, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Fire Marshal

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Nebraska Department of

Annual Report-Number of Licenses Suspended under the License Suspension Act

Child Support Enforcement State Disbursement Unit Annual Report to the Legislature

New Hire Annual Report to the Legislature

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Waiver of Training Requirements for Relative Foster Care Annual Report

Real Estate Commission, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Roads, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

State Patrol

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

University of Nebraska

Nebraska Tobacco Settlement Biomedical Research Development Fund Annual Report

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 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

Ailor, Robert
ABATE of Nebraska, Inc.
Brandt, Horan, Hallstrom and Stilmock
Fire Chief's Association, Nebraska
Bresel, David
Civic Reform, Nebraskans for
Bromm, Curt/Bromm & Associates, LLC
KZCO, Inc.
Tobacco Company, National
Cutshall & Nowka
Police Officers' Association of Nebraska
Recreation Vehicle Industry Association
Fry, Renee
OpenSky Policy Institute
Johnson, Larry
Trucking Association, Nebraska
Koellner, Greg
ABATE of Nebraska, Inc.
Larson Rodenburg, Susan
City of Lincoln
Loontjer, Pat
Gambling with the Good Life
Mueller Robak LLC
Dermatology Society, Nebraska
Murphy, Andrew
Maintenance of Way Employees Div. of IBT, Brotherhood of
Radcliffe, Walter H. of Radcliffe & Associates
Cities for Equity, Nebraska
Ryan, LLC
Wright, Lee
Farmers' Insurance Group
Young, Philip M.
Cullari Communications Group

GENERAL FILE

LEGISLATIVE BILL 276. Considered.

SENATOR COASH PRESIDING

SENATOR GLOOR PRESIDING

Senator Council offered the following motion:

MO77

Indefinitely postpone.

Laid over.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 790. Placed on General File.

LEGISLATIVE BILL 807. Placed on General File with amendment.

AM1785

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

LEGISLATIVE BILL 862. Placed on General File with amendment.

AM1778

- 1 1. On page 2, line 12, strike "XXX dollars" and insert
- 2 "one hundred forty-five thousand six hundred fourteen dollars and
- 3 seventy-four cents".

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 385. Introduced by Price, 3; Bloomfield, 17; Brasch, 16; Coash, 27; Dubas, 34; Fulton, 29; Loudon, 49; Mello, 5; Nordquist, 7.

WHEREAS, Fred LeRoy, former chairman of the Ponca Tribe of Nebraska, passed away on January 11, 2012, at the age of sixty-two; and

WHEREAS, Fred LeRoy was a Marine who served in the Vietnam War; and

WHEREAS, Fred LeRoy served two terms as chairman of the Ponca Tribe of Nebraska after successfully petitioning the federal government to officially restore the tribe after it had been terminated in 1962; and

WHEREAS, during Fred LeRoy's tenure as chairman, he presided over a period of growth in membership, housing, and programs that led to the overall betterment of the Ponca Tribe; and

WHEREAS, Fred LeRoy is survived by three children, three grandchildren, and a nephew; and

WHEREAS, Fred LeRoy was a great American, a great Nebraskan, and a great warrior for the Ponca Tribe.

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

1. That the Legislature extends its sympathy and condolences to the family of Fred LeRoy.

2. That a copy of this resolution be sent to the family of Fred LeRoy.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 612. Title read. Considered.

Committee AM789, found on page 1020, First Session, 2011, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB216A:
AM1723

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated \$26,250 from
- 4 the Department of Motor Vehicles Cash Fund for FY2012-13 to the
- 5 Department of Motor Vehicles, for Program 70, to aid in carrying
- 6 out the provisions of Legislative Bill 216, One Hundred Second
- 7 Legislature, Second Session, 2012.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB50. No objections. So ordered.

VISITORS

Visitors to the Chamber were 7 students and teachers from Lincoln Public Schools; and members of the Future Water Leaders Academy from across the state.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Dubas, the Legislature adjourned until 10:00 a.m., Monday, January 30, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 30, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 30, 2012

PRAYER

The prayer was offered by Senator McCoy.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Lautenbaugh, and Schilz who were excused; and Senators Christensen, Cornett, Council, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 760. Placed on General File.

LEGISLATIVE BILL 739. Placed on General File with amendment.
AM1669

- 1 1. On page 2, line 24; and page 3, line 14, strike
- 2 "Commencing" and insert "Beginning".
- 3 2. On page 2, line 6, strike "commencing" and insert
- 4 "beginning".

LEGISLATIVE BILL 849. Placed on General File with amendment.
AM1777

- 1 1. On page 4, lines 2 through 5, strike the new matter.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Monday, February 6, 2012 1:30 p.m.

LB1143
 LB984
 LB1003

Room 1507

Tuesday, February 7, 2012 1:30 p.m.

LB882
 LB1129
 LB1100
 LB810

(Signed) Rich Pahls, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 378, 379, and 380 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 378, 379, and 380.

GENERAL FILE**LEGISLATIVE BILL 946.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 426. Placed on Select File with amendment.
ER152

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 13-3108, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 13-3108 (1) Upon the annual certification under section
- 6 13-3107, the State Treasurer shall transfer after the audit the

7 amount certified to the Sports Arena Facility Support Fund which
8 is hereby created. Any money in the fund available for investment
9 shall be invested by the state investment officer pursuant to
10 the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

12 (2)(a) It is the intent of the Legislature to appropriate
13 from the fund money to be distributed to any political subdivision
14 for which an application for state assistance under the Sports
15 Arena Facility Financing Assistance Act has been approved an
16 amount not to exceed seventy percent of the (i) state sales tax
17 revenue collected by retailers doing business at eligible sports
18 arena facilities on sales at such facilities, (ii) state sales
19 tax revenue collected on primary and secondary box office sales
20 of admissions to such facilities, and (iii) new state sales tax
21 revenue collected by nearby retailers and sourced under sections
22 77-2703.01 to 77-2703.04 to a location within six hundred yards of
23 the eligible facility.

1 (b) The amount to be appropriated for distribution as
2 state assistance to a political subdivision under this subsection
3 for any one year after the tenth year shall not exceed the highest
4 such amount appropriated under subdivision (2)(a) of this section
5 during any one year of the first ten years of such appropriation.
6 If seventy percent of the state sales tax revenue as described
7 in subdivision (2)(a) of this section exceeds the amount to be
8 appropriated under this subdivision, such excess funds shall be
9 transferred to the General Fund.

10 (3) The total amount of state assistance approved for an
11 eligible sports arena facility shall not (a) exceed fifty million
12 dollars or (b) be paid out for more than twenty years after the
13 issuance of the first bond for the sports arena facility.

14 (4) State assistance to the political subdivision shall
15 no longer be available upon the retirement of the bonds issued
16 to acquire, construct, improve, or equip the facility or any
17 subsequent bonds that refunded the original issue or when state
18 assistance reaches the amount determined under subsection (3) of
19 this section, whichever comes first.

20 (5) State assistance shall not be used for an operating
21 subsidy or other ancillary facility.

22 (6) The thirty percent of state sales tax revenue
23 remaining after the appropriation and transfer in subsection (2) of
24 this section shall be appropriated by the Legislature to the Civic
25 and Community Center Financing Fund.

26 (7) ~~Any~~ Except as provided in subsection (8) of this
27 section for a city of the primary class, any municipality that has
1 applied for and received a grant of assistance under the Civic and
2 Community Center Financing Act shall not receive state assistance
3 under the Sports Arena Facility Financing Assistance Act for the
4 same project for which the grant was awarded under the Civic and
5 Community Center Financing Act.

6 (8) A city of the primary class shall not be eligible to
 7 receive a grant of assistance from the Civic and Community Center
 8 Financing Act if the city has applied for and received a grant
 9 of assistance under the Sports Arena Facility Financing Assistance
 10 Act.

11 Sec. 2. Original section 13-3108, Revised Statutes
 12 Supplement, 2011, is repealed.

13 2. On page 1, line 3, strike "Cumulative" and strike
 14 "2010" and insert "2011"; and in line 4 strike "the use of
 15 multiple" and insert "eligibility for".

LEGISLATIVE BILL 310. Placed on Select File with amendment.
 ER154

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

3 Section 1. Section 28-311.09, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-311.09 (1) Any victim who has been harassed as
 6 defined by section 28-311.02 may file a petition and affidavit
 7 for a harassment protection order as provided in subsection
 8 (3) of this section. Upon the filing of such a petition and
 9 affidavit in support thereof, the ~~judge or~~ court may issue a
 10 harassment protection order without bond enjoining the respondent
 11 from (a) imposing any restraint upon the person or liberty of
 12 the petitioner, (b) harassing, threatening, assaulting, molesting,
 13 attacking, or otherwise disturbing the peace of the petitioner, or
 14 (c) telephoning, contacting, or otherwise communicating with the
 15 petitioner.

16 (2) The petition for a harassment protection order shall
 17 state the events and dates of acts constituting the alleged
 18 harassment.

19 (3) A petition for a harassment protection order shall be
 20 filed with the clerk of the district court, and the proceeding may
 21 be heard by the county court or the district court as provided in
 22 section 25-2740.

23 (4) A petition for a harassment protection order filed
 1 pursuant to subsection (1) of this section may not be withdrawn
 2 except upon order of the court. An order issued pursuant to
 3 subsection (1) of this section shall specify that it is effective
 4 for a period of one year unless otherwise modified by the court.
 5 Any person who knowingly violates an order issued pursuant to
 6 subsection (1) of this section after service shall be guilty of a
 7 Class II misdemeanor.

8 (5)(a) Fees to cover costs associated with the filing of
 9 a petition for a harassment protection order or the issuance or
 10 service of a harassment protection order seeking only the relief
 11 provided by this section shall not be charged, except that a court
 12 may assess such fees and costs if the court finds, by clear and
 13 convincing evidence, that the statements contained in the petition

14 were false and that the harassment protection order was sought in
15 bad faith.

16 (b) A court may also assess costs associated with the
17 filing of a petition for a harassment protection order or the
18 issuance or service of a harassment protection order seeking only
19 the relief ~~sought in the harassment protection order provided by~~
20 this section against the respondent.

21 (6) The clerk of the district court shall make available
22 standard application and affidavit forms for a harassment
23 protection order with instructions for completion to be used by a
24 petitioner. The clerk and his or her employees shall not provide
25 assistance in completing the forms. The State Court Administrator
26 shall adopt and promulgate the standard application and affidavit
27 forms provided for in this section as well as the standard

1 temporary and final harassment protection order forms and provide
2 a copy of such forms to all clerks of the district courts in this
3 state. These standard temporary and final harassment protection
4 order forms shall be the only such forms used in this state.

5 (7) Any order issued under subsection (1) of this section
6 may be issued ex parte without notice to the respondent if it
7 reasonably appears from the specific facts shown by affidavit of
8 the petitioner that irreparable harm, loss, or damage will result
9 before the matter can be heard on notice. If the specific facts
10 included in the affidavit (a) do not show that the petitioner will
11 suffer irreparable harm, loss, or damage or (b) show that, for any
12 other compelling reason, an ex parte order should not be issued,
13 the court ~~or judge~~ may forthwith cause notice of the application
14 to be given to the ~~adverse party respondent~~ stating that he or she
15 may show cause, not more than fourteen days after service, ~~upon him~~
16 ~~or her~~, why such order should not be entered. If such ex parte
17 order is issued without notice to the respondent, the court shall
18 forthwith cause notice of the petition and order and a form with
19 which to request a show-cause hearing to be given the respondent
20 stating that, upon service on the respondent, the order shall
21 remain in effect for a period of one year unless the respondent
22 shows cause why the order should not remain in effect for a period
23 of one year. ~~The court shall also cause to be served upon the~~
24 ~~respondent a form with which to request a show-cause hearing.~~ If
25 the respondent wishes to appear and show cause why the order should
26 not remain in effect for a period of one year, he or she shall
27 affix his or her current address, telephone number, and signature
1 to the form and return it to the clerk of the district court
2 within five days after service upon him or her. Upon receipt of
3 the request for a show-cause hearing, the court shall immediately
4 schedule a show-cause hearing to be held within thirty days after
5 the receipt of the request for a show-cause hearing and shall
6 notify the petitioner and respondent of the hearing date.

7 (8) Upon the issuance of any harassment protection order,
8 ~~under this section~~, the clerk of the court shall forthwith provide

9 the petitioner, without charge, with two certified copies of such
 10 order. The clerk of the court shall also forthwith provide the
 11 local police department or local law enforcement agency and the
 12 local sheriff's office, without charge, with one copy each of
 13 such order and one copy each of the sheriff's return thereon.
 14 The clerk of the court shall also forthwith provide a copy of
 15 the harassment protection order to the sheriff's office in the
 16 county where the respondent may be personally served together
 17 with instructions for service. Upon receipt of the order and
 18 instructions for service, such sheriff's office shall forthwith
 19 serve the harassment protection order upon the respondent and file
 20 its return thereon with the clerk of the court which issued the
 21 harassment protection order within fourteen days of the issuance
 22 of the harassment protection order. If any harassment protection
 23 order is dismissed or modified by the court, the clerk of the court
 24 shall forthwith provide the local police department or local law
 25 enforcement agency and the local sheriff's office, without charge,
 26 with one copy each of the order of dismissal or modification.

27 (9) A peace officer may, with or without a warrant,
 1 arrest a person if (a) the officer has probable cause to believe
 2 that the person has committed a violation of ~~an~~ a harassment
 3 protection order issued pursuant to this section or a violation
 4 of a valid foreign harassment protection order recognized pursuant
 5 to section 28-311.10 and (b) a petitioner under this section
 6 provides the peace officer with a copy of a harassment protection
 7 order, ~~or~~ the peace officer determines that such an order exists
 8 after communicating with the local law enforcement agency, or a
 9 person protected under a valid foreign harassment protection order
 10 recognized pursuant to section 28-311.10 provides the peace officer
 11 with a copy of ~~a valid foreign harassment protection~~ such order.

12 (10) A peace officer making an arrest pursuant to
 13 subsection (9) of this section shall take such person into custody
 14 and take such person before ~~a judge of~~ the county court or
 15 the court which issued the harassment protection order within
 16 a reasonable time. At such time the court shall establish the
 17 conditions of such person's release from custody, including the
 18 determination of bond or recognizance, as the case may be. The
 19 court shall issue an order directing that such person shall have no
 20 contact with the alleged victim of the harassment.

21 Sec. 2. Section 42-903, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 42-903 For purposes of the Protection from Domestic Abuse
 24 Act, unless the context otherwise requires:

25 (1) Abuse means the occurrence of one or more of the
 26 following acts between household members:

- 27 (a) Attempting to cause or intentionally and knowingly
 1 causing bodily injury with or without a dangerous instrument;
 2 (b) Placing, by ~~physical menace,~~ means of credible
 3 threat, another person in fear of ~~imminent~~ bodily injury; or

- 4 (c) Engaging in sexual contact or sexual penetration
5 without consent as defined in section 28-318;
- 6 (2) Department means the Department of Health and Human
7 Services;
- 8 (3) Family or household members includes spouses or
9 former spouses, children, persons who are presently residing
10 together or who have resided together in the past, persons who
11 have a child in common whether or not they have been married
12 or have lived together at any time, other persons related
13 by consanguinity or affinity, and persons who are presently
14 involved in a dating relationship with each other or who have
15 been involved in a dating relationship with each other. For
16 purposes of this subdivision, dating relationship means frequent,
17 intimate associations primarily characterized by the expectation
18 of affectional or sexual involvement, but does not include a
19 casual relationship or an ordinary association between persons in a
20 business or social context; and
- 21 (4) Law enforcement agency means the police department
22 or town marshal in incorporated municipalities, the office of the
23 sheriff in unincorporated areas, and the Nebraska State Patrol.
- 24 Sec. 3. Section 42-924, Reissue Revised Statutes of
25 Nebraska, is amended to read:
- 26 42-924 (1) Any victim of domestic abuse may file a
27 petition and affidavit for a protection order as provided in
1 subsection (2) of this section. Upon the filing of such a petition
2 and affidavit in support thereof, the ~~judge or court~~ may issue a
3 protection order without bond granting the following relief:
- 4 (a) Enjoining the respondent from imposing any restraint
5 upon the petitioner or upon the liberty of the petitioner;
- 6 (b) Enjoining the respondent from threatening,
7 assaulting, molesting, attacking, or otherwise disturbing the peace
8 of the petitioner;
- 9 (c) Enjoining the respondent from telephoning,
10 contacting, or otherwise communicating with the petitioner;
- 11 (d) Removing and excluding the respondent from the
12 residence of the petitioner, regardless of the ownership of the
13 residence;
- 14 (e) Ordering the respondent to stay away from any place
15 specified by the court;
- 16 (f) Awarding the petitioner temporary custody of any
17 minor children not to exceed ninety days; or
- 18 (g) Ordering such other relief deemed necessary to
19 provide for the safety and welfare of the petitioner and any
20 designated family or household member.
- 21 (2) Petitions for protection orders shall be filed with
22 the clerk of the district court, and the proceeding may be heard
23 by the county court or the district court as provided in section
24 25-2740.

25 (3) A petition filed pursuant to subsection (1) of this
 26 section may not be withdrawn except upon order of the court. An
 27 order issued pursuant to subsection (1) of this section shall
 1 specify that it is effective for a period of one year and, if
 2 the order grants temporary custody, the number of days of custody
 3 granted to the petitioner unless otherwise modified by the court.
 4 Any person who knowingly violates an order issued pursuant to
 5 subsection (1) of this section or section 42-931 after service
 6 shall be guilty of a Class ~~H-I~~ misdemeanor, except that ~~(a)-~~any
 7 person convicted of violating such order who has a prior conviction
 8 for violating a protection order shall be guilty of a Class-I
 9 misdemeanor and ~~(b) any person convicted of violating such order~~
 10 ~~who has a prior conviction for violating the same protection order~~
 11 ~~or a protection order granted to the same petitioner shall be~~
 12 ~~guilty of a Class IV felony. IV felony.~~

13 (4) If there is any conflict between sections 42-924 to
 14 42-926 and any other provision of law, sections 42-924 to 42-926
 15 shall govern.

16 Sec. 4. Original sections 28-311.09, 42-903, and 42-924,
 17 Reissue Revised Statutes of Nebraska, are repealed.

18 2. On page 1, strike lines 2 through 7 and insert
 19 "28-311.09, 42-903, and 42-924, Reissue Revised Statutes of
 20 Nebraska; to change provisions relating to protection order
 21 petitions, definitions, and penalties; and to repeal the original
 22 sections.".

LEGISLATIVE BILL 612. Placed on Select File with amendment.
 ER155

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

3 Section 1. Actions for an injury or injuries suffered
 4 by a plaintiff when the plaintiff was a victim of a violation of
 5 section 28-319.01 or 28-320.01 can only be brought within twelve
 6 years after the plaintiff's twenty-first birthday.

7 Sec. 2. The Revisor of Statutes shall assign section 1 of
 8 this act within Chapter 25, article 2.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 985. Placed on General File.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB426:
AM1783

(Amendments to E & R amendments, ER152)

- 1 1. Insert the following new section:
 2 Section 1. Section 13-2706, Revised Statutes Cumulative
 3 Supplement, 2010, is amended to read:
 4 13-2706 (1) Except as provided in subsection (2) of this
 5 section for a city of the primary class, any municipality that has
 6 applied for and received a grant of assistance under the Sports
 7 Arena Facility Financing Assistance Act shall not receive state
 8 assistance under the Civic and Community Center Financing Act for
 9 the same project for which the grant was awarded under the Sports
 10 Arena Facility Financing Assistance Act.
 11 (2) A city of the primary class shall not be eligible to
 12 receive a grant of assistance from the Civic and Community Center
 13 Financing Act if the city has applied for and received a grant
 14 of assistance under the Sports Arena Facility Financing Assistance
 15 Act.
 16 (3) Any city that has received funding under the
 17 Convention Center Facility Financing Assistance Act shall not
 18 receive state assistance under the Civic and Community Center
 19 Financing Act.
 20 ~~Any municipality, except a city that has received funding~~
 21 ~~under the Convention Center Facility Financing Assistance Act~~
 22 ~~or the Sports Arena Facility Financing Assistance Act, (4) Any~~
 1 municipality eligible for a grant of assistance as provided in
 2 this section may apply for a grant of assistance from the fund.
 3 Application shall be made on forms developed by the department.
 4 2. Renumber the remaining sections and correct the
 5 repealer accordingly.

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, February 6, 2012 1:30 p.m.

LB1040
 LB1052
 LB1112
 LB1155
 LB1030

Room 1113

Tuesday, February 7, 2012 1:30 p.m.

LB893
LB894
LB1095

(Signed) Deb Fischer, Chairperson

General Affairs

Room 1510

Monday, February 6, 2012 1:30 p.m.

Jon Hinrichs - Nebraska Arts Council
Pamela Price - Nebraska Arts Council
LB789
LB978
LB987
LB1130

Room 1510

Monday, February 13, 2012 1:30 p.m.

LB824
LB829
LB992
LB1078

(Signed) Russ Karpisek, Chairperson

Executive Board

Room 2102

Tuesday, February 7, 2012 12:00 p.m.

LR373CA
LB1059
LR377CA
LB761

(Signed) John Wightman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 216. Title read. Considered.

Committee AM878, found on page 1157, First Session, 2011, was considered.

Senator Hadley offered the following amendment to the committee amendment:

FA30

Amend AM878

Strike "2012" on page 8, line 23 and insert "2013".

SENATOR GLOOR PRESIDING**PRESIDENT SHEEHY PRESIDING**

The Hadley amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Pahls offered the following amendment:

AM1701 is available in the Bill Room.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 386. Introduced by Bloomfield, 17; Brasch, 16; Krist, 10.

WHEREAS, Henry Trysla, a prominent and well-loved citizen of South Sioux City, passed away on January 22, 2012, at the age of eighty-two; and

WHEREAS, Henry Trysla was a newspaper reporter and editor of the South Sioux City Star, now known as the Dakota County Star, since 1947; and

WHEREAS, Henry Trysla's newspaper and articles were widely read throughout Dakota County, and his positive influence was felt throughout the area; and

WHEREAS, Henry Trysla served as president of the Nebraska Press Association and as past president of the Northeast Nebraska Press Association and was honored for his work at the newspaper, including being named the Master Editor-Publisher award winner by the Nebraska Press Association and being inducted into the Nebraska Press Association Hall of Fame and the University of Nebraska-Lincoln College of Journalism and Mass Communications Hall of Fame; and

WHEREAS, Henry and his wife, Margaret, traveled all over the United States and the world, sharing stories of their travels through his newspaper articles; and

WHEREAS, Henry Trysla was very active in his community, serving as past president of the South Sioux City Rotary Club, South Sioux City Area Chamber of Commerce, and the South Sioux City Development Corporation; and

WHEREAS, Henry Trysla was a founding member of the board of directors of the Dakota County State Bank and a member of the group that established the cable television system in South Sioux City. He worked with the Game and Parks Commission to help establish an 80-acre park on the Missouri River and created the necessary publicity that led to the founding of the Atokad Agriculture and Racing Association; and

WHEREAS, Henry Trysla was a lifelong member of the Catholic Church, serving on the governing board of St. Michael's Catholic Church and as co-chairman of the building committee when the church was built; and

WHEREAS, Henry Trysla is survived by his loving wife, Margaret; his children Teresa, Pat, Maria, Trudi, and Timothy; his sisters Elizabeth, Evie, and Virginia; twelve grandchildren; and a multitude of friends. Henry Trysla will be greatly missed in his community.

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

1. That the Legislature extends its sympathy to the family of Henry Trysla and recognizes the many achievements he made for the betterment of his community.

2. That a copy of this resolution be sent to Margaret Trysla.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Hadley asked unanimous consent to add his name as cointroducer to LB1118. No objections. So ordered.

Senators Hadley, Karpisek, and Seiler asked unanimous consent to add their names as cointroducers to LB998. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB507. No objections. So ordered.

VISITORS

Visitor to the Chamber was Senator Louden's cousin, Harry Merrihew, from Ashby.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 31, 2012
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 2012

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senator Price who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 526. Placed on General File with amendment.
AM1784

1 1. On page 3, lines 9 through 11, strike the new
2 matter and insert "or (ii) a transfer or change in the purpose
3 of use of a surface water irrigation appropriation as provided
4 for in subsection (3), (5), or (6) of section 46-290 if the
5 transfer or change in purpose will not diminish the supply
6 of water available or otherwise adversely affect any other
7 water appropriator, adversely affect Nebraska's ability to meet
8 its obligations under a multistate agreement, or result in
9 administration of the prior appropriation system by the Department
10 of Natural Resources, which would not have otherwise occurred".

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Thursday, February 23, 2012 1:30 p.m.

LB1002

(Signed) Kathy Campbell, Chairperson

SELECT FILE

LEGISLATIVE RESOLUTION 40CA. ER94, found on page 1239, First Session, 2011, was adopted.

Senator Christensen renewed his amendment, AM1371, found on page 1399, First Session, 2011.

The Christensen amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Senator Pirsch renewed his amendment, AM1611, found on page 357.

Pending.

COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 42. Placed on General File.

(Signed) Amanda McGill, Chairperson

General Affairs

LEGISLATIVE BILL 780. Placed on General File.

LEGISLATIVE BILL 861. Placed on General File.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Wednesday, February 8, 2012 1:30 p.m.

LB919
LB1021

LB1049
 LB1107
 LB1120

Room 1113

Thursday, February 9, 2012 1:30 p.m.

LB844
 LB935
 LB1172
 LB1086

(Signed) Brad Ashford, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Sullivan has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB190:

FA31

On page 3, lines 8 and 11, to strike "seven" and insert "twelve".

SELECT FILE

LEGISLATIVE RESOLUTION 40CA. The Pirsch amendment, AM1611, found on page 357 and considered in this day's Journal, was renewed.

The Pirsch amendment was adopted with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 733. Placed on General File.

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 878. Placed on General File.

LEGISLATIVE BILL 759. Placed on General File with amendment.

AM1787

1 1. On page 5, strike lines 1 through 13.

LEGISLATIVE BILL 775. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Natural Resources

LEGISLATIVE BILL 877. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

SELECT FILE

LEGISLATIVE BILL 66. ER143, found on page 239, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 66A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 415. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 503. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 216. Senator Pahls renewed his amendment, AM1701, found on page 375.

Senator Pahls withdrew his amendment.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 216A. Title read. Considered.

Senator Coash renewed his amendment, AM1723, found on page 363.

The Coash amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 391. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM683, found on page 1035, First Session, 2011, was considered.

PRESIDENT SHEEHY PRESIDING

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

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 507. Title read. Considered.

Committee AM670, found on page 1412, First Session, 2011, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Committee AM1519, found on page 1719, First Session, 2011, was considered.

Senator Hadley offered the following amendment to the committee amendment:

AM1760

(Amendments to Standing Committee amendments, AM1519)

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

The Hadley amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Pahls withdrew his amendment, AM1545, found on page 1746, First Session, 2011.

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

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 786. Placed on General File with amendment.
AM1736

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

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LB498:
AM1658

(Amendments to Standing Committee amendments, AM1581)

- 1 1. On page 1, strike beginning with "the" in line 21
- 2 through the new matter in line 22 and insert "section 81-1504 and
- 3 subsection (9) of section 81-1505".

Senator Schilz filed the following amendment to LB391:
AM1804

- 1 1. On page 2, line 23, strike "The Nature Conservancy,
- 2 Nebraska Office" and insert "An electric generating utility".
- 3 2. On page 3, line 16, strike "and"; and in line 17 after
- 4 "Survey" insert "; and
- 5 (e) The Nature Conservancy, Nebraska Office".

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, February 8, 2012 1:30 p.m.

LB976
LB977
LB1061
LB1102
LB1117

Room 1524

Thursday, February 9, 2012 1:30 p.m.

LB902
LB1050
LB1085
LB1097

LB1108

Room 1524

Wednesday, February 15, 2012 1:30 p.m.

LB897
LB967
LB1069
LB1093
LB1109

Room 1524

Thursday, February 16, 2012 1:30 p.m.

LB855
LB956
LB986
LB1098

(Signed) Abbie Cornett, Chairperson

VISITORS

Visitor to the Chamber was Thor Larson from Grand Island.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 1, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 2012

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Wallman who was excused; and Senators Conrad, Karpisek, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 946. Placed on Select File with amendment.
ER156

- 1 1. On page 1, strike beginning with "revenue" in line
- 2 9 through "act" in line 10 and insert "state aid, tax levies,
- 3 fees, grants, and revenue bonds; to provide and change powers
- 4 and duties; to eliminate obsolete provisions; to eliminate the
- 5 Community College Foundation and Equalization Aid Act".
- 6 2. On page 10, line 10, strike "to", show as stricken,
- 7 and insert "and".
- 8 3. On page 45, line 17, strike "fund" and show as
- 9 stricken; and in line 19 strike "subsection", show as stricken, and
- 10 insert "subdivision".
- 11 4. On page 47, line 17, strike the first "fund"; and in
- 12 line 18 strike "subsection" and insert "subdivision".
- 13 5. On page 53, line 25, strike "subsection" and insert
- 14 "subdivision".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 66. Placed on Final Reading.
LEGISLATIVE BILL 66A. Placed on Final Reading.
LEGISLATIVE BILL 415. Placed on Final Reading.
LEGISLATIVE BILL 503. Placed on Final Reading.

LEGISLATIVE RESOLUTION 40CA. Placed on Final Reading.

ST49

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

1. On page 1, line 2, "FIRST" has been struck and "SECOND" inserted.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, February 9, 2012 1:30 p.m.

James Jirak - Commission for the Blind and Visually Impaired

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 8, 2012 1:30 p.m.

LB827
 LB1101
 LB1094
 LB936

Room 1507

Thursday, February 9, 2012 1:30 p.m.

LB1014
 LB944
 LB1157
 LB1025

Room 1507

Wednesday, February 15, 2012 1:30 p.m.

LB1141
LB819
LB999
LB795
LB1023

Room 1507

Thursday, February 16, 2012 1:30 p.m.

LB953
LB813
LB869
LB880

Room 1507

Wednesday, February 22, 2012 1:30 p.m.

LB975
LB1006
LB1024
LB1076

Room 1507

Thursday, February 23, 2012 1:30 p.m.

LB1116
LB1013
LB1140
LB1060

Room 1507

Friday, February 24, 2012 1:30 p.m.

LB1170
LB1171
LR371
LR381

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 427. Title read. Considered.

Committee AM1576, found on page 1787, First Session, 2011, was considered.

SENATOR LANGEMEIER PRESIDING

Senator Carlson renewed his amendment, AM1670, found on page 183, to the committee amendment.

The Carlson amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Committee AM1577, found on page 1800, First Session, 2011, was considered.

Senator Avery renewed his amendment, AM1672, found on page 183, to the committee amendment.

The Avery amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 811. Placed on General File.

LEGISLATIVE BILL 1031. Placed on General File.

LEGISLATIVE BILL 887. Placed on General File with amendment.
AM1764

- 1 1. On page 71, line 17, before the period insert "or the
- 2 violation was not part of a pattern or practice".

LEGISLATIVE BILL 943. Placed on General File with amendment.
AM1763

- 1 1. On page 2, strike lines 5 through 8; in line 9 strike
- 2 "(2)" and insert "(1)"; in line 15 strike "(3)" and insert "(2)";
- 3 and in line 18 strike "(4)" and insert "(3)".
- 4 2. On page 3, line 10, after "insurer" insert ", if
- 5 applicable,".
- 6 3. On page 4, line 1, strike "related to a catastrophe,";
- 7 and in line 7 after "for" insert "such" and strike "related to a
- 8 catastrophe".

(Signed) Rich Pahls, Chairperson

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB1073:
AM1782

- 1 1. On page 7, after line 16 insert the following new
- 2 paragraphs:
- 3 "\$12,416.61 for Miscellaneous Claim Number 2012-11854,
- 4 against the Department of Health and Human Services, made by Apex
- 5 Foster Care, Inc., Attn: Alicia Zuger, 9945 Maple Street, Omaha, NE
- 6 68134-5550.
- 7 \$6,933.14 for Miscellaneous Claim Number 2012-11863,
- 8 against the Department of Health and Human Services, made by
- 9 St. Monica's Home, Attn: Jennifer Ekeler, 120 Wedgewood Drive,
- 10 Lincoln, NE 68510.
- 11 \$402,019.17 for Miscellaneous Claim Number 2012-11882,
- 12 against the Department of Health and Human Services, made by BSM
- 13 Inc., dba McConaughy Discovery Center, Attn: Jeannie Lane, P.O. Box
- 14 299, Ogallala, NE 69153.
- 15 \$5,302.03 for Miscellaneous Claim Number 2012-11895,
- 16 against the Department of Health and Human Services, made by
- 17 Central Mediation Center, Attn: Denise Haupt, P.O. Box 838,
- 18 Kearney, NE 68848-0838.
- 19 \$1,224.00 for Miscellaneous Claim Number 2012-11896,
- 20 against the Department of Health and Human Services, made by
- 21 Women In Community Service - WICS Residence for Girls, Attn: Tauni
- 22 Waddington, 1935 D Street, Lincoln, NE 68502.
- 23 \$4,948.65 for Miscellaneous Claim Number 2012-11897,
- 1 against the Department of Health and Human Services, made by
- 2 Child Saving Institute, Attn: Susan Baumert, 4545 Dodge Street,
- 3 Omaha, NE 68132.

- 4 \$17,883.32 for Miscellaneous Claim Number 2012-11898,
5 against the Department of Health and Human Services, made by
6 Community Action Partnership of Western Nebraska, Attn: Scott
7 Stockwell, 3350 10th Street, Gering, NE 69341.
8 \$114.10 for Miscellaneous Claim Number 2012-11899,
9 against the Department of Health and Human Services, made by Myhanh
10 Che, 1333 North 161st Street, Omaha, NE 68118.
11 \$136,258.51 for Miscellaneous Claim Number 2012-11900,
12 against the Department of Health and Human Services, made by
13 Heartland Family Service, Attn: John Jeanetta, 2101 South 42nd
14 Street, Omaha, NE 68105.
15 \$62,805.41 for Miscellaneous Claim Number 2012-11901,
16 against the Department of Health and Human Services, made by Father
17 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys
18 Town, NE 68010.
19 \$161,541.19 for Miscellaneous Claim Number 2012-11902,
20 against the Department of Health and Human Services, made by Father
21 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys
22 Town, NE 68010.
23 \$994.25 for Miscellaneous Claim Number 2012-11910,
24 against the Department of Health and Human Services, made by Donald
25 Tuggle, 108 South Willow Street, North Platte, NE 69101.
26 \$952.96 for Miscellaneous Claim Number 2012-11911,
27 against the Department of Health and Human Services, made by Donald
1 Tuggle, 108 South Willow Street, North Platte, NE 69101.
2 \$810.26 for Miscellaneous Claim Number 2012-11946,
3 against the Department of Health and Human Services, made by Rick
4 Michaelsen, 405 West Q Street, McCook, NE 69001.
5 \$8,146.69 for Miscellaneous Claim Number 2012-11947,
6 against the Department of Health and Human Services, made by
7 Northeast Nebraska Juvenile Services, Attn: Mark Benne, P.O. Box
8 50, Madison, NE 68748.
9 \$3,756.63 for Miscellaneous Claim Number 2012-11948,
10 against the Department of Health and Human Services, made by
11 Dr. John Meidlinger, 207 North Pine Street, Suite 100, Grand
12 Island, NE 68801.".

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 1524

Monday, February 13, 2012 1:30 p.m.

AM1782 to LB1073

(Signed) Steve Lathrop, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 387. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this study is to analyze the feasibility, process, and profitability of selling Omaha's Metropolitan Utilities District from the public domain to a private entity. With the current climate of the United States and state economies, it has become necessary to find new ways of trimming government and reducing the burdens on municipalities. This study would be a step in that direction for the city of Omaha.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 576. Title read. Considered.

Committee AM1555, found on page 1801, First Session, 2011, was considered.

SENATOR CARLSON PRESIDING

The committee amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 498. Title read. Considered.

Committee AM1581, found on page 1812, First Session, 2011, was considered.

Senator Loudon renewed his amendment, AM1658, found on page 384, to the committee amendment.

The Loudon amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 836. Title read. Considered.

Committee AM1700, found on page 269, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 714. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 852. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.

Committee AM1704, found on page 306, was considered.

SENATOR SULLIVAN PRESIDING

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 723. Placed on General File.

LEGISLATIVE BILL 794. Placed on General File.

LEGISLATIVE BILL 831. Placed on General File.

LEGISLATIVE BILL 871. Placed on General File.

LEGISLATIVE BILL 686. Placed on General File with amendment.

AM1774

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

3 Section 1. Section 38-3321, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:
5 38-3321 No person may practice veterinary medicine and
6 surgery in the state who is not a licensed veterinarian, no
7 person may perform delegated animal health care tasks in the
8 state who is not a licensed veterinary technician or an unlicensed
9 assistant performing such tasks within the limits established under
10 subdivision (2) of section 38-3326, and no person may perform
11 health care therapy on animals in the state who is not a licensed
12 animal therapist. The Veterinary Medicine and Surgery Practice Act
13 shall not be construed to prohibit:

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

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

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

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

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

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

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

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

24 (9) Any person from selling or applying any pesticide,
25 insecticide, or herbicide;

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

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

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

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

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

17 (14) A person from performing a retrievable
18 transplantation of embryos on bovine, including recovering,
19 freezing, and transferring embryos on bovine, if the procedure is
20 being performed by a person who (a) holds a master's degree with an
21 emphasis in reproductive physiology from an accredited college or
22 university, (b) performs the procedure under indirect supervision
23 of a licensed veterinarian in this state, and (c) has and can show
24 proof of valid professional liability insurance; or

25 (15) A person from performing a retrievable
26 transplantation of embryos on bovine, including recovering,
27 freezing, and transferring embryos on bovine, if the procedure is
1 being performed by a person who (a) holds a doctorate degree with
2 an emphasis in reproductive physiology from an accredited college
3 or university and (b) has and can show proof of valid professional
4 liability insurance.

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

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File with amendment.
ER157

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

3 Section 1. Section 60-301, Revised Statutes Supplement,
4 2011, is amended to read:

5 60-301 Sections 60-301 to 60-3,222 and section 4 of
6 this act shall be known and may be cited as the Motor Vehicle
7 Registration Act.

8 Sec. 2. Section 60-3,100, Revised Statutes Supplement,
9 2011, is amended to read:

10 60-3,100 (1) The department shall issue to every person
11 whose motor vehicle or trailer is registered fully reflectorized
12 license plates upon which shall be displayed (a) the registration
13 number consisting of letters and numerals assigned to such motor
14 vehicle or trailer in figures not less than two and one-half inches
15 nor more than three inches in height and (b) also the word Nebraska
16 suitably lettered so as to be attractive. Two license plates shall
17 be issued for every motor vehicle, except that one plate shall
18 be issued for dealers, motorcycles, minitrucks, truck-tractors,
19 trailers, buses, ~~and~~ apportionable vehicles, and special interest
20 motor vehicles that use the special interest motor vehicle license
21 plate authorized by and issued under section 4 of this act. The
22 license plates shall be of a color designated by the director. The
23 color of the plates shall be changed each time the license plates
1 are changed. Each time the license plates are changed, the director
2 shall secure competitive bids for materials pursuant to sections
3 81-145 to 81-162. Motorcycle, minitruck, low-speed vehicle, and
4 trailer license plate letters and numerals may be one-half the size
5 of those required in this section.

6 (2) When two license plates are issued, one shall be
7 prominently displayed at all times on the front and one on the
8 rear of the registered motor vehicle or trailer. When only one
9 plate is issued, it shall be prominently displayed on the rear of
10 the registered motor vehicle or trailer. When only one plate is
11 issued for motor vehicles registered pursuant to section 60-3,198
12 and truck-tractors, it shall be prominently displayed on the front
13 of the apportionable vehicle.

14 Sec. 3. Section 60-3,104, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-3,104 The department shall issue the following types
17 of license plates:

18 (1) Amateur radio station license plates issued pursuant
19 to section 60-3,126;

20 (2) Apportionable vehicle license plates issued pursuant
21 to section 60-3,203;

22 (3) Boat dealer license plates issued pursuant to section
23 60-379;

24 (4) Bus license plates issued pursuant to section
25 60-3,144;

26 (5) Commercial motor vehicle license plates issued
27 pursuant to section 60-3,147;

1 (6) Dealer or manufacturer license plates issued pursuant
2 to sections 60-3,114 and 60-3,115;

3 (7) Disabled veteran license plates issued pursuant to
4 section 60-3,124;

5 (8) Farm trailer license plates issued pursuant to
6 section 60-3,151;

7 (9) Farm truck license plates issued pursuant to section
8 60-3,146;

- 9 (10) Farm trucks with a gross weight of over sixteen tons
10 license plates issued pursuant to section 60-3,146;
- 11 (11) Fertilizer trailer license plates issued pursuant to
12 section 60-3,151;
- 13 (12) Film vehicle license plates issued pursuant to
14 section 60-383;
- 15 (13) Gold Star Family license plates issued pursuant to
16 sections 60-3,122.01 and 60-3,122.02;
- 17 (14) Handicapped or disabled person license plates issued
18 pursuant to section 60-3,113;
- 19 (15) Historical vehicle license plates issued pursuant to
20 sections 60-3,130 to 60-3,134;
- 21 (16) Local truck license plates issued pursuant to
22 section 60-3,145;
- 23 (17) Minitruck license plates issued pursuant to section
24 60-3,100;
- 25 (18) Motor vehicle license plates for motor vehicles
26 owned or operated by the state, counties, municipalities, or school
27 districts issued pursuant to section 60-3,105;
- 1 (19) Motor vehicles exempt pursuant to section 60-3,107;
- 2 (20) Motorcycle license plates issued pursuant to section
3 60-3,100;
- 4 (21) Nebraska Cornhusker Spirit Plates issued pursuant to
5 sections 60-3,127 to 60-3,129;
- 6 (22) Nonresident owner thirty-day license plates issued
7 pursuant to section 60-382;
- 8 (23) Passenger car having a seating capacity of ten
9 persons or less and not used for hire issued pursuant to section
10 60-3,143;
- 11 (24) Passenger car having a seating capacity of ten
12 persons or less and used for hire issued pursuant to section
13 60-3,143;
- 14 (25) Pearl Harbor license plates issued pursuant to
15 section 60-3,122;
- 16 (26) Personal-use dealer license plates issued pursuant
17 to section 60-3,116;
- 18 (27) Personalized message license plates for motor
19 vehicles and cabin trailers, except commercial motor vehicles
20 registered for over ten tons gross weight, issued pursuant to
21 sections 60-3,118 to 60-3,121;
- 22 (28) Prisoner-of-war license plates issued pursuant to
23 section 60-3,123;
- 24 (29) Purple Heart license plates issued pursuant to
25 section 60-3,125;
- 26 (30) Recreational vehicle license plates issued pursuant
27 to section 60-3,151;
- 1 (31) Repossession license plates issued pursuant to
2 section 60-375;

- 3 (32) Special interest motor vehicle license plates issued
 4 pursuant to section 4 of this act;
 5 ~~(32)-(33)~~ Specialty license plates issued pursuant to
 6 sections 60-3,104.01 and 60-3,104.02;
 7 ~~(33)-(34)~~ Trailer license plates issued for trailers
 8 owned or operated by the state, counties, municipalities, or school
 9 districts issued pursuant to section 60-3,106;
 10 ~~(34)-(35)~~ Trailer license plates issued pursuant to
 11 section 60-3,100;
 12 ~~(35)-(36)~~ Trailers exempt pursuant to section 60-3,108;
 13 ~~(36)-(37)~~ Transporter license plates issued pursuant to
 14 section 60-378;
 15 ~~(37)-(38)~~ Trucks or combinations of trucks,
 16 truck-tractors, or trailers which are not for hire and
 17 engaged in soil and water conservation work and used for the
 18 purpose of transporting pipe and equipment exclusively used by such
 19 contractors for soil and water conservation construction license
 20 plates issued pursuant to section 60-3,149;
 21 ~~(38)-(39)~~ Utility trailer license plates issued pursuant
 22 to section 60-3,151; and
 23 ~~(39)-(40)~~ Well-boring apparatus and well-servicing
 24 equipment license plates issued pursuant to section 60-3,109.
- 25 Sec. 4. (1) The department shall either modify an
 26 existing plate design or design license plates to identify special
 27 interest motor vehicles, to be known as special interest motor
 1 vehicle license plates. The department, in designing such special
 2 interest motor vehicle license plates, shall include the words
 3 special interest and limit the manufacturing cost of each plate
 4 to an amount less than or equal to the amount charged for license
 5 plates pursuant to section 60-3,102. The department shall choose
 6 the design of the plate. The department shall make applications
 7 available for this type of plate when it is designed.
- 8 (2) One type of special interest motor vehicle license
 9 plate shall be alphanumeric plates. The department shall:
- 10 (a) Assign a designation up to seven characters; and
 11 (b) Not use a county designation.
- 12 (3) One type of special interest motor vehicle license
 13 plate shall be personalized message plates. Such plates shall be
 14 issued subject to the same conditions specified for personalized
 15 message license plates in section 60-3,118.
- 16 (4) A person may apply to the department for a special
 17 interest motor vehicle license plate in lieu of regular license
 18 plates on an application prescribed and provided by the department
 19 for any special interest motor vehicle, except for a motor vehicle
 20 registered under section 60-3,198, motorcycle, or trailer. The
 21 department shall make forms available for such applications through
 22 the county treasurers.

23 (5) The form shall contain a description of the special
24 interest motor vehicle owned and sought to be registered, including
25 the make, body type, model, serial number, and year of manufacture.

26 (6)(a) In addition to all other fees required to register
27 a motor vehicle, each application for initial issuance or renewal
1 of a special interest motor vehicle license plate shall be
2 accompanied by a special interest motor vehicle license plate
3 fee of fifty dollars. Twenty-five dollars of the special interest
4 motor vehicle license plate fee shall be remitted to the State
5 Treasurer for credit to the Department of Motor Vehicles Cash
6 Fund, and twenty-five dollars of the special interest motor vehicle
7 license plate fee shall be remitted to the State Treasurer for
8 credit to the Highway Trust Fund.

9 (b) If a special interest motor vehicle license plate is
10 lost, stolen, or mutilated, the owner shall be issued a replacement
11 license plate pursuant to section 60-3,157.

12 (7) When the department receives an application for a
13 special interest motor vehicle license plate, the department shall
14 deliver the plate to the county treasurer of the county in which
15 the special interest motor vehicle is registered. The county
16 treasurer shall issue the special interest motor vehicle license
17 plate in lieu of regular license plates when the applicant complies
18 with the other provisions of the Motor Vehicle Registration Act for
19 registration of the special interest motor vehicle.

20 (8) If the cost of manufacturing special interest motor
21 vehicle license plates at any time exceeds the amount charged
22 for license plates pursuant to section 60-3,102, any money to
23 be credited to the Department of Motor Vehicles Cash Fund under
24 this section shall instead be credited first to the Highway
25 Trust Fund in an amount equal to the difference between the
26 manufacturing costs of special interest motor vehicle license
27 plates and the amount charged pursuant to section 60-3,102 with
1 respect to such license plates and the remainder shall be credited
2 to the Department of Motor Vehicles Cash Fund.

3 (9) The special interest motor vehicle license plate
4 shall be affixed to the rear of the special interest motor vehicle.

5 (10) A special interest motor vehicle shall not be used
6 for the same purposes and under the same conditions as other motor
7 vehicles of the same type and shall not be used for business or
8 occupation or regularly for transportation to and from work. A
9 special interest motor vehicle may be driven on the public streets
10 and roads only for occasional transportation, public displays,
11 parades, and related pleasure or hobby activities.

12 (11) It shall be unlawful to own or operate a motor
13 vehicle with special interest motor vehicle license plates in
14 violation of this section. Upon conviction of a violation of any
15 provision of this section, a person shall be guilty of a Class V
16 misdemeanor.

17 (12) For purposes of this section, special interest motor
 18 vehicle means a motor vehicle of any age which is being collected,
 19 preserved, restored, or maintained by the owner as a leisure
 20 pursuit and not used for general transportation of persons or
 21 cargo.

22 Sec. 5. This act becomes operative on January 1, 2013.

23 Sec. 6. Original section 60-3,104, Reissue Revised
 24 Statutes of Nebraska, and sections 60-301 and 60-3,100, Revised
 25 Statutes Supplement, 2011, are repealed.

26 2. On page 1, strike lines 2 through 6 and insert
 27 "section 60-3,104, Reissue Revised Statutes of Nebraska, and
 1 sections 60-301 and 60-3,100, Revised Statutes Supplement, 2011;
 2 to provide for special interest motor vehicle license plates; to
 3 provide for a fee; to provide a penalty; to define special interest
 4 motor vehicle; to harmonize provisions; to provide an operative
 5 date; and to repeal the original sections."

LEGISLATIVE BILL 216A. Placed on Select File with amendment.
 ER158

- 1 1. On page 1, line 3, strike "First Session, 2011" and
- 2 insert "Second Session, 2012".

LEGISLATIVE BILL 391. Placed on Select File with amendment.
 ER159

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. The Legislature finds that:
 4 (1) The land, water, and other resources of Nebraska are
 5 being severely impacted by the invasion of an increasing number of
 6 harmful invasive species;

7 (2) These impacts are resulting in damage to Nebraska's
 8 environment and causing economic hardships; and

9 (3) The multitude of public and private organizations
 10 with an interest in controlling and preventing the spread
 11 of harmful invasive species in Nebraska need a mechanism for
 12 cooperation, communication, collaboration, and developing a
 13 statewide plan of action to meet these threats.

14 Sec. 2. For purposes of sections 1 to 6 of this act,
 15 invasive species means aquatic or terrestrial organisms not native
 16 to the region that cause economic or biological harm and are
 17 capable of spreading to new areas, and invasive species does not
 18 include livestock as defined in sections 54-1368 and 54-1902, honey
 19 bees, domestic pets, intentionally planted agronomic crops, or
 20 nonnative organisms that do not cause economic or biological harm.

21 Sec. 3. (1) The Nebraska Invasive Species Council is
 22 created.

23 (2) Voting members of the council shall include a
 1 designated representative of:

- 2 (a) The Nature Conservancy, Nebraska Office;

- 3 (b) The Department of Agriculture;
 4 (c) The Game and Parks Commission;
 5 (d) The Nebraska Forest Service;
 6 (e) The University of Nebraska-Lincoln;
 7 (f) The Nebraska Cooperative Fish and Wildlife Research
 8 Unit;
 9 (g) The Nebraska Weed Control Association; and
 10 (h) The Nebraska Association of Resources Districts.
 11 (3) Voting members of the council shall also include up
 12 to five members at large who shall represent public interests,
 13 at least three of which shall represent agricultural land owner
 14 interests, as appointed by the Governor.
 15 (4) Nonvoting, ex officio members of the council shall
 16 include a designated representative of:
 17 (a) The Midwest Region of the National Park Service;
 18 (b) The Animal and Plant Health Inspection Service of the
 19 United States Department of Agriculture;
 20 (c) The Natural Resources Conservation Service of the
 21 United States Department of Agriculture; and
 22 (d) The United States Geological Survey.
 23 (5) The council shall extend membership to those entities
 24 deemed necessary to accomplish the council's duties.
 25 Sec. 4. The Nebraska Invasive Species Council shall:
 26 (1) Recommend action to minimize the effects of harmful
 27 invasive species on Nebraska's citizens in order to promote the
 1 economic and environmental well-being of the state;
 2 (2) Develop and periodically update a statewide adaptive
 3 management plan for invasive species as described in section 5 of
 4 this act;
 5 (3) Serve as a forum for discussion, identification, and
 6 understanding of invasive species issues;
 7 (4) Facilitate the communication, cooperation, and
 8 coordination of local, state, federal, private, and nongovernmental
 9 entities for the prevention, control, and management of invasive
 10 species;
 11 (5) Assist with public outreach and awareness of invasive
 12 species issues; and
 13 (6) Provide information to the Legislature for decision
 14 making, planning, and coordination of invasive species management
 15 and prevention.
 16 Sec. 5. The adaptive management plan will address the
 17 following:
 18 (1) Statewide coordination and intergovernmental
 19 cooperation;
 20 (2) Prioritization of invasive species response and
 21 management;
 22 (3) Early detection and prevention of new invasive
 23 species through deliberate or unintentional introduction;
 24 (4) Inventory and monitoring of invasive species;

25 (5) Identification of research and information gaps;

26 (6) Public outreach and education;

27 (7) Identification of funding and resources available for
 1 invasive species prevention, control, and management; and

2 (8) Recommendations for legislation regarding invasive
 3 species issues.

4 Sec. 6. (1) The adaptive management plan shall be updated
 5 at least once every three years following its initial development.
 6 The plan shall be submitted to the Governor and the Agriculture
 7 Committee of the Legislature.

8 (2) The Nebraska Invasive Species Council shall submit an
 9 annual report of its activities to the Governor and the Agriculture
 10 Committee of the Legislature by December 15 of each year. The
 11 annual report shall include an evaluation of progress made in the
 12 preceding year.

13 (3) The council shall complete the initial adaptive
 14 management plan within three years after the effective date of this
 15 act.

16 (4) Prior to the start of the 2014 legislative session,
 17 the council shall prepare a report to the Agriculture Committee of
 18 the Legislature that makes recommendations as to the extension or
 19 modification of the council.

20 (5) The council may establish advisory and technical
 21 subcommittees that the council considers necessary to aid and
 22 advise it in the performance of its functions.

23 2. On page 1, line 2, strike beginning with the first
 24 comma through "and" and insert "; to define a term; and to".

(Signed) Tyson Larson, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB427. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB903. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group from Scottsbluff-Gering United Chamber and Leadership Scottsbluff.

ADJOURNMENT

At 11:46 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, February 2, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 2, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 2012

PRAYER

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 507. Placed on Select File with amendment.
ER161

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-1708, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-1708 Sections 68-1708 to 68-1734 and sections 2 to 5
- 6 of this act shall be known and may be cited as the Welfare Reform
- 7 Act.
- 8 Sec. 2. For purposes of creating the self-sufficiency
- 9 contract and meeting the applicant's work activity requirement, an
- 10 applicant who is under twenty years of age and is married or a
- 11 single head of household is deemed to have met the work activity
- 12 requirement in a month if he or she:
- 13 (1) Maintains satisfactory attendance during such month
- 14 at secondary school, a general education development program, or
- 15 the equivalent; or

16 (2) Participates in education directly related to
 17 employment for an average of at least twenty hours per week during
 18 such month. Education directly related to employment includes, but
 19 is not limited to, Adult Basic Education, English as a Second
 20 Language, and a general education development program.

21 Sec. 3. (1) For purposes of this section, target work
 22 rate means fifty percent less the caseload reduction credit
 23 submitted by the Nebraska Department of Health and Human Services
 1 to the United States Department of Health and Human Services for
 2 the fiscal year.

3 (2) For purposes of creating the self-sufficiency
 4 contract and meeting the applicant's work activity requirement,
 5 an applicant under twenty-four years of age shall be deemed to
 6 have met the work activity requirement in a month if he or she is
 7 engaged in education directly related to employment for an average
 8 of at least twenty hours per week during such month. Education
 9 directly related to employment includes, but is not limited to,
 10 Adult Basic Education, English as a Second Language, and a general
 11 education development program.

12 (3) No state funds shall be used to carry out this
 13 section unless such state funds meet the definition of qualified
 14 state expenditures under the federal Temporary Assistance for Needy
 15 Families Act, 42 U.S.C. 609(a)(7)(B)(i).

16 (4) If Nebraska's work participation rate under the
 17 federal Temporary Assistance for Needy Families program, 42 U.S.C.
 18 601 et seq., does not exceed the target work rate by ten percentage
 19 points in any month, the Department of Health and Human Services
 20 may suspend the requirements of subsection (2) of this section
 21 until the work participation rate exceeds the target work rate by
 22 ten percentage points for three consecutive months.

23 Sec. 4. The Department of Health and Human Services shall
 24 report annually to the Legislature on October 1 on the following:

25 (1) The number of persons on a quarterly basis
 26 participating in a self-sufficiency contract who are engaged in one
 27 of the following activities:

1 (a) An associate degree program;

2 (b) A vocational education program not leading to an
 3 associate degree;

4 (c) Postsecondary education other than a program
 5 described in subdivision (1)(a) or (b) of this section;

6 (d) Adult Basic Education;

7 (e) English as a Second Language; or

8 (f) A general education development program; and

9 (2) The number of persons participating in a
 10 self-sufficiency contract who obtain or maintain employment for
 11 six months, twelve months, eighteen months, and twenty-four months
 12 after such persons are no longer eligible for cash assistance due
 13 to obtaining employment.

14 Sec. 5. It is the intent of the Legislature that the

15 Department of Health and Human Services carry out the requirements
 16 of sections 2 to 4 of this act within the limits of its annual
 17 appropriation.

18 Sec. 6. This act terminates December 31, 2015.

19 Sec. 7. Original section 68-1708, Reissue Revised
 20 Statutes of Nebraska, is repealed.

21 2. On page 1, strike beginning with "change" in line 2
 22 through "education" in line 3 and insert "provide for satisfaction
 23 of work activity requirements through education; to restrict use of
 24 state funds; to provide for reports; to state intent".

LEGISLATIVE BILL 40. Placed on Select File with amendment.
 ER160

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

3 Section 1. Section 77-2704.12, Revised Statutes
 4 Supplement, 2011, is amended to read:

5 77-2704.12 (1) Sales and use taxes shall not be imposed
 6 on the gross receipts from the sale, lease, or rental of
 7 and the storage, use, or other consumption in this state of
 8 purchases by (a) any nonprofit organization created exclusively
 9 for religious purposes, (b) any nonprofit organization providing
 10 services exclusively to the blind, (c) any nonprofit private
 11 educational institution established under sections 79-1601 to
 12 79-1607, (d) any regionally or nationally accredited, nonprofit,
 13 privately controlled college or university with its primary campus
 14 physically located in Nebraska, (e) any nonprofit (i) hospital,
 15 (ii) health clinic when ~~two~~one or more hospitals or the parent
 16 corporations of the hospitals own or control the health clinic
 17 for the purpose of reducing the cost of health services or when
 18 the health clinic receives federal funds through the United States
 19 Public Health Service for the purpose of serving populations that
 20 are medically underserved, (iii) skilled nursing facility, (iv)
 21 intermediate care facility, (v) assisted-living facility, (vi)
 22 intermediate care facility for the mentally retarded, (vii) nursing
 23 facility, (viii) home health agency, (ix) hospice or hospice
 1 service, or (x) respite care service licensed under the Health Care
 2 Facility Licensure Act, (f) any nonprofit licensed child-caring
 3 agency, (g) any nonprofit licensed child placement agency, or (h)
 4 any nonprofit organization certified by the Department of Health
 5 and Human Services to provide community-based services for persons
 6 with developmental disabilities.

7 (2) Any organization listed in subsection (1) of this
 8 section shall apply for an exemption on forms provided by the
 9 Tax Commissioner. The application shall be approved and a numbered
 10 certificate of exemption received by the applicant organization in
 11 order to be exempt from the sales and use tax.

12 (3) The appointment of purchasing agents shall be
 13 recognized for the purpose of altering the status of the

14 construction contractor as the ultimate consumer of building
15 materials which are physically annexed to the structure and
16 which subsequently belong to the owner of the organization or
17 institution. The appointment of purchasing agents shall be in
18 writing and occur prior to having any building materials annexed
19 to real estate in the construction, improvement, or repair. The
20 contractor who has been appointed as a purchasing agent may apply
21 for a refund of or use as a credit against a future use tax
22 liability the tax paid on inventory items annexed to real estate
23 in the construction, improvement, or repair of a project for a
24 licensed not-for-profit institution.

25 (4) Any organization listed in subsection (1) of this
26 section which enters into a contract of construction, improvement,
27 or repair upon property annexed to real estate without first
1 issuing a purchasing agent authorization to a contractor or
2 repairperson prior to the building materials being annexed to
3 real estate in the project may apply to the Tax Commissioner for
4 a refund of any sales and use tax paid by the contractor or
5 repairperson on the building materials physically annexed to real
6 estate in the construction, improvement, or repair.

7 (5) Any person purchasing, storing, using, or
8 otherwise consuming building materials in the performance of any
9 construction, improvement, or repair by or for any institution
10 enumerated in subsection (1) of this section which is licensed upon
11 completion although not licensed at the time of construction or
12 improvement, which building materials are annexed to real estate
13 and which subsequently belong to the owner of the institution,
14 shall pay any applicable sales or use tax thereon. Upon becoming
15 licensed and receiving a numbered certificate of exemption,
16 the institution organized not for profit shall be entitled to
17 a refund of the amount of taxes so paid in the performance
18 of such construction, improvement, or repair and shall submit
19 whatever evidence is required by the Tax Commissioner sufficient
20 to establish the total sales and use tax paid upon the building
21 materials physically annexed to real estate in the construction,
22 improvement, or repair.

23 Sec. 2. This act becomes operative on July 1, 2012.

24 Sec. 3. Original section 77-2704.12, Revised Statutes
25 Supplement, 2011, is repealed.

26 Sec. 4. Since an emergency exists, this act takes effect
27 when passed and approved according to law.

1 2. On page 1, strike lines 2 through 5 and insert
2 "77-2704.12, Revised Statutes Supplement, 2011; to change a sales
3 tax exemption for health clinics; to provide an operative date; to
4 repeal the original section; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1018. Placed on General File with amendment.
AM1800

- 1 1. On page 11, line 20, strike "approval of the".
- 2 2. On page 14, line 9, after "entity" insert ". The
3 converting entity shall file a certificate of merger in the office
4 of the register of deeds for each county in which the converting
5 entity owns real property. Such certificate of merger shall be
6 indexed against the real property owned".
- 7 3. On page 17, line 24; page 18, line 3; and page 24,
8 lines 17 and 21, insert "in the aggregate" after "own".

LEGISLATIVE BILL 1064. Placed on General File with amendment.
AM1790

- 1 1. On page 2, line 11, strike the new matter and
2 reinstate the stricken matter; and in line 12 before the semicolon
3 insert ", except that this subdivision shall not prohibit the
4 procurement of disability insurance that has a benefit limit in
5 excess of any benefit limit available from an admitted insurer".

(Signed) Rich Pahls, Chairperson

Health and Human Services

LEGISLATIVE BILL 773. Placed on General File with amendment.
AM1714

- 1 1. Strike original section 1 and insert the following new
2 section:
3 Section 1. Section 38-155, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 38-155 (1) The department, with the recommendation of the
6 appropriate board if applicable, or the Water Well Standards and
7 Contractors' Licensing Board as provided in section 38-151, shall
8 adopt and promulgate rules and regulations to establish and collect
9 the fees for the following credentials:
10 (a) Initial credentials, which include, but are not
11 limited to:
12 (i) Licensure, certification, or registration;
13 (ii) Add-on or specialty credentials;
14 (iii) Temporary, provisional, or training credentials;
15 and
16 (iv) Supervisory or collaborative relationship
17 credentials;
18 (b) Applications to renew licenses, certifications, and
19 registrations;
20 (c) Approval of continuing education courses and other
21 methods of continuing competency; and

- 22 (d) Inspections and reinspections.
 23 (2) When a credential will expire within one hundred
 1 eighty days after its initial issuance date or its reinstatement
 2 date and the initial credentialing fee is twenty-five dollars
 3 or more, the department shall collect twenty-five dollars or
 4 one-fourth of the initial credentialing or renewal fee, whichever
 5 is greater, for the initial or reinstated credential. The initial
 6 or reinstated, ~~and the~~ credential shall be valid until the next
 7 subsequent renewal date.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING
 Banking, Commerce and Insurance

Room 1507

Monday, February 13, 2012 1:30 p.m.

LB982
 LB1026
 LB1054

(Signed) Rich Pahls, Chairperson

MESSAGES FROM THE GOVERNOR

January 31, 2012

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Carl Rennerfeldt, 601 North 24th Street, Blair, NE 68008

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

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

January 31, 2012

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Steven Manning, 17039 Orchard Ave., Omaha, NE 68135
Jan Moore, 6116 Avenue M, Kearney, NE 68847
Diane Muelleman, 6469 Cuming Street, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

SELECT FILE

LEGISLATIVE BILL 946. ER156, found on page 387, was adopted.

Senator Adams offered the following amendment:

AM1828

- 1 1. Strike sections 5 and 21 and insert the following new
- 2 sections:
- 3 Sec. 11. Section 81-1201.21, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 81-1201.21 (1) There is hereby created the Job Training
- 6 Cash Fund. The fund shall be under the direction of the Department
- 7 of Economic Development. Money may be transferred to the fund
- 8 pursuant to subdivision ~~(1)(b)(iv)~~ (1)(b)(iii) of section 48-621
- 9 and from the Cash Reserve Fund at the direction of the Legislature.
- 10 The department shall establish a subaccount for all money
- 11 transferred from the Cash Reserve Fund to the Job Training Cash
- 12 Fund on or after July 1, 2005.
- 13 (2) The department shall use the Job Training Cash Fund
- 14 or the subaccount established in subsection (1) of this section (a)
- 15 to provide reimbursements for job training activities, including
- 16 employee assessment, preemployment training, on-the-job training,
- 17 training equipment costs, and other reasonable costs related to
- 18 helping industry and business locate or expand in Nebraska, (b)

19 to provide upgrade skills training of the existing labor force
20 necessary to adapt to new technology or the introduction of new
21 product lines, or (c) to provide job training grants pursuant to
22 section 81-1210.02.

23 (3) The department shall establish a subaccount within
1 the fund to provide training grants for training employees and
2 potential employees of businesses that (a) employ twenty-five or
3 fewer employees on the application date, (b) employ, or train for
4 potential employment, residents of rural areas of Nebraska, or
5 (c) are located in or employ, or train for potential employment,
6 residents of high-poverty areas as defined in section 81-1203.
7 The department shall calculate the amount of prior year investment
8 income earnings accruing to the fund and allocate such amount
9 to the subaccount for training grants under this subsection. The
10 subaccount shall also be used as provided in the Teleworker Job
11 Creation Act.

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

16 Sec. 12. Section 85-1402, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 85-1402 For purposes of the Coordinating Commission for
19 Postsecondary Education Act:

20 (1)(a) Capital construction project shall mean a project
21 which utilizes tax funds designated by the Legislature and shall
22 be: Any proposed new capital structure; any proposed addition
23 to, renovation of, or remodeling of a capital structure; any
24 proposed acquisition of a capital structure by gift, purchase,
25 lease-purchase, or other means of construction or acquisition that
26 (i) will be directly financed in whole or in part with tax funds
27 designated by the Legislature totaling at least the minimum capital
1 expenditure for purposes of this subdivision or (ii) is likely,
2 as determined by the institution, to result in an incremental
3 increase in appropriation or expenditure of tax funds designated
4 by the Legislature of at least the minimum capital expenditure for
5 the facility's operations and maintenance costs in any one fiscal
6 year within a period of ten years from the date of substantial
7 completion or acquisition of the project. No tax funds designated
8 by the Legislature shall be appropriated or expended for any
9 incremental increase of more than the minimum capital expenditure
10 for the costs of the operations and utilities of any facility
11 which is not included in the definition of capital construction
12 project and thus is not subject to commission approval pursuant
13 to the Coordinating Commission for Postsecondary Education Act. No
14 institution shall include a request for funding such an increase
15 in its budget request for tax funds designated by the Legislature
16 nor shall any institution utilize any such funds for such an
17 increase. The Governor shall not include in his or her budget

18 recommendations, and the Legislature shall not appropriate, such
19 funds for such increase.

20 (b) For purposes of this subdivision:

21 (i) Directly financed shall mean funded by:

22 (A) Appropriation of tax funds designated by the
23 Legislature for the specific capital construction project;

24 (B) Property tax levies authorized pursuant to
25 subdivision (1)(b) of section 85-1517 for fiscal years prior to
26 fiscal year 2013-14 and subdivision (2)(b) of section 85-1517
27 for fiscal year 2013-14 and each fiscal year thereafter used to
1 establish a capital improvement and bond sinking fund ~~pursuant to~~
2 as provided in section 85-1515; or

3 (C) That portion of tax funds designated by the
4 Legislature and appropriated by the Legislature for the general
5 operation of the public institution and utilized to fund the
6 capital project;

7 (ii) Incremental increase shall mean an increase in
8 appropriation or expenditure of tax funds designated by the
9 Legislature of at least the minimum capital expenditure for a
10 facility's operations and maintenance costs, beyond any increase
11 due to inflation, to pay for a capital structure's operations
12 and maintenance costs that are a direct result of a capital
13 construction project; and

14 (iii) Minimum capital expenditure shall mean:

15 (A) For purposes of subdivision (a)(i) of this
16 subdivision, a base amount of two million dollars; and

17 (B) For the facility's operations and maintenance costs
18 pursuant to subdivision (a)(ii) of this subdivision, a base amount
19 of eighty-five thousand dollars for any one fiscal year.

20 The base amount for the facility's operations and
21 maintenance costs shall be subject to any inflationary or market
22 adjustments made by the commission pursuant to this subdivision.
23 The commission shall adjust the base amount on a biennial basis
24 beginning January 1, 2010. The adjustments shall be based on
25 percentage changes in a construction cost index and any other
26 published index relevant to operations and utilities costs, both
27 as selected by the commission in cooperation with the public
1 institutions. The index or indices shall reflect inflationary or
2 market trends for the applicable operations and maintenance or
3 construction costs;

4 (2) Commission shall mean the Coordinating Commission for
5 Postsecondary Education;

6 (3) Coordination shall mean:

7 (a) Authority to adopt, and revise as needed, a
8 comprehensive statewide plan for postsecondary education which
9 shall include (i) definitions of the role and mission of each
10 public postsecondary educational institution within any general
11 assignments of role and mission as may be prescribed by the

12 Legislature and (ii) plans for facilities which utilize tax funds
 13 designated by the Legislature;

14 (b) Authority to review, monitor, and approve or
 15 disapprove each public postsecondary educational institution's
 16 programs and capital construction projects which utilize tax funds
 17 designated by the Legislature in order to provide compliance and
 18 consistency with the comprehensive plan and to prevent unnecessary
 19 duplication; and

20 (c) Authority to review and modify, if needed to promote
 21 compliance and consistency with the comprehensive statewide plan
 22 and prevent unnecessary duplication, the budget requests of the
 23 governing boards or any other governing board for any other public
 24 postsecondary educational institution which may be established by
 25 the Legislature;

26 (4) Education center shall mean an off-campus branch of
 27 a public institution or cooperative of either public or public
 1 and private postsecondary educational institutions which offers
 2 instructional programs to students;

3 (5) Governing board shall mean the Board of Regents of
 4 the University of Nebraska, the Board of Trustees of the Nebraska
 5 State Colleges, or the board of governors for each community
 6 college area;

7 (6) Program shall mean any program of instruction which
 8 leads directly to a degree, diploma, or certificate and, for
 9 purposes of section 85-1414, shall include public service programs
 10 and all off-campus instructional programs, whether or not such
 11 programs lead directly to a degree, diploma, or certificate.
 12 Program shall also include the establishment of any new college,
 13 school, major division, education center, or institute but
 14 shall not include reasonable and moderate extensions of existing
 15 curricula which have a direct relationship to existing programs;

16 (7) Public institution shall mean each campus of a
 17 public postsecondary educational institution which is or may be
 18 established by the Legislature, which is under the direction of a
 19 governing board, and which is administered as a separate unit by
 20 the board; and

21 (8) Tax funds designated by the Legislature shall mean
 22 all state tax revenue and all property tax revenue.

23 Sec. 22. Section 85-1539, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 85-1539 There is hereby created the Nebraska Community
 26 College Aid, Grant, and Contract Review Student Performance and
 27 Occupational Education Grant Committee. The committee shall be
 1 selected by the Director of Administrative Services and shall
 2 consist of (1) a representative of the University of Nebraska
 3 who has expertise and experience in research and development,
 4 Coordinating Commission for Postsecondary Education, (2) a
 5 representative of the Department of Economic Development, (3) a
 6 representative of the Department of Labor, (4) a representative

7 of the State Department of Education, ~~and~~(5) a representative
 8 ~~of the community colleges~~; affiliated with one of the two
 9 community college areas with the two smallest full-time equivalent
 10 student enrollment totals for the most recent fiscal year, (6) a
 11 representative affiliated with one of the two community college
 12 areas with the two largest full-time equivalent student enrollment
 13 totals for the most recent fiscal year, and (7) a representative
 14 affiliated with one of the two community college areas not included
 15 in the categories provided in subdivisions (5) and (6) of this
 16 section. Each member shall be appointed by the agency or community
 17 college areas being represented. The representatives appointed
 18 pursuant to subdivisions (5) through (7) of this section shall
 19 serve terms of two years and shall be succeeded by a representative
 20 affiliated with the community college areas not represented for the
 21 preceding term.

22 The committee shall develop guidelines ~~and submit~~
 23 ~~recommendations to the Director of Administrative Services for~~
 24 ~~the distribution for and annually determine the allocation of~~
 25 ~~the Nebraska Community College Aid-Cash-Student Performance~~
 26 ~~and Occupational Education Grant Fund and any other funds~~
 27 ~~appropriated to Program 99 in Agency 83, Aid to Community Colleges,~~
 1 ~~pursuant to any directives of the Governor or the Legislature.~~
 2 ~~Recommendations made by the committee shall not exceed the amount~~
 3 ~~appropriated to the fund; this section and section 85-1540. The~~
 4 ~~total amount allocated for a fiscal year shall not exceed the~~
 5 ~~amounts appropriated from the fund and such other funds as may~~
 6 ~~be appropriated by the Legislature for such fiscal year. The~~
 7 ~~commission shall certify the allocation determined by the committee~~
 8 ~~on or before September 10 of the fiscal year for which such~~
 9 ~~allocation is being certified and shall report such allocation to~~
 10 ~~the Department of Administrative Services. The department shall~~
 11 ~~distribute the total of such appropriated and allocated funds to~~
 12 ~~the selected community college board or boards in a single payment~~
 13 ~~between the fifth and twentieth day of October of the fiscal year~~
 14 ~~for which such allocation is certified.~~

15 2. On page 3, line 1, strike "8" and insert "7".

16 3. On page 4, line 4, strike "pursuant to the act" and
 17 insert "attributable to the allocations pursuant to subdivisions
 18 (1) and (3) of section 4 of this act"; in line 6 strike "prior
 19 to" and insert "on or before"; and in line 11 after the period
 20 insert "Any amount transferred to the Nebraska Community College
 21 Student Performance and Occupational Education Grant Fund pursuant
 22 to subdivision (2) of section 4 of this act for a fiscal year shall
 23 be certified and distributed in accordance with sections 85-1539
 24 and 85-1540.".

25 4. On page 5, line 19, strike "allocated" and insert
 26 "divided".

27 5. On page 6, line 14, strike "provided by" and insert
 1 "of".

- 2 6. On page 13, line 4, after the semicolon insert "and";
 3 and strike beginning with "To" in line 5 through "(iv)" in line 8
 4 and show the old matter as stricken.
- 5 7. On page 32, line 4; and page 38, line 13, strike
 6 "Community College Assistance Act" and insert "College or
 7 University Assistance Act of 1978".
- 8 8. On page 37, line 8, strike "Community College
 9 Assistance Act", show as stricken, and insert "College or
 10 University Assistance Act of 1978".
- 11 9. On page 44, line 1, strike "authorized" through
 12 "purposes" and insert "and charges established for facilities".
- 13 10. On page 45, line 13, strike "of" and show as
 14 stricken.
- 15 11. On page 47, line 13, strike "of".
- 16 12. On page 48, line 15, strike "the projects authorized
 17 in this subdivision" and insert "accessibility barrier elimination
 18 project costs and abatement of environmental hazards as such terms
 19 are defined in section 79-10,110".
- 20 13. On page 53, strike line 25 and all amendments
 21 thereto, show the old matter as stricken, and insert "subdivision
 22 (2) of section 4 of this act and such other amounts as may be
 23 transferred or otherwise accrue to the fund. The fund".
- 24 14. On page 54, strike lines 1 and 2 and show the old
 25 matter as stricken.
- 26 15. Renumber the remaining sections, amend the repealer,
 27 and correct internal references accordingly.

The Adams amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 677. Committee AM1704, found on page 306 and considered on page 394, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR SULLIVAN PRESIDING

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 32 ayes, 3 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 427. Placed on Select File with amendment. ER165 is available in the Bill Room.

LEGISLATIVE BILL 344. Placed on Select File with amendment. ER162

- 1 1. On page 1, strike beginning with "municipal" in line 1
- 2 through line 6 and insert "political subdivisions; to provide for
- 3 an interjurisdictional planning commission for counties containing
- 4 a city of the metropolitan class."

LEGISLATIVE BILL 576. Placed on Select File with amendment. ER164

- 1 1. On page 1, lines 2 and 3, strike "a fund" and insert
- 2 "funds".

LEGISLATIVE BILL 498. Placed on Select File with amendment. ER163

- 1 1. On page 1, strike beginning with "water" in line 1
- 2 through line 5 and insert "the Industrial Ground Water Regulatory
- 3 Act; to amend section 46-683.01, Reissue Revised Statutes of
- 4 Nebraska; to provide an exception for amendments for permits for
- 5 mineral exploration and production; and to repeal the original
- 6 section."

LEGISLATIVE BILL 836. Placed on Select File.

LEGISLATIVE BILL 714. Placed on Select File.

LEGISLATIVE BILL 852. Placed on Select File.

LEGISLATIVE BILL 853. Placed on Select File with amendment. ER166

- 1 1. On page 3, line 23, strike "other" and show as
- 2 stricken.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 388. Introduced by Dubas, 34; Sullivan, 41.

WHEREAS, James "Tom" McMahon was a lifelong resident of and farmer from Central City; and

WHEREAS, Tom McMahon was active on the board of directors of the Nebraska Farm Bureau, as a Central City city council member for thirty-

three years, and as a city representative for the Central City Senior Center and the Merrick County Child Development Center; and

WHEREAS, Tom McMahon was a lifelong member of St. Michael's Catholic Church and served on the parish council, as church trustee, lector, Eucharist minister, and CCD teacher, and was a Fourth Degree Knights of Columbus; and

WHEREAS, Tom McMahon was an avid supporter of American Legion Baseball as a fan, an umpire, and an announcer; and

WHEREAS, Tom McMahon demonstrated a long-standing commitment to making his community a great place to live, work, and play; and

WHEREAS, Tom McMahon passed away on January 22, 2012, at the age of seventy-two.

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

1. That the Legislature honors the memory of Tom McMahon for his years of public service to the community and youth of Central City.

2. That the Legislature extends its sympathy and condolences to the family of Tom McMahon.

3. That a copy of this resolution be sent to the family of Tom McMahon.

Laid over.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Thursday, February 16, 2012 1:30 p.m.

Julie Johnson - Commission for the Blind and Visually Impaired

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 904. Placed on General File with amendment.
AM1722

- 1 1. Strike section 1 and insert the following new section:
2 Section 1. Section 71-615, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 71-615 On or before the fifth day of each month, the
5 clerk of the district court of each county shall make and
6 return to the department, upon suitable forms furnished by the
7 department, a statement of each action for annulment or dissolution
8 of marriage granted in the court of which he or she is clerk during
9 the preceding calendar month. The information requested by the
10 department shall be furnished by the ~~petitioner~~ plaintiff or his or

11 her legal representative and presented to the clerk of the court
 12 with the petition. ~~In all cases, the furnishing of the information~~
 13 ~~to complete the record shall be a prerequisite to the granting~~
 14 ~~of the final decree.~~ complaint. If, after reasonable attempts are
 15 made by the plaintiff or his or her legal representative to attain
 16 such information, the information is unavailable, the designation
 17 unknown shall be accepted by the department. If no annulments or
 18 dissolutions of marriage were granted in the county during the
 19 preceding month, a card furnished by the department indicating such
 20 information shall be submitted on or before the fifth day of each
 21 month to the department. ~~Upon neglect or refusal to make such~~
 22 ~~return, such clerk shall, for each neglect or refusal, forfeit and~~
 23 ~~pay the sum of twenty five dollars for the use of the county.~~

(Signed) Kathy Campbell, Chairperson

Judiciary

LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 814. Placed on General File.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB60:

AM1840

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 53-1,122, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 53-1,122 In order to further the public policy of
 6 deterring minors from illegally obtaining or consuming alcoholic
 7 liquor, persons under twenty-one years of age may be authorized
 8 to assist duly authorized law enforcement officers to determine
 9 compliance with sections 53-180 and 53-180.02. Such compliance
 10 checks shall be conducted pursuant to guidelines adopted and
 11 promulgated by the Nebraska State Patrol with input from the
 12 commission. Law enforcement officers and minors conducting such
 13 compliance checks shall not consume alcoholic liquor during the
 14 course of such compliance check. Unless a person is an emancipated
 15 minor at least eighteen years of age, no person under twenty-one
 16 years of age shall be authorized to participate or assist law
 17 enforcement officers in such compliance checks without the written
 18 consent of his or her parents or legal guardian. A person under
 19 twenty-one years of age assisting with a compliance check under
 20 this section shall be truthful about all questions asked by a
 21 retailer after the retailer or his or her employee asks the person
 22 under twenty-one years of age for his or her identification and,

- 23 when asked if he or she is age twenty-one, or old enough to consume
 1 alcoholic liquor, shall tell the truth about his or her age. The
 2 primary source for age verification shall be a government-issued
 3 identification pursuant to subsection (1) of section 53-180.06.
 4 Sec. 2. Original section 53-1,122, Reissue Revised
 5 Statutes of Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 873. Title read. Considered.

SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Senator Flood offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills: LBs 765, 792, 858, 1159, 995, 1042, 1047, 1077, 917, 933, 993, 1165, 1087, 752, 962, and 1128 as scheduled for Friday, February 3, 2012.

The Flood motion to suspend the rules prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 770. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

Committee AM1707, found on page 309, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Committee AM1668, found on page 310, was considered.

Pending.

COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1043. Placed on General File with amendment.
AM1822

- 1 1. On page 2, line 22, strike "be", show as stricken,
2 and insert "include a production component that is" and after "the"
3 insert "incremental production".
4 2. On page 3, line 11, after "Act" insert ", any
5 agency created pursuant to the Municipal Cooperative Financing Act,
6 and any municipality engaged in furnishing electrical service to
7 customers at retail or wholesale".

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB190:
AM1847

(Amendments to E & R amendments, ER144)

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 14-2102, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:
5 14-2102 In each metropolitan utilities district service
6 area, there shall be a board of directors consisting of seven
7 members. The members shall be elected as provided in section
8 32-540.
9 Registered voters within the boundaries of the district
10 shall be registered voters of such district. A registered voter of
11 the district ~~and~~ shall be eligible for the office of director from
12 the election district in which he or she resides, subject to the
13 special qualification of residence for the outside member.
14 ~~The~~ Until the members elected in 2014 take office, the
15 outside member specified in subsection (1) of section 32-540 shall
16 be a registered voter residing within the district but outside
17 the corporate limits of the city of the metropolitan class for
18 which the district was created. In the event of the annexation of
19 the area within which the outside member resides, he or she may
20 continue to serve as the outside member until the expiration of
21 the term of office for which such member was elected and until a
22 successor is elected and qualified.
1 Sec. 2. Section 32-540, Reissue Revised Statutes of
2 Nebraska, is amended to read:
3 32-540 (1) This subsection applies until members of
4 the board of directors are elected and take office pursuant to
5 subsection (2) of this section. In each metropolitan utilities
6 district service area, two of the members of the board of directors
7 shall be chosen at large by the registered voters within the

8 district at the time of the statewide primary and statewide general
 9 elections held in the even-numbered years, except that at the
 10 primary and general elections held in 1978 and every six years
 11 thereafter, three members, one of whom shall be known as the
 12 outside member, shall be elected at large by the registered voters
 13 within the district.

14 (2) The election commissioners of the two most populous
 15 counties with territory in the metropolitan utilities district
 16 service area shall divide the service area into seven election
 17 districts of compact and contiguous territory and of approximately
 18 equal population as determined pursuant to the most recent
 19 federal decennial census. The election districts shall be numbered
 20 consecutively from one to seven. Beginning in 2014, one member of
 21 the metropolitan utilities district board of directors shall be
 22 nominated and elected from each election district by the registered
 23 voters of the metropolitan utilities district. At the statewide
 24 primary and general elections in 2014, the members representing
 25 election districts 1 and 5 shall be nominated and elected for
 26 initial terms of six years and until their successors are elected
 27 and qualified. At the statewide primary and general elections in
 1 2014, the members representing election districts 2, 4, and 6
 2 shall be nominated and elected for initial terms of four years and
 3 until their successors are elected and qualified. At the statewide
 4 primary and general elections in 2014, the members representing
 5 election districts 3 and 7 shall be nominated and elected for
 6 initial terms of two years and until their successors are elected
 7 and qualified. Thereafter, all members shall be elected for terms
 8 of six years and until their successors are elected and qualified.
 9 Any member of the board elected before the effective date of this
 10 act shall remain on the board until his or her successor is elected
 11 and takes office pursuant to this section unless removed for cause
 12 other than failure to reside in his or her assigned election
 13 district. Any such member may be nominated and elected for the
 14 election district in which he or she resides.

15 (3) Nomination and election of all directors shall be by
 16 nonpartisan ballot. ~~Members~~ Except as provided in subsection (2)
 17 of this section, members of the board shall hold office for a
 18 period of six years from the first Tuesday after the first Monday
 19 in January following their election or until their successors are
 20 elected and qualified. The directors shall meet the qualifications
 21 found in sections 14-2102 and 14-2103.

22 Sec. 3. Original section 32-540, Reissue Revised Statutes
 23 of Nebraska, and section 14-2102, Revised Statutes Cumulative
 24 Supplement, 2010, are repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Conrad asked unanimous consent to add her name as cointroducer to LB989. No objections. So ordered.

Senators Lautenbaugh and Nordquist asked unanimous consent to add their names as cointroducers to LB1128. No objections. So ordered.

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB1015. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB1145 and LB1146. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB1016. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 members of the UNL Extension Leadership Program from across Nebraska; and 35 fifth-grade students and teachers from Washington Elementary, Fremont.

The Doctor of the Day was Dr. Nollendorfs from Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Friday, February 3, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 3, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 2012

PRAYER

The prayer was offered by Pastor Penny Schulz, Dunbar Presbyterian Church, Dunbar.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Bloomfield and Christensen who were excused; and Senators Council, Lautenbaugh, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 946. Placed on Final Reading.
ST50

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

1. In the Adams amendment, AM1828, on page 9, lines 3 and 4 have been struck and "strike lines 5 through 7 and show the old matter as stricken; and in line 8 strike '(iv)', show as stricken, and insert '(iii)'." inserted; in line 9 a comma has been inserted after "Act"; and in line 10 an underscored comma has been inserted after "1978".

2. On page 1, line 3, "section" has been struck and "sections 85-1402 and" inserted; and in line 5 "81-1201.21," has been inserted after the second comma.

3. On page 56, line 14, "section" has been struck and "sections 85-1402 and" inserted; and in line 15 "81-1201.21," has been inserted after the second comma.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

Tuesday, February 14, 2012 1:30 p.m.

LB1123

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 3, 2012 1:30 p.m.

LB765 (cancel)
LB1159 (cancel)
LB792 (cancel)
LB858 (cancel)

Room 1507

Monday, February 13, 2012 9:30 a.m.

LB765 (reschedule)
LB1159 (reschedule)
LB792 (reschedule)
LB858 (reschedule)

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Friday, February 3, 2012 1:30 p.m.

LB1077 (cancel)
LB1047 (cancel)
LB1042 (cancel)
LB995 (cancel)

Room 1510

Monday February 13, 2012 9:30 a.m.

LB1077 (reschedule)
LB1047 (reschedule)
LB1042 (reschedule)
LB995 (reschedule)

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Friday, February 3, 2012 1:30 p.m.

LB993 (cancel)
LB917 (cancel)
LB933 (cancel)
LB1165 (cancel)

Room 1113

Monday, February 13, 2012 9:30 a.m.

LB993 (reschedule)
LB917 (reschedule)
LB933 (reschedule)
LB1165 (reschedule)

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 13, 2012 1:30 p.m.

LB715
LB833
LB847
LB1091

Room 1113

Tuesday, February 14, 2012 1:30 p.m.

David Wacker - Board of Public Roads Classifications and Standards

Roger Figard - Board of Public Roads Classifications and Standards
 Edward Wootton - Board of Public Roads Classifications and Standards
 Darold Tagge - Board of Public Roads Classifications and Standards
 Timothy Weander - Board of Public Roads Classifications and Standards
 LeRoy Gerrard - Board of Public Roads Classifications and Standards
 LB1167

(Signed) Deb Fischer, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 2, 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

Davis, Jeffrey N.
 BNSF Railway Company
 Edwards, Corrie L.
 TFI Family Services, Inc.
 McCullough, Jacqueline K.
 County Attorneys Association, Nebraska
 Pappas, James E.
 League of Human Dignity
 UNO Chapter of the AAUP
 Radcliffe, Walter H. of Radcliffe & Associates
 Medical Center, Nebraska
 Seglin, Steven G.
 Levy Premium Foodservice Limited Partnership
 Swanson, Heather
 Nurse-Midwives, Nebraska Affiliate of the American College of,

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Division of Risk Management-Indemnification Claims Payments
 Division of Risk Management-Miscellaneous Claims Payments
 Division of Risk Management-State Self-Insurance Fund Claims
 Payments
 Division of Risk Management-Tort Claims Payments
 Division of Risk Management-Workers Compensation Payments

Agriculture, Department of

Total Number of Applicants for Public Benefits and the Number of
 Applicants Rejected Pursuant to Such Sections

Children's Behavioral Health Oversight Committee

2011 Annual Report

Coordinating Commission for Postsecondary Education, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Economic Development, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Environmental Quality, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Nebraska Department of

ACCESSNebraska (LB374) Report

Investment Finance Authority, Nebraska (NIFA)

2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2009) as of December 31, 2012

Homeownership Revenue Bonds Series 2011 A

Public Service Commission, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Revenue, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

State College System, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Manning, Steven-Commission for the Deaf and Hard of Hearing-Health and Human Services

Moore, Jan-Commission for the Deaf and Hard of Hearing-Health and Human Services

Muelleman, Diane-Commission for the Deaf and Hard of Hearing-Health and Human Services

Rennerfeldt, Carl-Board of Emergency Medical Services-Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 536. Committee AM1668, found on page 310 and considered on page 420, was renewed.

The committee amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 862A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 862, One Hundred Second Legislature, Second Session, 2012; to provide an operative date; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 677. Placed on Select File with amendment. ER168

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-308, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 28-308 (1) A person commits the offense of assault in the
- 6 first degree if he or she intentionally or knowingly causes serious
- 7 bodily injury to another person.
- 8 (2) Assault in the first degree shall be a Class II
- 9 felony. A person who commits assault in the first degree on a
- 10 health care professional while the health care professional is
- 11 engaged in the performance of his or her official duties at a
- 12 hospital or a health clinic shall upon conviction be sentenced to
- 13 not less than two years' imprisonment.
- 14 Sec. 2. Section 28-309, Revised Statutes Cumulative
- 15 Supplement, 2010, is amended to read:
- 16 28-309 (1) A person commits the offense of assault in the
- 17 second degree if he or she:
- 18 (a) Intentionally or knowingly causes bodily injury to
- 19 another person with a dangerous instrument;
- 20 (b) Recklessly causes serious bodily injury to another
- 21 person with a dangerous instrument; or

22 (c) Unlawfully strikes or wounds another (i) while
23 legally confined in a jail or an adult correctional or penal
1 institution, (ii) while otherwise in legal custody of the
2 Department of Correctional Services, or (iii) while committed as a
3 dangerous sex offender under the Sex Offender Commitment Act.

4 (2) Assault in the second degree shall be a Class III
5 felony. A person who commits assault in the second degree on a
6 health care professional while the health care professional is
7 engaged in the performance of his or her official duties at a
8 hospital or a health clinic shall upon conviction be sentenced to
9 not less than one year's imprisonment.

10 Sec. 3. Section 28-310, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-310 (1) A person commits the offense of assault in the
13 third degree if he:

14 (a) Intentionally, knowingly, or recklessly causes bodily
15 injury to another person; or

16 (b) Threatens another in a menacing manner.

17 (2) Assault in the third degree shall be a Class I
18 misdemeanor unless committed in a fight or scuffle entered into by
19 mutual consent, in which case it shall be a Class II misdemeanor.

20 (3) A person who commits assault in the third degree on
21 a health care professional while the health care professional is
22 engaged in the performance of his or her official duties at a
23 hospital or a health clinic shall upon conviction be sentenced to
24 not less than six months' imprisonment.

25 Sec. 4. For purposes of sections 28-308, 28-309, and
26 28-310 and section 5 of this act:

27 (1) Health care professional means a physician or other
1 health care practitioner who is licensed, certified, or registered
2 to perform specified health services consistent with state law who
3 practices at a hospital or a health clinic;

4 (2) Health clinic has the definition found in section
5 71-416; and

6 (3) Hospital has the definition found in section 71-419.

7 Sec. 5. Every hospital and health clinic shall display at
8 all times in a prominent place a printed sign with a minimum height
9 of twenty inches and a minimum width of fourteen inches, with each
10 letter to be a minimum of one-fourth inch in height, which shall
11 read as follows:

12 WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A
13 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS
14 OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

15 Sec. 6. Original section 28-310, Reissue Revised Statutes
16 of Nebraska, and sections 28-308 and 28-309, Revised Statutes
17 Cumulative Supplement, 2010, are repealed.

- 18 2. On page 1, line 5, strike "provider" and insert
 19 "professional" and strike "a term" and insert "terms".

LEGISLATIVE BILL 873. Placed on Select File with amendment.
 ER167

- 1 1. On page 1, line 5, strike "fund" and insert "Petroleum
 2 Release Remedial Action Cash Fund".

LEGISLATIVE BILL 770. Placed on Select File with amendment.
 ER169

- 1 1. On page 1, line 3, strike "change provisions of" and
 2 insert "redefine a term; to adopt updated labeling requirements
 3 under".

LEGISLATIVE BILL 771. Placed on Select File with amendment.
 ER170

- 1 1. On page 11, line 10, strike "operative" and insert
 2 "effective".

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 389. Introduced by Janssen, 15.

WHEREAS, Robert "Skip" Niederdeppe was a distinguished member of the Fremont, Nebraska, community; and

WHEREAS, Skip Niederdeppe served his country as a member of the United States Army Reserve; and

WHEREAS, Skip Niederdeppe was a dedicated employee of Hormel Foods in Fremont for years; and

WHEREAS, Skip Niederdeppe was involved in master agreement negotiations, grievance handling, and arbitrations with the Amalgamated Meat Cutters and Butcher Workmen of North America in Chicago, Illinois; and

WHEREAS, Skip Niederdeppe returned to Fremont to lead the United Food and Commercial Workers Union - Local 22 for many years, ensuring Hormel Foods' long-term commitment to Fremont; and

WHEREAS, Skip Niederdeppe was inducted into the Nebraska State AFL-CIO Labor Leaders Hall of Fame in 2005; and

WHEREAS, Skip Niederdeppe was an active member of First Congregational Church, United Church of Christ, in Fremont; and

WHEREAS, Skip Niederdeppe volunteered his time for the John C. Fremont Days celebration and Antique Trucks Historical Society events; and

WHEREAS, Skip Niederdeppe was a devoted husband, father, and grandfather; and

WHEREAS, Skip Niederdeppe passed away on January 29, 2012, at the age of seventy-four.

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

1. That the Legislature honors the memory of Skip Niederdeppe for his service to his community and his country.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Skip Niederdeppe.

3. That a copy of this resolution be sent to the family of Skip Niederdeppe and to the United Food and Commercial Workers Union - Local 22.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, February 3, 2012 1:30 p.m.

LB1087 (cancel)

Room 1525

Monday, February 13, 2012 9:30 a.m.

LB1087 (reschedule)

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Friday, February 3, 2012 1:30 p.m.

LB1128 (cancel)

LB752 (cancel)

LB962 (cancel)

Room 1524

Monday, February 13, 2012 9:30 a.m.

LB1128 (reschedule)

LB752 (reschedule)

LB962 (reschedule)

(Signed) Abbie Cornett, Chairperson

ANNOUNCEMENT

Senator Ashford designates LB357 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1597, found on page 321, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 828. Title read. Considered.

Committee AM1729, found on page 325, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 470. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 879. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB976. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as coinroducer to LB959. No objections. So ordered.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Conrad, the Legislature adjourned until 10:00 a.m., Monday, February 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 6, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 2012

PRAYER

The prayer was offered by Senator Lambert.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 965. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Tuesday, February 21, 2012 1:30 p.m.

LB835

LB838

Room 1507

Tuesday, February 14, 2012 1:30 p.m.

Catherine D. Lang - Department of Economic Development

(Signed) Rich Pahls, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LR40CA:
AM1871

(Amendments to Final Reading copy)

- 1 1. On page 1, line 10, after "regulations" insert
- 2 "regarding participation and".

MESSAGE FROM THE GOVERNOR

February 6, 2012

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

Dear Mr. President, Speaker Flood and Senators:

This letter is to inform you that the request for confirmation of the appointment of Karen Davis as a member of the Coordinating Commission for Postsecondary Education is respectfully withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE**LEGISLATIVE BILL 646.** Title read. Considered.

Senator Howard offered the following amendment:
AM1875

- 1 1. On page 2, line 6, after the period insert "The
- 2 amendment of this section by this legislative bill shall not be
- 3 construed to modify or expand or authorize the modification or
- 4 expansion of the scope of practice of any licensure classifications
- 5 established pursuant to section 38-1217.".

The Howard amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senators Adams' and Wallman's birthdays.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 536. Placed on Select File with amendment.
ER171

- 1 1. On page 1, line 2, after the first comma insert
- 2 "76-214, 76-215,".

LEGISLATIVE BILL 269. Placed on Select File.

LEGISLATIVE BILL 828. Placed on Select File with amendment.
ER172 is available in the Bill Room.

LEGISLATIVE BILL 725. Placed on Select File.

LEGISLATIVE BILL 470. Placed on Select File.

LEGISLATIVE BILL 879. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 806. Placed on General File with amendment.
AM1852

- 1 1. Strike original sections 2, 3, 4, and 6 and insert the
- 2 following new sections:
- 3 Sec. 2. (1) For purposes of licensure and regulation
- 4 pursuant to subdivision (7) of section 2-1203.01, historic
- 5 horserace means a form of horserace that creates a parimutuel pool
- 6 from wagers placed on a horserace previously held.
- 7 (2) The commission may adopt and promulgate rules and
- 8 regulations to implement subdivision (7) of section 2-1203.01.
- 9 (3) As part of the regulation under subdivision (7)
- 10 of section 2-1203.01, the commission shall require enough of the
- 11 historic horserace to be televised so as to maintain the integrity
- 12 of such horserace before another wager takes place or before
- 13 beginning another historic horserace.
- 14 (4) As part of the regulation under subdivision (7) of
- 15 section 2-1203.01, the commission shall impose an initial, one-time
- 16 licensing fee of one thousand dollars for each machine used for
- 17 parimutuel wagering on historic horseraces. The commission shall

18 remit the fees to the State Treasurer for credit to the Historic
 19 Horseracing Distribution Fund.

20 Sec. 3. (1) In lieu of any other tax imposed under
 21 sections 2-1201 to 2-1242 on a licensed racetrack enclosure and in
 22 lieu of any other tax otherwise applicable to parimutuel wagering,
 23 (a) there is hereby imposed a tax on the gross sum wagered by the
 1 parimutuel method at each licensed racetrack enclosure on historic
 2 horseraces at a rate of one percent of the first one hundred
 3 million dollars collected from wagering on historic horseraces
 4 at the licensed racetrack enclosure, one and one-half percent of
 5 the second one hundred million dollars collected from wagering
 6 on historic horseraces at the licensed racetrack enclosure, and
 7 two percent on all additional money collected from wagering on
 8 historic horseraces and (b)(i) if the racetrack enclosure is not
 9 located within the corporate limits of a city, the licensee of the
 10 racetrack enclosure shall remit one-tenth of one percent of the
 11 gross sum wagered under this section to the county treasurer of
 12 the county in which the racetrack enclosure is located for credit
 13 to the county general fund, and (ii) if the racetrack enclosure
 14 is located within the corporate limits of a city, the licensee of
 15 the racetrack enclosure shall remit five hundredths of one percent
 16 of the gross sum wagered to such county treasurer for credit to
 17 the county general fund and five hundredths of one percent of the
 18 gross sum wagered to the city treasurer of the city in which the
 19 racetrack enclosure is located for credit to the city general fund.

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

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

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

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

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

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

17 Sec. 6. Section 2-1222, Reissue Revised Statutes of
 18 Nebraska, is amended to read:
 19 2-1222 (1) There is hereby created the Racing
 20 Commission's Cash Fund from which shall be appropriated such
 21 amounts as are available therefrom and as shall be considered
 22 incident to the administration of the State Racing Commission's
 23 office and for purposes of equitable treatment of equine species as
 24 provided in subsection (3) of this section.

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

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

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

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

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 719. Placed on General File with amendment.
 AM1842

- 1 1. Strike original section 6.
- 2 2. On page 38, line 17, strike "81-118.01,".
- 3 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 735. Placed on General File with amendment.
 AM1769

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-1411, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 84-1411 (1) Each public body shall give reasonable
- 6 advance publicized notice of the time and place of each meeting
- 7 by a method designated by each public body and recorded in its
- 8 minutes. Such notice shall be transmitted to all members of the
- 9 public body and to the public. Such notice shall contain an
- 10 agenda of subjects known at the time of the publicized notice

11 or a statement that the agenda, which shall be kept continually
 12 current, shall be readily available for public inspection at the
 13 principal office of the public body during normal business hours.
 14 Agenda items shall be sufficiently descriptive to give the public
 15 reasonable notice of the matters to be considered at the meeting.
 16 Except for items of an emergency nature, the agenda shall not
 17 be altered later than (a) twenty-four hours before the scheduled
 18 commencement of the meeting or (b) forty-eight hours before the
 19 scheduled commencement of a meeting of a city council or village
 20 board scheduled outside the corporate limits of the municipality.
 21 The public body shall have the right to modify the agenda to
 22 include items of an emergency nature only at such public meeting.

23 (2) A meeting of a state agency, state board, state
 1 commission, state council, or state committee, of an advisory
 2 committee of any such state entity, of an organization created
 3 under the Interlocal Cooperation Act, the Joint Public Agency
 4 Act, or the Municipal Cooperative Financing Act, of the governing
 5 body of a public power district having a chartered territory
 6 of more than ~~fifty counties~~ one county in this state, of the
 7 governing body of a public power and irrigation district having
 8 a chartered territory of more than one county in this state, of
 9 a board of an educational service unit, ~~or~~ of the governing body
 10 of a risk management pool or its advisory committees organized
 11 in accordance with the Intergovernmental Risk Management Act,
 12 or of a community college board of governors may be held
 13 by means of videoconferencing or, in the case of the Judicial
 14 Resources Commission in those cases specified in section 24-1204,
 15 by telephone conference, if:

- 16 (a) Reasonable advance publicized notice is given;
 17 (b) Reasonable arrangements are made to accommodate the
 18 public's right to attend, hear, and speak at the meeting, including
 19 seating, recordation by audio or visual recording devices, and
 20 a reasonable opportunity for input such as public comment or
 21 questions to at least the same extent as would be provided if
 22 videoconferencing or telephone conferencing was not used;
 23 (c) At least one copy of all documents being considered
 24 is available to the public at each site of the videoconference or
 25 telephone conference;
 26 (d) At least one member of the state entity, advisory
 27 committee, board, or governing body is present at each site of the
 1 videoconference or telephone conference; and
 2 (e) No more than one-half of the state entity's, advisory
 3 committee's, board's, or governing body's meetings in a calendar
 4 year are held by videoconference or telephone conference.
 5 Videoconferencing, telephone conferencing, or
 6 conferencing by other electronic communication shall not be used
 7 to circumvent any of the public government purposes established
 8 in the Open Meetings Act.

9 (3) A meeting of a board of an educational service unit,
10 of the governing body of an entity formed under the Interlocal
11 Cooperation Act, the Joint Public Agency Act, or the Municipal
12 Cooperative Financing Act, ~~or~~ of the governing body of a risk
13 management pool or its advisory committees organized in accordance
14 with the Intergovernmental Risk Management Act, of a community
15 college board of governors, of the governing body of a public power
16 district, or of the governing body of a public power and irrigation
17 district may be held by telephone conference call if:

18 (a) The territory represented by the educational service
19 unit, community college board of governors, public power district,
20 public power and irrigation district, or member public agencies of
21 the entity or pool covers more than one county;

22 (b) Reasonable advance publicized notice is given
23 which identifies each telephone conference location at which an
24 educational service unit board member, a member of a community
25 college board of governors, a member of the governing body of a
26 public power district, a member of the governing body of a public
27 power and irrigation district, or a member of the entity's or
1 pool's governing body will be present;

2 (c) All telephone conference meeting sites identified in
3 the notice are located within public buildings used by members
4 of the educational service unit board, community college board of
5 governors, governing body of the public power district, governing
6 body of the public power and irrigation district, or entity or pool
7 or at a place which will accommodate the anticipated audience;

8 (d) Reasonable arrangements are made to accommodate the
9 public's right to attend, hear, and speak at the meeting, including
10 seating, recordation by audio recording devices, and a reasonable
11 opportunity for input such as public comment or questions to
12 at least the same extent as would be provided if a telephone
13 conference call was not used;

14 (e) At least one copy of all documents being considered
15 is available to the public at each site of the telephone conference
16 call;

17 (f) At least one member of the educational service unit
18 board, community college board of governors, governing body of
19 the public power district, governing body of the public power and
20 irrigation district, or governing body of the entity or pool is
21 present at each site of the telephone conference call identified in
22 the public notice;

23 (g) The telephone conference call lasts no more than one
24 hour; and

25 (h) No more than one-half of the board's, governing
26 body's, entity's, or pool's meetings in a calendar year are held
27 by telephone conference call, except that a governing body of a
1 risk management pool that meets at least quarterly and the advisory
2 committees of the governing body may each hold more than one-half
3 of its meetings by telephone conference call if the governing

4 body's quarterly meetings are not held by telephone conference call
5 or videoconferencing.

6 Nothing in this subsection shall prevent the
7 participation of consultants, members of the press, and
8 other nonmembers of the governing body at sites not identified in
9 the public notice. Telephone conference calls, emails, faxes, or
10 other electronic communication shall not be used to circumvent any
11 of the public government purposes established in the Open Meetings
12 Act.

13 (4) The secretary or other designee of each public body
14 shall maintain a list of the news media requesting notification
15 of meetings and shall make reasonable efforts to provide advance
16 notification to them of the time and place of each meeting and the
17 subjects to be discussed at that meeting.

18 (5) When it is necessary to hold an emergency meeting
19 without reasonable advance public notice, the nature of the
20 emergency shall be stated in the minutes and any formal action
21 taken in such meeting shall pertain only to the emergency.
22 Such emergency meetings may be held by means of electronic or
23 telecommunication equipment. The provisions of subsection (4)
24 of this section shall be complied with in conducting emergency
25 meetings. Complete minutes of such emergency meetings specifying
26 the nature of the emergency and any formal action taken at the
27 meeting shall be made available to the public by no later than the
1 end of the next regular business day.

2 (6) A public body may allow a member of the public or
3 any other witness other than a member of the public body to appear
4 before the public body by means of video or telecommunications
5 equipment.

6 Sec. 2. Original section 84-1411, Revised Statutes
7 Cumulative Supplement, 2010, is repealed.

(Signed) Bill Avery, Chairperson

Revenue

LEGISLATIVE BILL 1118. Placed on General File.

LEGISLATIVE BILL 818. Placed on General File with amendment.
AM1846

1 1. On page 2, line 16, after "acquired" insert "or held".

(Signed) Abbie Cornett, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 390.** Introduced by Seiler, 33.

WHEREAS, Michael Shelton, Troop 200, 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, Michael 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; and

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

WHEREAS, Michael, 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 Michael Shelton on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Shelton.

Laid over.

LEGISLATIVE RESOLUTION 391. Introduced by Seiler, 33.

WHEREAS, Cameron David Brei, Troop 207, 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, Cameron 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; and

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

WHEREAS, Cameron, 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 Cameron David Brei on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Cameron David Brei.

Laid over.

LEGISLATIVE RESOLUTION 392. Introduced by Seiler, 33.

WHEREAS, Logan Klein, Troop 207, 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, Logan 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; and

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

WHEREAS, Logan, 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 Logan Klein on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Logan Klein.

Laid over.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 6, 2012, summarizing the recommended appropriations for the following biennium.

ANNOUNCEMENT

Senator K. Haar designates LB947 as his priority bill.

SENATOR ADAMS PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 540. Title read. Considered.

Committee AM1719, found on page 322, was considered.

Senator Fulton offered the following amendment to the committee amendment:

AM1859

(Amendments to Standing Committee amendments, AM1719)

- 1 1. On page 1, line 1, strike "page 7, line 4" and
- 2 insert "page 4, line 7"; and in line 3 after "services" insert
- 3 "or to promote elective abortion services. The department shall
- 4 ensure that any funds received under this subsection shall not
- 5 be spent or used in any way to contract with any entity that
- 6 performs or promotes elective abortion services or with any entity
- 7 that affiliates with any entity that performs or promotes elective
- 8 abortions".

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 382, 383, 384, and 385 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 382, 383, 384, and 385.

AMENDMENTS - Print in Journal

Senator Schilz filed the following amendment to LB391:
AM1831

(Amendments to E & R amendments, ER159)

- 1 1. On page 2, line 2, after "Nebraska" insert "Field";
- 2 in line 5 after "Service" insert "of the University of Nebraska
- 3 Institute of Agriculture and Natural Resources"; in line 8 after
- 4 "Unit" insert "of the University of Nebraska"; and in line 17 after
- 5 "Service" insert "of the United States Department of the Interior".
- 6 2. On page 3, line 16; and page 4, line 4, after "plan"

7 insert "required under section 4 of this act".

8 3. On page 4, line 16, strike "2014" and insert "2015".

Senator Schilz filed the following amendment to LB391:
AM1830

(Amendments to E & R amendments, ER159)

- 1 1. On page 2, line 2, strike "The Nature Conservancy,
- 2 Nebraska Office" and insert "An electric generating utility"; in
- 3 line 21 strike "and"; and in line 22 after "Survey" insert "; and
- 4 (e) The Nature Conservancy, Nebraska Field Office".

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 489. Placed on General File with amendment.
AM1612 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Council asked unanimous consent to add her name as cointroducer to LB540. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 FCCLA students from across Nebraska; and former Senator Arnie Stuthman from Platte Center.

The Doctor of the Day was Dr. Matt Bogard from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 7, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 2012

PRAYER

The prayer was offered by Pastor Dorothy Smith, Waterloo United Methodist Church, Waterloo.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad and Heidemann who were excused; and Senator Cornett who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

ANNOUNCEMENT

Senator Hadley designates LB1118 as his priority bill.

NOTICE OF COMMITTEE HEARING

Executive Board

Room 2102

Tuesday, February 14, 2012 12:00 p.m.

LB1007
LB1133
LB711

(Signed) John Wightman, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB190:
AM1815

(Amendments to E & R amendments, ER144)

- 1 1. On page 2, lines 14 and 18, strike "seven" and insert
- 2 "twelve".

Senator Harms filed the following amendment to LB507:
AM1837

(Amendments to E & R amendments, ER161)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 6. Sections 2 to 5 of this act terminate on December
- 3 31, 2016.
- 4 2. On page 2, line 15, strike "Act" and insert "program".

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 646. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 963. Placed on General File.

LEGISLATIVE BILL 613. Placed on General File with amendment.
AM1749

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 76-825, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-825 Sections 76-825 to 76-894 and section 4 of this
- 5 act shall be known and may be cited as the Nebraska Condominium
- 6 Act.
- 7 Sec. 4. (a) An association may require a person who
- 8 purchases a unit on or after the effective date of this act to
- 9 make payments into an escrow account established by the association
- 10 until the balance in the escrow account for that unit is in an
- 11 amount equal to six months of assessments.
- 12 (b) All payments made under subsection (a) of this
- 13 section and received after the effective date of this act shall
- 14 be held in a non-interest-bearing checking account in a bank,
- 15 savings bank, building and loan association, or savings and loan
- 16 association in this state under terms that place such payments
- 17 beyond the claim of creditors of the association. Upon request
- 18 by a unit owner, the association shall disclose the name of the
- 19 financial institution and the account number where the payments

20 made under subsection (a) of this section are being held. An
21 association may maintain a single escrow account to hold payments
22 made under subsection (a) of this section from all of the unit
23 owners. If a single escrow account is maintained, the association
24 shall maintain separate accounting records for each unit owner.

25 (c) The association shall return the payments made under
26 subsection (a) of this section to the unit owner when the owner
27 sells the unit and has fully paid all assessments. The association
28 may use the balance in the account attributable to a unit owner
29 to offset any assessments remaining unpaid by such owner. To the
30 extent that the escrow deposit or any part thereof is applied to
31 offset any unpaid assessments of a unit owner, the association may
32 require such owner to replenish the escrow deposit.

33 (d) The payments made under this section may be used
34 by the association to cover up to six months of the assessments
35 attributable to an owner of a unit for which assessment payments
36 have not been made.

37 (e) Nothing in this section shall prohibit an association
38 from establishing escrow deposit requirements in excess of the
39 amounts authorized under this section pursuant to provisions in the
40 association's declaration.

41 2. On page 3, after line 23, insert the following new
42 subsection:

43 "(8)(a) A homeowners' association may require a person
44 who purchases real estate on or after the effective date of this
45 act to make payments into an escrow account established by the
46 homeowners' association until the balance in the escrow account
47 for that real estate is in an amount not to exceed six months of
48 assessments.

49 (b) All payments made under subdivision (a) of this
50 subsection and received after the effective date of this act shall
51 be held in a non-interest-bearing checking account in a bank,
52 savings bank, building and loan association, or savings and loan
53 association in this state under terms that place such payments
54 beyond the claim of creditors of the association. Upon request by
55 an owner of real estate, the homeowners' association shall disclose
56 the name of the financial institution and the account number
57 where the payments made under subdivision (a) of this subsection
58 are being held. A homeowners' association may maintain a single
59 escrow account to hold payments made under subdivision (a) of this
60 subsection from all of the owners of real estate. If a single
61 escrow account is maintained, the homeowners' association shall
62 maintain separate accounting records for each owner of real estate.

63 (c) The homeowners' association shall return the payments
64 made under subdivision (a) of this subsection to the owner of real
65 estate when the owner sells the real estate and has fully paid
66 all assessments. The homeowners' association may use the balance in
67 the account attributable to an owner of real estate to offset any
68 assessments remaining unpaid by such owner. To the extent that the

19 escrow deposit or any part thereof is applied to offset any unpaid
 20 assessments of an owner of real estate, the homeowners' association
 21 may require such owner to replenish the escrow deposit.

22 (d) The payments made under this subsection may be
 23 used by the homeowners' association to satisfy any assessments
 24 attributable to an owner of real estate for which assessment
 25 payments have become delinquent.

26 (e) Nothing in this subsection shall prohibit
 27 a homeowners' association from establishing escrow deposit
 1 requirements in excess of the amounts authorized under this
 2 subsection pursuant to provisions in the homeowners' association's
 3 declaration."; and in line 24 strike "(8)", show as stricken, and
 4 insert "(9)".

5 3. On page 5, line 19, strike "(1)" and insert "(a)".

(Signed) Rich Pahls, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR386 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR386.

GENERAL FILE

LEGISLATIVE BILL 540. Senator Fulton renewed his amendment, AM1859, found on page 447, to the committee amendment.

The Fulton amendment was adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Committee AM1719, found on page 322 and considered on page 447, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 729. Placed on General File.

LEGISLATIVE BILL 863. Placed on General File.

(Signed) Amanda McGill, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 375CA. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

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.

Jon Hinrichs - Nebraska Arts Council
Pamela Price - 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

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 15, 2012 1:30 p.m.

LB1113
LB728
LB777
LB1029
LB1134

Room 1113

Thursday, February 16, 2012 1:30 p.m.

LB937
LB941
LB1046
LB1127
LB1145

(Signed) Brad Ashford, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 393.** Introduced by Brasch, 16.

WHEREAS, Alex Ott, Troop 143, son of Timothy and Annette Ott, 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, Alex 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, Alex built two retaining walls along a creek at Camp Fontanelle to prevent a nearby trail from washing out; and

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

WHEREAS, Alex, 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 Alex Ott on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Ott.

Laid over.

LEGISLATIVE RESOLUTION 394. Introduced by Brasch, 16.

WHEREAS, Troop 143 of the Boy Scouts of America in Blair will celebrate its eightieth anniversary with a ceremony on February 23, 2012; and

WHEREAS, the Boy Scouts of America was formed to provide an educational program for boys and young adults to build character, train in the responsibilities of participating citizenship, and develop personal fitness; and

WHEREAS, the Legislature recognizes the importance of the Boy Scouts of America and its members' contributions to the communities of Nebraska.

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

1. That the Legislature congratulates Troop 143 in Blair on the celebration of its eightieth anniversary.
2. That a copy of this resolution be sent to the members of Troop 143.

Laid over.

LEGISLATIVE RESOLUTION 395. Introduced by Brasch, 16.

WHEREAS, Brooks Mayo, Troop 143, son of Robert and Kathy Mayo, 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, Brooks 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, Brooks built a prefabricated storage shed at Camp Fontanelle for the storage of archery and other equipment; and

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

WHEREAS, Brooks, 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 Brooks Mayo on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brooks Mayo.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 540. Senator B. Harr offered the following amendment:
AM1903

(Amendments to Standing Committee amendments, AM1719)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:
- 3 1. On page 4, line 7, strike "2011" and insert "2012";
- 4 and in line 13 after the period insert "No funds appropriated or

5 distributed under the waiver shall be used for abortion, abortion
6 counseling, or a referral for abortion or any operational costs
7 of a facility that provides abortion, abortion counseling, or a
8 referral for abortion."

The B. Harr amendment lost with 11 ayes, 19 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 886. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 890. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 854. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM1685, found on page 337, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 942. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1070. Placed on General File.

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LB612:
AM1896

(Amendments to E & R amendments, ER155)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Notwithstanding any other provision of law,
- 4 actions for an injury or injuries suffered by a plaintiff when
- 5 the plaintiff was a victim of a violation of section 28-319.01
- 6 or 28-320.01 can only be brought within twelve years after
- 7 the plaintiff's twenty-first birthday. Criminal prosecution of
- 8 a defendant under section 28-319.01 or 28-320.01 is not required to
- 9 maintain a civil action for violation of such sections.
- 10 Sec. 2. The Revisor of Statutes shall assign section 1 of
- 11 this act within Chapter 25, article 2.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to civil procedure; to eliminate obsolete provisions relating to computer date failure actions; and to outright repeal sections 25-21,265, 25-21,266, 25-21,267, 25-21,268, and 25-21,269, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 2:

Harr, B. Louden

Excused and not voting, 2:

Conrad Heidemann

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

LEGISLATIVE BILL 706.

A BILL FOR AN ACT relating to the Executive Board of the Legislative Council; to repeal a section providing for an interim study; and to outright repeal section 50-444, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 2:

Harr, B. Louden

Excused and not voting, 2:

Conrad Heidemann

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

LEGISLATIVE BILL 707.

A BILL FOR AN ACT relating to Joslyn Castle; to repeal sections that are no longer needed; and to outright repeal sections 72-1801 and 72-1802, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 2:

Harr, B. Louden

Excused and not voting, 2:

Conrad Heidemann

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

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to the School Weatherization Fund; to repeal a section that is no longer needed; and to outright repeal section 81-1634, Revised Statutes Cumulative Supplement, 2010.

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

Voting in the negative, 0.

Present and not voting, 2:

Harr, B. Louden

Excused and not voting, 2:

Conrad Heidemann

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

LEGISLATIVE BILL 709.

A BILL FOR AN ACT relating to zoning regulations; to amend sections 23-114, 23-114.03, and 23-114.05, Reissue Revised Statutes of Nebraska; to repeal sections governing temporary zoning regulations that expired July 1, 2001; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-115, 23-115.01, and 23-115.02, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 3:

Conrad Heidemann Louden

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

LEGISLATIVE BILL 710.

A BILL FOR AN ACT relating to the University Buildings Renovation and Land Acquisition Fund; to amend section 85-122, Revised Statutes Supplement, 2011; to repeal sections that are no longer needed; to harmonize provisions; to repeal the original section; and to outright repeal sections 85-1,111 and 85-1,112, Reissue Revised Statutes of Nebraska.

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

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 3:

Conrad Heidemann Louden

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 LB946 with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 946. With Emergency Clause.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 48-621, 85-1501.01, 85-1520, 85-1521, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, sections 85-1402 and 85-1511, Revised Statutes Cumulative Supplement, 2010, and sections 13-518, 77-3442, 81-1201.21, 85-1412, 85-1418, 85-1503, 85-1517, 85-1535, and 90-517, Revised Statutes Supplement, 2011; to adopt the Community College Aid Act; to rename and eliminate funds; to rename a committee; to change provisions relating to state aid, tax levies, fees, grants, and revenue bonds; to provide and change powers and duties; to eliminate obsolete provisions; to eliminate the Community College Foundation and Equalization Aid Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-2201, 85-2202, 85-2203, 85-2204, 85-2205, 85-2206, 85-2207, 85-2208, 85-2209, 85-2210, 85-2211, 85-2212, 85-2213, 85-2215, 85-2216, 85-2217, 85-2218, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2225, 85-2227, 85-2228, and 85-2229, Reissue Revised Statutes of Nebraska, and section 85-2230, Revised Statutes Cumulative Supplement, 2010; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 2:

Conrad Heidemann

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 bills were read and put upon final passage:

LEGISLATIVE BILL 415.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-913, Reissue Revised Statutes of Nebraska; to change provisions relating to introducing contraband within a detention facility or providing an inmate with contraband; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 2:

Conrad Heidemann

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

LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-623 and 32-627, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy of a ballot; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Conrad Heidemann

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 705, 706, 707, 708, 709, 710, 946, 415, and 503.

UNANIMOUS CONSENT - Add Cointroducers

Senators Avery, Council, Fulton, Lathrop, McGill, and Nordquist asked unanimous consent to add their names as cointroducers to LB1130. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB863. No objections. So ordered.

Senators Cook, McGill, and Nordquist asked unanimous consent to add their names as cointroducers to LB863. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB1144. No objections. So ordered.

Senators Campbell, K. Haar, Lambert, Mello, and Smith asked unanimous consent to add their names as cointroducers to LB1130. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 retired NSEA members; and 13 fourth-grade students, teacher, and sponsors from Immanuel Lutheran School, Columbus.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 11:48 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 8, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 2012

PRAYER

The prayer was offered by Father Jason Emerson, Church of the Resurrection, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 540. Placed on Select File with amendment.
ER173

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-911, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-911 (1) Medical assistance shall include coverage for
- 6 health care and related services as required under Title XIX of the
- 7 federal Social Security Act, including, but not limited to:
- 8 (a) Inpatient and outpatient hospital services;
- 9 (b) Laboratory and X-ray services;
- 10 (c) Nursing facility services;
- 11 (d) Home health services;
- 12 (e) Nursing services;
- 13 (f) Clinic services;
- 14 (g) Physician services;

15 (h) Medical and surgical services of a dentist;
 16 (i) Nurse practitioner services;
 17 (j) Nurse midwife services;
 18 (k) Pregnancy-related services;
 19 (l) Medical supplies; and
 20 (m) Early and periodic screening and diagnosis and
 21 treatment services for children.

22 (2) In addition to coverage otherwise required under this
 23 section, medical assistance may include coverage for health care
 1 and related services as permitted but not required under Title XIX
 2 of the federal Social Security Act, including, but not limited to:

3 (a) Prescribed drugs;
 4 (b) Intermediate care facilities for the mentally
 5 retarded;
 6 (c) Home and community-based services for aged persons
 7 and persons with disabilities;
 8 (d) Dental services;
 9 (e) Rehabilitation services;
 10 (f) Personal care services;
 11 (g) Durable medical equipment;
 12 (h) Medical transportation services;
 13 (i) Vision-related services;
 14 (j) Speech therapy services;
 15 (k) Physical therapy services;
 16 (l) Chiropractic services;
 17 (m) Occupational therapy services;
 18 (n) Optometric services;
 19 (o) Podiatric services;
 20 (p) Hospice services;
 21 (q) Mental health and substance abuse services;
 22 (r) Hearing screening services for newborn and infant
 23 children; and
 24 (s) Administrative expenses related to administrative
 25 activities, including outreach services, provided by school
 26 districts and educational service units to students who are
 27 eligible or potentially eligible for medical assistance.

1 (3) No later than July 1, 2009, the department
 2 shall submit a state plan amendment or waiver to the federal
 3 Centers for Medicare and Medicaid Services to provide coverage
 4 under the medical assistance program for community-based secure
 5 residential and subacute behavioral health services for all
 6 eligible recipients, without regard to whether the recipient has
 7 been ordered by a mental health board under the Nebraska Mental
 8 Health Commitment Act to receive such services.

9 (4) No later than July 1, 2012, the department shall
 10 apply for a waiver or an amendment to an existing waiver under
 11 section 1115 of the federal Social Security Act, as amended, 42
 12 U.S.C. 1315, for the purpose of providing medical assistance for
 13 family planning services for persons whose family's earned income

14 is at or below one hundred eighty-five percent of the federal
 15 poverty level. No state funds shall be utilized to pay for abortion
 16 services or to promote elective abortion services. The department
 17 shall ensure that any funds received under this subsection shall
 18 not be spent or used in any way to contract with any entity that
 19 performs or promotes elective abortion services or with any entity
 20 that affiliates with any entity that performs or promotes elective
 21 abortions.

22 Sec. 2. Original section 68-911, Reissue Revised Statutes
 23 of Nebraska, is repealed.

24 Sec. 3. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

LEGISLATIVE BILL 886. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File.

LEGISLATIVE BILL 854. Placed on Select File with amendment.
 ER174

- 1 1. On page 1, line 4, strike "sections 21-152 and
- 2 21-2611" and insert "section 21-152"; and in line 6 after
- 3 "dissolution" insert ", revocation,".

LEGISLATIVE BILL 911. Placed on Select File.

LEGISLATIVE BILL 942. Placed on Select File.

(Signed) Tyson Larson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 2012, at 11:53 a.m. were the following: LBs 705, 706, 707, 708, 709, 710, 946e, 415, and 503.

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

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 15, 2012 1:30 p.m.

Michael Hansen - Commission for the Blind and Visually Impaired

Room 1510

Thursday, February 16, 2012 1:30 p.m.

Johnson, Julie (cancel)

Room 1510

Wednesday, February 15, 2012 1:30 p.m.

Johnson, Julie (reschedule)

(Signed) Kathy Campbell, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Brasch has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1035. Placed on General File with amendment.
AM1900

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 32-610, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 32-610 No person shall be allowed to file a candidate
6 filing form as a partisan candidate or to have his or her
7 name placed upon a primary election ballot of a political party
8 unless (1) he or she is a registered voter of the political
9 party if required pursuant to section 32-702 and (2) at the last
10 election, one of the two immediately preceding statewide general
11 elections, (a) a candidate nominated by the political party polled
12 at least five percent of the entire vote in the state, county,
13 political subdivision, or district in which the candidate seeks the
14 nomination for office, in a statewide race or (b) a combination
15 of candidates nominated by the political party for a combination
16 of districts that encompass all of the voters of the entire
17 state polled at least five percent of the vote in each of their
18 respective districts. A candidate filing form filed in violation of
19 this section shall be void.
20 Sec. 2. Section 32-811, Revised Statutes Supplement,
21 2011, is amended to read:
22 32-811 (1) If the names of candidates properly filed
23 for nomination at the primary election for directors of natural
1 resources districts, directors of public power districts, directors
2 of reclamation districts, members of airport authority boards
3 elected pursuant to sections 32-547 to 32-549, members of the
4 boards of governors of community college areas, members of the
5 boards of Class III or Class V school districts which nominate

6 candidates at a primary election, and officers of cities of the
7 first or second class and cities having a city manager plan of
8 government do not exceed two candidates for each position to
9 be filled, any such candidates shall be declared nominated and
10 their names shall not appear on any primary election ballots. The
11 official abstract of votes kept by the county or state shall show
12 the names of such candidates with the statement Nominated Without
13 Opposition. The election commissioner or county clerk shall place
14 the names of such automatically nominated candidates on the general
15 election ballot as provided in section 32-814.

16 (2) Candidates shall not appear on the ballot in the
17 primary election for the board of directors in public power
18 districts receiving annual gross revenue of less than forty million
19 dollars, for county weed district boards, and for the board of
20 trustees in villages.

21 (3) If the number of candidates for delegates to a county
22 or national political party convention are the same in number or
23 less than the number of candidates to be elected, the names shall
24 not appear on the primary election ballot and those so filed shall
25 receive a certificate of election.

26 Sec. 3. Section 32-1031, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 32-1031 (1) After counting the ballots under section
2 32-1027, the county canvassing board shall proceed with the
3 official canvass of votes cast on election day. If in the
4 process of canvassing the votes for any candidate or measure
5 in any precinct the election commissioner or county clerk or the
6 canvassing board determines that there is an obvious error in
7 the certification of the votes, the error shall be corrected. The
8 county canvassing board may open the ballots-cast container and
9 recount the ballots for any candidate or any measure which appears
10 to be in error. If the county canvassing board finds and corrects
11 any such error, it shall make the correction entry in the precinct
12 sign-in register, the precinct list of registered voters, and the
13 official summary or summaries of votes cast and shall attach a
14 letter of explanation to each book where the correction was made.
15 The letter shall be signed by all members of the county canvassing
16 board.

17 (2) When it has been determined that the returns in all
18 precincts are correct, the county canvassing board shall ~~enter the~~
19 ~~same in a permanent ledger. The permanent ledger shall be preserved~~
20 ~~by provide a record of the results to the election commissioner or~~
21 ~~county clerk either in a ledger or by using a computer printout.~~
22 The election commissioner or county clerk shall preserve the record
23 of the results for the period of time specified by the State
24 Records Administrator pursuant to the Records Management Act, and
25 then it may be transferred to the State Archives of the Nebraska
26 State Historical Society for permanent preservation.

- 27 (3) Any recesses or adjournments of the county canvassing
 1 board shall be to a fixed time and publicly announced. When a
 2 recess is called, all ballots that have not been counted and
 3 all other supplies shall be placed in a fireproof safe or other
 4 suitable location which is locked until such board reconvenes.
 5 Sec. 4. Original sections 32-610 and 32-1031, Reissue
 6 Revised Statutes of Nebraska, and section 32-811, Revised Statutes
 7 Supplement, 2011, are repealed.
 8 Sec. 5. The following section is outright repealed:
 9 Section 32-718, Reissue Revised Statutes of Nebraska.

(Signed) Bill Avery, Chairperson

SELECT FILE

LEGISLATIVE BILL 190. ER144, found on page 294, was adopted.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA31, found on page 381, and replace it with his substitute amendment, AM1815, found on page 450. No objections. So ordered.

SENATOR GLOOR PRESIDING

Senator Lautenbaugh withdrew his amendment.

Pending.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 22, 2012 1:30 p.m.

Carl Rennerfeldt - Board of Emergency Medical Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

James Smith - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB541:
AM1914

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 68-901, Revised Statutes Supplement,
4 2011, is amended to read:
5 68-901 Sections 68-901 to 68-971 and sections 2 and 3 of
6 this act shall be known and may be cited as the Medical Assistance
7 Act.
8 Sec. 2. The Legislature finds that the medical assistance
9 program would benefit from increased efforts to (1) prevent
10 improper payments to service providers, including, but not
11 limited to, enforcement of eligibility criteria for recipients
12 of benefits, enforcement of enrollment criteria for providers of
13 benefits, determination of third-party liability for benefits,
14 review of claims for benefits prior to payment, and identification
15 of the extent and cause of improper payment, (2) identify
16 and recoup improper payments, including, but not limited to,
17 identification and investigation of questionable payments for
18 benefits, administrative recoupment of payments for benefits, and
19 referral of cases of fraud to the state medicaid fraud control
20 unit for prosecution, and (3) collect postpayment reimbursement,
21 including, but not limited to, maximizing prescribed drug rebates
22 and maximizing recoveries from estates for paid benefits.
1 Sec. 3. (1) The department shall contract with one or
2 more recovery audit contractors to promote the integrity of the
3 medical assistance program and to assist with cost-containment
4 efforts and recovery audits. The contract or contracts shall
5 include services for (a) cost-avoidance through identification of
6 third-party liability, (b) cost recovery of third-party liability
7 through postpayment reimbursement, (c) casualty recovery of
8 payments by identifying and recovering costs for claims that
9 were the result of an accident or neglect and payable by a
10 casualty insurer, and (d) reviews of claims submitted by providers
11 of services or other individuals furnishing items and services
12 for which payment has been made to determine whether providers
13 have been underpaid or overpaid and take actions to recover any
14 overpayments identified.
15 (2) The department shall contract with one or more
16 persons to support a health insurance premium assistance payment
17 program.
18 (3) The department may enter into any other contracts
19 deemed to increase the efforts to promote the integrity of the
20 medical assistance program.
21 (4) Contracts entered into under the authority of this
22 section may be on a contingent fee basis and are exempt from

23 section 73-203. Contracts entered into on a contingent fee
 24 basis shall provide that contingent fee payments are based upon
 25 amounts recovered, not amounts identified, and that contingent fee
 26 payments are not to be paid on amounts subsequently repaid due
 27 to determinations made in appeal proceedings. Contracts shall be
 1 in compliance with federal law and regulations when pertinent, and
 2 initial contracts shall be entered into as soon as practicable
 3 under such federal law and regulations.

4 (5) The department shall by December 1, 2012, report to
 5 the Legislature the status of the contracts, including the parties,
 6 the programs and issues addressed, the estimated cost recovery, and
 7 the savings accrued as a result of the contracts.

8 (6) For purposes of this section:

9 (a) Person means bodies politic and corporate,
 10 societies, communities, the public generally, individuals,
 11 partnerships, limited liability companies, joint-stock companies,
 12 and associations; and

13 (b) Recovery audit contractor means private entities
 14 with which the department contracts to audit claims for medical
 15 assistance, identify underpayments and overpayments, and recoup
 16 overpayments.

17 Sec. 4. Original section 68-901, Revised Statutes
 18 Supplement, 2011, is repealed.

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

21 2. On page 1, line 2, strike "Cumulative Supplement,
 22 2010" and insert "Supplement, 2011".

Senator Langemeier filed the following amendment to LB849:
AM1873

(Amendments to Standing Committee amendments, AM1777)

1 1. Strike the original amendment and insert the following
 2 amendments:

3 1. Strike sections 2 and 3 and insert the following
 4 sections:

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

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

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

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

15 (d) Buildings, roads, trails, and other structures and
 16 improvements shall be kept in reasonable repair throughout their
 17 estimated lifetime to prevent undue deterioration and to encourage
 18 public use, including the maintenance of the area's federally

19 funded public boating access facilities existing on the property,
 20 which is specially assigned and required through 2024; and

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

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

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

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

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

11 2. Renumber the remaining section accordingly.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Sullivan has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

SELECT FILE

LEGISLATIVE BILL 190. Senator Council renewed her amendment, AM1847, found on page 421.

The Council amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

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

Senator Council moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Adams	Campbell	Dubas	Larson	Smith
Ashford	Coash	Gloor	Lathrop	Sullivan
Avery	Cook	Haar, K.	McGill	Wallman
Bloomfield	Cornett	Harr, B.	Nordquist	
Brasch	Council	Howard	Schumacher	

Voting in the negative, 15:

Carlson	Hadley	Krist	Lautenbaugh	Pahls
Flood	Hansen	Lambert	McCoy	Price
Fulton	Janssen	Langemeier	Nelson	Seiler

Present and not voting, 9:

Christensen	Harms	Louden	Pirsch	Wightman
Fischer	Heidemann	Mello	Schilz	

Excused and not voting, 2:

Conrad	Karpisek
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Failed to advance to Enrollment and Review for Engrossment with 23 ayes, 15 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 60. Senator Krist renewed his amendment, AM1840, found on page 419.

Senator Krist offered the following motion:

MO79

Unanimous consent to bracket until April 1, 2012.

No objections. So ordered.

LEGISLATIVE BILL 459. ER149, found on page 351, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 473. ER151, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 633. ER150, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 19CA. ER153, found on page 359, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 426. ER152, found on page 366, was adopted.

Senator Cornett renewed her amendment, AM1783, found on page 373.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. ER154, found on page 368, was adopted.

Senator McGill offered the following amendment:

AM1917

(Amendments to E & R amendments, ER154)

1 1. On page 6, line 3, after "injury" insert "For
2 purposes of this subdivision, credible threat means a verbal or
3 written threat, including a threat performed through the use of an
4 electronic communication device, or a threat implied by a pattern
5 of conduct or a combination of verbal, written, or electronically
6 communicated statements and conduct that is made by a person with
7 the apparent ability to carry out the threat so as to cause the
8 person who is the target of the threat to reasonably fear for
9 his or her safety or the safety of his or her family. It is not
10 necessary to prove that the person making the threat had the intent
11 to actually carry out the threat. The present incarceration of the
12 person making the threat shall not prevent the threat from being
13 deemed a credible threat under this section".

The McGill amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 612. ER155, found on page 372, was adopted.

Senator Pirsch renewed his amendment, AM1896, found on page 457.

The Pirsch amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216. ER157, found on page 396, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216A. ER158, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 391. ER159, found on page 401, was adopted.

Senator Schilz withdrew his amendment, AM1804, found on page 384.

Senator Schilz renewed his amendment, AM1831, found on page 447.

The Schilz amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Schilz renewed his amendment, AM1830, found on page 448.

The Schilz amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Schilz offered the following amendment:

AM1928

(Amendments to E & R amendments, ER159)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 37-201, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 37-201 Sections 37-201 to 37-811 and sections 3 to 7 of
- 5 this act shall be known and may be cited as the Game Law.
- 6 Sec. 2. Section 37-202, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 37-202 For purposes of the Game Law, unless the context
- 9 otherwise requires, the definitions found in sections 37-203 to
- 10 37-247 and sections 3 to 5 of this act are used.
- 11 Sec. 3. Aquatic invasive species means exotic or
- 12 nonnative aquatic organisms listed in rules and regulations of
- 13 the commission which pose a significant threat to the aquatic
- 14 resources, water supplies, or water infrastructure of this state.
- 15 Sec. 4. Authorized inspector means a person who meets the
- 16 requirements established in rules and regulations of the commission
- 17 to inspect for aquatic invasive species and includes, but is not
- 18 limited to, a conservation officer and a peace officer as defined
- 19 in section 49-801.
- 20 Sec. 5. Conveyance means a motorboat as defined in
- 21 section 37-1204, a personal watercraft as defined in section
- 22 37-1204.01, a vessel as defined in section 37-1203, a trailer, or
- 1 any associated equipment or containers which may contain or carry
- 2 aquatic invasive species.
- 3 Sec. 6. (1) No person shall possess, import, export,
- 4 purchase, sell, or transport aquatic invasive species except when
- 5 a species is being removed from a conveyance and is caught
- 6 and immediately killed or disposed of properly as determined by
- 7 the commission. The commission shall adopt and promulgate rules
- 8 and regulations governing the inspection, decontamination, and
- 9 treatment of conveyances capable of containing or transporting
- 10 aquatic invasive species.
- 11 (2) Any person who (a) fails or refuses to submit to
- 12 an inspection of a conveyance requested by an authorized inspector
- 13 or (b) refuses to permit or prevents proper decontamination or
- 14 treatment of a conveyance as prescribed by the authorized inspector
- 15 is guilty of a Class III misdemeanor and upon conviction shall be

16 fined not less than five hundred dollars. Such person's conveyance
17 shall also be subject to impoundment.

18 Sec. 7. The commission shall adopt and promulgate rules
19 and regulations to carry out section 6 of this act.

20 Sec. 8. Section 37-524, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-524 (1) It shall be unlawful for any person,
23 partnership, limited liability company, association, or corporation
24 to import into the state or possess aquatic invasive species,
25 the animal known as the San Juan rabbit, or any other species
26 of wild vertebrate animal, including domesticated cervine animals
27 as defined in section 54-701.03, declared by the commission
1 following public hearing and consultation with the Department of
2 Agriculture to constitute a serious threat to economic or ecologic
3 conditions, except that the commission may authorize by specific
4 written permit the acquisition and possession of such species for
5 educational or scientific purposes. It shall also be unlawful to
6 release to the wild any nonnative bird or nonnative mammal without
7 written authorization from the commission. Any person, partnership,
8 limited liability company, association, or corporation violating
9 the provisions of this subsection shall be guilty of a Class IV
10 misdemeanor.

11 (2) Following public hearing and consultation with the
12 Department of Agriculture, the commission may, by rule and
13 regulation, regulate or limit the importation and possession of
14 any aquatic invasive species or wild vertebrate animal, including a
15 domesticated cervine animal as defined in section 54-701.03, which
16 is found to constitute a serious threat to economic or ecologic
17 conditions.

18 Sec. 9. Section 37-547, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 37-547 It is the intent of the Legislature to prevent the
21 release or importation into the State of Nebraska of any aquatic
22 invasive species or any live wildlife which may cause economic
23 or ecologic harm or be injurious to human beings, agriculture,
24 horticulture, forestry, water, or wildlife or wildlife resources of
25 the state. It is further the intent of the Legislature to prevent
26 the commercial exploitation or exportation of any aquatic invasive
27 species or any dead or live wildlife taken from the wild.

1 Sec. 10. Section 37-548, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 37-548 (1) It shall be unlawful for any person to import
4 into the state or release to the wild any aquatic invasive species
5 or any live wildlife including the viable gametes, eggs or sperm,
6 except those which are approved by rules and regulations of the
7 commission or as otherwise provided in the Game Law. It shall
8 be unlawful to commercially exploit or export from the state any
9 aquatic invasive species or dead or live wildlife taken from the
10 wild except those which are exempted by rules and regulations

11 of the commission. Any person violating this subsection shall be
12 guilty of a Class III misdemeanor.

13 (2) The commission shall adopt and promulgate rules
14 and regulations to carry out subsection (1) of this section.
15 In adopting such rules and regulations, the commission shall
16 be governed by the Administrative Procedure Act. Such rules and
17 regulations shall include a listing of (a) the aquatic invasive
18 species or wildlife which may be released or imported into the
19 state and (b) the aquatic invasive species or wildlife taken from
20 the wild which may be commercially exploited or exported from
21 the state. The rules and regulations for release, importation,
22 commercial exploitation, and exportation of species other than
23 commercial fish and bait fish shall include, but not be limited to,
24 requirements for annual permits for release or importation or for
25 commercial exploitation or exportation, permit fees, the number of
26 individual animals of a particular species that may be released,
27 imported, collected, or exported under a permit, and the manner
1 and location of release or collection of a particular species.

2 The rules and regulations may be amended, modified, or repealed
3 from time to time, based upon investigation and the best available
4 scientific, commercial, or other reliable data.

5 (3) The commission shall establish permit fees as
6 required by subsection (2) of this section to cover the cost of
7 permit processing and enforcement of the permits and research into
8 and management of the ecological effects of release, importation,
9 commercial exploitation, and exportation. The commission shall
10 remit the fees to the State Treasurer for credit to the Wildlife
11 Conservation Fund.

12 (4) The commission may determine that the release,
13 importation, commercial exploitation, or exportation of aquatic
14 invasive species or wildlife causes economic or ecologic harm
15 by utilizing the best available scientific, commercial, and
16 other reliable data after consultation, as appropriate, with
17 federal agencies, other interested state and county agencies, and
18 interested persons and organizations.

19 (5) The commission shall, upon its own recommendation or
20 upon the petition of any person who presents to the commission
21 substantial evidence as to whether such additional species will or
22 will not cause ecologic or economic harm, conduct a review of any
23 listed or unlisted species proposed to be removed from or added to
24 the list published pursuant to subdivision (2)(a) of this section.
25 The review shall be conducted pursuant to subsection (4) of this
26 section.

27 (6) The commission shall, upon its own recommendation or
1 upon the petition of any person who presents to the commission
2 substantial evidence that commercial exploitation or exportation
3 will cause ecologic or economic harm or significant impact to a
4 an aquatic or wildlife population, conduct a review of any listed
5 or unlisted species proposed to be added to or removed from the

- 6 list published pursuant to subdivision (2)(b) of this section.
7 The review shall be conducted pursuant to subsection (4) of this
8 section.
9 Sec. 17. Original sections 37-202, 37-524, 37-547, and
10 37-548, Reissue Revised Statutes of Nebraska, and section 37-201,
11 Revised Statutes Cumulative Supplement, 2010, are repealed.
12 2. Renumber the remaining sections and correct internal
13 references accordingly.

The Schilz amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 507. ER161, found on page 405, was adopted.

Senator Harms renewed his amendment, AM1837, found on page 450.

The Harms amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 40. ER160, found on page 407, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 427. ER165, found on page 417, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 800. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 446. Title read. Considered.

Pending.

COMMITTEE REPORT

Education

The Education 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.

Riko Bishop - Coordinating Commission for Postsecondary Education
 Joyce Simmons - Coordinating Commission for Postsecondary Education
 Carol Zink - Coordinating Commission for Postsecondary Education

Aye: 8 Adams, Avery, Cornett, Council, K. Haar, Howard, Seiler, Sullivan.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 996. Placed on General File.

LEGISLATIVE BILL 809. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 810. Placed on General File.

(Signed) Rich Pahls, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 898. Placed on General File.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB992:
 AM1905

- 1 1. On page 2, line 9, strike "or" and after "restaurant"
- 2 insert ", a grocery store, a convenience store, or a pharmacy".

RESOLUTION

LEGISLATIVE RESOLUTION 396. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 3, 2012, at the annual Statehood Day Dinner held in the Nebraska State Capitol, presents the Distinguished NEBRASKAlander Award to three honorees; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to Ken Gnadt of Grand Island, who has been an active force in government and

civic affairs in central Nebraska. Serving as Grand Island mayor from 1994 to 2002, he was instrumental in securing the Interstate 80 South Locust interchange, instituting the Wood River Flood Control Project, building the Heartland Events Center, and preserving the Case-IH manufacturing plant. He has been active in Rotary, the Grand Island Chamber of Commerce, Husker Harvest Days, the Stuhr Museum, and the relocation of the Nebraska State Fair to Grand Island; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to David Karnes of Omaha, who has had a distinguished career in the practice of law, government service, and business. He has been with the Kutak Rock law firm since 1989 and has served on the board of directors of numerous companies. He is a former United States Senator from Nebraska, and his federal government experience includes positions with the Federal Home Loan Bank, White House, and United States Advisory Committee for Trade Policy and Negotiations. He has been involved in a wide range of civic organizations, including founding Liz's Legacy Fund for cancer research; and

WHEREAS, a Distinguished NEBRASKAlander Award is presented to Roger Wehrbein of Plattsmouth, who has displayed outstanding political and civic leadership for Nebraska and his community. He served twenty years in the Nebraska Legislature and was a longtime Appropriations Committee chairperson. He has been an avid supporter of higher education, agriculture, economic development, ethanol, and wind energy. He served as a Cass County commissioner and has been active in economic development efforts in the county. A farmer and livestock producer, he has been a strong advocate of agriculture through numerous organizations.

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

1. That the Legislature extends its appreciation to the aforesaid honorees for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will hold an executive session Thursday, February 9, 2012, at 8:45 a.m., in Room 2102.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB887, LB963, and LB965. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB893. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Langemeier's wife and sons, Kerri, Jakub, and Aaron; Lora, Logan, and Dillon Johnson and Austin Hall from Schuyler; and 24 members of Leadership Hastings.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 9, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 2012

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

REPORT

The following report was received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

Clean Water State Revolving Fund Revenue Bonds Series 2011

ANNOUNCEMENT

The Chair announced today is Senator Smith's birthday.

GENERAL FILE

LEGISLATIVE BILL 1118. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 928. Placed on General File.

(Signed) Chris Langemeier, Chairperson
Urban Affairs

LEGISLATIVE BILL 932. Indefinitely postponed.

(Signed) Amanda McGill, Chairperson

GENERAL FILE**LEGISLATIVE BILL 446.** Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 801. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 803. Placed on General File with amendment.
AM1811

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 60-601, Revised Statutes Supplement,
4 2011, is amended to read:
5 60-601 Sections 60-601 to 60-6,380 and section 2 of this
6 act shall be known and may be cited as the Nebraska Rules of the
7 Road.
8 Sec. 2. (1) The driver of any vehicle involved in an
9 accident as described in section 60-696 or 60-697 to which a peace
10 officer is called shall provide the peace officer with the driver's
11 name, address, and telephone number and the driver's operator's
12 license and proof of financial responsibility as defined in section
13 60-501.
14 (2)(a) If (i) a driver fails to comply with subsection
15 (1) of this section or (ii) the driver is unable to comply
16 with the operator's license and proof of financial responsibility
17 portions of subsection (1) of this section and the peace officer is
18 unable to confirm the issuance of a valid operator's license for
19 the driver and proof of financial responsibility for the vehicle

20 involved in the accident, such driver shall have his or her vehicle
 21 immediately impounded until the operator's license and proof of
 22 financial responsibility are provided to a peace officer.

23 (b) Any vehicle impounded under this subsection shall be
 1 released:

2 (i) To the holder of a bona fide lien on the vehicle
 3 executed prior to such impoundment when possession of the vehicle
 4 is requested as provided by law by such lienholder for purposes of
 5 foreclosing and satisfying his or her lien on the vehicle;

6 (ii) To the titled owner of the vehicle when the titled
 7 owner is a lessor. Upon learning the address or telephone number
 8 of the rental or leasing company which owns the vehicle, the
 9 impounding law enforcement agency shall immediately contact the
 10 company and inform it that the vehicle is available for the company
 11 to take possession; or

12 (iii) To the registered owner, a registered co-owner,
 13 or a spouse of the owner upon good cause shown by an affidavit
 14 or otherwise to the court before which the complaint is pending
 15 against the driver that the impounded vehicle is essential to the
 16 livelihood of the owner, co-owner, or spouse or the dependents of
 17 such owner, co-owner, or spouse.

18 (c) Any person who, at the direction of a peace officer,
 19 tows and stores a vehicle pursuant to this section shall have
 20 a lien upon such vehicle while in his or her possession for
 21 reasonable towing and storage charges and shall have a right to
 22 retain such vehicle until such charges are paid.

23 (d) If the registered owner of a vehicle was not the
 24 driver of the vehicle whose actions caused the vehicle to be
 25 impounded, the registered owner of the vehicle may recover civilly
 26 from the driver of the vehicle all expenses incurred by reason
 27 of the impoundment. In the case of a criminal action, the court
 1 may order such driver of the vehicle to pay restitution to the
 2 registered owner in an amount equal to any expenses incurred with
 3 respect to impoundment.

4 Sec. 3. Original section 60-601, Revised Statutes
 5 Supplement, 2011, is repealed.

LEGISLATIVE BILL 1039. Placed on General File with amendment.
 AM1796

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

3 Section 1. Section 60-4,182, Revised Statutes Supplement,
 4 2011, is amended to read:

5 60-4,182 In order to prevent and eliminate successive
 6 traffic violations, there is hereby provided a point system dealing
 7 with traffic violations as disclosed by the files of the director.

8 The following point system shall be adopted:

9 (1) Conviction of motor vehicle homicide - 12 points;

- 10 (2) Third offense drunken driving in violation of any
11 city or village ordinance or of section 60-6,196, as disclosed by
12 the records of the director, regardless of whether the trial court
13 found the same to be a third offense - 12 points;
- 14 (3) Failure to stop and render aid as required under
15 section 60-697 in the event of involvement in a motor vehicle
16 accident resulting in the death or personal injury of another - 6
17 points;
- 18 (4) Failure to stop and report as required under section
19 60-696 or any city or village ordinance in the event of a motor
20 vehicle accident resulting in property damage - 6 points;
- 21 (5) Driving a motor vehicle while under the influence
22 of alcoholic liquor or any drug or when such person has a
23 concentration of eight-hundredths of one gram or more by weight of
1 alcohol per one hundred milliliters of his or her blood or per two
2 hundred ten liters of his or her breath in violation of any city or
3 village ordinance or of section 60-6,196 - 6 points;
- 4 (6) Willful reckless driving in violation of any city or
5 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- 6 (7) Careless driving in violation of any city or village
7 ordinance or of section 60-6,212 - 4 points;
- 8 (8) Negligent driving in violation of any city or village
9 ordinance - 3 points;
- 10 (9) Reckless driving in violation of any city or village
11 ordinance or of section 60-6,213 - 5 points;
- 12 (10) Speeding in violation of any city or village
13 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
- 14 (a) Not more than five miles per hour over the speed
15 limit - 1 point;
- 16 (b) More than five miles per hour but not more than ten
17 miles per hour over the speed limit - 2 points;
- 18 (c) More than ten miles per hour but not more than
19 thirty-five miles per hour over the speed limit - 3 points, except
20 that one point shall be assessed upon conviction of exceeding by
21 not more than ten miles per hour, two points shall be assessed
22 upon conviction of exceeding by more than ten miles per hour but
23 not more than fifteen miles per hour, and three points shall be
24 assessed upon conviction of exceeding by more than fifteen miles
25 per hour but not more than thirty-five miles per hour the speed
26 limits provided for in subdivision (1)(e), (f), (g), or (h) of
27 section 60-6,186; and
- 1 (d) More than thirty-five miles per hour over the speed
2 limit - 4 points;
- 3 (11) Failure to yield to a pedestrian not resulting in
4 bodily injury to a pedestrian - 2 points;
- 5 (12) Failure to yield to a pedestrian resulting in bodily
6 injury to a pedestrian - 4 points;
- 7 (13) Using a handheld wireless communication device in
8 violation of section 60-6,179.01 - 3 points;

9 (14) Unlawful obstruction or interference of the view of
10 an operator in violation of section 60-6,256 - 1 point;~~and~~

11 (15) A violation of subsection (1) of section 60-6,175 -
12 3 points; and

13 ~~(15)-(16)~~ All other traffic violations involving the
14 operation of motor vehicles by the operator for which reports
15 to the Department of Motor Vehicles are required under sections
16 60-497.01 and 60-497.02 - 1 point.

17 Subdivision ~~(15)-(16)~~ of this section does not include
18 violations involving an occupant protection system pursuant to
19 section 60-6,270, parking violations, violations for operating
20 a motor vehicle without a valid operator's license in the
21 operator's possession, muffler violations, overwidth, overheight,
22 or overlength violations, motorcycle or moped protective helmet
23 violations, or overloading of trucks.

24 All such points shall be assessed against the driving
25 record of the operator as of the date of the violation for which
26 conviction was had. Points may be reduced by the department under
27 section 60-4,188.

1 In all cases, the forfeiture of bail not vacated shall be
2 regarded as equivalent to the conviction of the offense with which
3 the operator was charged.

4 The point system shall not apply to persons convicted
5 of traffic violations committed while operating a bicycle or an
6 electric personal assistive mobility device as defined in section
7 60-618.02.

8 Sec. 2. Section 60-6,175, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,175 (1) Upon meeting or overtaking, from the front
11 or rear, any school bus on which the ~~stop-yellow~~ warning signal
12 lights are flashing, the driver of a motor vehicle shall reduce
13 the speed of such vehicle to not more than twenty-five miles per
14 hour, shall bring such vehicle to a complete stop when the school
15 bus is stopped, the stop signal arm is extended, and the flashing
16 red signal lights are turned on, and shall remain stopped until
17 the flashing red signal lights are turned off, the stop signal
18 arm is retracted, and the school bus resumes motion, ~~or until~~
19 ~~signaled by the bus driver to proceed~~. This section shall not
20 apply to approaching traffic in the opposite direction on a divided
21 highway or to approaching traffic when there is displayed a sign
22 as provided in subsection ~~(7)-(8)~~ of this section directing traffic
23 to proceed. Any person violating this subsection shall be guilty of
24 a Class IV misdemeanor, shall be fined five hundred dollars, and
25 shall be assessed points on his or her motor vehicle operator's
26 license pursuant to section 60-4,182.

27 (2) Except as provided in subsection ~~(7)-(8)~~ of this
1 section, the driver of any school bus, when stopping to receive or
2 discharge pupils, shall turn on flashing ~~stop-yellow~~ warning signal
3 lights at a distance of not less than three hundred feet when

4 inside the corporate limits of any city or village and not less
 5 than five hundred feet nor more than one thousand feet in any area
 6 outside the corporate limits of any city or village from the point
 7 where such pupils are to be received or discharged from the bus.
 8 At the point of receiving or discharging pupils, the bus driver
 9 shall bring the school bus to a stop, ~~and~~ extend a stop signal
 10 arm, and turn on the flashing red signal lights. After receiving or
 11 discharging pupils, the bus driver shall turn off the flashing ~~stop~~
 12 ~~warning-red~~ signal lights, retract the stop signal arm, and then
 13 proceed on the route.

14 (3)(a) Except as provided in subdivision (b) of this
 15 subsection, no ~~No~~ school bus shall stop to load or unload pupils
 16 unless there is at least four hundred feet of clear vision in each
 17 direction of travel.

18 (b) If four hundred feet of clear vision in each
 19 direction of travel is not possible as determined by the school
 20 district, a school bus may stop to load or unload pupils if there
 21 is proper signage installed indicating that a school bus stop is
 22 ahead.

23 ~~(3)-(4)~~ All pupils shall be received and discharged from
 24 the right front entrance of every school bus. If such pupils must
 25 cross a roadway, the bus driver shall instruct such pupils to cross
 26 in front of the school bus and the bus driver shall keep such
 27 school bus halted with the flashing ~~stop-warning-red~~ signal lights
 1 turned on and the stop signal arm extended until such pupils have
 2 reached the opposite side of such roadway.

3 ~~(4)-(5)~~ The driver of a vehicle upon a divided highway
 4 need not stop upon meeting or passing a school bus which is on
 5 a different roadway or when upon a freeway and such school bus
 6 is stopped in a loading zone which is a part of or adjacent to
 7 such highway and where pedestrians are not permitted to cross the
 8 roadway.

9 ~~(5)-(6)~~ Every school bus shall bear upon the front and
 10 rear thereof plainly visible signs containing the words school bus
 11 in letters not less than eight inches high.

12 ~~(6)-(7)~~ When a school bus is being operated upon a
 13 highway for purposes other than the actual transportation of
 14 children either to or from school or school-sponsored activities,
 15 all markings thereon indicating school bus shall be covered or
 16 concealed. The stop signal arm and system of ~~alternately~~ flashing
 17 ~~stop-yellow~~ warning signal lights and flashing red signal lights
 18 shall not be operable through the usual controls.

19 ~~(7)-(8)~~ When a school bus is (a) parked in a designated
 20 school bus loading area which is out of the flow of traffic and
 21 which is adjacent to a school site or (b) parked on a roadway
 22 which possesses more than one lane of traffic flowing in the same
 23 direction and which is adjacent to a school site, the bus driver
 24 shall engage only the ~~flashing stop-hazard~~ warning signal ~~flasher~~
 25 lights when receiving or discharging pupils if a school bus loading

26 area warning sign is displayed. Such signs shall not be directly
 27 attached to any school bus but shall be free standing and placed
 1 at the rear of a parked school bus or line of parked school buses.
 2 No school district shall utilize a school bus loading area warning
 3 sign unless such sign complies with the requirements of section
 4 60-6,176.
 5 Sec. 3. Original section 60-6,175, Reissue Revised
 6 Statutes of Nebraska, and section 60-4,182, Revised Statutes
 7 Supplement, 2011, are repealed.

(Signed) Deb Fischer, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 365. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB1118. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB599. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 members of Hall County Leadership Unlimited.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Monday, February 13, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 13, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 2012

PRAYER

The prayer was offered by Pastor Paul Coen, Luther Memorial Lutheran Church, Syracuse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Coash, Conrad, Cook, Cornett, Council, Lautenbaugh, and Price who were excused; and Senator Fulton who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 800. Placed on Select File.

LEGISLATIVE BILL 1118. Placed on Select File with amendment.
ER175

- 1 1. On page 7, line 4, strike the comma and after
- 2 "project" insert an underscored comma.

LEGISLATIVE BILL 446. Placed on Select File.

LEGISLATIVE BILL 801. Placed on Select File.

LEGISLATIVE BILL 841. Placed on Select File.

LEGISLATIVE BILL 790. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 40. Placed on Final Reading.

LEGISLATIVE BILL 216. Placed on Final Reading.

LEGISLATIVE BILL 216A. Placed on Final Reading.

LEGISLATIVE BILL 310. Placed on Final Reading.

LEGISLATIVE BILL 391. Placed on Final Reading.

ST52

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

1. In the Schilz amendment, AM1830, on page 1, line 2, "and all amendments thereto" has been inserted before "and".

2. In the Schilz amendment, AM1831, on page 1, line 7, "4" has been struck and "14" inserted.

3. In the E and R amendments, ER159:

a. On page 1, line 14, "1 to 6" has been struck and "11 to 16" inserted; and

b. On page 3, line 3, "5" has been struck and "15" inserted.

4. On page 1, the matter beginning with "agriculture" in line 1 through line 3 and all amendments thereto have been struck and "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; and to repeal the original sections." inserted.

LEGISLATIVE BILL 426. Placed on Final Reading.

ST51

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

1. On page 1, the matter beginning with "the" in line 1 through line 5 and all amendments thereto have been struck and "political subdivisions; to amend section 13-2706, Revised Statutes Cumulative Supplement, 2010, and section 13-3108, Revised Statutes Supplement, 2011; to change provisions relating to eligibility for grants under the Civic and Community Center Financing Act and the Sports Arena Facility Financing Assistance Act; and to repeal the original sections." inserted.

LEGISLATIVE BILL 427. Placed on Final Reading.

ST54

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

1. In the E & R amendments, ER165, on page 21, line 21, "64-641" has been struck and "54-641" inserted.

LEGISLATIVE BILL 459. Placed on Final Reading.

LEGISLATIVE BILL 473. Placed on Final Reading.

LEGISLATIVE BILL 507. Placed on Final Reading.

ST53

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

1. In the E & R amendments, ER161, on page 1, line 5, "5" has been struck and "6" inserted.

LEGISLATIVE BILL 612. Placed on Final Reading.

LEGISLATIVE BILL 633. Placed on Final Reading.

LEGISLATIVE RESOLUTION 19CA. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

ANNOUNCEMENTS

The Natural Resources Committee designates LB1043 as its priority bill.

Senator Sullivan designates LB845 as her priority bill.

Senator Adams designates LB913 as his priority bill.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR388 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR388.

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 453:

Nebraska Arts Council

Jon Hinrichs

Pamela Price

Voting in the affirmative, 35:

Adams	Fischer	Harr, B.	Larson	Pahls
Bloomfield	Flood	Heidemann	Lathrop	Pirsch
Brasch	Gloor	Howard	Louden	Schumacher
Campbell	Haar, K.	Janssen	McCoy	Seiler
Carlson	Hadley	Karpisek	Mello	Smith
Christensen	Hansen	Krist	Nelson	Wallman
Dubas	Harms	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Lambert	Schilz
Avery	McGill	Sullivan

Excused and not voting, 8:

Coash	Cook	Council	Lautenbaugh
Conrad	Cornett	Fulton	Price

The appointments were confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 481:

Coordinating Commission for Postsecondary Education

Riko Bishop

Joyce Simmons

Carol Zink

Voting in the affirmative, 36:

Adams	Fulton	Howard	Louden	Seiler
Avery	Gloor	Janssen	McCoy	Smith
Bloomfield	Haar, K.	Karpisek	McGill	Wallman
Brasch	Hadley	Krist	Mello	Wightman
Campbell	Hansen	Lambert	Nelson	
Dubas	Harms	Langemeier	Nordquist	
Fischer	Harr, B.	Larson	Pirsch	
Flood	Heidemann	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Christensen	Schilz
Carlson	Pahls	Sullivan

Excused and not voting, 7:

Coash	Cook	Council	Price
Conrad	Cornett	Lautenbaugh	

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 772. Placed on General File.

LEGISLATIVE BILL 823. Placed on General File.

LEGISLATIVE BILL 782. Placed on General File with amendment.
AM1901

- 1 1. Insert the following new sections:
- 2 Sec. 258. Sections 70, 71, 72, and 259 of this act
- 3 become operative on January 1, 2015. The other sections of this
- 4 act become operative three calendar months after the adjournment of
- 5 this legislative session.
- 6 Sec. 259. Original sections 49-1483, 49-1483.03, and
- 7 49-1488, Reissue Revised Statutes of Nebraska, are repealed.
- 8 2. On page 98, line 18, after the period insert "The
- 9 Clerk of the Legislature may establish requirements for the
- 10 electronic submission, distribution, and format of such reports.
- 11 The clerk may accept a report in written form only upon a showing
- 12 of good cause.".
- 13 3. On page 381, line 8, strike "49-1483,"; and in line 9
- 14 strike "49-1483.03, 49-1488,".
- 15 4. Renumber the remaining sections accordingly.

(Signed) Bill Avery, Chairperson

ADJOURNMENT

At 9:15 a.m., on a motion by Senator Lambert, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 14, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 2012

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senators Adams, Campbell, Karpisek, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 964. Placed on General File with amendment.
AM1756

- 1 1. On page 2, line 25, strike "or authorized delegate".
- 2 2. On page 4, line 11, after "another" insert "but does
- 3 not include bill payment services in which an agent of a payee
- 4 receives money or monetary value on behalf of such payee".
- 5 3. On page 9, line 23, strike "or authorized delegate"
- 6 and insert "in this state".

(Signed) Rich Pahls, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 358CA. Placed on General File.

LEGISLATIVE BILL 761. Placed on General File with amendment.
AM1883

- 1 1. On page 3, line 20, after "commission" insert "in
2 excess of ten thousand dollars".

LEGISLATIVE RESOLUTION 372CA. Indefinitely postponed.

(Signed) John Wightman, Chairperson

Health and Human Services

LEGISLATIVE BILL 834. Placed on General File with amendment.
AM1866

- 1 1. On page 6, line 8, after the period insert "Health
2 profession does not include the vocation of duly recognized members
3 of the clergy acting in their ministerial capacity".
4 2. On page 10, after line 13 insert the following new
5 subdivision:
6 "(a) The health, safety, and welfare of the public
7 are inadequately addressed by the present scope of practice or
8 limitations on the scope of practice;"; in line 14 strike "(a)" and
9 insert "(b)"; in line 19 strike "(b)" and insert "(c)"; in line
10 22 strike "(c)" and insert "(d)"; and in line 25 strike "(d)" and
11 insert "(e)".
12 3. On page 11, line 4, strike "(e)" and insert "(f)".
13 4. On page 19, line 1, after "71-6223" insert ", shall
14 make written findings on all criteria".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 22, 2012 1:30 p.m.

Thomas Deegan - Board of Emergency Medical Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

Joel Cerny - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

MESSAGES FROM THE GOVERNOR

February 13, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 503, 705, 706, 707, 708, 709, 710, and 946e were received in my office on February 7, 2012.

These bills were signed and delivered to the Secretary of State on February 13, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

February 13, 2012

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

Dear Mr. President and Members of the Legislature:

In accordance with the February 13, 2012, letter that I received from Senator Wallman requesting a veto of LB415, I am returning the bill without my signature and with my objections. According to the letter, the introducer of the bill seeks to change the language to further improve the proposal. In this unusual circumstance of the primary introducer asking for a veto and in the spirit of cooperation, I will respect the desire of the Legislature to further review this issue, though I remain supportive of the intent of LB415.

For these reasons, I respectfully ask that you sustain my veto of LB415.

Sincerely,
(Signed) Dave Heineman
Governor

ANNOUNCEMENTS

Senator Brasch designates LB830 as her priority bill.

The Nebraska Retirement Systems Committee designates LB916 as its priority bill.

Senator Dubas designates LB825 as her priority bill.

Senator Christensen designates LB653 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 807. Title read. Considered.

Committee AM1785, found on page 362, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 862. Title read. Considered.

Committee AM1778, found on page 362, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 862A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 739. Title read. Considered.

Committee AM1669, found on page 365, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 985. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 397.** Introduced by Harms, 48.

WHEREAS, the city of Gering, Nebraska, is celebrating its 125th anniversary on March 7, 2012; and

WHEREAS, Gering has had a rich history. It has played a vital role in the founding and development of Scotts Bluff County and in the development of western Nebraska; and

WHEREAS, Gering continues to provide leadership in the areas of economic development, agribusiness, and tourism; and

WHEREAS, Gering owes much of its 125 years of success to the hard-working and generous people of the Gering community.

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

1. That the Legislature congratulates Gering, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the mayor of Gering, Edwin L. Mayo.

Laid over.

LEGISLATIVE RESOLUTION 398. Introduced by Harms, 48.

WHEREAS, Rita Stinner, the music program director at Western Nebraska Community College, has been named the 2012 Trailblazer of the Year by the Scottsbluff-Gering United Chamber of Commerce; and

WHEREAS, Ms. Stinner, a 2007 inductee into the Nebraska Music Educators Association Hall of Fame and a recipient of the Nebraska Arts Council's Governor's Arts Award for Excellence in Arts Education, has grown the Western Nebraska Community College music program from a handful of students in 1997 to an award-winning program; and

WHEREAS, Ms. Stinner has not only recruited students with great musical talent, but has also raised money so her students could travel for performances, including a performance at Carnegie Hall; and

WHEREAS, Ms. Stinner has also been instrumental in community and business groups, including Gering New Horizons, Valley Voices, Valley Eight, and Valley Bank and Trust Company.

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

1. That the Legislature congratulates Rita Stinner on being named the 2012 Trailblazer of the Year.

2. That a copy of this resolution be sent to Rita Stinner.

Laid over.

LEGISLATIVE RESOLUTION 399. Introduced by Lambert, 2.

WHEREAS, Helen Frances (Koubek) Svoboda was born on February 28, 1912, in the family home in Plattsmouth, Nebraska; and

WHEREAS, Helen graduated from Plattsmouth High School, attended Peru State Teachers College, and worked at the Norfolk Canning Factory on the line and in the office as a bookkeeper; and

WHEREAS, Helen married John Svoboda in 1936 and had three daughters, who are Margaret, Cathy, and Mary, six grandchildren, and five great-grandchildren; and

WHEREAS, Helen became a housewife when she married John Svoboda because the Norfolk Canning Factory did not allow married women to work in its business; and

WHEREAS, when Helen was unmarried she and other girls started a Stitch and Nibble Club where they worked on items for their hope chests. Helen learned to crochet and made many items, including baby blankets which she still makes to donate; and

WHEREAS, Helen loved to cook and bake. She always tried new recipes and made thirteen to fifteen different kinds of cookies and candies at Christmas; and

WHEREAS, Helen has been a member of the Catholic Church all her life; and

WHEREAS, Helen will celebrate her one hundredth birthday with family and friends in Plattsmouth, Nebraska, on February 28, 2012.

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

1. That the Legislature congratulates Helen (Koubek) Svoboda on her one hundredth birthday on February 28, 2012.

2. That a copy of this resolution be sent to Helen (Koubek) Svoboda.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 22, 2012 1:30 p.m.

LB912

LB1162

LB1169

LB785

LB914

Room 1113

Thursday, February 23, 2012 1:30 p.m.

LB1056
 LB1088
 LB1099
 LB940
 LB1153

Room 1113

Friday, February 24, 2012 1:30 p.m.

LB722
 LB1111
 LB1164
 LB1096

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENTS

Senator McCoy designates LB970 as his priority bill.

Senator Smith designates LB1161 as his priority bill.

Senator McGill designates LB599 as her priority bill.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB1161:
 AM1984

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 57-1101, Reissue Revised Statutes of
- 4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
- 5 Second Legislature, First Special Session, 2011, is amended to
- 6 read:
- 7 57-1101 Any person engaged in, and any company,
- 8 corporation, or association formed or created for the purpose of,
- 9 transporting or conveying crude oil, petroleum, gases, or other
- 10 products thereof in interstate commerce through or across the
- 11 State of Nebraska or intrastate within the State of Nebraska, and
- 12 desiring or requiring a right-of-way or other interest in real
- 13 estate and being unable to agree with the owner or lessee of
- 14 any land, lot, right-of-way, or other property for the amount of
- 15 compensation for the use and occupancy of so much of any lot, land,
- 16 real estate, right-of-way, or other property as may be reasonably

17 necessary for the laying, relaying, operation, and maintenance
 18 of any such pipeline or the location of any plant or equipment
 19 necessary to operate such pipeline, shall have the right to acquire
 20 the same for such purpose through the exercise of the power of
 21 eminent domain, except that for any major oil pipeline as defined
 22 in section 5 of this act to be placed in operation in the State of
 23 Nebraska after the effective date of this act, any such person,
 1 company, corporation, or association shall comply with section 3,
 2 Legislative Bill 4, One Hundred Second Legislature, First Special
 3 Session, 2011, and receive the approval of the Governor for the
 4 route of the pipeline under such section, or beginning January
 5 1, 2013, shall apply for and receive an order approving the
 6 application under the Major Oil Pipeline Siting Act, prior to
 7 having the rights provided under this section. The procedure to
 8 condemn property shall be exercised in the manner set forth in
 9 sections 76-704 to 76-724.

10 Sec. 2. Section 3, Legislative Bill 1, One Hundred Second
 11 Legislature, First Special Session, 2011, is amended to read:

12 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
 13 Act are to:

14 (a) Ensure the welfare of Nebraskans, including
 15 protection of property rights, aesthetic values, and economic
 16 interests;

17 (b) Consider the lawful protection of Nebraska's natural
 18 resources in determining the location of routes of major oil
 19 pipelines within Nebraska;

20 (c) Ensure that a major oil pipeline is not constructed
 21 within Nebraska without receiving the approval of the commission
 22 under section 9 of this act;

23 (d) Ensure that the location of routes for major oil
 24 pipelines is in compliance with Nebraska law; and

25 (e) Ensure that a coordinated and efficient method for
 26 the authorization of such construction is provided.

27 (2) Nothing in the Major Oil Pipeline Siting Act shall be
 1 construed to regulate any safety issue with respect to any aspect
 2 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
 3 is intended to deal solely with the issue of siting or choosing the
 4 location of the route aside and apart from safety considerations.
 5 The Legislature acknowledges and respects the exclusive federal
 6 authority over safety issues established by the federal law, the
 7 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
 8 express preemption provision stated in that act. The Major Oil
 9 Pipeline Siting Act is intended to exercise only the remaining
 10 sovereign powers and purposes of Nebraska which are not included in
 11 the category of safety regulation.

12 (3) The Major Oil Pipeline Siting Act shall not apply to
 13 any major oil pipeline that has submitted an application to the
 14 United States Department of State pursuant to Executive Order 13337
 15 prior to ~~the effective date of this act.~~ January 1, 2013, or that

16 applies for or is granted international border crossing authority
17 prior to the effective date of this act, pursuant to any provision
18 established by federal legislation.

19 Sec. 3. Section 3, Legislative Bill 4, One Hundred Second
20 Legislature, First Special Session, 2011, is amended to read:

21 Sec. 3. (1) The department may (a) collaborate with
22 a federal agency or agencies in a review under the National
23 Environmental Policy Act involving a supplemental environmental
24 impact statement for oil pipeline projects within, through, or
25 across the state or (b) determine the route of an oil pipeline
26 within, through, or across the state to be included in an
27 application to a federal agency or agencies. Prior to entering
1 into ~~such shared jurisdiction and authority~~ any joint review with
2 a pipeline carrier or a federal agency or agencies, the department
3 shall enter into a memorandum of understanding with such federal
4 agency or agencies that sets ~~set~~ forth the responsibilities and
5 schedules that will lead to an effective and timely review ~~under~~
6 the National Environmental Policy Act involving a supplemental
7 environmental impact statement. ~~process.~~

8 (2) Since the objectives of the process are to ensure
9 adequate information gathering, full and careful agency and public
10 review, objective preparation of a supplemental environmental
11 impact statement, adherence to a defined schedule, and an
12 appropriate role for a pipeline carrier which avoids the appearance
13 of conflicts of interest, it is the intent of the Legislature that
14 the state fully fund the process of preparation of a supplemental
15 environmental impact statement or similar study or evaluation of
16 the route of an oil pipeline and that no fees will be required of
17 an applicant. The department may contract with outside vendors in
18 the process of preparation of a supplemental environmental impact
19 statement or similar study or evaluation of the route of an oil
20 pipeline. The department shall make every reasonable effort to
21 ensure that each vendor has no conflict of interest or relationship
22 to any pipeline carrier that applies for an oil pipeline permit.

23 (3) In order for the process to be efficient and
24 expeditious, the department's contracts with vendors pursuant to
25 this section for a supplemental environmental impact statement or
26 similar study or evaluation of the route of an oil pipeline shall
27 not be subject to the Nebraska Consultants' Competitive Negotiation
1 Act or sections 73-301 to 73-306 or 73-501 to 73-509.

2 (4) After the supplemental environmental impact statement
3 or similar study or evaluation of the route of an oil pipeline is
4 prepared, the department shall submit it to the Governor. Within
5 thirty days after receipt of the supplemental environmental impact
6 statement or similar study or evaluation of the route of an oil
7 pipeline from the department, the Governor shall indicate, in
8 writing, to the federal agency or agencies involved in the review
9 or any other appropriate federal agency or body as to whether he
10 or she approves any of the routes reviewed in the supplemental

11 environmental impact statement or similar study or evaluation of
 12 the route of an oil pipeline.

13 Sec. 4. Original section 57-1101, Reissue Revised
 14 Statutes of Nebraska, as amended by section 1, Legislative Bill
 15 1, One Hundred Second Legislature, First Special Session, 2011,
 16 section 3, Legislative Bill 1, One Hundred Second Legislature,
 17 First Special Session, 2011, and section 3, Legislative Bill 4,
 18 One Hundred Second Legislature, First Special Session, 2011, are
 19 repealed.

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

Senator Wightman filed the following amendment to LB536:
 AM1988

(Amendments to Standing Committee amendments, AM1668)

1 1. Insert the following new section:

2 Sec. 9. A transfer on death deed shall be signed by
 3 the transferor or by some person in his or her presence and by
 4 his or her direction and shall be attested in writing by two
 5 or more disinterested witnesses, whose signatures along with the
 6 transferor's signature shall be made before an officer authorized
 7 to administer oaths under the laws of this state or under the laws
 8 of the state where execution occurs and evidenced by the officer's
 9 certificate, under official seal, in form and content substantially
 10 as follows:

11 I,, the transferor, sign my name to this
 12 instrument this day of 20, and being first duly
 13 sworn, do hereby declare to the undersigned authority that I sign
 14 and execute this transfer on death deed to transfer my interest
 15 in the described real property and that I sign it willingly or
 16 willingly direct another to sign for me, that I execute it as my
 17 free and voluntary act for the purposes therein expressed, that
 18 I am eighteen years of age or older or am not at this time a
 19 minor, and that I am of sound mind and under no constraint or undue
 20 influence.

21 Transferor

22 We, and, the witnesses, sign our names to
 1 this instrument, being first duly sworn, and do hereby declare to
 2 the undersigned authority that the transferor signs and executes
 3 this transfer on death deed to transfer his or her interest in
 4 the described real property and that he or she signs it willingly
 5 or willingly directs another to sign for him or her, and that he
 6 or she executes it as his or her free and voluntary act for the
 7 purposes therein expressed, and that each of us, in the presence
 8 and hearing of the transferor, hereby signs this deed as witness
 9 to the transferor's signing, and that to the best of his or her
 10 knowledge the transferor is eighteen years of age or older or is
 11 not at this time a minor and the transferor is of sound mind and
 12 under no constraint or undue influence.

- 13 Witness
 14 Witness
 15 THE STATE OF
 16 COUNTY OF
 17 Subscribed, sworn to, and acknowledged before me by
 18, the transferor, and subscribed and sworn to before me
 19 by and, witnesses, this day of
 20 20..... .
 21 (SEAL)(Signed)
 22 (Official capacity of officer)
 23 2. On page 1, line 3, strike "22" and insert "23".
 24 3. On page 2, line 7, after the period insert "A transfer
 25 on death deed is subject to the common-law principles of equity
 26 except to the extent modified by the Nebraska Uniform Real Property
 27 Transfer on Death Act.".
 1 4. On page 3, strike lines 1 through 3 and insert the
 2 following new subdivision:
 3 "(4) Must be recorded (i) within thirty days after being
 4 executed as required in section 9 of this act, (ii) before the
 5 transferor's death, and (iii) in the public records in the office
 6 of the register of deeds of the county where the property is
 7 located.".
 8 5. On page 4, line 16, after the second occurrence of
 9 "deed" insert "and that is executed with the same formalities as
 10 required in section 9 of this act"; and strike lines 20 through 23
 11 and insert the following new subdivision:
 12 "(2) Is acknowledged by the transferor after the
 13 acknowledgment of the deed being revoked and is recorded (i) within
 14 thirty days after being executed, (ii) before the transferor's
 15 death, and (iii) in the public records in the office of the
 16 register of deeds of the county where the deed is recorded.".
 17 6. On page 5, line 19, strike "20" and insert "21".
 18 7. On page 9, line 11, strike "16" and insert "17".
 19 8. On page 19, line 27, strike "27" and insert "28".
 20 9. On page 20, line 6, strike "12" and insert "13".
 21 10. On page 21, line 4, strike "12, 13, and 14" and
 22 insert "13, 14, and 15".
 23 11. Renumber the remaining sections accordingly.

Senator Wightman filed the following amendment to LB370:
 AM1996

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 77-1824, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 77-1824 The owner or occupant of any real property sold
 6 for taxes or any person having a lien thereupon or interest therein
 7 may redeem the same. For owner-occupied real property, the right
 8 of redemption expires forty-five days after the date of application

9 for the tax deed, and for all other real property, the right of
 10 redemption expires when the purchaser files an application for tax
 11 deed with the county treasurer. A redemption shall not be accepted
 12 by the county treasurer, or considered valid, unless received
 13 prior to the close of business forty-five days after the date of
 14 application for the tax deed for owner-occupied real property or
 15 prior to the close of business on the day the application for
 16 the tax deed is received by the county treasurer for other real
 17 property. Redemption shall be accomplished at any time before the
 18 ~~delivery of tax deed by the county treasurer~~ by paying the county
 19 treasurer for the use of such purchaser or his or her heirs or
 20 assigns the sum mentioned in his or her certificate, with interest
 21 thereon at the rate specified in section 45-104.01, as such rate
 22 may from time to time be adjusted by the Legislature, from the
 23 date of purchase to date of redemption, together with all other
 1 taxes subsequently paid, whether for any year or years previous
 2 or subsequent to the sale, and interest thereon at the same rate
 3 from date of such payment to date of redemption. In addition,
 4 if owner-occupied real property is redeemed after the day the
 5 purchaser files an application for a tax deed, the owner shall pay
 6 a redemption fee equal to twenty percent of all other amounts due.

7 Sec. 2. For purposes of sections 77-1801 to 77-1863,
 8 owner-occupied real property means real property that is actually
 9 occupied by the record owner of the real property, the surviving
 10 spouse of the record owner, or a minor child of the record owner.

11 Sec. 3. Section 77-1825, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 77-1825 The county treasurer shall enter a memorandum
 14 of such redemption of real property in the sales book, and such
 15 ~~treasurer~~ shall give a receipt therefor to the person redeeming the
 16 same, for which he or she the county treasurer may charge a fee
 17 of two dollars. The county treasurer shall send written notice of
 18 redemption, by registered or certified mail, to the holder of the
 19 county treasurer's certificate of tax sale, provided if the post
 20 office address of the holder of the certificate is filed in the
 21 office of the county treasurer. The redemption money, including any
 22 redemption fee under section 77-1824, shall be paid to or upon the
 23 order of the holder on return of the certificate.

24 Sec. 4. Section 77-1831, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 77-1831 (1) No purchaser at any sale for taxes or his
 27 or her assignees shall be entitled to a tax deed from the county
 1 treasurer for the real property so purchased unless such purchaser
 2 or assignee, at least three months before applying for the tax
 3 deed, serves or causes to be served a notice stating when such
 4 ~~purchaser purchased the real property, the description thereof, in~~
 5 ~~whose name assessed, for what year taxed or specially assessed, and~~
 6 that, after the expiration of at least three months from the date
 7 of service of such notice, the tax deed will be applied for.

- 8 The notice shall include:
9 (a) The following statement in sixteen-point type: UNLESS
10 YOU ACT YOU WILL LOSE THIS PROPERTY;
11 (b) The date when the purchaser purchased the real
12 property sold by the county for taxes;
13 (c) The description of the real property;
14 (d) In whose name the real property was assessed;
15 (e) The amount of taxes represented by the tax sale
16 certificate, the year the taxes were levied or assessed, and any
17 subsequent taxes paid and interest accrued as of the date the
18 notice is signed by the purchaser; and
19 (f) The following statements:
20 (i) That the issuance of a tax deed is subject to the
21 right of redemption under sections 77-1824 to 77-1830;
22 (ii) The right of redemption requires payment to the
23 county treasurer, for the use of such purchaser, or his or her
24 heirs or assigns, the amount of taxes represented by the tax sale
25 certificate for the year the taxes were levied or assessed and any
26 subsequent taxes paid and interest accrued as of the date payment
27 is made to the county treasurer. In addition, if the real property
1 is owner-occupied real property and the redemption occurs after the
2 day the purchaser files an application for a tax deed, a redemption
3 fee equal to twenty percent of all other amounts due must be paid;
4 and
5 (iii) The right of redemption expires at the close of
6 business forty-five days after the date of application for the tax
7 deed for owner-occupied real property or at the close of business
8 on the day the purchaser files an application for a tax deed with
9 the county treasurer for all other real property.
10 (2) In addition to the notice required under subsection
11 (1) of this section, no purchaser of owner-occupied real property
12 at any sale for taxes or his or her assignees shall be entitled
13 to a tax deed from the county treasurer for the real property so
14 purchased unless such purchaser or assignee, upon application for
15 the deed, serves or causes to be served a notice that, after the
16 expiration of forty-five days after the date of application for the
17 tax deed, the tax deed will be executed and delivered by the county
18 treasurer unless the owner redeems the real property.
19 The notice shall include:
20 (a) The date when the purchaser purchased the real
21 property sold by the county for taxes;
22 (b) The description of the real property;
23 (c) In whose name the real property was assessed;
24 (d) The amount of taxes represented by the tax sale
25 certificate, the year the taxes were levied or assessed, and any
26 subsequent taxes paid and interest accrued as of the date the
27 notice is signed by the purchaser plus the amount of the redemption
1 fee; and
2 (e) The following statements:

3 (i) That the issuance of a tax deed is subject to the
 4 right of redemption under sections 77-1824 to 77-1830;

5 (ii) The right of redemption requires payment to the
 6 county treasurer, for the use of such purchaser, or his or her
 7 heirs or assigns, the amount of taxes represented by the tax sale
 8 certificate for the year the taxes were levied or assessed and any
 9 subsequent taxes paid and interest accrued as of the date payment
 10 is made to the county treasurer. In addition, if the real property
 11 is owner-occupied real estate and the redemption occurs after the
 12 day the purchaser files an application for a tax deed, a redemption
 13 fee equal to twenty percent of all other amounts due must be paid;
 14 and

15 (iii) The right of redemption expires forty-five days
 16 after the date of application for the tax deed for owner-occupied
 17 real property.

18 Sec. 5. Section 77-1832, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 77-1832 (1) Service of the notice provided by subsection
 21 (1) of section 77-1831 shall be made by certified

22 (a) Personal or residence service as described in section
 23 25-505.01 upon every person in actual possession or occupancy of
 24 the real property and upon the person in whose name the title to
 25 the real property appears of record who can be found in this state;
 26 or

27 (b) Certified mail, return receipt requested, upon the
 1 person in whose name the title to the real property appears of
 2 record who cannot be found in this state or who cannot be served by
 3 personal or residence service to the address where the property tax
 4 statement was mailed and upon every encumbrancer of record in the
 5 office of the register of deeds of the county. Whenever the record
 6 of a lien shows the post office address of the lienholder, notice
 7 shall be sent by certified mail, return receipt requested, to the
 8 holder of such lien at the address appearing of record.

9 (2) Service of the notice pursuant to subsection (2) of
 10 section 77-1831 shall be made by certified mail upon the owner of
 11 owner-occupied real property.

12 (3) Personal or residence service shall be made by the
 13 county sheriff of the county where service is made or by a person
 14 authorized by section 25-507. The sheriff or other person serving
 15 the notice shall be entitled to the statutory fee prescribed in
 16 section 33-117.

17 Sec. 6. Section 77-1833, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 77-1833 The service of ~~notice~~ notices provided by section
 20 77-1832 shall be proved by affidavit, and the notice and affidavit
 21 shall be filed and preserved in the office of the county treasurer.
 22 The purchaser or assignee shall also affirm in the affidavit that
 23 a title search was conducted to determine those persons entitled
 24 to notice pursuant to such section. The certified mail return

25 receipt shall be filed with and accompany the return of service.
 26 The affidavit shall be filed with the application for the tax deed
 27 pursuant to section 77-1837. For each service of such notice, a
 1 fee of one dollar shall be allowed. The amount of such fees shall
 2 be noted by the county treasurer in the sales book opposite the
 3 real property described in the notice and shall be collected by
 4 the county treasurer in case of redemption for the benefit of the
 5 holder of the certificate.

6 Sec. 7. Section 77-1834, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 77-1834 If the person in whose name the title to the
 9 real property appears of record in the office of the register
 10 of deeds in the county or if the encumbrancer in whose name an
 11 encumbrance on the real property appears of record in the office of
 12 the register of deeds in the county cannot, upon diligent inquiry,
 13 be found, ~~then such the~~ purchaser or his or her assignee shall
 14 publish the notice in some newspaper published in the county and
 15 having a general circulation in the county or, if no newspaper is
 16 printed in the county, then in a newspaper published in this state
 17 nearest to the county in which the real property is situated.

18 Sec. 8. Section 77-1835, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 77-1835 The notice provided by section 77-1834 shall
 21 be inserted three consecutive weeks, ~~the first time not more~~
 22 ~~than five months and~~ the last time not less than three months
 23 ~~before the time of redemption shall expire.~~ applying for the tax
 24 deed. Proof of publication shall be made by filing in the county
 25 treasurer's office the affidavit of the publisher, manager, or
 26 other employee or foreman of such newspaper, that to his or her
 27 personal knowledge, ~~said the~~ notice was published for the time and
 1 in the manner provided ~~herein, in this section,~~ setting out a copy
 2 of the notice and the date upon which the same was published. ~~Such~~
 3 ~~affidavit~~ The purchaser or assignee shall also file an affidavit
 4 in the office that a title search was conducted to determine those
 5 persons entitled to notice pursuant to such section. The affidavits
 6 shall be filed with the application for the tax deed pursuant to
 7 section 77-1837. The affidavits shall be preserved as a part of
 8 the files of said the office. Any publisher, manager, or employee
 9 or foreman of a newspaper knowingly or negligently making a false
 10 affidavit regarding any such matters shall be guilty of perjury,
 11 and shall be punished accordingly. Section 25-520.01 does not apply
 12 to publication of notice pursuant to section 77-1834.

13 Sec. 9. Section 77-1837, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 77-1837 (1) At any time within six months after the
 16 expiration of three years ~~from after~~ the date of sale of any real
 17 estate for taxes or special assessments, if such real estate has
 18 not been redeemed, the county treasurer, on ~~request,~~ application,
 19 on production of the certificate of purchase, and upon compliance

20 with the provisions of sections 77-1801 to 77-1863 and sections
 21 2 and 10 of this act, shall execute and deliver ~~to the purchaser~~
 22 ~~or his or her heirs or assigns~~ a deed of conveyance for the real
 23 estate described in such certificate as provided in this section.
 24 The failure of the county treasurer to issue the deed of conveyance
 25 if requested within the timeframe provided in this section shall
 26 not impair the validity of such deed if there has otherwise been
 27 compliance with the provisions of sections 77-1801 to 77-1863 and
 1 sections 2 and 10 of this act.

2 (2) If the tax deed is for owner-occupied real property,
 3 the county treasurer shall not execute and deliver the tax deed for
 4 forty-five days after the time specified in subsection (1) of this
 5 section until the right of redemption expires. If the real property
 6 is not owner-occupied real property or if forty-five days have
 7 passed since the time specified in subsection (1) of this section
 8 for owner-occupied real property and the right of redemption has
 9 expired, the county treasurer shall execute and deliver the tax
 10 deed previously executed to the purchaser or his or her heirs or
 11 assigns.

12 Sec. 10. The laws in effect on the date of the issuance
 13 of a tax sale certificate govern all matters related to tax deeds
 14 proceedings, including noticing and application, and foreclosure
 15 proceedings. Changes in law shall not apply retroactively with
 16 regard to the tax sale certificates previously issued.

17 Sec. 11. Original sections 77-1824, 77-1825, 77-1831,
 18 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised
 19 Statutes of Nebraska, are repealed.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 209. Placed on General File with amendment.
 AM1949

1 1. On page 2, strike lines 10 through 16 and insert
 2 "(2)(a) Deductions for refunds made pursuant to sections
 3 77-4105 and 77-5726 shall be delayed for one year after the refunds
 4 have been made to the taxpayers. The Department of Revenue shall
 5 notify the municipality liable for such refunds of the pending
 6 refunds, the amount of the refunds, and the month in which the
 7 deductions will be made or begin.

8 (b) If the total amount of refunds claimed under
 9 sections 77-4105 and 77-5726 exceeds twenty-five percent of the
 10 municipality's sales and use tax receipts for the municipality's
 11 prior fiscal year, the department shall deduct such refunds over
 12 the period of one year in equal monthly amounts beginning after the
 13 one-year notification period required by subdivision (2)(a) of this
 14 section.

15 (c) This subsection applies to refunds owed by cities of
 16 the first class, cities of the second class, and villages."

LEGISLATIVE BILL 727. Placed on General File with amendment.
AM1902

1 1. Insert the following new sections:

2 Sec. 34. Section 77-2701, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
5 77-27,236 and sections 36 and 37 of this act shall be known and may
6 be cited as the Nebraska Revenue Act of 1967.

7 Sec. 35. Section 77-2701.04, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-2701.04 For purposes of sections 77-2701.04 to
10 77-2713 and sections 36 and 37 of this act, unless the context
11 otherwise requires, the definitions found in sections 77-2701.05 to
12 77-2701.53 and section 36 of this act shall be used.

13 Sec. 36. (1) Admission means the right or privilege to
14 have access to a place or location where amusement, entertainment,
15 or recreation is provided to an audience, spectators, or the
16 participants in the activity. Admission includes a membership
17 that allows access to or use of a place or location, but which
18 membership does not include the right to hold office, vote, or
19 change the policies of the organization.

20 For purposes of this section:

21 (a) Access to a place or location means the right to be
22 in the place or location for purposes of amusement, entertainment,
23 or recreation at a time when the general public is not allowed at
1 that place or location absent the granting of the admission;

2 (b) Entertainment means the amusement or diversion
3 provided to an audience or spectators by performers; and

4 (c) Recreation means a sport or activity engaged in by
5 participants for purposes of refreshment, relaxation, or diversion
6 of the participants. Recreation does not include practice or
7 instruction.

8 (2) Admission does not include the lease or rental of a
9 location, facility, or part of a location or facility if the lessor
10 cedes the right to determine who is granted access to the location
11 or facility to the lessee for the period of the lease or rental.

12 Sec. 37. Sales and use taxes shall not be imposed on the
13 gross receipts from the sale, use, or other consumption of amounts
14 charged to participate in a youth sports event, youth sports
15 league, or youth competitive educational activity by political
16 subdivisions or organizations that are exempt from income tax under
17 section 501(c)(3) of the Internal Revenue Code.

18 For purposes of this section:

19 (1) Competitive educational activity means a tournament
20 or a single competition that occurs over a limited period of
21 time annually or intermittently where the participants engage in a
22 competitive educational activity;

23 (2) Sports event means a tournament or a single
24 competition that occurs over a limited period of time annually or
25 intermittently where the participants engage in a sport;

26 (3) Sports league means an organized series of sports
27 competitions taking place over several weeks or months between
1 teams or individuals that are members of the league; and

2 (4) Youth sports event, youth sports league, or youth
3 competitive educational activity means an event, league, or
4 activity that is restricted to participants who are less than
5 nineteen years of age.

6 Sec. 38. Section 77-2701.16, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-2701.16 (1) Gross receipts means the total amount of
9 the sale or lease or rental price, as the case may be, of the
10 retail sales of retailers.

11 (2) Gross receipts of every person engaged as a public
12 utility specified in this subsection, as a community antenna
13 television service operator, or as a satellite service operator or
14 any person involved in connecting and installing services defined
15 in subdivision (2)(a), (b), or (d) of this section means:

16 (a)(i) In the furnishing of telephone communication
17 service, other than mobile telecommunications service as described
18 in section 77-2703.04, the gross income received from furnishing
19 ancillary services, except for conference bridging services, and
20 intrastate telecommunications services, except for value-added,
21 nonvoice data service; and

22 (ii) In the furnishing of mobile telecommunications
23 service as described in section 77-2703.04, the gross income
24 received from furnishing mobile telecommunications service that
25 originates and terminates in the same state to a customer with a
26 place of primary use in Nebraska;

27 (b) In the furnishing of telegraph service, the gross
1 income received from the furnishing of intrastate telegraph
2 services;

3 (c) In the furnishing of gas, electricity, sewer, and
4 water service, the gross income received from the furnishing of
5 such services upon billings or statements rendered to consumers for
6 such utility services;

7 (d) In the furnishing of community antenna television
8 service or satellite service, the gross income received from
9 the furnishing of such community antenna television service as
10 regulated under sections 18-2201 to 18-2205 or 23-383 to 23-388 or
11 satellite service; and

12 (e) The gross income received from the provision,
13 installation, construction, servicing, or removal of property used
14 in conjunction with the furnishing, installing, or connecting of
15 any public utility services specified in subdivision (2)(a) or
16 (b) of this section or community antenna television service or
17 satellite service specified in subdivision (2)(d) of this section,

18 except when acting as a subcontractor for a public utility,
 19 this subdivision does not apply to the gross income received by
 20 a contractor electing to be treated as a consumer of building
 21 materials under subdivision (2) or (3) of section 77-2701.10 for
 22 any such services performed on the customer's side of the utility
 23 demarcation point.

24 (3) Gross receipts of every person engaged in selling,
 25 leasing, or otherwise providing intellectual or entertainment
 26 property means:

27 (a) In the furnishing of computer software, the gross
 1 income received, including the charges for coding, punching, or
 2 otherwise producing any computer software and the charges for the
 3 tapes, disks, punched cards, or other properties furnished by the
 4 seller; and

5 (b) In the furnishing of videotapes, movie film,
 6 satellite programming, satellite programming service, and satellite
 7 television signal descrambling or decoding devices, the gross
 8 income received from the license, franchise, or other method
 9 establishing the charge.

10 (4) Gross receipts for providing a service means:

11 (a) The gross income received for building cleaning and
 12 maintenance, pest control, and security;

13 (b) The gross income received for motor vehicle washing,
 14 waxing, towing, and painting;

15 (c) The gross income received for computer software
 16 training;

17 (d) The gross income received for installing and applying
 18 tangible personal property if the sale of the property is subject
 19 to tax. If any or all of the charge for installation is free to
 20 the customer and is paid by a third-party service provider to the
 21 installer, any tax due on that part of the activation commission,
 22 finder's fee, installation charge, or similar payment made by the
 23 third-party service provider shall be paid and remitted by the
 24 third-party service provider;

25 (e) The gross income received for services of
 26 recreational vehicle parks;

27 (f) The gross income received for labor for repair or
 1 maintenance services performed with regard to tangible personal
 2 property the sale of which would be subject to sales and use taxes,
 3 excluding motor vehicles, except as otherwise provided in section
 4 77-2704.26 or 77-2704.50;

5 (g) The gross income received for animal specialty
 6 services except (i) veterinary services, (ii) specialty services
 7 performed on livestock as defined in section 54-183, and (iii)
 8 animal grooming performed by a licensed veterinarian or a licensed
 9 veterinary technician in conjunction with medical treatment; and

10 (h) The gross income received for detective services.

11 (5) Gross receipts includes the sale of admissions, ~~which~~
 12 ~~means the right or privilege to have access to or to use a place~~

13 ~~or location. An admission includes a membership that allows access~~
 14 ~~to or use of a place or location, but which membership does not~~
 15 ~~include the right to hold office, vote, or change the policies of~~
 16 ~~the organization. When an admission to an activity or a membership~~
 17 ~~constituting an admission pursuant to this subsection is combined~~
 18 ~~with the solicitation of a contribution, the portion or the amount~~
 19 ~~charged representing the fair market price of the admission shall~~
 20 ~~be considered a retail sale subject to the tax imposed by section~~
 21 ~~77-2703. The organization conducting the activity shall determine~~
 22 ~~the amount properly attributable to the purchase of the privilege,~~
 23 ~~benefit, or other consideration in advance, and such amount shall~~
 24 ~~be clearly indicated on any ticket, receipt, or other evidence~~
 25 ~~issued in connection with the payment.~~

26 (6) Gross receipts includes the sale of live plants
 27 incorporated into real estate except when such incorporation is
 1 incidental to the transfer of an improvement upon real estate or
 2 the real estate.

3 (7) Gross receipts includes the sale of any building
 4 materials annexed to real estate by a person electing to be taxed
 5 as a retailer pursuant to subdivision (1) of section 77-2701.10.

6 (8) Gross receipts includes the sale of and recharge of
 7 prepaid calling service and prepaid wireless calling service.

8 (9) Gross receipts includes the retail sale of digital
 9 audio works, digital audiovisual works, digital codes, and digital
 10 books delivered electronically if the products are taxable when
 11 delivered on tangible storage media. A sale includes the transfer
 12 of a permanent right of use, the transfer of a right of use that
 13 terminates on some condition, and the transfer of a right of use
 14 conditioned upon the receipt of continued payments.

15 (10) Gross receipts does not include:

16 (a) The amount of any rebate granted by a motor vehicle
 17 or motorboat manufacturer or dealer at the time of sale of the
 18 motor vehicle or motorboat, which rebate functions as a discount
 19 from the sales price of the motor vehicle or motorboat; or

20 (b) The price of property or services returned or
 21 rejected by customers when the full sales price is refunded
 22 either in cash or credit.

23 2. Renumber the remaining sections accordingly and
 24 correct the internal references, operative date section, and
 25 repealer so that the sections added by this amendment become
 26 operative on July 1, 2012.

LEGISLATIVE BILL 830. Placed on General File with amendment.
 AM1971

- 1 1. On page 2, line 18, after "model" insert "protein or
- 2 lipid".

(Signed) Abbie Cornett, Chairperson

Natural Resources

LEGISLATIVE BILL 653. Placed on General File with amendment.
AM1844

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 46-288, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 46-288 For purposes of this section and section 46-289
6 and section 2 of this act, unless the context otherwise requires:
- 7 (1) Basin of origin shall mean the river basin in which
8 the point or proposed point of diversion of water is located;
- 9 (2) Beneficial use shall include, but not be limited
10 to, reasonable and efficient use of water for domestic,
11 municipal, agricultural, industrial, commercial, power production,
12 subirrigation, fish and wildlife, ground water recharge, interstate
13 compact, water quality maintenance, or recreational purposes.
14 Nothing in this subdivision shall be construed to affect the
15 preferences for use of surface water as provided in section 46-204;
- 16 (3) Interbasin transfer shall mean the diversion of water
17 in one river basin and the transportation of such water to another
18 river basin for storage or utilization for a beneficial use or as
19 described in section 2 of this act; and
- 20 (4) River basin shall mean any of the following natural
21 hydrologic basins of the state as shown on maps located in the
22 Department of Natural Resources: (a) The White River and Hat Creek
23 basin; (b) the Niobrara River basin; (c) the Platte River basin,
1 including the North Platte and South Platte River basins, except
2 that for purposes of transfer between the North and South Platte
3 River basins each shall be considered a separate river basin;
4 (d) the Loup River basin; (e) the Elkhorn River basin; (f) the
5 Republican River basin; (g) the Little Blue River basin; (h) the
6 Big Blue River basin; (i) the Nemaha River basin; and (j) the
7 Missouri tributaries basin.
- 8 Sec. 2. (1) The Legislature finds that, for the best
9 management of Nebraska's water resources and for the protection of
10 public and private property, interbasin transfers of unappropriated
11 surface water from one river basin to another river basin should be
12 allowed without a permit issued by the department but only pursuant
13 to an agreement among the applicable districts and the department.
- 14 (2) The board of directors of a natural resources
15 district or an irrigation district in any river basin may
16 establish a written agreement with the department and the board
17 of directors of the natural resources district or an irrigation
18 district in an adjacent river basin to allow interbasin transfers
19 of unappropriated surface water without a permit pursuant to
20 section 46-233 in order to mitigate public and private property
21 damage when necessary. Such agreement shall (a) be established in
22 writing prior to the occurrence of such transfer, (b) specify that

23 the river basin of destination shall be inferior in right to all
 24 current and future surface water appropriations and internal water
 25 resources projects within the basin of origin, and (c) include,
 26 but need not be limited to, (i) any prearranged purchase price of
 27 water, (ii) the location where such interbasin transfers can take
 1 place, (iii) the conditions under which such interbasin transfers
 2 can take place, and (iv) a requirement to notify the department
 3 and any affected rural water districts, public power and irrigation
 4 districts, or other special purpose districts in the basin of
 5 origin and the river basin of destination.

6 Sec. 3. Original section 46-288, Reissue Revised Statutes
 7 of Nebraska, is repealed.

LEGISLATIVE BILL 743. Placed on General File with amendment.
 AM1825

1 1. On page 4, line 17, strike "legal expenses".

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 526. Title read. Considered.

Committee AM1784, found on page 379, was considered.

SENATOR GLOOR PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Carlson offered the following amendment to the committee amendment:

AM1992

(Amendments to Standing Committee amendments, AM1784)

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

The Carlson amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 861. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 878. Title read. Considered.

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

LEGISLATIVE BILL 759. Title read. Considered.

Committee AM1787, found on page 381, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 786. Title read. Considered.

Committee AM1736, found on page 384, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present

and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1031. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 887. Title read. Considered.

Committee AM1764, found on page 391, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 943. Title read. Considered.

Committee AM1763, found on page 391, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 867. Placed on General File.

LEGISLATIVE BILL 916. Placed on General File with amendment. AM1739 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 400. Introduced by Ashford, 20.

WHEREAS, Bob Leddy, a junior at Creighton Preparatory School, has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Bob Leddy has achieved an extraordinary honor in being named a Distinguished Finalist in 2012; and

WHEREAS, Bob Leddy is the founder and president of the first Habitat for Humanity Campus Chapter in Nebraska and has recruited four additional high schools to initiate chapters. Under Bob's leadership, his chapter has raised fifty thousand dollars toward their goal of ninety thousand dollars, participated in numerous local builds, and will travel to Kenya next summer to participate in a Habitat for Humanity build; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Bob Leddy represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Bob Leddy on being named a 2012 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes his leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Bob Leddy.

Laid over.

ANNOUNCEMENT

Senator Price designates LB1080 as his priority bill.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB967:
AM1998

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-125, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 48-125 (1)(a) Except as hereinafter provided, all amounts
- 5 of compensation payable under the Nebraska Workers' Compensation
- 6 Act shall be payable periodically in accordance with the methods
- 7 of payment of wages of the employee at the time of the injury or
- 8 death. Such payments shall be sent directly to the person entitled
- 9 to compensation or his or her designated representative except as
- 10 otherwise provided in section 48-149.
- 11 (b) Fifty percent shall be added for waiting time for all
- 12 delinquent payments after thirty days' notice has been given of
- 13 disability or after thirty days from the entry of a final order,
- 14 award, or judgment of the Nebraska Workers' Compensation Court,
- 15 except that for any award or judgment against the state in excess
- 16 of one hundred thousand dollars which must be reviewed by the
- 17 Legislature as provided in section 48-1,102, fifty percent shall be
- 18 added for waiting time for delinquent payments thirty days after
- 19 the effective date of the legislative bill appropriating any funds
- 20 necessary to pay the portion of the award or judgment in excess of
- 21 one hundred thousand dollars.
- 22 (2)(a) Whenever the employer refuses payment of
- 23 compensation or medical payments subject to section 48-120, or when
- 1 the employer neglects to pay compensation for thirty days after

2 injury or neglects to pay medical payments subject to such section
 3 after thirty days' notice has been given of the obligation for
 4 medical payments, and proceedings are held before the compensation
 5 court, a reasonable attorney's fee shall be allowed the employee
 6 by the compensation court in all cases when the employee receives
 7 an award. Attorney's fees allowed shall not be deducted from
 8 the amounts ordered to be paid for medical services nor shall
 9 attorney's fees be charged to the medical providers.

10 (b) If the employer files an appeal from an award of a
 11 judge of the compensation court and fails to obtain any reduction
 12 in the amount of such award, the Court of Appeals or Supreme Court
 13 shall allow the employee a reasonable attorney's fee to be taxed as
 14 costs against the employer for such appeal.

15 (c) If the employee files an appeal from an order of
 16 a judge of the compensation court denying an award and obtains
 17 an award or if the employee files an appeal from an award of a
 18 judge of the compensation court when the amount of compensation due
 19 is disputed and obtains an increase in the amount of such award,
 20 the Court of Appeals or Supreme Court may allow the employee a
 21 reasonable attorney's fee to be taxed as costs against the employer
 22 for such appeal.

23 (d) A reasonable attorney's fee allowed pursuant to this
 24 subsection shall not affect or diminish the amount of the award.

25 (3) When an attorney's fee is allowed pursuant to this
 26 section, there shall further be assessed against the employer an
 27 amount of interest on the final award obtained, computed from the
 1 date compensation was payable, as provided in section 48-119, until
 2 the date payment is made by the employer, at a rate equal to the
 3 rate of interest ~~allowed per annum under section 45-104.01, as~~
 4 provided in section 45-103, as such rate may from time to time be
 5 adjusted by the Legislature. Interest shall apply only to those
 6 weekly compensation benefits awarded which have accrued as of the
 7 date payment is made by the employer. If the employer pays or
 8 tenders payment of compensation, the amount of compensation due is
 9 disputed, and the award obtained is greater than the amount paid
 10 or tendered by the employer, the assessment of interest shall be
 11 determined solely upon the difference between the amount awarded
 12 and the amount tendered or paid.

13 2. Renumber the remaining section and correct the
 14 repealer accordingly.

Senator Krist filed the following amendment to LB831:
 AM2008

1 1. Insert the following new sections:

2 Sec. 24. The Genetic Counseling Practice Act shall not
 3 be construed to require any genetic counselor to counsel or refer
 4 for abortion, and licensing of a genetic counselor shall not be
 5 contingent upon his or her participation in counseling with respect
 6 to abortion. The refusal of a genetic counselor to participate

- 7 in counseling with respect to abortion shall not form the basis
8 for any claim of damages on account of the refusal or for any
9 disciplinary or recriminatory action against the genetic counselor
10 if the genetic counselor informs the patient that the genetic
11 counselor will not participate in counseling with respect to
12 abortion and offers to direct the patient to the online directory
13 of licensed genetic counselors maintained by the department.
14 Sec. 25. The department shall maintain an online
15 directory of all genetic counselors licensed by the department.
16 2. On page 2, line 1, strike "23" and insert "25".
17 3. Renumber the remaining sections accordingly.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bloomfield has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITOR

The Doctor of the Day was Dr. Craig Pekny from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 15, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 2012

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad and McGill who were excused; and Senators Coash, Harms, Karpisek, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 807. Placed on Select File with amendment.
ER176

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 862. Placed on Select File.

LEGISLATIVE BILL 862A. Placed on Select File.

LEGISLATIVE BILL 760. Placed on Select File with amendment.
ER177

- 1 1. On page 1, line 4, after "Council" insert "and
- 2 grants".

LEGISLATIVE BILL 739. Placed on Select File.

LEGISLATIVE BILL 985. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 599. Placed on General File.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Gloor designates LB834 as his priority bill.

The Education Committee designates LB870 as its priority bill.

Senator Avery designates LB1104 as his priority bill.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 389, 390, 391, 392, 393, 394, 395, and 396 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 389, 390, 391, 392, 393, 394, 395, and 396.

GENERAL FILE**LEGISLATIVE BILL 1043.** Title read. Considered.

Committee AM1822, found on page 421, 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 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE**LEGISLATIVE BILL 370.** ER145, found on page 302, was adopted.

Senator Wightman renewed his amendment, AM1996, found on page 509.

The Wightman amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 576. ER164, found on page 417, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 498. ER163, found on page 417, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 836. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 714. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 852. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 853. ER166, found on page 417, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 677. ER168, found on page 430, was adopted.

Senator Lathrop offered the following amendment:

AM2022

(Amendments to E & R amendments, ER168)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-929, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 28-929 (1) A person commits the offense of assault on an
- 6 officer or a health care professional in the first degree if:
- 7 (a) He or she intentionally or knowingly causes serious
- 8 bodily injury:
- 9 (i) To a peace officer, a probation officer, or an
- 10 employee of the Department of Correctional Services; ~~or~~
- 11 (ii) To an employee of the Department of Health and Human
- 12 Services if the person committing the offense is committed as a
- 13 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~
- 14 or
- 15 (iii) To a health care professional; and
- 16 (b) The offense is committed while such officer or
- 17 employee is engaged in the performance of his or her official
- 18 duties or while the health care professional is on duty at a
- 19 hospital or a health clinic.
- 20 (2) Assault on an officer or a health care professional
- 21 in the first degree shall be a Class ID felony.
- 22 Sec. 2. Section 28-930, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 28-930 (1) A person commits the offense of assault on an
3 officer or a health care professional in the second degree if:

4 (a) He or she:

5 (i) Intentionally or knowingly causes bodily injury with
6 a dangerous instrument:

7 (A) To a peace officer, a probation officer, or an
8 employee of the Department of Correctional Services; ~~or~~

9 (B) To an employee of the Department of Health and Human
10 Services if the person committing the offense is committed as a
11 dangerous sex offender under the Sex Offender Commitment Act; or

12 (C) To a health care professional while the health care
13 professional is on duty at a hospital or a health clinic; or

14 (ii) Recklessly causes bodily injury with a dangerous
15 instrument:

16 (A) To a peace officer, a probation officer, or an
17 employee of the Department of Correctional Services; ~~or~~

18 (B) To an employee of the Department of Health and Human
19 Services if the person committing the offense is committed as a
20 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~
21 or

22 (C) To a health care professional; and

23 (b) The offense is committed while such officer or
24 employee is engaged in the performance of his or her official
25 duties or while the health care professional is on duty at a
26 hospital or a health clinic.

27 (2) Assault on an officer or a health care professional
1 in the second degree shall be a Class II felony.

2 Sec. 3. Section 28-931, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 28-931 (1) A person commits the offense of assault on an
5 officer or a health care professional in the third degree if:

6 (a) He or she intentionally, knowingly, or recklessly
7 causes bodily injury:

8 (i) To a peace officer, a probation officer, or an
9 employee of the Department of Correctional Services; ~~or~~

10 (ii) To an employee of the Department of Health and Human
11 Services if the person committing the offense is committed as a
12 dangerous sex offender under the Sex Offender Commitment Act; ~~and~~
13 or

14 (iii) To a health care professional; and

15 (b) The offense is committed while such officer or
16 employee is engaged in the performance of his or her official
17 duties or while the health care professional is on duty at a
18 hospital or a health clinic.

19 (2) Assault on an officer or a health care professional
20 in the third degree shall be a Class IIIA felony.

21 Sec. 4. For purposes of sections 28-929, 28-930, and
22 28-931 and section 5 of this act:

23 (1) Health care professional means a physician or other
 24 health care practitioner who is licensed, certified, or registered
 25 to perform specified health services consistent with state law who
 26 practices at a hospital or a health clinic;

27 (2) Health clinic has the definition found in section
 1 71-416; and

2 (3) Hospital has the definition found in section 71-419.

3 Sec. 5. Every hospital and health clinic shall display at
 4 all times in a prominent place a printed sign with a minimum height
 5 of twenty inches and a minimum width of fourteen inches, with each
 6 letter to be a minimum of one-fourth inch in height, which shall
 7 read as follows:

8 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS
 9 ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES IS A
 10 FELONY.

11 Sec. 6. Original sections 28-929, 28-930, and 28-931,
 12 Revised Statutes Cumulative Supplement, 2010, are repealed.

The Lathrop amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 873. ER167, found on page 432, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. ER169, found on page 432, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 771. ER170, found on page 432, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 536. ER171, found on page 439, was adopted.

Senator Wightman withdrew his amendment, AM1988, found on page 508.

Senator Wightman offered the following amendment:

AM2046

(Amendments to Standing Committee amendments, AM1668)

1 1. Insert the following new sections:

2 Sec. 9. A transfer on death deed shall be signed by
 3 the transferor or by some person in his or her presence and by
 4 his or her direction and shall be attested in writing by two

5 or more disinterested witnesses, whose signatures along with the
6 transferor's signature shall be made before an officer authorized
7 to administer oaths under the laws of this state or under the laws
8 of the state where execution occurs and evidenced by the officer's
9 certificate, under official seal, in form and content substantially
10 as follows:

11 I,, the transferor, sign my name to this
12 instrument this day of 20, and being first duly
13 sworn, do hereby declare to the undersigned authority that I sign
14 and execute this transfer on death deed to transfer my interest
15 in the described real property and that I sign it willingly or
16 willingly direct another to sign for me, that I execute it as my
17 free and voluntary act for the purposes therein expressed, that
18 I am eighteen years of age or older or am not at this time a
19 minor, and that I am of sound mind and under no constraint or undue
20 influence.

21 Transferor

22 We,, and, the witnesses, sign our names to
1 this instrument, being first duly sworn, and do hereby declare to
2 the undersigned authority that the transferor signs and executes
3 this transfer on death deed to transfer his or her interest in
4 the described real property and that he or she signs it willingly
5 or willingly directs another to sign for him or her, and that he
6 or she executes it as his or her free and voluntary act for the
7 purposes therein expressed, and that each of us, in the presence
8 and hearing of the transferor, hereby signs this deed as witness
9 to the transferor's signing, and that to the best of his or her
10 knowledge the transferor is eighteen years of age or older or is
11 not at this time a minor and the transferor is of sound mind and
12 under no constraint or undue influence.

13 Witness

14 Witness

15 THE STATE OF

16 COUNTY OF

17 Subscribed, sworn to, and acknowledged before me by
18, the transferor, and subscribed and sworn to before me
19 by and, witnesses, this day of
20 20..... .

21 (SEAL)(Signed)

22 (Official capacity of officer)

23 Sec. 26. Section 76-201, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 76-201 ~~The term real estate, as used in~~ For purposes of
26 sections 76-201 to 76-281 and section 31 of this act, the term real
27 estate shall be construed as coextensive in meaning with lands,
1 tenements, and hereditaments, and as embracing all chattels real,
2 except leases for a term not exceeding one year.

3 Sec. 27. Section 76-202, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-202 The term purchaser, as used in sections 76-201 to
6 76-281 and section 31 of this act, shall be construed to embrace
7 every person to whom any real estate or interest therein shall
8 be conveyed for valuable consideration, and also any assignee of
9 mortgage or lease, or other conditional estate.

10 Sec. 28. Section 76-203, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 76-203 The term deed, as used in sections 76-201 to
13 76-281 and section 31 of this act, shall be construed to embrace
14 every instrument in writing by which any real estate or interest
15 therein is created, aliened, mortgaged, or assigned, or by which
16 the title to any real estate may be affected in law or equity,
17 except last wills and leases for one year or for a less time.

18 Sec. 33. Section 76-246, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 76-246 No instrument containing a power to convey, or in
21 any manner to affect real estate, executed, acknowledged or proved,
22 and certified and recorded in conformity with the requirements of
23 sections 76-211 to 76-245 and section 31 of this act, can be
24 revoked by any act of the party or parties thereto until the
25 instrument of revocation is executed, acknowledged or proved, and
26 certified and filed for record with the register of deeds of the
27 county in which the power is recorded.

1 Sec. 34. Section 76-277, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 ~~76-277 The provisions of sections Sections 76-201 to~~
4 ~~76-281 shall and section 31 of this act apply to the conveyance of~~
5 ~~all claims and improvements upon the public lands.~~

6 2. On page 1, line 3, strike "22" and insert "23".

7 3. On page 2, line 7, after the period insert "A transfer
8 on death deed is subject to the common-law principles of equity
9 except to the extent modified by the Nebraska Uniform Real Property
10 Transfer on Death Act."; and in line 13 after the period insert
11 "If the property is agricultural land, the transferor may designate
12 in the transfer on death deed the disposition of the transferor's
13 interest in growing crops to the transferor's estate or to one
14 or more of the designated beneficiaries. If the property is
15 agricultural land and the transfer on death deed does not contain
16 a designation of the disposition of the transferor's interest in
17 growing crops, the transferor's interest in the growing crops shall
18 pass to the transferor's estate.".

19 4. On page 3, strike lines 1 through 3 and insert the
20 following new subdivision:

21 "(4) Must be recorded (i) within thirty days after being
22 executed as required in section 9 of this act, (ii) before the
23 transferor's death, and (iii) in the public records in the office
24 of the register of deeds of the county where the property is
25 located.".

26 5. On page 4, line 16, after the second occurrence of

- 27 "deed" insert "and that is executed with the same formalities as
 1 required in section 9 of this act"; and strike lines 20 through 23
 2 and insert the following new subdivision:
 3 "(2) Is acknowledged by the transferor after the
 4 acknowledgment of the deed being revoked and is recorded (i) within
 5 thirty days after being executed, (ii) before the transferor's
 6 death, and (iii) in the public records in the office of the
 7 register of deeds of the county where the deed is recorded.".
 8 6. On page 5, line 19, strike "20" and insert "21".
 9 7. On page 9, line 11, strike "16" and insert "17".
 10 8. On page 19, line 27, strike "27" and insert "31".
 11 9. On page 20, line 6, strike "12" and insert "13".
 12 10. On page 21, line 4, strike "12, 13, and 14" and
 13 insert "13, 14, and 15".
 14 11. On page 25, line 20, after the second comma insert
 15 "76-201, 76-202, 76-204,"; and in line 21 after the second comma
 16 insert "76-246, 76-277,".
 17 12. Renumber the remaining sections accordingly.

The Wightman amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator B. Harr offered the following amendment:
 AM2042

(Amendments to Standing Committee amendments, AM1668)

- 1 1. On page 23, line 6, strike "husband and wife, or",
 2 show as stricken, and insert "spouses, between ex-spouses for the
 3 purpose of conveying any rights to property acquired or held during
 4 the marriage, or between".

The B. Harr amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SENATOR GLOOR PRESIDING

Senator Flood offered the following amendment:
 FA33

Amend AM1668

On page 3 line 13 after the word "after" insert "a proportionate"

The Flood amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 828. ER172, found on page 439, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 725. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 470. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 879. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 646. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 886. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 890. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 854. ER174, found on page 469, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 911. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 942. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 800. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 723. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 794. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 831. Title read. Considered.

SENATOR CARLSON PRESIDING

Senator Krist renewed his amendment, AM2008, found on page 524.

PRESIDENT SHEEHY PRESIDING

Senator Krist withdrew his amendment.

Senator Krist offered the following amendment:

AM2049

- 1 1. Insert the following new sections:
- 2 Sec. 24. The Genetic Counseling Practice Act shall not
- 3 be construed to require any genetic counselor to counsel or refer
- 4 for abortion, and licensing of a genetic counselor shall not be
- 5 contingent upon his or her participation in counseling or referral
- 6 with respect to abortion. The refusal of a genetic counselor to
- 7 participate in counseling or referral with respect to abortion
- 8 shall not form the basis for any claim of damages on account of
- 9 the refusal or for any disciplinary or recriminatory action against
- 10 the genetic counselor if the genetic counselor informs the patient
- 11 that the genetic counselor will not participate in counseling or
- 12 referral with respect to abortion and offers to direct the patient
- 13 to the online directory of licensed genetic counselors maintained
- 14 by the department.
- 15 Sec. 25. The department shall maintain an online
- 16 directory of all genetic counselors licensed by the department.
- 17 2. On page 2, line 1, strike "23" and insert "25".
- 18 3. Renumber the remaining sections accordingly.

The Krist amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 686. Title read. Considered.

Committee AM1774, found on page 394, was considered.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 742. Placed on General File with amendment.
AM1934

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 70-1014, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:
5 70-1014 After hearing, the board shall have authority to
6 approve or deny the application. Except as provided in section
7 70-1014.01 for special generation applications and except as
8 provided in section 70-1014.02, before approval of an application,
9 the board shall find that the application will serve the public
10 convenience and necessity, and that the applicant can most
11 economically and feasibly supply the electric service resulting
12 from the proposed construction or acquisition, without unnecessary
13 duplication of facilities or operations.

14 If the application involves a transmission line or
15 related facilities planned and approved by a regional transmission
16 organization and the regional transmission organization has issued
17 a notice to construct or similar notice or order to a utility
18 to construct the line or related facilities, the board shall also
19 consider information from the regional transmission organization's
20 planning process and may consider the benefits to the region, which
21 shall include Nebraska, provided by the proposed line or related
22 facilities as part of the board's process in determining whether to
23 approve or deny the application.

1 Sec. 2. Section 70-1014.01, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:
3 70-1014.01 (1) Except as provided in subsection (2)
4 of this section, an application by a municipality, a registered
5 group of municipalities, a public power district, a public power
6 and irrigation district, an electric cooperative, an electric
7 membership association, or any other governmental entity, for
8 a facility that will generate not more than ten thousand
9 kilowatts of electric energy at rated capacity and will generate
10 electricity using solar, wind, biomass, landfill gas, methane gas,
11 or hydropower generation technology or an emerging generation
12 technology, including, but not limited to, fuel cells and
13 micro-turbines, shall be deemed a special generation application.
14 Such application shall be approved by the board if the board
15 finds that (a) the application qualifies as a special generation
16 application, (b) the application will provide public benefits
17 sufficient to warrant approval of the application, although it
18 may not constitute the most economically feasible generation
19 option, and (c) the application under consideration represents a
20 separate and distinct project from any previous special generation
21 application the applicant may have filed.

22 (2)(a) An application by a municipality, a registered
 23 group of municipalities, a public power district, a public power
 24 and irrigation district, an electric cooperative, an electric
 25 membership association, or any other governmental entity for a
 26 facility that will generate more than ten thousand kilowatts of
 27 electric energy at rated capacity and will generate electricity
 1 using renewable energy sources such as solar, wind, biomass,
 2 landfill gas, methane gas, or new hydropower generation technology
 3 or an emerging technology, including, but not limited to, fuel
 4 cells and micro-turbines, may be filed with the board if (i)
 5 the total production from all such renewable projects, excluding
 6 sales from such projects to other electric-generating entities,
 7 does not exceed ten percent of total energy sales as shown in
 8 the producer's Annual Electric Power Industry Report to the United
 9 States Department of Energy and (ii) the applicant's governing body
 10 conducts at least one advertised public hearing which affords the
 11 ratepayers of the applicant a chance to review and comment on the
 12 subject of the application.

13 (b) The application filed under subdivision (2)(a) of
 14 this section shall be approved by the board if the board finds that
 15 (i) the applicant is using renewable energy sources described in
 16 this subsection, (ii) total production from all renewable projects
 17 of the applicant does not exceed ten percent of the producer's
 18 total energy sales as described in subdivision (2)(a) of this
 19 section, and (iii) the applicant's governing body has conducted at
 20 least one advertised public hearing which affords its ratepayers a
 21 chance to review and comment on the subject of the application.

22 ~~(3)-(3)(a)~~ A community-based energy development project
 23 organized pursuant to the Rural Community-Based Energy Development
 24 Act or any privately developed project which intends to develop
 25 renewable energy sources for sale to one or more Nebraska electric
 26 utilities described in this section may also make an application
 27 to the board pursuant to ~~subsection (2) of this section if (a)~~
 1 this subsection if (i) the purchasing electric utilities conduct
 2 a public hearing described in ~~such subsection and (b) subdivision~~
 3 (2)(a) of this section, (ii) the power and energy from the
 4 renewable energy sources is sold exclusively to such electric
 5 utilities for a term of at least twenty years, and (iii) the
 6 total production from all such renewable projects, excluding sales
 7 from such projects to other electric-generation entities, does
 8 not exceed ten percent of total energy sales of such purchasing
 9 electric utilities as shown in such utilities' Annual Electric
 10 Power Industry Report to the United States Department of Energy or
 11 the successor to such report.

12 (b) The application filed under subdivision (3)(a) of
 13 this section shall be approved by the board if the board finds that
 14 the purchasing electric utilities have met the conditions described
 15 in subdivision (3)(a) of this section.

16 (4) No facility or part of a facility which is approved
 17 pursuant to this section is subject to eminent domain by any
 18 electric supplier, or by any other entity if the purpose of the
 19 eminent domain proceeding is to acquire the facility for electric
 20 generation or transmission.

21 Sec. 3. Original sections 70-1014 and 70-1014.01, Revised
 22 Statutes Cumulative Supplement, 2010, are repealed.

(Signed) Chris Langemeier, Chairperson
 General Affairs

LEGISLATIVE BILL 781. Placed on General File.

LEGISLATIVE BILL 1130. Placed on General File.

LEGISLATIVE BILL 979. Placed on General File with amendment.
 AM1907

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

3 Section 1. Section 9-326, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 9-326 (1) Any nonprofit organization holding a
 6 certificate of exemption under section 501(c)(3), (c)(4), (c)(5),
 7 (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code
 8 or any volunteer fire company or volunteer first-aid, rescue,
 9 ambulance, or emergency squad may apply for a license to conduct a
 10 lottery by the sale of pickle cards.

11 (2) Prior to applying for any license, an organization
 12 shall:

13 (a) Be incorporated in this state as a not-for-profit
 14 corporation or organized in this state as a religious or
 15 not-for-profit organization. For purposes of this subsection,
 16 a domesticated foreign corporation shall not be considered
 17 incorporated in this state as a not-for-profit corporation;

18 (b) Conduct activities within this state in addition to
 19 the conduct of lottery by the sale of pickle cards;

20 (c) Be authorized by its constitution, articles, charter,
 21 or bylaws to further in this state a lawful purpose;

22 (d) Operate without profit to its members, and no part of
 23 the net earnings of such organization shall inure to the benefit of
 1 any private shareholder or individual; and

2 (e) With the exception of a volunteer fire company, a
 3 ~~or~~ volunteer first-aid, rescue, ambulance, or emergency squad, or
 4 a not-for-profit corporation whose primary purpose is to support
 5 a volunteer fire company, first-aid squad, rescue squad, ambulance
 6 squad, or emergency squad, have been in existence in this state
 7 for five years immediately preceding its application for a license
 8 and have had during that five-year period a bona fide membership
 9 actively engaged in furthering a lawful purpose. A society defined

10 in section 21-608 which is chartered in Nebraska under a state,
 11 grand, supreme, national, or other governing body may use the
 12 charter date of its parent organization to satisfy such five-year
 13 requirement.

14 Sec. 2. Original section 9-326, Reissue Revised Statutes
 15 of Nebraska, is repealed.

LEGISLATIVE BILL 1067. Placed on General File with amendment.
 AM1961

- 1 1. On page 4, line 12, strike "one minute" and insert
- 2 "three minutes".

LEGISLATIVE BILL 992. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 373CA. Placed on General File with
 amendment.

AM1948

- 1 1. On page 2, line 7, strike "thirty-two thousand"
- 2 and insert "twenty-two thousand five hundred"; and in line 18
- 3 strike "thirty-two thousand" and insert "twenty-two thousand five
- 4 hundred".

LEGISLATIVE BILL 1059. Indefinitely postponed.

LEGISLATIVE RESOLUTION 377CA. Indefinitely postponed.

(Signed) John Wightman, Chairperson

Education

LEGISLATIVE BILL 870. Placed on General File with amendment.
 AM2023

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 79-760.05, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 79-760.05 (1) The State Board of Education shall
- 5 implement a statewide system for tracking individual student
- 6 achievement, using the student identifier system of the State
- 7 Department of Education, that can be aggregated to track student
- 8 progress by demographic characteristics, including, but not
- 9 limited to, race, poverty, high mobility, attendance, and limited
- 10 English proficiency, on available measures of student achievement
- 11 which include, but need not be limited to, national assessment
- 12 instruments, ~~and~~ state assessment instruments, and the indicators
- 13 used in the accountability system required pursuant to section 2

14 of this act. Such a system shall be designed so as to aggregate
15 student data by available educational input characteristics, which
16 may include class size, teacher education, teacher experience,
17 special education, early childhood programs, federal programs, and
18 other targeted education programs. School districts shall provide
19 the department with individual student achievement data from
20 assessment instruments required pursuant to section 79-760.03 in
21 order to implement the statewide system.

22 (2) The department shall annually analyze and report
23 on student achievement for the state, each school district, each
1 public school, and each learning community aggregated by the
2 demographic characteristics described in subsection (1) of this
3 section. The department shall report the findings to the Governor,
4 the Legislature, school districts, educational service units, and
5 each learning community. Such analysis shall include aggregated
6 data that would indicate differences in achievement due to
7 available educational input characteristics described in subsection
8 (1) of this section. Such analysis shall include indicators of
9 progress toward state achievement goals for students in poverty,
10 limited English proficient students, and highly mobile students.

11 Sec. 4. (1) Any school district, with the approval of
12 the State Department of Education, may establish and operate a
13 career academy. The purpose of the career academy is to provide
14 holistic education to help students find a career-based educational
15 alternative to a college-bound educational curriculum. A school
16 district may partner with another school district, an educational
17 service unit, a learning community, a postsecondary educational
18 institution, or a private entity in the establishment and operation
19 of a career academy.

20 (2) A career academy established pursuant to subsection
21 (1) of this section shall:

22 (a) Recruit students who seek a career-based curriculum,
23 which curriculum shall be based on criteria determined by the
24 department;

25 (b) Recruit and hire instructors based on their expertise
26 in career-based education;

27 (c) Serve students in grades seven through twelve; and

1 (d) Provide an academic curriculum focusing on
2 mathematics, science, and technology with a transition component
3 to prepare youth for the workforce, including, but not limited to,
4 internships, job training, and skills training.

5 (3) The number of students enrolled in a career academy
6 and their grade levels shall be accounted for separately by the
7 operating school district in the reports required pursuant to
8 section 79-528.

9 In addition to funding from the establishing school
10 district or any of the district's partners, a career academy may
11 also receive private donations for operating expenses.

12 (4) The department shall define standards and criteria
 13 for (a) the establishment, evaluation, and continuing approval of
 14 career academies, (b) career-based curriculum utilized by career
 15 academies, (c) the necessary data elements and collection of
 16 data pertaining to career academies, and (d) the establishment
 17 of advisory boards consisting of business and education
 18 representatives to provide guidance and direction for the operation
 19 of career academies.

20 Sec. 5. Section 79-828, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 79-828 (1) The contract of a probationary certificated
 23 employee shall be deemed renewed and remain in full force and
 24 effect unless amended or not renewed in accordance with sections
 25 79-824 to 79-842.

26 (2) The purpose of the probationary period is to allow
 27 the employer an opportunity to evaluate, assess, and assist the
 1 employee's professional skills and work performance prior to the
 2 employee obtaining permanent status.

3 All probationary certificated employees employed by ~~Class~~
 4 ~~I, II, III, and VI school districts~~ any class of school district
 5 shall, during each year of probationary employment, be evaluated
 6 at least once each semester, unless the probationary certificated
 7 employee is a superintendent, in accordance with the procedures
 8 outlined below:

9 The probationary certificated employee shall be observed
 10 and evaluation shall be based upon actual classroom observations
 11 for an entire instructional period. If deficiencies are noted in
 12 the work performance of any probationary certificated employee, the
 13 evaluator shall provide the ~~teacher or administrator~~ probationary
 14 certificated employee at the time of the observation with a list
 15 of deficiencies, and a list of suggestions for improvement and
 16 assistance in overcoming the deficiencies. The evaluator shall also
 17 provide the probationary certificated employee with , and followup
 18 evaluations and assistance when deficiencies remain.

19 If the probationary certificated employee is a
 20 superintendent, he or she shall be evaluated twice during the first
 21 year of employment and at least once annually thereafter.

22 Any certificated employee employed prior to September
 23 1, 1982, by the school board of any Class I, II, III, or VI
 24 school district shall serve the probationary period required by law
 25 prior to such date and shall not be subject to any extension of
 26 probation.

27 (3) If the school board or the superintendent or
 1 superintendent's designee determines that it is appropriate to
 2 consider whether the contract of a probationary certificated
 3 employee or the superintendent should be amended or not renewed for
 4 the next school year, such certificated employee shall be given
 5 written notice that the school board will consider the amendment
 6 or nonrenewal of such certificated employee's contract for the

7 ensuing school year. Upon request of the certificated employee,
8 notice shall be provided which shall contain the written reasons
9 for such proposed amendment or nonrenewal and shall be sufficiently
10 specific so as to provide such employee the opportunity to prepare
11 a response and the reasons set forth in the notice shall be
12 employment related.

13 (4) The school board may elect to amend or not renew
14 the contract of a probationary certificated employee for any reason
15 it deems sufficient if such nonrenewal is not for constitutionally
16 impermissible reasons, and such nonrenewal shall be in accordance
17 with sections 79-824 to 79-842. Amendment or nonrenewal for reason
18 of reduction in force shall be subject to sections 79-824 to 79-842
19 and 79-846 to 79-849.

20 (5) Within seven calendar days after receipt of
21 the notice, the probationary certificated employee may make a
22 written request to the secretary of the school board or to the
23 superintendent or superintendent's designee for a hearing before
24 the school board.

25 (6) Prior to scheduling of action or a hearing on
26 the matter, if requested, the notice of possible amendment
27 or nonrenewal and the reasons supporting possible amendment or
1 nonrenewal shall be considered a confidential employment matter as
2 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be
3 released to the public or any news media.

4 (7) At any time prior to the holding of a hearing or
5 prior to final determination by the school board to amend or not
6 renew the contract involved, the probationary certificated employee
7 may submit a letter of resignation for the ensuing year, which
8 resignation shall be accepted by the school board.

9 (8) The probationary certificated employee shall be
10 afforded a hearing which shall not be required to meet the
11 requirements of a formal due process hearing as set forth in
12 section 79-832 but shall be subject to section 79-834.

13 2. On page 2, line 20, after "the" insert "level of"; in
14 line 21 after "districts" insert "on the indicators used in the
15 accountability system"; and in line 23 strike "79-757" and insert
16 "79-828, Reissue Revised Statutes of Nebraska, and sections 79-757
17 and 79-760.05".

18 3. Renumber the remaining sections and correct internal
19 references accordingly.

(Signed) Greg Adams, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, February 22, 2012 1:30 p.m.

LB753
LB798
LB888
LB1114

Room 1524

Thursday, February 23, 2012 1:30 p.m.

LB989
LB1011
LB1075
LB1106
LB1138

Room 1524

Friday, February 24, 2012 1:30 p.m.

LB883
LB974
LB1071
LB1135

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 526. Placed on Select File with amendment.
ER179

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 46-294, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-294 (1) Except for applications approved in accordance
- 6 with subsection (1) of section 46-291, the Director of Natural
- 7 Resources shall approve an application filed pursuant to section
- 8 46-290 only if the application and the proposed transfer or change
- 9 meet the following requirements:
- 10 (a) The application is complete and all other information
- 11 requested pursuant to section 46-293 has been provided;

12 (b) The proposed use of water after the transfer or
13 change will be a beneficial use of water;

14 (c)(i) Any requested transfer in the location of use is
15 within the same river basin as defined in section 46-288 or (ii)
16 the river basin from which the appropriation is to be transferred
17 is tributary to the river basin to which the appropriation is to be
18 transferred;

19 (d) Except as otherwise provided in subsection (4) of
20 this section, the proposed transfer or change, alone or when
21 combined with any new or increased use of any other source of water
22 at the original location or within the same irrigation district,
23 reclamation district, public power and irrigation district, or
1 mutual irrigation or canal company for the original or other
2 purposes, will not diminish the supply of water available for or
3 otherwise adversely affect any other water appropriator and will
4 not significantly adversely affect any riparian water user who
5 files an objection in writing pursuant to section 46-291;

6 (e) The quantity of water that is transferred for
7 diversion or other use at the new location will not exceed
8 the historic consumptive use under the appropriation or portion
9 thereof being transferred, except that this subdivision does not
10 apply to (i) a transfer in the location of use if both the current
11 use and the proposed use are for irrigation, the number of acres
12 to be irrigated will not increase after the transfer, and the
13 location of the diversion from the stream will not change or (ii)
14 a transfer or change in the purpose of use of a surface water
15 irrigation appropriation as provided for in subsection (3), (5), or
16 (6) of section 46-290 if the transfer or change in purpose will
17 not diminish the supply of water available or otherwise adversely
18 affect any other water appropriator, adversely affect Nebraska's
19 ability to meet its obligations under a multistate agreement, or
20 result in administration of the prior appropriation system by the
21 Department of Natural Resources, which would not have otherwise
22 occurred;

23 (f) The appropriation, prior to the transfer or change,
24 is not subject to termination or cancellation pursuant to sections
25 46-229 to 46-229.04;

26 (g) If a proposed transfer or change is of an
27 appropriation that has been used for irrigation and is in the name
1 of an irrigation district, reclamation district, public power and
2 irrigation district, or mutual irrigation or canal company or is
3 dependent upon any such district's or company's facilities for
4 water delivery, such district or company has approved the transfer
5 or change;

6 (h) If the proposed transfer or change is of a
7 storage-use appropriation and if the owner of that appropriation is
8 different from the owner of the associated storage appropriation,
9 the owner of the storage appropriation has approved the transfer
10 or change;

11 (i) If the proposed transfer or change is to be
12 permanent, either (i) the purpose for which the water is to
13 be used before the transfer or change is in the same preference
14 category established by section 46-204 as the purpose for which
15 the water is to be used after the transfer or change or (ii) the
16 purpose for which the water is to be used before the transfer or
17 change and the purpose for which the water is to be used after the
18 transfer or change are both purposes for which no preferences are
19 established by section 46-204;

20 (j) If the proposed transfer or change is to be
21 temporary, it will be for a duration of no less than one year
22 and, except as provided in section 46-294.02, no more than thirty
23 years;

24 (k) The transfer or change will not be inconsistent with
25 any applicable state or federal law and will not jeopardize the
26 state's compliance with any applicable interstate water compact or
27 decree or cause difficulty in fulfilling the provisions of any
1 other formal state contract or agreement; and

2 (l) The proposed transfer or change is in the public
3 interest. The director's considerations relative to the public
4 interest shall include, but not be limited to, (i) the economic,
5 social, and environmental impacts of the proposed transfer or
6 change and (ii) whether and under what conditions other sources of
7 water are available for the uses to be made of the appropriation
8 after the proposed transfer or change. The Department of Natural
9 Resources shall adopt and promulgate rules and regulations to
10 govern the director's determination of whether a proposed transfer
11 or change is in the public interest.

12 (2) The applicant has the burden of proving that the
13 proposed transfer or change will comply with subdivisions (1)(a)
14 through (l) of this section, except that (a) the burden is on a
15 riparian user to demonstrate his or her riparian status and to
16 demonstrate a significant adverse effect on his or her use in order
17 to prevent approval of an application and (b) if both the current
18 use and the proposed use after a transfer are for irrigation,
19 the number of acres to be irrigated will not increase after the
20 transfer, and the location of the diversion from the stream will
21 not change, there is a rebuttable presumption that the transfer
22 will be consistent with subdivision (1)(d) of this section.

23 (3) In approving an application, the director may impose
24 any reasonable conditions deemed necessary to protect the public
25 interest, to ensure consistency with any of the other criteria
26 in subsection (1) of this section, or to provide the department
27 with information needed to properly and efficiently administer the
1 appropriation while the transfer or change remains in effect.
2 If necessary to prevent diminution of supply for any other
3 appropriator, the conditions imposed by the director shall require
4 that historic return flows be maintained or replaced in quantity,
5 timing, and location. After approval of any such transfer or

6 change, the appropriation shall be subject to all water use
7 restrictions and requirements in effect at any new location of use
8 and, if applicable, at any new diversion location. An appropriation
9 for which a transfer or change has been approved shall retain
10 the same priority date as that of the original appropriation.
11 If an approved transfer or change is temporary, the location of
12 use, purpose of use, or type of appropriation shall revert to the
13 location of use, purpose of use, or type of appropriation prior to
14 the transfer or change.

15 (4) In approving an application for a transfer, the
16 director may also authorize the overlying of water appropriations
17 on the same lands, except that if any such overlying of
18 appropriations would result in either the authorized diversion
19 rate or the authorized aggregate annual quantity that could be
20 diverted to be greater than is otherwise permitted by section
21 46-231, the director shall limit the total diversion rate or
22 aggregate annual quantity for the appropriations overlain to the
23 rate or quantity that he or she determines is necessary, in the
24 exercise of good husbandry, for the production of crops on the
25 land involved. The director may also authorize a greater number of
26 acres to be irrigated if the amount and rate of water approved
27 under the original appropriation is not increased by the change of
1 location. An increase in the number of acres to be irrigated shall
2 be approved only if (a) such an increase will not diminish the
3 supply of water available to or otherwise adversely affect another
4 water appropriator or (b) the transfer would not adversely affect
5 the water supply for any river basin, subbasin, or reach that has
6 been designated as overappropriated pursuant to section 46-713 or
7 determined to be fully appropriated pursuant to section 46-714 and
8 (i) the number of acres authorized under the appropriation when
9 originally approved has not been increased previously, (ii) the
10 increase in the number of acres irrigated will not exceed five
11 percent of the number of acres being irrigated under the permit
12 before the proposed transfer or a total of ten acres, whichever
13 acreage is less, and (iii) all the use will be either on the
14 quarter section to which the appropriation was appurtenant before
15 the transfer or on an adjacent quarter section.

16 Sec. 2. Original section 46-294, Reissue Revised Statutes
17 of Nebraska, is repealed.

18 Sec. 3. Since an emergency exists, this act takes effect
19 when passed and approved according to law.

20 2. On page 1, line 3, strike "and"; and in line 4 after
21 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 42. Placed on Select File with amendment.
ER178

- 1 1. On page 5, line 6, after "Institute" insert an
- 2 underscored comma.

LEGISLATIVE BILL 780. Placed on Select File.

LEGISLATIVE BILL 861. Placed on Select File.

LEGISLATIVE BILL 733. Placed on Select File.

LEGISLATIVE BILL 860. Placed on Select File.

LEGISLATIVE BILL 878. Placed on Select File.

LEGISLATIVE BILL 759. Placed on Select File with amendment.
ER180

- 1 1. On page 1, strike beginning with "to" in line 2
- 2 through the semicolon in line 4.

LEGISLATIVE BILL 786. Placed on Select File with amendment.
ER181

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

LEGISLATIVE BILL 811. Placed on Select File.

LEGISLATIVE BILL 1031. Placed on Select File.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 686. Committee AM1774, found on page 394 and considered in this day's Journal, was renewed.

Senator Loudon offered the following amendment to the committee amendment:

FA34

Amend AM1774

On page 2, line 14 after the word "testing", insert "a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine,"

Pending.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 962. Placed on General File with amendment.
AM2018

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-382, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-382 (1) The department shall prepare a tax expenditure
- 6 report describing ~~(1)-(a)~~ the basic provisions of the Nebraska
- 7 tax laws, ~~(2)-(b)~~ the actual or estimated revenue loss caused
- 8 by the exemptions, deductions, exclusions, deferrals, credits, and

9 preferential rates in effect on July 1 of each year and allowed
10 under Nebraska's tax structure and in the property tax, and ~~(3)~~(c)
11 the elements which make up the tax base for state and local income,
12 including income, sales and use, property, and miscellaneous taxes.

13 (2) The department shall review the major tax exemptions
14 for which state general funds are used to reduce the impact of
15 revenue lost due to a tax expenditure. The report shall indicate an
16 estimate of the amount of the reduction in revenue resulting from
17 the operation of all tax expenditures. The report shall list each
18 tax expenditure relating to sales and use tax under the following
19 categories:

20 (a) Agriculture, which shall include a separate listing
21 for the following items: Agricultural machinery; agricultural
22 chemicals; seeds sold to commercial producers; water for irrigation
23 and manufacturing; commercial artificial insemination; mineral
1 oil as dust suppressant; animal grooming; oxygen for use in
2 aquaculture; animal life whose products constitute food for human
3 consumption; and grains;

4 (b) Business across state lines, which shall include
5 a separate listing for the following items: Property shipped
6 out-of-state; fabrication labor for items to be shipped
7 out-of-state; property to be transported out-of-state; property
8 purchased in other states to be used in Nebraska; aircraft
9 delivery to an out-of-state resident or business; state reciprocal
10 agreements for industrial machinery; and property taxed in another
11 state;

12 (c) Common carrier and logistics, which shall include a
13 separate listing for the following items: Railroad rolling stock
14 and repair parts and services; common or contract carriers and
15 repair parts and services; common or contract carrier accessories;
16 and common or contract carrier safety equipment;

17 (d) Consumer goods, which shall include a separate
18 listing for the following items: Motor vehicles and motorboat
19 trade-ins; merchandise trade-ins; certain medical equipment and
20 medicine; newspapers; laundromats; telefloral deliveries; motor
21 vehicle discounts for the disabled; and political campaign
22 fundraisers;

23 (e) Energy, which shall include a separate listing for
24 the following items: Motor fuels; energy used in industry; energy
25 used in agriculture; aviation fuel; and minerals, oil, and gas
26 severed from real property;

27 (f) Food, which shall include a separate listing for the
1 following items: Food for home consumption; supplemental nutrition
2 assistance program; school lunches; meals sold by hospitals; meals
3 sold by institutions at a flat rate; food for the elderly,
4 handicapped, and supplemental security income recipients; and meals
5 sold by churches;

6 (g) General business, which shall include a separate
7 listing for the following items: Component and ingredient parts;

8 manufacturing machinery; containers; film rentals; molds and dies;
 9 syndicated programming; intercompany sales; intercompany leases;
 10 sale of a business or farm machinery; and transfer of property in a
 11 change of business ownership;

12 (h) Lodging and shelter, which shall include a
 13 separate listing for the following item: Room rentals by certain
 14 institutions;

15 (i) Miscellaneous, which shall include a separate listing
 16 for the following items: Cash discounts and coupons; separately
 17 stated finance charges; casual sales; lease-to-purchase agreements;
 18 and separately stated taxes;

19 (j) Nonprofits, governments, and exempt entities, which
 20 shall include a separate listing for the following items: Purchases
 21 by political subdivisions of the state; purchases by churches
 22 and nonprofit colleges and medical facilities; purchasing agents
 23 for public real estate construction improvements; contractor as
 24 purchasing agent for public agencies; Nebraska lottery; admissions
 25 to school events; sales on Native American Indian reservations;
 26 school-supporting fundraisers; fine art purchases by a museum;
 27 purchases by the Nebraska State Fair Board; purchases by the
 1 Nebraska Investment Finance Authority and licensees of the State
 2 Racing Commission; purchases by the United States Government;
 3 public records; and sales by religious organizations;

4 (k) Recent sales tax expenditures, which shall include a
 5 separate listing for each sales tax expenditure created by statute
 6 or rule and regulation after the effective date of this act; and

7 (l) Telecommunications, which shall include a separate
 8 listing for the following items: Telecommunications access charges;
 9 prepaid calling arrangements; conference bridging services; and
 10 nonvoice data services.

11 (3) The report shall make recommendations relating to the
 12 elimination, in whole or in part, of particular tax expenditures or
 13 to the limiting of the duration of particular tax expenditures to a
 14 fixed number of years.

15 (4) It is the intent of the Legislature that nothing
 16 in the Tax Expenditure Reporting Act shall cause the valuation or
 17 assessment of any property exempt from taxation on the basis of its
 18 use exclusively for religious, educational, or charitable purposes.

19 Sec. 2. Section 77-2715.01, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 77-2715.01 (1)(a) Commencing in 1987 the Legislature
 22 shall set the rate for the income tax imposed by section 77-2715
 23 and the rate of the sales tax imposed by subsection (1) of section
 24 77-2703. The rate of the income tax set by the Legislature shall be
 25 considered the primary rate for establishing the tax rate schedules
 26 used to compute the tax.

27 (b) The Legislature shall set the rates of the sales tax
 1 and income tax so that the estimated funds available plus estimated
 2 receipts from the sales, use, income, and franchise taxes will be

3 not less than three percent nor more than seven percent in excess
 4 of the appropriations and express obligations for the biennium for
 5 which the appropriations are made. The purpose of this subdivision
 6 is to insure that there shall be maintained in the state treasury
 7 an adequate General Fund balance, considering cash flow, to meet
 8 the appropriations and express obligations of the state.

9 (c) For purposes of this section, express obligation
 10 shall mean an obligation which has fiscal impact identifiable by a
 11 sum certain or by an established percentage or other determinative
 12 factor or factors.

13 (2) The Speaker of the Legislature and the chairpersons
 14 of the Legislature's Executive Board, Revenue Committee, and
 15 Appropriations Committee shall constitute a committee to be known
 16 as the Tax Rate Review Committee. The Tax Rate Review Committee
 17 shall meet with the Tax Commissioner within ten days after July
 18 15 and November 15 of each year and shall determine whether
 19 the rates for sales tax and income tax should be changed. In
 20 making such determination ~~they~~ the committee shall recalculate
 21 the requirements pursuant to the formula set forth in subsection
 22 (1) of this section, taking into consideration the appropriations
 23 and express obligations for any session, all miscellaneous claims,
 24 deficiency bills, and all emergency appropriations. The committee
 25 shall prepare an annual report of its determinations under this
 26 section. The committee shall submit such report electronically
 27 to the Legislature and shall append the tax expenditure report
 1 required under section 77-382.

2 In the event it is determined by a majority vote of the
 3 committee that the rates must be changed as a result of a regular
 4 or special session or as a result of a change in the Internal
 5 Revenue Code of 1986 and amendments thereto, other provisions of
 6 the laws of the United States relating to federal income taxes,
 7 and the rules and regulations issued under such laws, ~~they~~ the
 8 committee shall petition the Governor to call a special session of
 9 the Legislature to make whatever rate changes may be necessary.

10 Sec. 3. Original sections 77-382 and 77-2715.01, Reissue
 11 Revised Statutes of Nebraska, are repealed.

(Signed) Abbie Cornett, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1091. Placed on General File.

LEGISLATIVE BILL 715. Placed on General File with amendment.
 AM2000

1 1. On page 2, line 13, after "capability" insert

2 "provided by a local exchange carrier".

3 2. On page 3, after line 3, insert the following new
 4 subsection:

5 "(3) If an application for the revision of an exchange
6 service area includes more than one customer in a particular
7 exchange, the commission shall consider the circumstances of
8 each customer and the impact to the obligations of any affected
9 telecommunications company which has not consented to the
10 application."; in line 23 reinstate the stricken matter and strike
11 "and" and show as stricken; and in line 25 after "exchanges" insert
12 ", and will not impose an undue and unreasonable technological or
13 engineering burden on any affected telecommunications company".

LEGISLATIVE BILL 1167. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB686:
AM1913

(Amendments to Standing Committee amendments, AM1774)

- 1 1. On page 3, line 16, after the semicolon insert "or";
- 2 strike lines 17 through 24; and in line 25 strike "(15)" and insert
- 3 "(14)".

Senator Cornett filed the following amendment to LB1118:
AM2052

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 77-5705, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-5705 Base Except for a tier 5 project that is
5 sequential to a tier 2 large data center project, base year
6 means the year immediately preceding the year of application. For
7 a tier 5 project that is sequential to a tier 2 large data center
8 project, the base year means the last year of the tier 2 large
9 data center project entitlement period relating to direct sales tax
10 refunds.
- 11 Sec. 6. Section 77-5723, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:
- 13 77-5723 (1) In order to utilize the incentives set
- 14 forth in the Nebraska Advantage Act, the taxpayer shall file
- 15 an application, on a form developed by the Tax Commissioner,
- 16 requesting an agreement with the Tax Commissioner.
- 17 (2) The application shall contain:
- 18 (a) A written statement describing the plan of employment
- 19 and investment for a qualified business in this state;
- 20 (b) Sufficient documents, plans, and specifications as
- 21 required by the Tax Commissioner to support the plan and to define
- 22 a project;
- 23 (c) If more than one location within this state is
- 1 involved, sufficient documentation to show that the employment and

2 investment at different locations are interdependent parts of the
3 plan. A headquarters shall be presumed to be interdependent with
4 each other location directly controlled by such headquarters. A
5 showing that the parts of the plan would be considered parts of
6 a unitary business for corporate income tax purposes shall not
7 be sufficient to show interdependence for the purposes of this
8 subdivision;

9 (d) A nonrefundable application fee of one thousand
10 dollars for a tier 1 project, two thousand five hundred dollars for
11 a tier 2, tier 3, or tier 5 project, five thousand dollars for a
12 tier 4 project, and ten thousand dollars for a tier 6 project. The
13 fee shall be credited to the Nebraska Incentives Fund; and

14 (e) A timetable showing the expected sales tax refunds
15 and what year they are expected to be claimed. The timetable shall
16 include both direct refunds due to investment and credits taken as
17 sales tax refunds as accurately as possible.

18 The application and all supporting information shall be
19 confidential except for the name of the taxpayer, the location of
20 the project, the amounts of increased employment and investment,
21 and the information required to be reported by sections 77-5731 and
22 77-5734.

23 (3) An application must be complete to establish the date
24 of the application. An application shall be considered complete
25 once it contains the items listed in subsection (2) of this
26 section, regardless of the Tax Commissioner's additional needs
27 pertaining to information or clarification in order to approve or
1 not approve the application.

2 (4) Once satisfied that the plan in the application
3 defines a project consistent with the purposes stated in the
4 Nebraska Advantage Act in one or more qualified business activities
5 within this state, that the taxpayer and the plan will qualify for
6 benefits under the act, and that the required levels of employment
7 and investment for the project will be met prior to the end of the
8 fourth year after the year in which the application was submitted
9 for a tier 1, tier 3, or tier 6 project or the end of the sixth
10 year after the year in which the application was submitted for
11 a tier 2, tier 4, or tier 5 project, the Tax Commissioner shall
12 approve the application. For a tier 5 project that is sequential
13 to a tier 2 large data center project, the required level of
14 investment shall be met prior to the end of the fourth year after
15 the expiration of the tier 2 large data center project entitlement
16 period relating to direct sales tax refunds.

17 (5) After approval, the taxpayer and the Tax Commissioner
18 shall enter into a written agreement. The taxpayer shall agree
19 to complete the project, and the Tax Commissioner, on behalf of
20 the State of Nebraska, shall designate the approved plan of the
21 taxpayer as a project and, in consideration of the taxpayer's
22 agreement, agree to allow the taxpayer to use the incentives
23 contained in the Nebraska Advantage Act. The application, and

24 all supporting documentation, to the extent approved, shall be
25 considered a part of the agreement. The agreement shall state:

26 (a) The levels of employment and investment required by
27 the act for the project;

1 (b) The time period under the act in which the required
2 levels must be met;

3 (c) The documentation the taxpayer will need to supply
4 when claiming an incentive under the act;

5 (d) The date the application was filed; and

6 (e) A requirement that the company update the Department
7 of Revenue annually on any changes in plans or circumstances which
8 affect the timetable of sales tax refunds as set out in the
9 application. If the company fails to comply with this requirement,
10 the Tax Commissioner may defer any pending sales tax refunds until
11 the company does comply.

12 (6) The incentives contained in section 77-5725 shall be
13 in lieu of the tax credits allowed by the Nebraska Advantage Rural
14 Development Act for any project. In computing credits under the
15 act, any investment or employment which is eligible for benefits
16 or used in determining benefits under the Nebraska Advantage Act
17 shall be subtracted from the increases computed for determining
18 the credits under section 77-27,188. New investment or employment
19 at a project location that results in the meeting or maintenance
20 of the employment or investment requirements, the creation of
21 credits, or refunds of taxes under the Employment and Investment
22 Growth Act shall not be considered new investment or employment
23 for purposes of the Nebraska Advantage Act. The use of carryover
24 credits under the Employment and Investment Growth Act, the Invest
25 Nebraska Act, the Nebraska Advantage Rural Development Act, or the
26 Quality Jobs Act shall not preclude investment and employment from
27 being considered new investment or employment under the Nebraska
1 Advantage Act. The use of property tax exemptions at the project
2 under the Employment and Investment Growth Act shall not preclude
3 investment not eligible for the property tax exemption from being
4 considered new investment under the Nebraska Advantage Act.

5 (7) A taxpayer and the Tax Commissioner may enter into
6 agreements for more than one project and may include more than
7 one project in a single agreement. The projects may be either
8 sequential or concurrent. A project may involve the same location
9 as another project. No new employment or new investment shall be
10 included in more than one project for either the meeting of the
11 employment or investment requirements or the creation of credits.
12 When projects overlap and the plans do not clearly specify, then
13 the taxpayer shall specify in which project the employment or
14 investment belongs.

15 (8) The taxpayer may request that an agreement be
16 modified if the modification is consistent with the purposes
17 of the act and does not require a change in the description of
18 the project. An agreement may not be modified to a tier that

- 19 would grant a higher level of benefits to the taxpayer or to
20 a tier 1 project. Once satisfied that the modification to the
21 agreement is consistent with the purposes stated in the act, the
22 Tax Commissioner and taxpayer may amend the agreement. For a tier 6
23 project, the taxpayer must agree to limit the project to qualified
24 activities allowable under tier 2 and tier 4.
- 25 2. On page 13, line 14, strike "at" through "of" and
26 insert "sequential to".
- 27 3. On page 28, line 24, after the second comma insert
1 "77-5705, 77-5723,".
- 2 4. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

Senator Fischer designates LB745 as her priority bill.

Senator Carlson designates LR358CA as his priority resolution.

The Urban Affairs Committee designates LB1001 and LB863 as its priority bills.

Senator Krist designates LB998 as his priority bill.

Senator Wallman designates LB1090 as his priority bill.

Senator B. Harr designates LB902 as his priority bill.

Senator Karpisek designates LB1067 as his priority bill.

The General Affairs Committee designates LB824 and LB1130 as its priority bills.

The Transportation and Telecommunications Committee designates LB751 and LB715 as its priority bills.

Senator Lambert designates LB750 as his priority bill.

The Legislative Performance Audit Committee designates LB949 and LB1160 as its priority bills.

Senator Larson designates LB806 as his priority bill.

The Judiciary Committee designates LB972 and LB1145 as its priority bills.

VISITORS

Visitors to the Chamber were Jim, Emily, Grace, Jake, Claire, and Gabe Horacek from Papillion; Rick Vest from Lincoln; 25 members of the Nebraska State Bar Association Leadership Academy from across the state;

40 members of Leadership Fremont and Youth Leadership Academy; Jennifer, Jillian, and Kylie Allen from McCook; 30 eleventh-grade students and teachers of UNO Nebraska Leadership Project from across the state; 25 members of Leadership York and Leadership York Youth; Girls Inc. of Omaha; Linda Steinbrink from the Academy of Family Physicians; Nautika Valentine, Kelicia Millard, Mikayla Bell, Ifeoma Ike, and Carolyn Green; Senator Bloomfield's wife, Dee, sister-in-law, Linda Bloomfield from Ponca, and Lee Homan from Pierce; 86 fourth-grade students from Waverly Intermediate; Senator Nelson's wife, Judy, and Anna Pratt from Omaha; Senator Carlson's wife, Margo, Sandi Ericson from Funk, Dorla Lindstrom from Elm Creek, and Christa Fritson and Susie Bauman from Holdrege; Senator Smith's wife, Ruth, from Papillion and Sakura Wakamasue from Tokyo, Japan; and Senator Hadley's wife, Marilyn, from Kearney and Dot Henry from Lincoln.

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

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 16, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Krist, and McGill who was excused; and Senators Campbell, Karpisek, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 887. Placed on Select File with amendment.
ER182

- 1 1. On page 1, line 11, after "construction" insert "of
- 2 statutes"; and in line 16 strike "continuing" and insert "annuity".
- 3 2. On page 7, line 14, strike "shall be", show as
- 4 stricken, and insert "is".
- 5 3. On page 30, line 17, after "(1)" insert "(a)".
- 6 4. On page 31, line 1, strike "(a)" and insert "(b)"; and
- 7 in line 8 strike "(b)" and insert "(c)".
- 8 5. On page 44, line 16, strike "act," show as stricken,
- 9 and insert "Nebraska Life and Health Insurance Guaranty Association
- 10 Act".
- 11 6. On page 66, line 1, strike "or, where" and insert ",
- 12 or if".
- 13 7. On page 69, line 21, strike the comma; and in line 22
- 14 strike "(5)(b)" and insert "(6)(b)".
- 15 8. On page 70, line 4, strike "act," show as stricken,

16 and insert "Nebraska Protection in Annuity Transactions Act.".

17 9. On page 72, lines 5, 7, and 8 and 9, strike "effective
18 date of this act" and insert "operative date of this section.".

19 10. On page 77, line 18, strike "will" and insert
20 "shall".

21 11. On page 87, line 21, after "after" insert "the".

LEGISLATIVE BILL 943. Placed on Select File.

LEGISLATIVE BILL 1043. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 864. Placed on General File with amendment.
AM1735

- 1 1. On page 3, line 1, strike "and school district" and
- 2 show as stricken.

(Signed) Colby Coash, Vice Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 751. Placed on General File with amendment.
AM1939 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

Jan Moore - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT

Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Richard DeFusco - Nebraska Investment Council

Stuart Simpson - Public Employees Retirement Board

Aye: 5 Heidemann, Karpisek, Louden, Mello, Nordquist. Nay: 0 Absent: 1 Lambert. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 401. Introduced by Smith, 14.

WHEREAS, Madison Cunningham, a student at St. Bernadette School in Bellevue, has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Ms. Cunningham has achieved an extraordinary honor in being named a State Honoree in 2012; and

WHEREAS, Ms. Cunningham gave generously of her time and energy to collect nearly eleven thousand dollars for the Alzheimer's Association in honor of her great-grandmother Carrie by organizing book sales, "dollar casual days," and "prayer requests" at her school to raise donations and awareness; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Madison Cunningham represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Madison Cunningham on being named a 2012 State Honoree in the Prudential Spirit of Community Awards and recognizes her leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Madison Cunningham.

Laid over.

ANNOUNCEMENTS

Senator Seiler designates LB996 as his priority bill.

Senator Lautenbaugh designates LB720 as his priority bill.

Senator Louden designates LB1053 as his priority bill.

Senator Wightman designates LB1102 as his priority bill.

Senator Conrad designates LB1079 as her priority bill.

The Revenue Committee designates LB727 and LB1097 as its priority bills.

Senator Cook designates LB1063 as her priority bill.

The Health and Human Services Committee designates LB821 and LB961 as its priority bills.

Senator Campbell designates LB820 as her priority bill.

Senator Cornett designates LB1050 as her priority bill.

MESSAGES FROM THE GOVERNOR

February 13, 2012

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

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

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Arts Council:

Timothy Hart, 17315 P Street, Omaha, NE 68135

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

February 13, 2012

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

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

Contingent upon your approval, the following individual is being appointed as a member of the Public Employees Retirement Board:

Ron Ecklund, 800 Danville Circle, Lincoln, NE 68510

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska

Annual Report for Fiscal Year 2010-2011
Nebraska Energy Statistics Handbook

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 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.

Nebraska Film Association

Canuteson, Beth

AT&T Inc.

Ebeler, Erin L.

General Contractors - Nebraska Building Chapter, Associated

Mines, Mick

Diageo

Mark Anthony Brands

ANNOUNCEMENT

The Chair announced February 17 is Senator Harms' birthday.

SELECT FILE

LEGISLATIVE BILL 1118. ER175, found on page 493, was adopted.

Senator Cornett renewed her amendment, AM2052, found on page 552.

The Cornett amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Cornett offered the following amendment:

AM1986

1. On page 7, line 5, strike "three" and insert "two".

Senator Cornett withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 370. Placed on Final Reading.
ST55

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

1. On page 1, lines 2 through 10 and all amendments thereto have been struck and "77-1824, 77-1825, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of delinquent real property taxes by sale of real property; to define a term; to provide for applicability; and to repeal the original sections." inserted.

LEGISLATIVE BILL 498. Placed on Final Reading.

LEGISLATIVE BILL 576. Placed on Final Reading.

LEGISLATIVE BILL 677. Placed on Final Reading.

ST56

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

1. In the Lathrop amendment, AM2022, on page 2, the matter beginning with "while" in line 12 through "clinic" in line 13 has been struck.
2. On page 1, the matter beginning with "section" in line 1 through "28-309" in line 3 has been struck and "sections 28-929, 28-930, and 28-931" inserted.

LEGISLATIVE BILL 714. Placed on Final Reading.

LEGISLATIVE BILL 770. Placed on Final Reading.

LEGISLATIVE BILL 771. Placed on Final Reading.

LEGISLATIVE BILL 836. Placed on Final Reading.

LEGISLATIVE BILL 852. Placed on Final Reading.

LEGISLATIVE BILL 853. Placed on Final Reading.

LEGISLATIVE BILL 873. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 868. Placed on General File with amendment.
AM1734

- 1 1. Strike sections 1 and 8.
- 2 2. On page 4, line 15, after "city" insert "or village";
- 3 and in lines 20 and 21 strike the new matter and insert "or a
- 4 budget by a city of the first or second class or village that
- 5 provides for a biennial period to determine and carry on the city's
- 6 or village's financial and taxing affairs".
- 7 3. Renumber the remaining sections and correct the
- 8 repealer accordingly.

(Signed) Colby Coash, Vice Chairperson

ANNOUNCEMENTS

The Government, Military and Veterans Affairs Committee designates LB971 and LB858 as its priority bills.

The Natural Resources Committee designates LB950 as its priority bill.

Senator Bloomfield designates LB907 as his priority bill.

Senator Mello designates LB983 as his priority bill.

Senator Schilz designates LB239 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ecklund, Ron-Public Employees Retirement Board-Nebraska Retirement
Systems
Hart, Timothy-Nebraska Arts Council-General Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 365. Read. Considered.

LR365 was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 686. Senator Louden renewed his amendment, FA34, found on page 548, to the committee amendment.

PRESIDENT SHEEHY PRESIDING

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 1049. Placed on General File.

(Signed) Brad Ashford, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 882. Placed on General File.

(Signed) Rich Pahls, Chairperson

ANNOUNCEMENTS

Senator Janssen designates LB209 as his priority bill.

Senator Nordquist designates LB882 as his priority bill.

Senator Heidemann designates LB1061 as his priority bill.

Senator Harms designates LB842 as his priority bill.

Senator Langemeier designates LB933 as his priority bill.

The Nebraska Retirement Systems Committee designates LB867 as its priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR365.

GENERAL FILE

LEGISLATIVE BILL 686. The Louden amendment, FA34, found on page 548 and considered in this day's Journal, to the committee amendment, was renewed.

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

Senator Dubas renewed her amendment, AM1913, found on page 552, to the committee amendment.

The Dubas amendment was adopted with 32 ayes, 3 nays, 7 present and not voting, and 7 excused and not voting.

Committee AM1774, found on page 394 and considered on pages 536 and 548, as amended, was renewed.

The committee amendment, as amended, was adopted with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 269. Placed on Final Reading.
ST58

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

1. On page 1, the matter beginning with "Director" in line 5 through the semicolon in line 6 has been struck and "University of Nebraska; to harmonize provisions;" inserted.

LEGISLATIVE BILL 470. Placed on Final Reading.

LEGISLATIVE BILL 536. Placed on Final Reading.
ST57

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

1. In the Wightman amendment, AM2046, on page 5, line 15, "76-204" has been struck and "76-203" inserted.

2. On page 1, line 1, "decedents' estates" has been struck and "real property" inserted; line 2 and all amendments thereto have been struck and "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" inserted; and in line 4 after the first semicolon "to provide exemptions from the documentary stamp tax;" has been inserted.

LEGISLATIVE BILL 646. Placed on Final Reading.
ST60

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

1. On page 1, line 3, "to prohibit expansion of a scope of practice;" has been inserted after the last semicolon.

LEGISLATIVE BILL 725. Placed on Final Reading.

LEGISLATIVE BILL 828. Placed on Final Reading.

LEGISLATIVE BILL 879. Placed on Final Reading.

LEGISLATIVE BILL 886. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1020. Placed on General File with amendment.
AM2045

- 1 1. Insert the following new section:
- 2 Sec. 7. The Nebraska Coordinated School Health Act
- 3 terminates on June 30, 2014.
- 4 2. On page 2, line 1, strike "This" and insert "Sections
- 5 1 to 7 of this"; in lines 14 and 15 strike "on July 1 of each
- 6 subsequent fiscal year" and insert "July 1, 2013"; in line 16
- 7 strike "two" and insert "one"; strike beginning with "All" in line
- 8 17 through line 20 and insert "Any unspent money from the transfer
- 9 under this subsection remaining in the Nebraska Coordinated School
- 10 Health Fund at the end of FY2013-14 shall revert to the Education
- 11 Innovation Fund."; and after line 20 insert the following new
- 12 subsection:
- 13 "(3) On July 1, 2012, and July 1, 2013, the State
- 14 Treasurer shall transfer one hundred thousand dollars from the
- 15 General Fund to the Nebraska Coordinated School Health Fund.".
- 16 3. On page 10, line 25; and page 11, line 9, strike "two"
- 17 and insert "one".
- 18 4. On page 12, lines 19 through 22, strike the new
- 19 matter.
- 20 5. On page 13, strike the new matter and reinstate the
- 21 stricken matter.
- 22 6. On page 14, lines 1 and 2, strike the new matter.
- 23 7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1079. Placed on General File with amendment.
AM2055

- 1 1. Insert the following new sections:
- 2 Sec. 8. Section 9-812, Revised Statutes Supplement, 2011,
- 3 is amended to read:
- 4 9-812 (1) All money received from the operation of
- 5 lottery games conducted pursuant to the State Lottery Act in
- 6 Nebraska shall be credited to the State Lottery Operation Trust
- 7 Fund, which fund is hereby created. All payments of the costs
- 8 of establishing and maintaining the lottery games shall be made

9 from the State Lottery Operation Cash Fund. In accordance with
10 legislative appropriations, money for payments for expenses of the
11 division shall be transferred from the State Lottery Operation
12 Trust Fund to the State Lottery Operation Cash Fund, which fund
13 is hereby created. All money necessary for the payment of lottery
14 prizes shall be transferred from the State Lottery Operation Trust
15 Fund to the State Lottery Prize Trust Fund, which fund is hereby
16 created. The amount used for the payment of lottery prizes shall
17 not be less than forty percent of the dollar amount of the lottery
18 tickets which have been sold.

19 (2) Beginning October 1, 2003, a portion of the dollar
20 amount of the lottery tickets which have been sold on an annualized
21 basis shall be transferred from the State Lottery Operation Trust
22 Fund to the Education Innovation Fund, the Nebraska Opportunity
23 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska
1 State Fair Board, and the Compulsive Gamblers Assistance Fund. The
2 dollar amount transferred pursuant to this subsection shall equal
3 the greater of (a) the dollar amount transferred to the funds
4 in fiscal year 2002-03 or (b) any amount which constitutes at
5 least twenty-two percent and no more than twenty-five percent of
6 the dollar amount of the lottery tickets which have been sold on
7 an annualized basis. To the extent that funds are available, the
8 Tax Commissioner and director may authorize a transfer exceeding
9 twenty-five percent of the dollar amount of the lottery tickets
10 sold on an annualized basis.

11 (3) Of the money available to be transferred to the
12 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
13 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,
14 and the Compulsive Gamblers Assistance Fund:

15 (a) The first five hundred thousand dollars shall be
16 transferred to the Compulsive Gamblers Assistance Fund to be used
17 as provided in section 71-817;

18 (b) Nineteen and three-fourths percent of the money
19 remaining after the payment of prizes and operating expenses and
20 the initial transfer to the Compulsive Gamblers Assistance Fund
21 shall be transferred to the Education Innovation Fund;

22 (c) Twenty-four and three-fourths percent of the money
23 remaining after the payment of prizes and operating expenses and
24 the initial transfer to the Compulsive Gamblers Assistance Fund
25 shall be transferred to the Nebraska Opportunity Grant Fund;

26 (d) Forty-four and one-half percent of the money
27 remaining after the payment of prizes and operating expenses and
1 the initial transfer to the Compulsive Gamblers Assistance Fund
2 shall be transferred to the Nebraska Environmental Trust Fund to be
3 used as provided in the Nebraska Environmental Trust Act;

4 (e) Ten percent of the money remaining after the payment
5 of prizes and operating expenses and the initial transfer to
6 the Compulsive Gamblers Assistance Fund shall be transferred to
7 the Nebraska State Fair Board if the most populous city within

8 the county in which the fair is located provides matching funds
9 equivalent to ten percent of the funds available for transfer. Such
10 matching funds may be obtained from the city and any other private
11 or public entity, except that no portion of such matching funds
12 shall be provided by the state. If the Nebraska State Fair ceases
13 operations, ten percent of the money remaining after the payment
14 of prizes and operating expenses and the initial transfer to the
15 Compulsive Gamblers Assistance Fund shall be transferred to the
16 General Fund; and

17 (f) One percent of the money remaining after the payment
18 of prizes and operating expenses and the initial transfer to the
19 Compulsive Gamblers Assistance Fund shall be transferred to the
20 Compulsive Gamblers Assistance Fund to be used as provided in
21 section 71-817.

22 (4)(a) The Education Innovation Fund is created. At least
23 seventy-five percent of the lottery proceeds allocated to the
24 Education Innovation Fund shall be available for disbursement.

25 (b) For fiscal year 2010-11, the Education Innovation
26 Fund shall be allocated as follows: The first one million
27 dollars shall be transferred to the Excellence in Teaching Cash
1 Fund to fund the Excellence in Teaching Act, and the amount
2 remaining in the Education Innovation Fund shall be allocated,
3 after administrative expenses, for distance education equipment and
4 incentives pursuant to sections 79-1336 and 79-1337.

5 (c) For fiscal year 2011-12, the Education Innovation
6 Fund shall be allocated as follows: (i) The first two hundred
7 twenty-five thousand dollars shall be transferred to the Excellence
8 in Teaching Cash Fund to fund the Attracting Excellence to Teaching
9 Program; (ii) the next three million three hundred sixty-five
10 thousand nine hundred sixty-two dollars shall be distributed
11 to school districts as grants pursuant to the Early Childhood
12 Education Grant Program; (iii) the next two million one hundred
13 seventy-five thousand six hundred seventy-three dollars shall be
14 distributed to local systems as grants for approved accelerated
15 or differentiated curriculum programs for students identified as
16 learners with high ability pursuant to section 79-1108.02; (iv)
17 the next four hundred ninety-one thousand five hundred forty-one
18 dollars shall be used by the State Department of Education for
19 the development of an integrated early childhood, elementary,
20 secondary, and postsecondary student information system; (v) the
21 next four hundred fifty thousand dollars shall fund the Center
22 for Student Leadership and Extended Learning Act; (vi) the next
23 one hundred fourteen thousand six hundred twenty-nine dollars shall
24 fund the multicultural education program created under section
25 79-720; (vii) the next one hundred twenty-three thousand four
26 hundred sixty-eight dollars shall be used by the department to
27 employ persons to investigate and prosecute alleged violations as
1 provided in section 79-868; (viii) up to the next one hundred
2 sixty thousand dollars shall be used by the department to implement

3 section 79-759; and (ix) the amount remaining shall be allocated,
4 after administrative expenses, for distance education equipment and
5 incentives pursuant to sections 79-1336 and 79-1337.

6 (d) For fiscal year 2012-13, the Education Innovation
7 Fund shall be allocated as follows: (i) The first forty-five
8 thousand dollars shall be transferred to the Excellence in Teaching
9 Cash Fund to fund the Attracting Excellence to Teaching Program;
10 (ii) the next three million three hundred sixty-five thousand
11 nine hundred sixty-two dollars shall be distributed to school
12 districts as grants pursuant to the Early Childhood Education
13 Grant Program; (iii) the next two million one hundred seventy-five
14 thousand six hundred seventy-three dollars shall be distributed to
15 local systems as grants for approved accelerated or differentiated
16 curriculum programs for students identified as learners with
17 high ability pursuant to section 79-1108.02; (iv) the next one
18 hundred eight thousand one hundred thirty-six dollars shall be
19 used by the department for the development of an integrated
20 early childhood, elementary, secondary, and postsecondary student
21 information system; (v) the next four hundred fifty thousand
22 dollars shall fund the Center for Student Leadership and Extended
23 Learning Act; (vi) the next one hundred fourteen thousand six
24 hundred twenty-nine dollars shall be used by the department to fund
25 the multicultural education program created under section 79-720;
26 (vii) the next one hundred twenty-three thousand four hundred
27 sixty-eight dollars shall be used by the department to employ
1 persons to investigate and prosecute alleged violations as provided
2 in section 79-868; (viii) up to the next one hundred sixty thousand
3 dollars shall be used by the department to implement section
4 79-759; (ix) the next twenty-seven thousand two hundred dollars
5 shall be used to fund the Interstate Compact on Educational
6 Opportunity for Military Children; (x) the next two hundred
7 thousand dollars shall be used to provide grants to establish
8 bridge programs pursuant to sections 1 to 7 of this act; and ~~(x)~~
9 (xi) the amount remaining shall be allocated, after administrative
10 expenses, for distance education equipment and incentives pursuant
11 to sections 79-1336 and 79-1337.

12 (e) For fiscal year 2013-14, the Education Innovation
13 Fund shall be allocated as follows: (i) The first one million
14 dollars shall be transferred to the Excellence in Teaching Cash
15 Fund to fund the Excellence in Teaching Act; (ii) the next
16 allocation shall be distributed to local systems as grants for
17 approved accelerated or differentiated curriculum programs for
18 students identified as learners with high ability pursuant to
19 section 79-1108.02 in an aggregated amount up to the amount
20 distributed in the prior fiscal year for such purposes increased
21 by the basic allowable growth rate pursuant to section 79-1025;
22 (iii) the next allocation shall be used by the State Department
23 of Education for the integrated early childhood, elementary,
24 secondary, and postsecondary student information system in an

25 aggregated amount up to the amount used in the prior fiscal year
26 for such purposes increased by the basic allowable growth rate
27 pursuant to section 79-1025; (iv) the next allocation shall fund
1 the Center for Student Leadership and Extended Learning Act in
2 an aggregated amount up to the amount used in the prior fiscal
3 year for such purposes increased by the basic allowable growth
4 rate pursuant to section 79-1025; (v) the next allocation shall be
5 used by the department to fund the multicultural education program
6 created under section 79-720 in an aggregated amount up to the
7 amount used in the prior fiscal year for such purposes increased
8 by the basic allowable growth rate pursuant to section 79-1025;
9 (vi) the next allocation shall be used by the department to employ
10 persons to investigate and prosecute alleged violations as provided
11 in section 79-868 in an aggregated amount up to the amount used
12 in the prior fiscal year for such purposes increased by the basic
13 allowable growth rate pursuant to section 79-1025; (vii) up to
14 the next one hundred sixty thousand dollars shall be used by the
15 department to implement section 79-759; (viii) the next two hundred
16 thousand dollars shall be used to provide grants to establish
17 bridge programs pursuant to sections 1 to 7 of this act; and (viii)
18 (ix) the amount remaining shall be allocated, after administrative
19 expenses, for distance education equipment and incentives pursuant
20 to sections 79-1336 and 79-1337.

21 (f) For fiscal ~~years 2014-15 and 2015-16,~~ year 2014-15,
22 the Education Innovation Fund shall be allocated as follows:
23 (i) The first one million dollars shall be transferred to the
24 Excellence in Teaching Cash Fund to fund the Excellence in
25 Teaching Act; (ii) the next allocation shall be distributed to
26 local systems as grants for approved accelerated or differentiated
27 curriculum programs for students identified as learners with high
1 ability pursuant to section 79-1108.02 in an aggregated amount
2 up to the amount distributed in the prior fiscal year for such
3 purposes increased by the basic allowable growth rate pursuant to
4 section 79-1025; (iii) the next allocation shall be used by the
5 State Department of Education for the integrated early childhood,
6 elementary, secondary, and postsecondary student information system
7 in an aggregated amount up to the amount used in the prior fiscal
8 year for such purposes increased by the basic allowable growth
9 rate pursuant to section 79-1025; (iv) the next allocation shall
10 fund the Center for Student Leadership and Extended Learning Act
11 in an aggregated amount up to the amount used in the prior fiscal
12 year for such purposes increased by the basic allowable growth
13 rate pursuant to section 79-1025; (v) the next allocation shall be
14 used by the department to fund the multicultural education program
15 created under section 79-720 in an aggregated amount up to the
16 amount used in the prior fiscal year for such purposes increased
17 by the basic allowable growth rate pursuant to section 79-1025;
18 (vi) the next allocation shall be used by the department to employ
19 persons to investigate and prosecute alleged violations as provided

20 in section 79-868 in an aggregated amount up to the amount used
21 in the prior fiscal year for such purposes increased by the basic
22 allowable growth rate pursuant to section 79-1025; (vii) the next
23 two hundred thousand dollars shall be used to provide grants to
24 establish bridge programs pursuant to sections 1 to 7 of this
25 act; and ~~(vii)~~(viii) the amount remaining shall be allocated,
26 after administrative expenses, for distance education equipment and
27 incentives pursuant to sections 79-1336 and 79-1337.

1 (g) For fiscal year 2015-16, the Education Innovation
2 Fund shall be allocated as follows: (i) The first one million
3 dollars shall be transferred to the Excellence in Teaching Cash
4 Fund to fund the Excellence in Teaching Act; (ii) the next
5 allocation shall be distributed to local systems as grants for
6 approved accelerated or differentiated curriculum programs for
7 students identified as learners with high ability pursuant to
8 section 79-1108.02 in an aggregated amount up to the amount
9 distributed in the prior fiscal year for such purposes increased
10 by the basic allowable growth rate pursuant to section 79-1025;
11 (iii) the next allocation shall be used by the State Department
12 of Education for the integrated early childhood, elementary,
13 secondary, and postsecondary student information system in an
14 aggregated amount up to the amount used in the prior fiscal year
15 for such purposes increased by the basic allowable growth rate
16 pursuant to section 79-1025; (iv) the next allocation shall fund
17 the Center for Student Leadership and Extended Learning Act in
18 an aggregated amount up to the amount used in the prior fiscal
19 year for such purposes increased by the basic allowable growth
20 rate pursuant to section 79-1025; (v) the next allocation shall
21 be used by the department to fund the multicultural education
22 program created under section 79-720 in an aggregated amount up
23 to the amount used in the prior fiscal year for such purposes
24 increased by the basic allowable growth rate pursuant to section
25 79-1025; (vi) the next allocation shall be used by the department
26 to employ persons to investigate and prosecute alleged violations
27 as provided in section 79-868 in an aggregated amount up to the
1 amount used in the prior fiscal year for such purposes increased
2 by the basic allowable growth rate pursuant to section 79-1025; and
3 (vii) the amount remaining shall be allocated, after administrative
4 expenses, for distance education equipment and incentives pursuant
5 to sections 79-1336 and 79-1337.

6 (h) For fiscal year 2016-17 and each fiscal year
7 thereafter, the Education Innovation Fund shall be allocated,
8 after administrative expenses, for education purposes as provided
9 by the Legislature.

10 (5) Any money in the State Lottery Operation Trust
11 Fund, the State Lottery Operation Cash Fund, the State Lottery
12 Prize Trust Fund, or the Education Innovation Fund available
13 for investment shall be invested by the state investment officer

14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

16 (6) Unclaimed prize money on a winning lottery ticket
17 shall be retained for a period of time prescribed by rules and
18 regulations. If no claim is made within such period, the prize
19 money shall be used at the discretion of the Tax Commissioner for
20 any of the purposes prescribed in this section.

21 Sec. 9. This act terminates on June 30, 2015.

22 Sec. 10. Original section 9-812, Revised Statutes
23 Supplement, 2011, is repealed.

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

26 2. On page 2, line 14, strike "community college" and
27 insert "a provider of basic skills education and training"; in line
1 18 strike "\$XXX" and insert "\$200,000 each fiscal year for three
2 consecutive fiscal years beginning with FY2012-13"; in lines 19 and
3 20 strike "to community colleges"; in line 24 strike "among" and
4 insert "between"; and in line 25 strike the comma and insert "and".

5 3. On page 3, lines 1 and 2, strike beginning with
6 the underscored comma through "Nebraska"; in line 19 strike "an
7 application" and insert "a competitive"; and in line 23 strike
8 "Community college applicants" and insert "Applicants".

LEGISLATIVE BILL 1090. Placed on General File with amendment.
AM1823

1 1. On page 3, line 12, after "preference" insert "in the
2 following order of priority"; strike beginning with "Service" in
3 line 13 through "(b)" in line 15; in line 15 strike the first "in"
4 and insert "located within the boundaries of"; in line 17 strike
5 "; and" and insert "or located within the boundaries of a census
6 tract in which fifty percent or more of the children fall under
7 the poverty threshold as defined by the United States Department of
8 Agriculture"; in line 18 strike "(c)" and insert "(b)" and strike
9 "in school districts"; in line 19 strike the underscored period
10 and insert "; and"; and after line 19 insert the following new
11 subdivision:

12 "(c) Service institutions that currently participate in
13 the Summer Food Service Program.".

(Signed) Greg Adams, Chairperson

Judiciary

LEGISLATIVE BILL 398. Placed on General File with amendment.
AM1789

1 1. On page 3, strike lines 13 through 15 and insert the
2 following new subsection:

3 "(8) No person shall be appointed a notary public unless
4 he or she resides in the State of Nebraska, except that the

5 Secretary of State may appoint and commission a person as a
 6 notary public who resides in a state that borders the State of
 7 Nebraska if such person is employed in or has a regular place
 8 of work or business in this state and the Secretary of State has
 9 obtained evidence of an address of the physical location of such
 10 employment or place of work or business prior to such appointment
 11 and commission.".

LEGISLATIVE BILL 793. Placed on General File with amendment.
 AM2056

1 1. On page 2, line 19, strike "declared" and insert
 2 "found"; in line 22 strike "may" and insert "shall"; and in line 23
 3 strike "imminent".

LEGISLATIVE BILL 933. Placed on General File with amendment.
 AM2001

1 1. On page 4, strike beginning with "If" in line 9
 2 through the period in line 18 and show the old matter as
 3 stricken; and in line 24 after the stricken period insert "If
 4 the child is absent more than twenty days per year or the hourly
 5 equivalent, the attendance officer shall file a report with the
 6 county attorney of the county in which the person resides on a
 7 form which includes the following three statements, at least one of
 8 which must be designated by the school representative signing the
 9 report: (a) The absences are due to documented illness that makes
 10 attendance impossible or impracticable or are otherwise excused
 11 by school authorities; (b) the school representative requests
 12 additional time to work with the student prior to intervention by
 13 the county attorney; and (c) the school representative believes
 14 that the school has used all reasonable efforts to resolve the
 15 student's excessive absenteeism without success and recommends
 16 county attorney intervention. If further action is necessary to
 17 address the child's attendance, the initial meeting between the
 18 parent or guardian of the child, the school, and the county
 19 attorney or his or her designee shall be at a location determined
 20 by the school.".

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB751:
 AM2032

(Amendments to Standing Committee amendments, AM1939)

1 1. Insert the following new section:
 2 Sec. 16. Section 60-479.01, Revised Statutes Supplement,
 3 2011, is amended to read:
 4 60-479.01 (1) All persons handling source documents or
 5 engaged in the issuance of new, renewed, or reissued operators'

6 licenses or state identification cards shall have periodic
7 fraudulent document recognition training.

8 (2) This subsection applies beginning on an
9 implementation date designated by the director on or before
10 January 1, 2014. All persons and agents of the department involved
11 in the recording of verified application information or verified
12 operator's license and state identification card information,
13 involved in the manufacture or production of licenses or cards,
14 or who have the ability to affect information on such licenses or
15 cards shall be subject to a criminal history record information
16 check, including a check of prior employment references, and a
17 lawful status check as required by 6 C.F.R. part 37, as such part
18 existed on January 1, 2012. Such persons and agents shall provide
19 fingerprints which shall be submitted to the Federal Bureau of
20 Investigation. The bureau shall use its records for the criminal
21 history background check.

22 (3) Upon receipt of a request pursuant to subsection
1 (2) of this section, the Nebraska State Patrol shall undertake a
2 search for criminal history record information relating to such
3 applicant, including transmittal of the applicant's fingerprints to
4 the Federal Bureau of Investigation for a national criminal history
5 record information check. The criminal history record information
6 check shall include information concerning the applicant from
7 federal repositories of such information and repositories of such
8 information in other states, if authorized by federal law. The
9 Nebraska State Patrol shall issue a report to the employing public
10 agency that shall include the criminal history record information
11 concerning the applicant. The cost of any background check shall be
12 borne by the employer of the person or agent.

13 (4) Any person convicted of any disqualifying offense as
14 provided in 6 C.F.R. part 37, as such part existed on January 1,
15 ~~2011, 2012~~, shall not be involved in the recording of verified
16 application information or verified operator's license and state
17 identification card information, involved in the manufacture or
18 production of licenses or cards, or involved in any capacity in
19 which such person would have the ability to affect information on
20 such licenses or cards. Any employee or prospective employee of the
21 department shall be provided notice that he or she will undergo
22 such criminal history record information check prior to employment
23 or prior to any involvement with the issuance of operators'
24 licenses or state identification cards.

25 2. Correct the operative date and repealer sections so
26 that the section added by this amendment becomes operative on its
27 effective date.

1 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Tuesday, February 28, 2012 1:00 p.m.

William, Marshall, III - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

ANNOUNCEMENTS

Senator Council designates LB1128 as her priority bill.

Senator Flood designates LB1114 as his priority bill.

Senator Fulton designates LB804 as his priority bill.

Senator Coash designates LB959 as his priority bill.

Senator Pirsch designates LB461 as his priority bill.

Senator Howard designates LB993 as her priority bill.

The Executive Board designates LR373CA and LB711 as its priority resolution and bill.

Senator Nelson designates LB872 as his priority bill.

Senator Lathrop designates LB1071 as his priority bill.

Senator Hansen designates LB799 as his priority bill.

Senator Schumacher designates LB735 as his priority bill.

Senator Pahls designates LB962 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB963 and LB965 as its priority bills.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Flood has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 849. Title read. Considered.

Committee AM1777, found on page 365, was considered.

Senator Langemeier renewed his amendment, AM1873, found on page 474, to the committee amendment.

The Langemeier amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1018. Title read. Considered.

Committee AM1800, found on page 409, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1064. Title read. Considered.

Committee AM1790, found on page 409, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 773. Title read. Considered.

Committee AM1714, found on page 409, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

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

LEGISLATIVE BILL 904. Title read. Considered.

Committee AM1722, found on page 418, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 800. Placed on Final Reading.

LEGISLATIVE BILL 854. Placed on Final Reading.

LEGISLATIVE BILL 890. Placed on Final Reading.

LEGISLATIVE BILL 911. Placed on Final Reading.

LEGISLATIVE BILL 942. Placed on Final Reading.

ST59

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

1. On page 1, line 3, "change" has been inserted after the first "to".

(Signed) Tyson Larson, Chairperson

ANNOUNCEMENTS

The Agriculture Committee designates LB1057 and LB905 as its priority bills.

The Business and Labor Committee designates LB1058 and LB1151 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducer

Senator Smith asked unanimous consent to add his name as cointroducer to LB1080. No objections. So ordered.

VISITORS

Visitors to the Chamber were participants in the Nebraska Cattlemen Young Cattlemen's Conference from across the state.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 21, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

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

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

PRAYER

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

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 723. Placed on Select File.

LEGISLATIVE BILL 794. Placed on Select File.

LEGISLATIVE BILL 831. Placed on Select File.

LEGISLATIVE BILL 871. Placed on Select File with amendment.

ER183

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

LEGISLATIVE BILL 686. Placed on Select File with amendment.

ER184

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1118. Placed on Final Reading.

ST61

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

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

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

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 735. Title read. Considered.

Committee AM1769, found on page 441, was considered.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1053. Placed on General File.

LEGISLATIVE BILL 1101. Placed on General File.

LEGISLATIVE BILL 14. Placed on General File with amendment.

AM1954 is available in the Bill Room.

LEGISLATIVE BILL 971. Placed on General File with amendment.

AM1970 is available in the Bill Room.

LEGISLATIVE BILL 1157. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

ANNOUNCEMENT

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

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB975:
AM1937

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Smith filed the following amendment to LB773:
 AM2047

(Amendments to Standing Committee amendments, AM1714)

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 793A. Introduced by Lautenbaugh, 18.

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

GENERAL FILE

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

FA35

Amend AM1769

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

PRESIDENT SHEEHY PRESIDING

Senator Louden withdrew his amendment.

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

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

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

LEGISLATIVE BILL 209. Title read. Considered.

Committee AM1949, found on page 514, was considered.

SENATOR GLOOR PRESIDING

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

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

LEGISLATIVE BILL 996. Title read. Considered.

Pending.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1139. Placed on General File.

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

- 1 1. Insert the following new sections:
- 2 Sec. 5. Section 53-160, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-160 (1) For the purpose of raising revenue, a tax
- 5 is imposed upon the privilege of engaging in business as a
- 6 manufacturer or a wholesaler at a rate of thirty-one cents per
- 7 gallon on all beer; ninety-five cents per gallon for wine, except
- 8 for wines produced and released from bond in farm wineries; six
- 9 cents per gallon for wine produced and released from bond in farm
- 10 wineries; and three dollars and seventy-five cents per gallon on
- 11 alcohol and spirits manufactured and sold by such manufacturer or
- 12 shipped for sale in this state by such wholesaler in the course of
- 13 such business. The gallonage tax imposed by this subsection shall
- 14 be imposed only on alcoholic liquor upon which a federal excise tax
- 15 is imposed.
- 16 (2) Manufacturers or wholesalers of alcoholic liquor
- 17 shall be exempt from the payment of the gallonage tax on such
- 18 alcoholic liquor upon satisfactory proof, including bills of lading
- 19 furnished to the commission by affidavit or otherwise as the
- 20 commission may require, that such alcoholic liquor was manufactured
- 21 in this state but shipped out of the state for sale and consumption
- 22 outside this state.
- 23 (3) Dry wines or fortified wines manufactured or shipped
- 1 into this state solely and exclusively for sacramental purposes and
- 2 uses shall not be subject to the gallonage tax.
- 3 (4) The gallonage tax shall not be imposed upon any
- 4 alcoholic liquor, whether manufactured in or shipped into this
- 5 state, when sold to a licensed nonbeverage user for use in
- 6 the manufacture of any of the following when such products are
- 7 unfit for beverage purposes: Patent and proprietary medicines and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 3. Renumber the remaining section accordingly.

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Christensen filed the following amendment to LB653:
AM2028

(Amendments to Standing Committee amendments, AM1844)

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 1090A. Introduced by Wallman, 30.

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

RESOLUTION

LEGISLATIVE RESOLUTION 402. Introduced by Campbell, 25.

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

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

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

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

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

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

VISITORS

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 22, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 2012

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad and Larson who were excused; and Senators Cook, Lautenbaugh, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 949. Placed on General File.

LEGISLATIVE BILL 1042. Placed on General File.

LEGISLATIVE BILL 788. Placed on General File with amendment.
AM1839

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 38-3214, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-3214 Any health care facility or home care agency
- 6 providing inpatient or outpatient respiratory care service shall
- 7 designate a medical director, who shall be a licensed physician who
- 8 has special interest and knowledge in the diagnosis and treatment
- 9 of respiratory problems. Such physician shall (1) be an active
- 10 medical staff member of a licensed health care facility, (2)
- 11 whenever possible be qualified by special training or experience
- 12 in the management of acute and chronic respiratory disorders,

13 and (3) be competent to monitor and assess the quality, safety,
 14 and appropriateness of the respiratory care services which are
 15 being provided. The medical director shall be accessible to and
 16 assure the competency of respiratory care practitioners and shall
 17 require that respiratory care be ordered by a licensed physician,
 18 a licensed physician assistant, a nurse practitioner as defined
 19 in section 38-2312, or a certified registered nurse anesthetist as
 20 defined in section 38-704, who has medical responsibility for any
 21 patient that needs such care.

22 Sec. 2. Section 38-3215, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

1 38-3215 The practice of respiratory care shall be
 2 performed only under the direction of a medical director and upon
 3 the order of a licensed physician, a licensed physician assistant,
 4 a nurse practitioner as defined in section 38-2312, or a certified
 5 registered nurse anesthetist as defined in section 38-704.

6 Sec. 3. Original sections 38-3214 and 38-3215, Reissue
 7 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 842. Placed on General File with amendment.
 AM2036

1 1. Insert the following new sections:

2 Sec. 2. The Department of Health and Human Services shall
 3 collect the following data and information yearly:

4 (1) The total number of participants in the aid to
 5 dependent children program described in section 43-512 pursuing an
 6 associate degree;

7 (2) Graduation rates of such participants, the number
 8 of participants that are making satisfactory progress in their
 9 educational pursuits, and the length of time participants
 10 participate in education to fulfill their work requirement under
 11 the program;

12 (3) The monthly earnings, educational level attained, and
 13 employment status of such participants at six months and at twelve
 14 months after terminating participation in the aid to dependent
 15 children program; and

16 (4) A summary of activities performed by the department
 17 to promote postsecondary educational opportunities to participants
 18 in the aid to dependent children program.

19 Sec. 3. (1) The Department of Health and Human Services
 20 shall provide a report to the Governor and the Legislature no
 21 later than December 1 each year regarding the data and information
 22 collected pursuant to section 2 of this act, including a summary of
 23 such data and information.

1 (2) The data and information collected under such section
 2 shall be considered a public record under section 84-712.01.

3 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 891. Placed on General File with amendment.
AM1754

1 1. On page 4, after line 23, insert the following new
2 subdivision:
3 "(c) Beginning with FY2012-13, the department shall
4 utilize no more than one-half of the current General Fund
5 appropriation for AIDS drug assistance to implement the waiver
6 provided for in this subsection. The department may limit
7 participation in the medical assistance program pursuant to the
8 waiver provided under this subsection to meet budget neutrality
9 requirements of the waiver and to provide such coverage under
10 current General Fund appropriation but may cover no fewer than
11 eighty individuals and no more than one hundred fifty individuals
12 pursuant to the waiver.".

LEGISLATIVE BILL 995. Placed on General File with amendment.
AM1810

1 1. On page 12, line 19, after "trustees" insert ". Any
2 issuance of revenue bonds for which the revenue of the facility has
3 been pledged shall be subject to approval by the county board".
4 2. On page 14, line 15, after "facility" insert ". The
5 board of trustees shall file such bylaws, rules, and regulations
6 with the county board".

LEGISLATIVE BILL 1062. Placed on General File with amendment.
AM1956

1 1. On page 2, lines 2 and 3, strike "or the child
2 placement agency"; in line 6 after "assistance" insert "and
3 designating a guardian for the child in case of the death of
4 the adoptive parent or parents"; in line 8 strike "sections 43-117
5 to 43-117.02" and insert "section 43-117" and after "adoptive"
6 insert "parent or"; in lines 9 and 10 strike "the need for the
7 assistance continues and"; and in line 15 strike "such sections"
8 and insert "section 43-117".

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 403. Introduced by Fischer, 43.

WHEREAS, the Valentine Badgers won the 2012 Class C State Wrestling Championship; and

WHEREAS, the Badgers qualified nine wrestlers for state competition; and

WHEREAS, the Badgers' Bart Miller won the 113-pound division and Marcus Nelson won the 145-pound division; and

WHEREAS, the Badgers also had taken first place at the district finals; 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 Valentine Badgers on winning the 2012 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Badgers and their coach, Shane Allison.

Laid over.

LEGISLATIVE RESOLUTION 404. Introduced by Fischer, 43.

WHEREAS, Marcus Nelson of Valentine won the 2012 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Marcus finished the wrestling season with a record of 37-5; and

WHEREAS, Marcus's win gave him his second state wrestling title; 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 Marcus Nelson on winning the 2012 Class C State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Marcus Nelson.

Laid over.

LEGISLATIVE RESOLUTION 405. Introduced by Fischer, 43.

WHEREAS, Bart Miller of Valentine won the 2012 Class C State Wrestling Championship in the 113-pound division; and

WHEREAS, Bart finished the wrestling season with a record of 33-1; 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 Bart Miller on winning the 2012 Class C State Wrestling Championship in the 113-pound division.

2. That a copy of this resolution be sent to Bart Miller.

Laid over.

LEGISLATIVE RESOLUTION 406. Introduced by Fischer, 43.

WHEREAS, Tanner Johnson of Gordon-Rushville won the 2012 Class C State Wrestling Championship in the 220-pound division; and

WHEREAS, Tanner finished the wrestling season with a record of 36-4; 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 Tanner Johnson on winning the 2012 Class C State Wrestling Championship in the 220-pound division.

2. That a copy of this resolution be sent to Tanner Johnson.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 397, 398, 399, and 400 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 397, 398, 399, and 400.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1063. Placed on General File with amendment. AM2044

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 8 of this act shall be known and
- 4 may be cited as the Children's Health and Treatment Act.
- 5 Sec. 2. The purposes of the Children's Health and
- 6 Treatment Act are to:
- 7 (1) Clarify the meaning of the term medically necessary
- 8 for purposes of the medical assistance program for children under
- 9 nineteen years of age, to ensure children obtain needed services;
- 10 (2) Prohibit certain diagnosis-based exclusions; and
- 11 (3) Preserve family unity by ensuring that children
- 12 eligible for the medical assistance program receive necessary
- 13 health care services and treatment.
- 14 Sec. 3. For purposes of the Children's Health and
- 15 Treatment Act:
- 16 (1) Department means the Department of Health and Human
- 17 Services;

18 (2) Medical assistance program means the program
19 established pursuant to section 68-903; and

20 (3) Medically necessary means necessary to correct or
21 ameliorate defects or physical or mental illnesses or conditions.

22 Sec. 4. (1) In accordance with 42 U.S.C. 1396a(a)(43)
23 and 42 U.S.C. 1396d(r), as such sections existed on January 1,
1 2012, the department shall provide early and periodic screening,
2 diagnostic, and treatment services to all children under nineteen
3 years of age who are eligible for coverage under the medical
4 assistance program.

5 (2) For children under nineteen years of age, the
6 department shall provide or arrange for the provision of necessary
7 health care diagnostic and treatment screening and other measures
8 described in 42 U.S.C. 1396d(a), as such section existed on
9 January 1, 2012, to correct or ameliorate defects or physical or
10 mental illnesses or conditions discovered by the screening process
11 regardless of whether such health care diagnostic and treatment
12 screening and other measures described in 42 U.S.C. 1396d(a), as
13 such section existed on January 1, 2012, are covered services
14 under the medicaid state plan. All such services and other measures
15 shall be provided or authorized when they are determined to be
16 medically necessary. Medical necessity shall be determined on an
17 individualized, case-by-case basis for each child.

18 Sec. 5. The Children's Health and Treatment Act does
19 not limit the authority of the department or a department
20 contractor to (1) limit coverage of treatments or services that
21 are unsafe, experimental, or not generally accepted as treatment
22 within the medical community, (2) use utilization controls or prior
23 authorization for services, or (3) perform utilization reviews.

24 Sec. 6. (1) The department may not arbitrarily deny or
25 reduce the amount, duration, or scope of a required service to an
26 otherwise eligible recipient solely because of the diagnosis, type
27 of illness, or condition.

1 (2) The department shall not deny or reduce the amount,
2 duration, or scope of a required service to an otherwise eligible
3 recipient under nineteen years of age, based solely on the
4 recipient's age.

5 Sec. 7. The department shall adopt and promulgate rules
6 and regulations to carry out the Children's Health and Treatment
7 Act. On and after the effective date of this act, the department
8 shall not apply clinical criteria or guidelines, medical necessity
9 criteria, or other similar criteria to determine medical necessity
10 that are inconsistent with the Children's Health and Treatment Act
11 or that have not been adopted and promulgated pursuant to the
12 Administrative Procedure Act.

13 Sec. 8. The Children's Health and Treatment Act shall be
14 interpreted to be consistent with 42 U.S.C. 1396a(a)(43) and 42
15 U.S.C. 1396d(r), as such sections existed on January 1, 2012, and
16 shall be reasonably and broadly construed in favor of providing

17 treatment and services rather than excluding or denying treatment
 18 or services.

19 Sec. 9. Section 68-901, Revised Statutes Supplement,
 20 2011, is amended to read:

21 68-901 Sections 68-901 to 68-971 and sections 1 to 8 of
 22 this act shall be known and may be cited as the Medical Assistance
 23 Act.

24 Sec. 10. Section 68-912, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 68-912 (1) Except as otherwise provided in the Children's
 27 Health and Treatment Act:

1 (a) The department may establish ~~(a)-(i)~~ premiums,
 2 copayments, and deductibles for goods and services provided under
 3 the medical assistance program, ~~(b)-(ii)~~ limits on the amount,
 4 duration, and scope of goods and services that recipients may
 5 receive under the medical assistance program, and ~~(c)-(iii)~~
 6 requirements for recipients of medical assistance as a necessary
 7 condition for the continued receipt of such assistance, including,
 8 but not limited to, active participation in care coordination and
 9 appropriate disease management programs and activities;:

10 ~~(2)-(b)~~ In establishing and limiting coverage for
 11 services under the medical assistance program, the department shall
 12 consider ~~(a)-(i)~~ the effect of such coverage and limitations
 13 on recipients of medical assistance and medical assistance
 14 expenditures, ~~(b)-(ii)~~ the public policy in section 68-905, ~~(c)~~
 15 ~~(iii)~~ the experience and outcomes of other states, ~~(d)-(iv)~~ the
 16 nature and scope of benchmark or benchmark-equivalent health
 17 insurance coverage as recognized under federal law, and ~~(e)-(v)~~
 18 other relevant factors as determined by the department; and:

19 ~~(3)-(c)~~ Coverage for mandatory and optional services and
 20 limitations on covered services as established by the department
 21 prior to July 1, 2006, shall remain in effect until revised,
 22 amended, repealed, or nullified pursuant to law. Any proposed
 23 reduction or expansion of services or limitation of covered
 24 services by the department under this section shall be subject
 25 to the reporting and review requirements of section 68-909.

26 ~~(4)-(2)~~ Except as otherwise provided in this subsection,
 27 proposed rules and regulations under this section relating to the
 1 establishment of premiums, copayments, or deductibles for eligible
 2 recipients or limits on the amount, duration, or scope of covered
 3 services for eligible recipients shall not become effective until
 4 the conclusion of the earliest regular session of the Legislature
 5 in which there has been a reasonable opportunity for legislative
 6 consideration of such rules and regulations. This subsection does
 7 not apply to rules and regulations that are (a) required by
 8 federal or state law, (b) related to a waiver in which recipient
 9 participation is voluntary, or (c) proposed due to a loss of
 10 federal matching funds relating to a particular covered service
 11 or eligibility category. Legislative consideration includes, but

12 is not limited to, the introduction of a legislative bill, a
 13 legislative resolution, or an amendment to pending legislation
 14 relating to such rules and regulations.

15 Sec. 11. If any section in this act or any part of any
 16 section is declared invalid or unconstitutional, the declaration
 17 shall not affect the validity or constitutionality of the remaining
 18 portions.

19 Sec. 12. Original section 68-912, Reissue Revised
 20 Statutes of Nebraska, and section 68-901, Revised Statutes
 21 Supplement, 2011, are repealed.

LEGISLATIVE BILL 1158. Placed on General File with amendment.
 AM1936

1 1. Insert the following section:

2 Section 1. Section 68-908, Revised Statutes Cumulative
 3 Supplement, 2010, is amended to read:

4 68-908 (1) The department shall administer the medical
 5 assistance program.

6 (2) The department may (a) enter into contracts
 7 and interagency agreements, (b) adopt and promulgate rules
 8 and regulations, (c) adopt fee schedules, (d) apply for and
 9 implement waivers and managed care plans for services for eligible
 10 recipients, including services under the Nebraska Behavioral
 11 Health Services Act, and (e) perform such other activities as
 12 necessary and appropriate to carry out its duties under the
 13 Medical Assistance Act. A covered item or service as described
 14 in section 68-911 that is furnished through a school-based health
 15 center, furnished by a provider, and furnished under a managed
 16 care plan pursuant to a waiver does not require prior consultation
 17 or referral by a patient's primary care physician to be covered.
 18 Any federally qualified health center providing services as a
 19 sponsoring facility of a school-based health center shall be
 20 reimbursed for such services provided at a school-based health
 21 center at the federally qualified health center reimbursement rate.

22 (3) The department shall maintain the confidentiality
 23 of information regarding applicants for or recipients of medical
 1 assistance and such information shall only be used for purposes
 2 related to administration of the medical assistance program and the
 3 provision of such assistance or as otherwise permitted by federal
 4 law.

5 (4)(a) The department shall prepare an annual summary
 6 and analysis of the medical assistance program for legislative
 7 and public review, including, but not limited to, a description
 8 of eligible recipients, covered services, provider reimbursement,
 9 program trends and projections, program budget and expenditures,
 10 the status of implementation of the Medicaid Reform Plan, and
 11 recommendations for program changes.

12 (b) The department shall provide a draft report of such
 13 summary and analysis to the Medicaid Reform Council no later than

14 September 15 of each year. The council shall conduct a public
 15 meeting no later than October 1 of each year to discuss and receive
 16 public comment regarding such report. The council shall provide
 17 any comments and recommendations regarding such report in writing
 18 to the department no later than November 1 of each year. The
 19 department shall submit a final report of such summary and analysis
 20 to the Governor, the Legislature, and the council no later than
 21 December 1 of each year. Such final report shall include a response
 22 to each written recommendation provided by the council.

23 2. On page 3, line 1, strike "1" and insert "2"; and in
 24 line 5 strike "is" and insert "and section 68-908, Revised Statutes
 25 Cumulative Supplement, 2010, are".

26 3. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 720. Placed on General File with amendment.
 AM1843

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

3 Section 1. Section 32-545, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 32-545 (1) A member of the board of education of a Class
 6 V school district shall be elected from each district provided for
 7 in section 32-552. The members shall meet the qualifications found
 8 in ~~section~~ sections 79-543 and 79-552. ~~At each statewide general~~
 9 election, six

10 (2) The term of office of each member serving on the
 11 effective date of this act expires on the first Monday of January
 12 2013.

13 (3) Any eligible registered voter may file a candidate
 14 filing form on or before August 1, 2012, for placement of his
 15 or her name on the nonpartisan ballot for the statewide general
 16 election in November 2012 for the district in which he or she
 17 resides.

18 (4) At the statewide general election in November 2012,
 19 members representing odd-numbered districts shall be elected for
 20 four-year terms and members representing even-numbered districts
 21 shall be elected for two-year terms. Such terms begin on the first
 22 Monday of January 2013. Thereafter, members of the board shall be
 23 elected to serve for four years from and including the first Monday
 1 of the January following their election or until their successors
 2 are elected and qualified. ~~Candidates~~

3 (5) Beginning in 2014, candidates shall be nominated at
 4 the statewide primary election upon a nonpartisan ballot. ~~At the~~
 5 statewide general election in 1976 and each four years thereafter,
 6 one member shall be elected from each even-numbered district.

7 ~~At the statewide general election in 1978 and each four years~~
 8 ~~thereafter, one member shall be elected from each odd numbered~~
 9 ~~district. The members shall meet the qualifications found in~~
 10 ~~section 79-543.~~

11 Sec. 2. Section 32-552, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 32-552 (1) At least five months prior to an election,
 14 the governing board of any political subdivision requesting the
 15 adjustment of the boundaries of election districts shall provide
 16 written notification to the election commissioner or county clerk
 17 of the need and necessity of his or her office to perform such
 18 adjustments.

19 (2) After the next federal decennial census, the election
 20 commissioner of the county in which the greater part of a Class IV
 21 school district is situated shall, subject to review by the school
 22 board, divide the school district into seven numbered districts,
 23 substantially equal in population as determined by the most recent
 24 federal decennial census. The election commissioner shall consider
 25 the location of schools within the district and their boundaries.
 26 The election commissioner shall adjust the boundaries of the
 27 election districts, subject to final review and adjustment by the
 1 school board, to conform to changes in the territory and population
 2 of the school district and also following each federal decennial
 3 census. Except when specific procedures are otherwise provided,
 4 section 32-553 shall apply to all Class IV school districts.

5 (3) The election commissioner of the county in which the
 6 greater part of a Class V school district is situated shall divide
 7 the school district into ~~twelve~~ seven numbered districts of compact
 8 and contiguous territory and of as nearly equal population as may
 9 be practical. The election commissioner shall adjust the boundaries
 10 of such districts, subject to final review and adjustment by the
 11 school board, to conform to changes in the territory of the school
 12 district and also following each federal decennial census. The
 13 twelve numbered districts in existence on the effective date of
 14 this act shall remain unchanged until January 7, 2013, for purposes
 15 of members whose terms expire in January 2013.

16 Sec. 3. Section 79-4,129, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 79-4,129 (1) Within thirty days after the classification
 19 of the reorganized school districts by the county clerk under
 20 section 79-4,128, the state committee shall appoint from among the
 21 legal voters of each new school district created the number of
 22 members necessary to constitute a school board of the class in
 23 which the new school district has been classified. A reorganized
 24 school district shall be formed and organized and shall have a
 25 school board not later than April 1 following the last legal
 26 action, as prescribed in section 79-4,128, necessary to effect the
 27 changes in boundaries as set forth in the plan of reorganization,
 1 although the physical reorganization of such reorganized school

2 district shall take effect July 1 following the classification of
3 the reorganized school districts under section 79-4,128. The first
4 board shall be appointed on an at-large basis, and all boards
5 shall be elected at large until such time as election districts are
6 established as provided in section 32-554.

7 (2) In appointing the first school board of a Class
8 II school district, the members shall be appointed so that the
9 terms of three members expire on the date of the first regular
10 meeting of the board in January after the first even-numbered year
11 following their appointment and the terms of the three remaining
12 members expire on the date of the first regular meeting of the
13 board in January after the second even-numbered year following
14 their appointment. At the statewide general election in the first
15 even-numbered year after the reorganization, three board members
16 in each Class II school district shall be elected to terms of
17 four years. Thereafter all candidates shall be elected to terms
18 of four years. Each member's term shall begin on the date of the
19 first regular meeting of the board in January following his or her
20 election.

21 (3) In appointing the first school board of a Class
22 III school district with a six-member board serving terms of
23 four years, the terms of three members shall expire on the first
24 Thursday after the first Tuesday in January after the first
25 even-numbered year following their appointment and the terms of
26 the three remaining members shall expire on the first Thursday
27 after the first Tuesday in January after the second even-numbered
1 year following their appointment. Thereafter all Class III district
2 school boards with six-member boards shall be elected to terms of
3 four years.

4 (4) In appointing the first school board of a Class
5 III school district with a nine-member board serving terms of
6 four years, the terms of four members shall expire on the first
7 Thursday after the first Tuesday in January after the first
8 even-numbered year following their appointment and the terms of
9 five members shall expire on the first Thursday after the first
10 Tuesday in January after the second even-numbered year following
11 their appointment. Thereafter all Class III district school boards
12 with nine-member boards shall be elected to terms of four years.

13 (5) In appointing the first school board of a Class IV
14 school district, the members shall be appointed so that the terms
15 of three members shall expire on the third Monday in May of the
16 first odd-numbered year following their appointment and the terms
17 of four members shall expire on the third Monday in May of the
18 second odd-numbered year following their appointment. Thereafter
19 all Class IV district school boards shall be elected to terms of
20 four years.

21 (6) In appointing the first school board of a Class V
22 school district after a reorganization under this section with
23 a ~~twelve member~~ seven-member board serving terms of four years,

24 the terms of ~~six-three~~ members shall expire on the first Monday
 25 in January after the first even-numbered year following their
 26 appointment and the terms of ~~six-four~~ members shall expire on
 27 the first Monday in January after the second even-numbered year
 1 following their appointment. Thereafter all Class V district school
 2 boards shall be elected to terms of four years.

3 (7) The school boards appointed under this section shall
 4 proceed at once to organize in the manner prescribed by law.

5 Sec. 4. Section 79-552, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 79-552 (1) The board of education of a Class V school
 8 district shall consist of twelve members, ~~one until the first~~
 9 Monday in January 2013 and shall consist of seven members beginning
 10 on such day. One member shall be elected from each district
 11 pursuant to section 32-545. Such board of education, and also
 12 may also include a nonvoting student member or members selected
 13 pursuant to section 79-559. Each elected member shall be a resident
 14 of the district for at least six months prior to the election. Each
 15 candidate for election to and each member of the board of education
 16 shall be a taxpayer in and a resident of the district of such
 17 school district as designated pursuant to section 32-552.

18 (2) All persons elected as members of the board of
 19 education shall take and subscribe to the usual oath of office
 20 before the first Monday in January following their election, and
 21 the student member shall take and subscribe to the usual oath of
 22 office before the first Monday in January following his or her
 23 designation. In case any person so elected fails so to do, his or
 24 her election shall be void and the vacancy shall be filled by the
 25 board as provided in section 32-570.

26 Sec. 5. Original sections 32-545, 32-552, 79-4,129, and
 27 79-552, Reissue Revised Statutes of Nebraska, are repealed.

1 Sec. 6. Since an emergency exists, this act takes effect
 2 when passed and approved according to law.

(Signed) Bill Avery, Chairperson

MOTION - Approve Appointments

Senator Nordquist moved the adoption of the Nebraska Retirement Systems
 Committee report for the confirmation of the following appointment(s)
 found on page 558:

Nebraska Investment Council

Richard DeFusco

Public Employees Retirement Board

Stuart Simpson

Voting in the affirmative, 33:

Adams	Fischer	Heidemann	Mello	Schumacher
Ashford	Fulton	Howard	Nelson	Seiler
Bloomfield	Gloor	Karpisek	Nordquist	Smith
Brasch	Haar, K.	Lambert	Pahls	Sullivan
Coash	Hadley	Langemeier	Pirsch	Wightman
Cornett	Hansen	Lathrop	Price	
Council	Harms	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Carlson	Dubas	Harr, B.	Krist
Campbell	Christensen	Flood	Janssen	McGill

Excused and not voting, 6:

Conrad	Larson	Louden
Cook	Lautenbaugh	Wallman

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 996. Considered.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Wightman moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Wightman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Adams	Council	Harms	McGill	Schumacher
Ashford	Dubas	Harr, B.	Mello	Seiler
Avery	Flood	Howard	Nelson	Sullivan
Campbell	Gloor	Janssen	Nordquist	Wallman
Carlson	Haar, K.	Krist	Pahls	Wightman
Cook	Hadley	Lathrop	Pirsch	

Voting in the negative, 17:

Bloomfield	Cornett	Heidemann	Lautenbaugh	Schilz
Brasch	Fischer	Karpisek	Louden	
Christensen	Fulton	Lambert	McCoy	
Coash	Hansen	Langemeier	Price	

Present and not voting, 1:

Smith

Excused and not voting, 2:

Conrad Larson

Advanced to Enrollment and Review Initial with 29 ayes, 17 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 358CA. Read. Considered.

Senator Council offered the following amendment:

AM2100

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 Section 1. At the general election in November 2012 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 Article III, section 12, of the Constitution of Nebraska
- 8 is repealed.
- 9 Sec. 2. The proposed amendment shall be submitted to the
- 10 electors in the manner prescribed by the Constitution of Nebraska,
- 11 Article XVI, section 1, with the following ballot language:
- 12 A constitutional amendment to eliminate the limits on
- 13 legislative terms.
- 14 For
- 15 Against.

Pending.

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 983. Placed on General File with amendment.
AM2096

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-5803, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 77-5803 (1)(a) Except as provided in subdivision (1)(b)
6 of this section, any business firm which makes expenditures in
7 research and experimental activities as defined in section 174
8 of the Internal Revenue Code of 1986, as amended, in this state
9 shall be allowed a research tax credit as provided in the Nebraska
10 Advantage Research and Development Act. The credit amount under
11 this subdivision shall equal fifteen percent of the federal credit
12 allowed under section 41 of the Internal Revenue Code of 1986, as
13 amended, or as apportioned to this state under subsection (2) of
14 this section. The credit shall be allowed for the first tax year it
15 is claimed and for the ~~four~~twenty tax years immediately following.
16 (b) Any business firm which makes expenditures in
17 research and experimental activities as defined in section 174 of
18 the Internal Revenue Code of 1986, as amended, on the campus of a
19 college or university in this state or at a facility owned by a
20 college or university in this state shall be allowed a research
21 tax credit as provided in the Nebraska Advantage Research and
22 Development Act. The credit amount under this subdivision shall
23 equal thirty-five percent of the federal credit allowed under
1 section 41 of the Internal Revenue Code of 1986, as amended, or as
2 apportioned to this state under subsection (2) of this section. The
3 credit shall be allowed for the first tax year it is claimed and
4 for the ~~four~~twenty tax years immediately following.
5 (2) For any business firm doing business both within
6 and without this state, the amount of the federal credit may
7 be determined either by dividing the amount expended in research
8 and experimental activities in this state in any tax year by the
9 total amount expended in research and experimental activities or
10 by apportioning the amount of the credit on the federal income tax
11 return to the state based on the average of the property factor
12 as determined in section 77-2734.12 and the payroll factor as
13 determined in section 77-2734.13.
14 Sec. 2. This act becomes operative for all taxable years
15 beginning or deemed to begin on or after January 1, 2012, under the
16 Internal Revenue Code of 1986, as amended.
17 Sec. 3. Original section 77-5803, Reissue Revised
18 Statutes of Nebraska, is repealed.

(Signed) Abbie Cornett, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 407.** Introduced by Avery, 28.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States; Operation Enduring Freedom in Afghanistan; Operation Iraqi Freedom and Operation New Dawn in Iraq and Kuwait; and Operation Unified Protector in Libya; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation, both air and ground, reconnaissance and surveillance, law and order, including police investigation, direct support maintenance, and agricultural development; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, aerial medical evacuation, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, Nebraska National Guard personnel have completed over 10,000 individual deployments to more than twenty foreign countries since September 11, 2001; and

WHEREAS, Sergeant Patrick Douglas Hamburger gave his last full measure of devotion, sacrificing his life for our state and nation; and

WHEREAS, the Silver Star, the third highest award exclusively for combat valor, was presented to Second Lieutenant Bradley Duane Larson; and

WHEREAS, the Soldier's Medal, awarded for heroism in noncombat circumstances, was presented to Staff Sergeant Justin Dean McCoy and Staff Sergeant Eric Lee Schnell; and

WHEREAS, the Bronze Star Medal with Valor, awarded for heroic or meritorious achievement or service, was presented to Specialist Eric Ryan Blackburn; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces who were wounded or killed as a direct result of enemy actions, was presented to Second Lieutenant Bradley Duane Larson, Sergeant First Class Daniel Robert Malizzi, Staff Sergeant Seth Daniel Wecker, Staff Sergeant Brian Wayne Anderson, Staff Sergeant Michael George Cordes, Staff Sergeant James Matthew Dubbs, Sergeant Patrick Douglas Hamburger, Sergeant David Jerome Suing, Specialist Eric Ryan Blackburn, and Specialist Alex Benjamin Young; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, was presented to Specialist Alex Benjamin Young and Staff Sergeant Timothy Daniel Hartmann.

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

1. That the Legislature extends its thanks to and honors the honorees named in this resolution for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the honorees named in this resolution.

Laid over.

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB993:
AM2110

- 1 1. On page 2, line 16, after "medical" insert "and
- 2 psychological".

Senator Council filed the following amendment to LB993:
AM2113

- 1 1. On page 6, line 9, after "plans" insert "and
- 2 structured decisionmaking assessments.".

Senator Langemeier filed the following amendment to LB1043:
AM2104

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

Senator Council filed the following amendment to LR358CA:
AM2101

- 1 1. On page 1, line 11, strike "2001", show as stricken,
- 2 and insert "2005".

Senator Council filed the following amendment to LR358CA:
AM2103

- 1 1. On page 1, line 10, strike "regardless of the district
- 2 represented", show as stricken, and insert "representing the same
- 3 district".

Senator Council filed the following amendment to LR358CA:
AM2102

- 1 1. On page 1, line 11, strike "2001", show as stricken,
- 2 and insert "2009".

UNANIMOUS CONSENT - Add Cointroducers

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB976. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were Senator Schilz's wife, Deb, from Ogallala; members of Keith County and Cheyenne County Leadership; members of Bellevue Chamber of Commerce Leadership; members of Beatrice Chamber Leadership; 18 students, teacher, and sponsor from Madison High School Youth Leadership Council; a group from Battle Creek, Madison, Enola, Meadow Grove, Newman Grove, Norfolk, Tilden, and Woodland Park; and 10 seventh- and eighth-grade students and teacher from Schickley.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 23, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 2012

PRAYER

The prayer was offered by Reverend Doctor Adam White, Lutheran Center-UNL Campus, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad and Larson who were excused; and Senators Heidemann, Lautenbaugh, and McGill who were excused until they arrive.

SENATOR COASH PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 1030. Placed on General File.

LEGISLATIVE BILL 1155. Placed on General File.

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

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

Roger Figard - Board of Public Roads Classifications and Standards

LeRoy Gerrard - Board of Public Roads Classifications and Standards
 Darold Tagge - Board of Public Roads Classifications and Standards
 David Wacker - Board of Public Roads Classifications and Standards
 Timothy Weander - Board of Public Roads Classifications and Standards
 Edward Wootton - Board of Public Roads Classifications and Standards

Aye: 7 Campbell, Dubas, Fischer, Hadley, Janssen, Loudon, Price. Nay: 0.
 Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 408. Introduced by Pahls, 31.

WHEREAS, Mikayla Savell-Flott, a freshman at Creighton University, received the Governor's Points of Light Award in the youth division during a ceremony at the State Capitol on February 15, 2012; and

WHEREAS, the award honors those who exemplify leadership in their commitment to community service; and

WHEREAS, Mikayla received the award based on her involvement at Millard West High School where she was a member of the National Honor Society and received the Volunteer of the Year award. Mikayla was also involved in the Tri-M Music Honor Society where she served as the student fundraising chair for the musical theatre department, raising more than \$7,500 for the organization. Over her high school career, Mikayla volunteered more than 995 community service hours and helped raise more than \$56,000 for her community; and

WHEREAS, Mikayla continued her service as a freshman at Creighton University where she was selected for the Freshman Leadership Program working with the Completely Kids program. She also helps raise money for Precious Moments daycare, a facility focused on a child's personal development and education.

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

1. That the Legislature congratulates Mikayla Savell-Flott on receiving the Governor's Points of Light Award.

2. That a copy of this resolution be sent to Mikayla Savell-Flott.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1018. Placed on Select File with amendment.
 ER187 is available in the Bill Room.

LEGISLATIVE BILL 1064. Placed on Select File with amendment.
ER186

- 1 1. On page 1, line 3, strike "sickness and accident" and
- 2 insert "certain disability".

LEGISLATIVE BILL 773. Placed on Select File.

LEGISLATIVE BILL 904. Placed on Select File.

LEGISLATIVE BILL 735. Placed on Select File with amendment.
ER188

- 1 1. On page 1, line 3, after "governors" insert "or
- 2 governing bodies of certain public power districts or public power
- 3 and irrigation districts".

LEGISLATIVE BILL 209. Placed on Select File.

LEGISLATIVE BILL 996. Placed on Select File.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

Room 1525

Tuesday, March 13, 2012 12:10 p.m.

Ron Ecklund - Public Employees Retirement Board

Room 1525

Tuesday, March 20, 2012 12:10 p.m.

Presentation of Nebraska Public Employees Retirement Systems Annual
Report

Presentation of Nebraska Investment Council Annual Report

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB863:
AM2129

- 1 1. Insert the following new sections:
- 2 Section 1. Section 18-2701, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2701 Sections 18-2701 to 18-2738 and section 3 of this
- 5 act shall be known and may be cited as the Local Option Municipal
- 6 Economic Development Act.
- 7 Sec. 3. A qualifying business which derives its principal

8 source of income from the production of films, commercials, and
 9 television programs which is utilizing an economic development
 10 program shall (1) provide notice to the Nebraska Film Office or its
 11 successor of each project for which the qualifying business intends
 12 to utilize the economic development program and (2) acknowledge
 13 in the production credits of the film, commercial, or television
 14 program the State of Nebraska and the city operating the economic
 15 development program. The acknowledgment shall be required only when
 16 production credits are displayed and shall not be required if
 17 prohibited by local, state, or federal law, rule, or regulation.

18 2. On page 3, line 23, after "section" insert "18-2701,
 19 Reissue Revised Statutes of Nebraska, and section"; and in line 24
 20 strike "is" and insert "are".

21 3. Renumber the remaining sections accordingly.

ANNOUNCEMENT

The Chair announced today is Senator Flood's birthday.

GENERAL FILE

LEGISLATIVE RESOLUTION 358CA. Senator Council renewed her amendment, AM2100, found on page 606.

Senator Council moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 3:

Cook	Council	Schumacher
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Voting in the negative, 42:

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

Excused and not voting, 4:

Conrad	Larson	McGill	Mello
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The Council amendment lost with 3 ayes, 42 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM2101, found on page 609.

The Council amendment lost with 5 ayes, 13 nays, 27 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1118:
AM2092

(Amendments to Final Reading copy)

- 1 1. On page 12, line 3, strike "three" and insert "two".

Senator Cornett filed the following amendment to LB1049:
AM1886

- 1 1. On page 3, line 19, strike "fifty".

Senator Adams filed the following amendment to LB446:
AM2154

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-1242, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 79-1242 Funds generated from the property tax levy shall
- 5 only be used for purposes approved by representatives of two-thirds
- 6 of the member school districts in an educational service unit,
- 7 representing a majority of the students in the member school
- 8 districts. The valuation of individual school districts shall
- 9 not be ~~considered in the only consideration in determining the~~
- 10 utilization of such funds received after July 1, 2010. Each
- 11 educational service unit shall prepare and transmit a written
- 12 proposal of core services offerings and use of the property tax
- 13 levy to all member school districts. The member school districts
- 14 through their designated representatives shall indicate their
- 15 approval or disapproval of the proposal within thirty calendar
- 16 days after receipt of the proposal, and failure to so indicate
- 17 within such time period shall be deemed approval of the proposal.
- 18 2. On page 15, line 4, strike "and 79-1241.03" and insert
- 19 ", 79-1241.03, and 79-1242".
- 20 3. Renumber the remaining section and correct internal
- 21 references accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 358CA. Senator Council renewed her amendment, AM2102, found on page 609.

Senator Council withdrew her amendment.

Senator Council renewed her amendment, AM2103, found on page 609.

The Council amendment lost with 3 ayes, 24 nays, 19 present and not voting, and 3 excused and not voting.

Senator Carlson moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Carlson requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 30:

Adams	Christensen	Gloor	Karpisek	Price
Ashford	Coash	Haar, K.	Langemeier	Schumacher
Avery	Cook	Harms	Lathrop	Seiler
Brasch	Cornett	Harr, B.	Louden	Smith
Campbell	Dubas	Heidemann	McGill	Wallman
Carlson	Fulton	Howard	Nelson	Wightman

Voting in the negative, 12:

Bloomfield	Flood	Lambert	Pahls
Council	Hansen	Lautenbaugh	Pirsch
Fischer	Krist	McCoy	Schilz

Present and not voting, 3:

Hadley	Nordquist	Sullivan
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Excused and not voting, 4:

Conrad	Janssen	Larson	Mello
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Advanced to Enrollment and Review Initial with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1104. Placed on General File with amendment. AM2077 is available in the Bill Room.

LEGISLATIVE BILL 1105. Placed on General File with amendment. AM2065

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-2,104, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 79-2,104 (1) Any student in any public school or
- 5 his or her parents, guardians, teachers, counselors, or school
- 6 administrators shall have access to the school's files or records
- 7 maintained concerning such student, including the right to inspect,
- 8 review, and obtain copies of such files or records. No other
- 9 person shall have access to such files or records except (a) when
- 10 a parent, guardian, or student of majority age provides written
- 11 consent or (b) as provided in subsection (3) of this section. The
- 12 contents of such files or records shall not be divulged in any
- 13 manner to any unauthorized person. All such files or records shall
- 14 be maintained so as to separate academic and disciplinary matters,
- 15 and all disciplinary material shall be removed and destroyed after
- 16 a student's continuous absence from the school for a period of
- 17 three years.
- 18 (2) Each public school may establish a schedule of fees
- 19 representing a reasonable cost of reproduction for copies of a
- 20 student's files or records for the parents or guardians of such
- 21 student, except that the imposition of a fee shall not prevent
- 22 parents of students from exercising their right to inspect and
- 23 review the students' files or records and no fee shall be charged
- 1 to search for or retrieve any student's files or records.
- 2 (3)(a) This section does not preclude authorized
- 3 representatives of (i) auditing officials of the United States,
- 4 (ii) auditing officials of this state, or (iii) state educational
- 5 authorities from having access to student or other records which
- 6 are necessary in connection with the audit and evaluation of
- 7 federally supported or state-supported education programs or in
- 8 connection with the enforcement of legal requirements which relate
- 9 to such programs, except that, when collection of personally
- 10 identifiable data is specifically authorized by law, any data
- 11 collected by such officials with respect to individual students
- 12 shall be protected in a manner which shall not permit the personal
- 13 identification of students and their parents by other than the
- 14 officials listed in this subsection. Personally identifiable
- 15 data shall be destroyed when no longer needed for such audit,
- 16 evaluation, or enforcement of legal requirements.
- 17 (b) This section does not preclude or prohibit the
- 18 disclosure of student records to any other person or entity which

19 may be allowed to have access pursuant to the federal Family
 20 Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g,
 21 as such act existed on January 1, 2009, and regulations adopted
 22 thereunder.

23 (4) The Legislature finds and declares that the sharing
 24 of student data, records, and information among school districts,
 25 educational service units, learning communities, and the State
 26 Department of Education, to the fullest extent practicable and
 27 permitted by law, is vital to advancing education in this state.
 1 Whenever applicable law permits the sharing of such student
 2 data, records, and information, each school district, educational
 3 service unit, and learning community shall share such student
 4 data, records, and information unless otherwise prohibited by
 5 law. The State Board of Education shall adopt and promulgate
 6 rules and regulations providing for and requiring the uniform
 7 sharing of student data, records, and information among school
 8 districts, educational service units, learning communities, and the
 9 department.

10 2. On page 3, line 25; and page 4, line 1, strike "March"
 11 and insert "February".

12 3. On page 4, line 2, after "district" insert "on or
 13 before August 1 immediately following the change in residence
 14 or the effective date of the merger"; in line 4 after "years"
 15 insert "or within thirty days after the change in residence or
 16 the effective date of the merger for attendance during the current
 17 school year"; and in lines 6 and 7 strike "sixty" through "section"
 18 and insert "thirty days".

19 4. On page 44, line 24, after the second comma insert
 20 "79-2,104,".

21 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1084. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

AMENDMENTS - Print in Journal

Senator Fulton filed the following amendment to LB727:
 AM2132

1 1. On page 72, line 8, strike "and" and show as stricken;
 2 in line 14 strike the period, show as stricken, and insert ";"
 3 (7) Fees and admissions charged for participants in any
 4 activity provided by a nonprofit organization that is exempt from
 5 income tax under section 501(c)(3) of the Internal Revenue Code
 6 of 1986, as amended, which organization conducts statewide sport
 7 events with multiple sports for both adults and youth; and
 8 (8) Fees and admissions charged for participants in any
 9 activity provided by a nonprofit organization that is exempt from
 10 income tax under section 501(c)(3) of the Internal Revenue Code of

11 1986, as amended, which organization is affiliated with a national
 12 organization, primarily dedicated to youth development and healthy
 13 living, and offers sports instruction and sports leagues or sports
 14 events in multiple sports."

Senator Langemeier filed the following amendment to LB849:
 AM2091

(Amendments to E & R amendments, ER185)

- 1 1. Strike sections 3 and 4.
- 2 2. On page 2, line 9, strike "commission" and insert
- 3 "Game and Parks Commission".
- 4 3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 830. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1971, found on page 518, was considered.

SENATOR CARLSON PRESIDING

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator McCoy filed the following amendment to LB1018:
 AM2161

(Amendments to E & R amendments, ER187)

- 1 1. Insert the following new section:
- 2 Sec. 12. (a) A domestic limited partnership that has been
- 3 converted pursuant to the Nebraska Uniform Limited Partnership Act
- 4 is for all purposes the same domestic limited partnership that
- 5 existed before the conversion.
- 6 (b) When a conversion takes effect, all of the following
- 7 apply:
- 8 (1) All property owned by the converting entity remains
- 9 vested in the converted entity. The converting entity shall file a
- 10 certificate of conversion in the office of the register of deeds
- 11 for each county in which the converting entity owns real property.
- 12 Such certificate of conversion shall be indexed against the real
- 13 property owned;
- 14 (2) All debts, liabilities, and other obligations of the
- 15 converting entity continue as obligations of the converted entity;

16 (3) An action or proceeding pending by or against the
 17 converting entity may be continued as if the conversion had not
 18 occurred;

19 (4) The shares or interests of the converting entity are
 20 reclassified into shares, interests, other securities, obligations,
 21 rights to acquire shares, interests or other securities, or into
 22 cash or other property in accordance with the plan of conversion
 1 and the partners, limited partners, or interest holders of the
 2 converting entity are entitled only to the rights provided to them
 3 under the terms of the conversion and to any appraisal rights they
 4 may have under the organic law of the converting entity; and

5 (5) Except as prohibited by other law, all of the rights,
 6 privileges, immunities, powers, and purposes of the converting
 7 entity remain vested in the converted entity and, except as
 8 otherwise provided in the plan of conversion, the terms and
 9 conditions of the plan of conversion take effect.

10 (c) A converted entity that is a foreign limited
 11 liability company consents to the jurisdiction of the courts
 12 of this state to enforce any obligation owed by the converting
 13 corporation if, before the conversion, the converting corporation
 14 was subject to suit in this state on the obligation.

15 2. On page 12, lines 25 and 27, strike "merger" and
 16 insert "conversion".

17 3. On page 19, line 8, strike "section 21-2653" and
 18 insert "21-2647 to 21-2652".

19 4. On page 23, line 25, strike "(1)" and insert "(a)".

20 5. On page 24, line 2, strike "(a)" and insert "(1)"; in
 21 line 4 strike "(b)" and insert "(2)"; in line 6 strike "(c)" and
 22 insert "(3)"; in line 8 strike "(d)" and insert "(4)"; in line 10
 23 strike "(e)" and insert "(5)"; in line 12 strike "(f)" and insert
 24 "(6)"; in line 14 strike "(i)" and insert "(A)"; in line 18 strike
 25 "(ii)" and insert "(B)"; and in line 22 strike "(2)" and insert
 26 "(b)".

27 6. On page 25, line 5, strike "12" and insert "13".

1 7. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 985A. Introduced by Krist, 10.

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 repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Senator Fulton asked unanimous consent to add his name as cointroducer to LB712. No objections. So ordered.

Senators Bloomfield and Schilz asked unanimous consent to add their names as cointroducers to LB239. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 fourth- through eight-grade students and teachers from Prairie Hill Learning Center; 60 fourth-grade students and teachers from Ashland-Greenwood Elementary; Senator Hadley's wife, Marilyn, from Kearney; Nancy George and Patty Lydiatt from Kearney; and David Sawyer from Burwell.

The Doctor of the Day was Dr. Kent Zhao from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 24, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 2012

PRAYER

The prayer was offered by Father Rick Swenson, Grace Episcopal Church, Tecumseh.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad and Larson who were excused; and Senators Cornett, Karpisek, Lautenbaugh, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 358CA. Placed on Select File.

LEGISLATIVE BILL 830. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 998. Placed on General File with amendment. AM2041 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

COMMUNICATION

February 24, 2012

The Honorable John Gale
 Secretary of State
 2300 State Capitol
 Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB415 for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

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

PJO:jk

RESOLUTIONS

LEGISLATIVE RESOLUTION 409. Introduced by Sullivan, 41.

WHEREAS, Jed Fenske, a senior at Sargent/Burwell, won the 2012 Class C State Wrestling Championship in the 152-pound division; and

WHEREAS, Jed Fenske defeated Bryce Wiedeman 25-10 to win the state title; and

WHEREAS, Jed Fenske's constant hard work and dedication to his sport resulted in the compilation of an excellent season record of 41-0; and

WHEREAS, Jed Fenske is the top-rated Class C wrestler in the State of Nebraska; and

WHEREAS, Jed Fenske's excellence helped lead his school to a Class C third-place finish with 98.5 points; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; 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 Jed Fenske on winning the 2012 Class C State Wrestling Championship in the 152-pound division and for his exemplary season record.

2. That a copy of this resolution be sent to Jed Fenske and his coach, Luke Gideon.

Laid over.

LEGISLATIVE RESOLUTION 410. Introduced by Sullivan, 41.

WHEREAS, Clayton Lange, a junior at Ord Public School, won the 2012 Class C State Wrestling Championship in the 285-pound division; and

WHEREAS, Clayton Lange defeated Brandon Barta 3-2 to win the state title; and

WHEREAS, Clayton Lange's constant hard work and dedication to his sport resulted in the compilation of a season record of 28-2; and

WHEREAS, Clayton Lange has developed athletic ability and skill in several sports; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; 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 Clayton Lange on winning the 2012 Class C State Wrestling Championship in the 285-pound division.

2. That a copy of this resolution be sent to Clayton Lange and his coach, Derry Trampe.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Sullivan, 41.

WHEREAS, Brett Ryan of Cedar Valley won the 2012 Class D State Wrestling Championship in the 170-pound division; and

WHEREAS, Brett Ryan defeated Stuart Hircock 3-1 to win the state title; and

WHEREAS, Brett Ryan's constant hard work and dedication to his sport resulted in the compilation of a season record of 45-2; and

WHEREAS, Brett's is a historic victory for Cedar Valley as it's the school's first Nebraska School Activities Association championship; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; 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 Brett Ryan on winning the 2012 Class D State Wrestling Championship in the 170-pound division and for his exemplary spirit.

2. That a copy of this resolution be sent to Brett Ryan and his coach, Mike Herman.

Laid over.

LEGISLATIVE RESOLUTION 412. Introduced by Langemeier, 23; K. Haar, 21.

WHEREAS, Aaron Studebaker of Raymond Central won the 2012 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, Aaron defeated Josh Mooney of Centennial 11-3 to win the state championship; and

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

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

1. That the Legislature congratulates Aaron Studebaker on winning the 2012 Class C State Wrestling Championship in the 170-pound division.

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

Laid over.

REPORT

The following report was received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska

Nebraska Crime Victim's Reparations Program, Twenty-fourth Report,
July 1, 2010-June 30, 2011

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 23, 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

Bromm, Curt/Bromm & Associates, LLC

Cenpatico

Husch Blackwell, LLP

H&R Block

Kelley & Jerram, P.C., L.L.O.

Friends of Nebraska Racing Inc.

Kelley, Michael

Kelley and Jerram, P.C.

Kelley Governmental Relations, LLC

Kelley, Sean

Kelley and Jerram, P.C.

Kelley Governmental Relations, LLC

Radcliffe, Walter H. of Radcliffe & Associates

Friends of Nebraska Racing Inc.

Root, David

Medco Health Solutions, Inc. & Affiliates (Withdrawn 02/21/2012)

Yost, Kurt T.

Friends of Nebraska Racing Inc.

SELECT FILE

LEGISLATIVE BILL 1043. Senator Langemeier renewed his amendment, AM2104, found on page 609.

The Langemeier amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. Senator Adams renewed his amendment, AM2154, found on page 615.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 801. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 841. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 790. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 862. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 862A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. ER177, found on page 527, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 739. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 985. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 526. ER179, found on page 544, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. ER178, found on page 547, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 780. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 733. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 860. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 878. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 759. ER180, found on page 548, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 786. ER181, found on page 548, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 811. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1031. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 887. ER182, found on page 557, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 943. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 723. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 794. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 831. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 871. ER183, found on page 579, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 686. ER184, found on page 579, was adopted.

Senator Schilz offered the following amendment:

AM2157

(Amendments to E & R amendments, ER184)

- 1 1. On page 3, line 22, after "degree" insert "in animal
- 2 science".

The Schilz amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 849. Senator Langemeier renewed his amendment, AM2091, found on page 619.

The Langemeier amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

ER185, found on page 581, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1018. ER187, found on page 612, was adopted.

Senator McCoy renewed his amendment, AM2161, found on page 619.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1064. ER186, found on page 613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 773. Senator Smith renewed his amendment, AM2047, found on page 586.

The Smith amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 904. Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB1158:
AM1909

- 1 1. Strike section 1 and insert the following section:
- 2 Section 1. All contracts and agreements relating to
- 3 the medical assistance program governing at-risk managed care
- 4 service delivery for behavioral health services entered into by the
- 5 department on or after July 1, 2012, shall:
- 6 (1) Provide a definition and cap on administrative
- 7 spending that may not exceed seven percent unless the
- 8 implementing department includes detailed requirements for
- 9 tracking administrative spending to ensure (a) that administrative
- 10 expenditures do not include additional profit and (b) that any
- 11 administrative spending in excess of seven percent is necessary to
- 12 improve the health status of the population to be served;
- 13 (2) Provide a definition of annual contractor profits and
- 14 restrict such profits to a maximum of two and one-half percent
- 15 per year of the aggregate of all income and revenue earned by the
- 16 contractor and related parties under the contract;
- 17 (3) Provide for reinvestment of any profits in excess of
- 18 the contracted amount and any fees imposed by the department
- 19 to fund community-based services for children, families, and
- 20 adults according to a plan developed with stakeholder and regional
- 21 behavioral health authority input and approved by the department.
- 22 Such plan shall address the behavioral health needs of adults
- 23 and children, including filling service gaps and providing system
- 1 improvements;
- 2 (4) Provide for a minimum medical loss ratio of
- 3 eighty-five percent of the aggregate of all income and revenue
- 4 earned by the contractor and related parties under the contract;
- 5 (5) Provide that contractor incentives be at least one
- 6 percent of the aggregate of all income and revenue earned by the
- 7 contractor and related parties under the contract; and
- 8 (6) Provide that a minimum of one-quarter percent of the
- 9 aggregate of all income and revenue earned by the contractor and
- 10 related parties under the contract be contingent on performance
- 11 metrics.

Senator Adams filed the following amendment to LB1104:
AM2168

(Amendments to Standing Committee amendments, AM2077)

- 1 1. On page 30, line 15, strike "disability" and insert
- 2 "permanent disability or mental incapacity".

Senator Flood filed the following amendment to LB751:
AM2078 is available in the Bill Room.

MOTION - Return LB1118 to Select File

Senator Cornett moved to return LB1118 to Select File for her specific amendment, AM2092, found on page 615.

The Cornett motion to return prevailed with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

SENATOR LANGEMEIER PRESIDING

SELECT FILE

LEGISLATIVE BILL 1118. The Cornett specific amendment, AM2092, found on page 615, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendments to LB541

Senator Campbell withdrew the Conrad amendment, AM1483, found on page 1651, First Session, 2011, to LB541.

Senator Campbell withdrew her amendment, AM1914, found on page 473, to LB541.

MOTION - Return LB541 to Select File

Senator Campbell moved to return LB541 to Select File for the following specific amendment:

AM2179

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-901, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 68-901 Sections 68-901 to 68-971 and sections 2 and 3 of
- 6 this act shall be known and may be cited as the Medical Assistance
- 7 Act.
- 8 Sec. 2. The Legislature finds that the medical assistance

9 program would benefit from increased efforts to (1) prevent
10 improper payments to service providers, including, but not
11 limited to, enforcement of eligibility criteria for recipients
12 of benefits, enforcement of enrollment criteria for providers of
13 benefits, determination of third-party liability for benefits,
14 review of claims for benefits prior to payment, and identification
15 of the extent and cause of improper payment, (2) identify
16 and recoup improper payments, including, but not limited to,
17 identification and investigation of questionable payments for
18 benefits, administrative recoupment of payments for benefits, and
19 referral of cases of fraud to the state medicaid fraud control
20 unit for prosecution, and (3) collect postpayment reimbursement,
21 including, but not limited to, maximizing prescribed drug rebates
22 and maximizing recoveries from estates for paid benefits.

1 Sec. 3. (1) The department shall contract with one or
2 more recovery audit contractors to promote the integrity of the
3 medical assistance program and to assist with cost-containment
4 efforts and recovery audits. The contract or contracts shall
5 include services for (a) cost-avoidance through identification of
6 third-party liability, (b) cost recovery of third-party liability
7 through postpayment reimbursement, (c) casualty recovery of
8 payments by identifying and recovering costs for claims that
9 were the result of an accident or neglect and payable by a
10 casualty insurer, and (d) reviews of claims submitted by providers
11 of services or other individuals furnishing items and services
12 for which payment has been made to determine whether providers
13 have been underpaid or overpaid and take actions to recover any
14 overpayments identified.

15 (2) The department shall contract with one or more
16 persons to support a health insurance premium assistance payment
17 program.

18 (3) The department may enter into any other contracts
19 deemed to increase the efforts to promote the integrity of the
20 medical assistance program.

21 (4) Contracts entered into under the authority of this
22 section may be on a contingent fee basis. Contracts entered into on
23 a contingent fee basis shall provide that contingent fee payments
24 are based upon amounts recovered, not amounts identified, and that
25 contingent fee payments are not to be paid on amounts subsequently
26 repaid due to determinations made in appeal proceedings. Contracts
27 shall be in compliance with federal law and regulations when
1 pertinent, including a limit on contingent fees of no more than
2 twelve and one-half percent of amounts recovered, and initial
3 contracts shall be entered into as soon as practicable under such
4 federal law and regulations.

5 (5) All amounts recovered and savings generated as a
6 result of this section shall be returned to the medical assistance
7 program.

8 (6) The department shall by December 1, 2012, report to
 9 the Legislature the status of the contracts, including the parties,
 10 the programs and issues addressed, the estimated cost recovery, and
 11 the savings accrued as a result of the contracts.

12 (7) For purposes of this section:

13 (a) Person means bodies politic and corporate,
 14 societies, communities, the public generally, individuals,
 15 partnerships, limited liability companies, joint-stock companies,
 16 and associations; and

17 (b) Recovery audit contractor means private entities
 18 with which the department contracts to audit claims for medical
 19 assistance, identify underpayments and overpayments, and recoup
 20 overpayments.

21 Sec. 4. Original section 68-901, Revised Statutes
 22 Supplement, 2011, is repealed.

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

25 2. On page 1, line 2, strike "Cumulative Supplement,
 26 2010" and insert "Supplement, 2011".

The Campbell motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

SELECT FILE

LEGISLATIVE BILL 541. The Campbell specific amendment, AM2179, found in this day's Journal, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LR40CA to Select File

Senator Langemeier moved to return LR40CA to Select File for his specific amendment, AM1871, found on page 438.

The Langemeier motion to return prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 40CA. The Langemeier specific amendment, AM1871, found on page 438, was adopted with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

Senator Council requested a machine vote on the advancement of the resolution.

Advanced to Enrollment and Review for Reengrossment with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 413. Introduced by Brasch, 16.

WHEREAS, Tristan Bettenhausen of West Point-Beemer won the 2012 Class C State Wrestling Championship in the 126-pound division; and

WHEREAS, Tristan defeated Ricky Avila of Madison 33-9 to win the state championship; and

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

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

1. That the Legislature congratulates Tristan Bettenhausen on winning the 2012 Class C State Wrestling Championship in the 126-pound division.
2. That a copy of this resolution be sent to Tristan Bettenhausen.

Laid over.

LEGISLATIVE RESOLUTION 414. Introduced by Brasch, 16.

WHEREAS, Will Schany of Blair won the 2012 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Will defeated Conor Hovey of Bennington 11-3 to win his second straight state championship; and

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

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

1. That the Legislature congratulates Will Schany on winning the 2012 Class B State Wrestling Championship in the 170-pound division.
2. That a copy of this resolution be sent to Will Schany.

Laid over.

LEGISLATIVE RESOLUTION 415. Introduced by Brasch, 16.

WHEREAS, Brandon Lincoln of Blair won the 2012 Class B State Wrestling Championship in the 120-pound division; and

WHEREAS, Brandon defeated Quentin Dawes of Gretna 16-1 to win the state championship; and

WHEREAS, Brandon finished the season with an undefeated record of 41-0; 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 Brandon Lincoln on winning the 2012 Class B State Wrestling Championship in the 120-pound division.
2. That a copy of this resolution be sent to Brandon Lincoln.

Laid over.

LEGISLATIVE RESOLUTION 416. Introduced by Langemeier, 23.

WHEREAS, Dennis Stille of Ashland-Greenwood won the 2012 Class B State Wrestling Championship in the 195-pound division; and

WHEREAS, Dennis won his division by pinning Tanner Evans of Gretna; 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 Dennis Stille on winning the 2012 Class B State Wrestling Championship in the 195-pound division.
2. That a copy of this resolution be sent to Dennis Stille.

Laid over.

LEGISLATIVE RESOLUTION 417. Introduced by Langemeier, 23.

WHEREAS, Jarrod Bazata of Howells won the 2012 Class D State Wrestling Championship in the 220-pound division; and

WHEREAS, Jarrod defeated Rulon Taylor of Medicine Valley 9-2 to win the state championship; and

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

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

1. That the Legislature congratulates Jarrod Bazata on winning the 2012 Class D State Wrestling Championship in the 220-pound division.
2. That a copy of this resolution be sent to Jarrod Bazata.

Laid over.

LEGISLATIVE RESOLUTION 418. Introduced by Langemeier, 23.

WHEREAS, Austin Svoboda of David City Aquinas won the 2012 Class C State Wrestling Championship in the 182-pound division; and

WHEREAS, Austin defeated Ken Burkhardt, Jr., of Milford 15-2 to win the state championship; and

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

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

1. That the Legislature congratulates Austin Svoboda on winning the 2012 Class C State Wrestling Championship in the 182-pound division.
2. The a copy of this resolution be sent to Austin Svoboda.

Laid over.

LEGISLATIVE RESOLUTION 419. Introduced by Langemeier, 23.

WHEREAS, Eric Coufal of Howells won the 2012 Class D State Wrestling Championship in the 132-pound division; and

WHEREAS, Eric defeated Isaac Elge of Nebraska Christian 4-2 to win the state championship; and

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

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

1. That the Legislature congratulates Eric Coufal on winning the 2012 Class D State Wrestling Championship in the 132-pound division.
2. That a copy of this resolution to sent to Eric Coufal.

Laid over.

LEGISLATIVE RESOLUTION 420. Introduced by Seiler, 33.

WHEREAS, Max Meier, Troop 207, Hastings, 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, Max 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; and

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

WHEREAS, Max, 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 Max Meier on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Max Meier.

Laid over.

LEGISLATIVE RESOLUTION 421. Introduced by Seiler, 33.

WHEREAS, Matthew Spartz, Troop 207, Hastings, 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, Matthew 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; and

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

WHEREAS, Matthew, 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 Matthew Spartz on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Spartz.

Laid over.

LEGISLATIVE RESOLUTION 422. Introduced by Hadley, 37.

WHEREAS, the Kearney Area Habitat for Humanity is celebrating its twentieth anniversary in 2012; and

WHEREAS, the Kearney Area Habitat for Humanity affiliate is unique because it is made up entirely of volunteers who have helped build sixty-one homes in Kearney since the organization was founded; and

WHEREAS, the Kearney Area Habitat for Humanity builds three to four houses per year and each year there is a banquet to thank the organization's donors and volunteers; and

WHEREAS, each year U.S. Bank contributes at least five hundred dollars, Wells Fargo had contributed more than one hundred sixty thousand dollars through 2009, and Thrivent Financial has contributed more than ninety thousand dollars to the organization; and

WHEREAS, in 2004, the Kearney Area Habitat for Humanity was awarded Affiliate of the Year by Habitat International for their eight-state Midwest region.

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

1. That the Legislature congratulates the Kearney Area Habitat for Humanity on its twentieth anniversary and commends the organization for the work it does to benefit the citizens of Kearney.

2. That a copy of this resolution be sent to the Kearney Area Habitat for Humanity.

Laid over.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 950. Placed on General File with amendment. AM2158

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

(Signed) Chris Langemeier, Chairperson

Revenue

LEGISLATIVE BILL 731. Placed on General File with amendment. AM2151 is available in the Bill Room.

LEGISLATIVE BILL 745. Placed on General File with amendment. AM2073

- 1 1. On page 2, line 19, strike "or change" and insert
- 2 "imposed for a specific project which provides for deposit of the
- 3 tax proceeds in the municipality's general fund or extend"; and in
- 4 line 21 before "termination" insert "extend the".
- 5 2. On page 3, lines 2 and 6, strike the second "change"
- 6 and insert "extension"; in line 10 strike "change" and insert
- 7 "extension"; in line 13 after "(3)" insert "After the effective
- 8 date of this act, a municipality shall not be required to submit
- 9 the following questions to the registered voters:
- 10 (a) Whether to change the rate of an occupation tax
- 11 imposed for a specific project which does not provide for deposit
- 12 of the tax proceeds in the municipality's general fund; or

- 13 (b) Whether to terminate an occupation tax earlier
 14 than the determinable termination date in the original question
 15 submitted to the registered voters.
 16 This subsection applies to occupation taxes imposed prior
 17 to, on, or after the effective date of this act.
 18 (4)" and in line 21 strike "(4)" and insert "(5)".

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 4 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 820. Placed on General File with amendment.
 AM2165

- 1 1. Insert the following new sections:
 2 Sec. 3. On or before September 30, 2013, the Department
 3 of Health and Human Services shall apply to the United States
 4 Secretary of Health and Human Services for approval of a
 5 demonstration project pursuant to 42 U.S.C. 1320a-9 and to obtain
 6 a waiver as provided in 42 U.S.C. 1320a-9(b) of any requirement
 7 of Title IV-E of the federal Social Security Act, as amended,
 8 which would otherwise prevent the Nebraska Department of Health
 9 and Human Services from carrying out such demonstration project or
 10 from effectively achieving the purposes of such project, except as
 11 provided in such section.
 12 Sec. 4. The Legislature finds that:
 13 (1) Surveys of foster parents demonstrate that the safety
 14 net provided by foster families is fragile and damaged;
 15 (2) Increased focus on recruiting and retaining high
 16 quality, trained, and experienced foster parents should be a
 17 priority under reform of the system of child welfare services in
 18 Nebraska;
 19 (3) A 2007 study entitled Foster Care Minimum Adequate
 20 Rates for Children completed by Children's Rights, the National
 21 Foster Parent Association, and the University of Maryland School of
 22 Social Work analyzed foster care maintenance payments under Title
 23 IV-E of the federal Social Security Act, as amended, which are
 1 defined as the cost of providing food, clothing, shelter, daily
 2 supervision, school supplies, personal incidentals, insurance, and
 3 travel for visitation with the biological family;
 4 (4) The study set a basic foster care payment rate,
 5 calculated by (a) analyzing consumer expenditure data reflecting

6 the costs of caring for a child, (b) identifying and accounting
7 for additional costs specific to children in foster care, and (c)
8 applying a geographic cost-of-living adjustment in order to develop
9 rates for each of the fifty states and the District of Columbia.
10 The rate includes adequate funds to meet a foster child's basic
11 physical needs and the cost of activities such as athletic and
12 artistic programs which are important for children who have been
13 traumatized or isolated by abuse, neglect, and placement in foster
14 care;

15 (5) The study found that Nebraska's foster care payment
16 rates were the lowest in the country, with an average payment of
17 two hundred twenty-six dollars per month for a child two years of
18 age. The next lowest foster care payment rate was Missouri, paying
19 two hundred seventy-one dollars per month; and

20 (6) Foster care placements with relatives are more stable
21 and more likely to result in legal guardianship with a relative
22 of the child. Children in relative placements are less likely
23 to reenter the system after reunification with their parents and
24 report that they feel more loved and less stigmatized when living
25 with family.

26 Sec. 5. (1) The Department of Health and Human Services
27 shall convene a Foster Care Reimbursement Rate Committee to develop
1 a statewide standard reimbursement rate structure for children
2 in foster care in Nebraska. Such structure shall include a
3 standardized level of care assessment system and shall link
4 performance with payments to achieve permanency outcomes for
5 children and families.

6 (2) The committee shall include: (a) The chief
7 executive officer of the department or his or her designee; (b)
8 representatives from the Division of Children and Family Services
9 of the department for each service area designated pursuant to
10 section 81-3116, including at least one division employee with a
11 thorough understanding of the current foster care payment system
12 and at least one division employee with a thorough understanding of
13 the NFOCUS electronic data collection system; (c) representatives
14 from an agency that contracts directly with foster parents,
15 from each of such service areas; (d) a representative from a
16 child welfare advocacy organization; (e) a representative of a
17 public interest organization with child welfare interests; (f) a
18 representative from a foster and adoptive parent association; (g)
19 a representative of a lead agency; (h) a representative of a child
20 advocacy center; (i) a foster parent who contracts directly with
21 the department; and (j) a foster parent who contracts with an
22 agency. The committee shall meet and organize as soon as possible
23 after the operative date of this section.

24 (3) The committee shall use the study described in
25 subdivision (3) of section 4 of this act as a beginning standard
26 for setting reimbursement rates. The committee shall adjust the
27 standard to reflect the reasonable cost of achieving measurable

1 outcomes for all children in foster care in Nebraska. The committee
2 shall: (a) Analyze consumer expenditure data reflecting the costs
3 of caring for a child in Nebraska; (b) identify and account for
4 additional costs specific to children in foster care; and (c)
5 apply a geographic cost-of-living adjustment for Nebraska. The
6 reimbursement rate structure shall comply with funding requirements
7 related to Title IV-E of the federal Social Security Act, as
8 amended, and federal Temporary Assistance for Needy Families
9 funding to maximize the utilization of federal funds to support
10 foster care.

11 (4) The committee shall develop a statewide level of care
12 assessment system containing standardized criteria to determine
13 a foster child's placement needs and to appropriately identify
14 the foster care reimbursement rate. The committee shall review
15 other states' assessment models and reimbursement rate structures
16 in completing the statewide level of care assessment system and
17 the foster care reimbursement rate structure. The statewide level
18 of care assessment system shall be research-based, supported by
19 evidence-based practices, and reflect the commitment to systems
20 of care and a trauma-informed, child-centered, family-involved,
21 coordinated process. The committee shall develop the statewide
22 level of care assessment system and the foster care reimbursement
23 rate structure in a manner that provides incentives to tie
24 performance in achieving the goals of safety, maintaining family
25 connection, permanency, stability, and well-being to reimbursements
26 received.

27 (5) The committee shall provide written reports to the
1 Health and Human Services Committee of the Legislature on July
2 1, 2012, September 1, 2012, and November 1, 2012, and a final
3 report to the committee and the Governor, with recommendations for
4 the statewide level of care assessment system and the foster care
5 reimbursement rate structure, on December 15, 2012.

6 (6) If the Nebraska Children's Commission is created
7 by the One Hundred Second Legislature, Second Session, 2012, the
8 Foster Care Reimbursement Rate Committee shall immediately come
9 under the commission's jurisdiction. The commission may change the
10 appointments of the members and make any changes it deems necessary
11 to comply with sections 3 to 6 of this act.

12 Sec. 6. In recognition of Nebraska foster parents'
13 essential contribution to the safety and well being of Nebraska's
14 foster children and the need for additional compensation for the
15 services provided by Nebraska foster parents while the Foster Care
16 Reimbursement Rate Committee completes its duties under section
17 5 of this act, beginning July 1, 2012, through June 30, 2013,
18 all foster parents providing foster care in Nebraska, including
19 traditional, agency-based, licensed, approved, relative placement,
20 and child-specific foster care, shall receive an additional stipend
21 of three dollars and ten cents per day per child. The stipend shall
22 be in addition to the current foster care reimbursement rates for

23 relatives and foster parents contracting with the department and
 24 in addition to the relative and tiered rate paid to a contractor
 25 for agency-based foster parents. The additional stipend shall be
 26 paid monthly through the agency that is contracting with the foster
 27 parent, or in the case of a foster parent contracting with the
 1 department, directly from the department. The contracting agency
 2 shall receive an administrative fee of twenty-five cents per child
 3 per day for processing the payments for the benefit of the foster
 4 parents and the state, which administrative fee shall be paid
 5 monthly by the state.

6 Sec. 7. Section 71-1902, Revised Statutes Supplement,
 7 2011, is amended to read:

8 71-1902 Except as otherwise provided in this section,
 9 no person shall furnish or offer to furnish foster care for
 10 ~~two~~ one or more children ~~from different families not related~~
 11 to such person by blood, marriage, or adoption without having
 12 in full force and effect a written license issued by the
 13 department upon such terms and conditions as may be prescribed
 14 by general rules and regulations adopted and promulgated by the
 15 department. The department may issue a time-limited, nonrenewable
 16 provisional license to an applicant who is unable to comply
 17 with all licensure requirements and standards, is making a good
 18 faith effort to comply, and is capable of compliance within the
 19 time period stated in the license. The department may issue a
 20 time-limited, nonrenewable probationary license to a licensee who
 21 agrees to establish compliance with rules and regulations that,
 22 when violated, do not present an unreasonable risk to the health,
 23 safety, or well-being of the foster children in the care of the
 24 applicant. No license shall be issued pursuant to this section
 25 unless the applicant has completed the required hours of training
 26 in foster care as prescribed by the department.

27 All nonprovisional and nonprobationary licenses issued
 1 under sections 71-1901 to 71-1906.01 shall expire two years from
 2 the date of issuance and shall be subject to renewal under the
 3 same terms and conditions as the original license, except that if
 4 a licensee submits a completed renewal application thirty days or
 5 more before the license's expiration date, the license shall remain
 6 in effect until the department either renews the license or denies
 7 the renewal application. No license issued pursuant to this section
 8 shall be renewed unless the licensee has completed the required
 9 hours of training in foster care in the preceding twelve months as
 10 prescribed by the department. For the issuance or renewal of each
 11 nonprovisional and nonprobationary license, the department shall
 12 charge a fee of fifty dollars for a group home, fifty dollars for a
 13 child-caring agency, and fifty dollars for a child-placing agency.
 14 For the issuance of each provisional license and each probationary
 15 license, the department shall charge a fee of twenty-five dollars
 16 for a group home, twenty-five dollars for a child-caring agency,
 17 and twenty-five dollars for a child-placing agency. A license may

18 be revoked for cause, after notice and hearing, in accordance with
19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home means any home which provides
22 twenty-four-hour care to children who are not related to the foster
23 parent by blood, marriage, or adoption;

24 (2) Group home means a home which is operated under the
25 auspices of an organization which is responsible for providing
26 social services, administration, direction, and control for the
27 home and which is designed to provide twenty-four-hour care for
1 children and youth in a residential setting;

2 (3) Child-caring agency means an organization which is
3 organized as a corporation or a limited liability company for the
4 purpose of providing care for children in buildings maintained by
5 the organization for that purpose; and

6 (4) Child-placing agency means an organization which is
7 authorized by its articles of incorporation and by its license to
8 place children in foster family homes.

9 Sec. 8. Sections 7 and 9 of this act become operative on
10 July 1, 2012. The other sections of this act become operative on
11 their effective date.

12 Sec. 9. Original section 71-1902, Revised Statutes
13 Supplement, 2011, is repealed.

14 2. On page 2, strike beginning with "On" in line 1
15 through line 10 and insert "(a) The Title IV-E Demonstration
16 Project Committee is created. The members of the committee shall
17 be appointed by the Director of Children and Family Services
18 or his or her designee and shall include representatives of the
19 Department of Health and Human Services and representatives of
20 at least five child welfare stakeholder entities, including two
21 separate child welfare advocacy organizations, a direct provider
22 of child welfare services, a lead agency, and an agency that
23 subcontracts with a lead agency as a collaborative member. Members
24 of the committee shall have experience or knowledge in the area
25 of child welfare that involves Title IV-E eligibility criteria
26 and activities. In addition, there shall be at least one ex
27 officio member of the committee, appointed by the State Court
1 Administrator. The ex officio member or members shall not be
2 involved in decisionmaking, implementation plans, or reporting but
3 may attend committee meetings, provide information to the committee
4 about the processes and programs of the Nebraska court system
5 involving children and juveniles, and inform the State Court
6 Administrator of the committee's activities. The committee shall
7 be convened by the director within thirty days after the effective
8 date of this section.

9 (b) The committee shall review, report, and provide
10 recommendations regarding the application of the Department of
11 Health and Human Services for a demonstration project pursuant to
12 42 U.S.C. 1320a-9 to obtain a waiver as provided in 42 U.S.C.

13 1320a-9(b) of any requirement of Title IV-E of the federal Social
 14 Security Act, as such section and act existed on January 1, 2012.
 15 The committee may engage a consultant with expertise in Title IV-E
 16 demonstration project applications and requirements.

17 (c) The committee shall (i) review Nebraska's current
 18 status of Title IV-E participation and penetration rates, (ii)
 19 review strategies and solution for raising Nebraska's participation
 20 rate and reimbursement for Title IV-E in child placement, case
 21 management, replacement, training, adoption, court findings, and
 22 proceedings; and (iii) recommend specific actions for addressing
 23 barriers to participation and reimbursement.

24 (d) The committee shall provide an implementation plan
 25 and a timeline for making application for a Title IV-E waiver.
 26 The implementation plan shall support and align with the goals of
 27 the strategic plan of Nebraska child welfare, including, but not
 1 limited to, maximizing federal funding to be able to utilize state
 2 and federal funding for a broad array of services for children,
 3 including prevention, intervention, and community-based, in-home,
 4 and out-of-home services to attain positive outcomes for the safety
 5 and well-being of and to expedite permanency for children. The
 6 committee shall report on its activities to the Health and Human
 7 Services Committee of the Legislature on or before July 1, 2012,
 8 September 1, 2012, and November 1, 2012, and shall provide a final
 9 written report to the department, the Health and Human Services
 10 Committee of the Legislature, and the Governor by December 15,
 11 2012.

12 (e) If the Nebraska Children's Commission is created by
 13 the One Hundred Second Legislature, Second Session, 2012, the Title
 14 IV-E Demonstration Project Committee shall thereupon come under the
 15 commission's jurisdiction. The commission may appoint additional
 16 members of the committee and make any changes it deems necessary
 17 to comply with this subsection."; in line 11 strike "demonstration
 18 project shall be" and insert "committee's implementation plan
 19 shall address the demonstration project"; and in line 23 strike
 20 "Developing" and insert "Consider the options of developing".

21 3. On page 3, line 4, strike "proposal" and insert
 22 "implementation plan".

23 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 821. Placed on General File with amendment.
 AM2138 is available in the Bill Room.

LEGISLATIVE BILL 961. Placed on General File with amendment.
 AM2159

- 1 1. On page 3, line 19, after the semicolon insert "and".
- 2 2. On page 4, strike beginning with the semicolon in line
- 3 2 through line 17 and insert an underscored period.
- 4 3. On page 5, line 13, before "The" insert "(1)".
- 5 4. On page 6, line 4, strike "ten percent each year" and

6 insert "twenty-five percent each year beginning with a twenty-five
 7 percent reduction on or before September 1, 2012, and a twenty-five
 8 percent reduction on or before each September 1 thereafter";
 9 in line 6 after the period insert "Beginning September 15,
 10 2012, the department shall include in its annual report required
 11 pursuant to section 68-1207.01 a report on the attainment of the
 12 increase according to caseload standards established by the Child
 13 Welfare League of America or its successor. The department's annual
 14 report shall also include changes in the standards of the Child
 15 Welfare League of America."; after line 6 insert the following new
 16 subsections:

17 "(2) Caseload size shall be determined in the following
 18 manner: (a) If children are placed in the home, the family shall
 19 count as one case regardless of how many children are placed in the
 20 home; (b) if a child is placed out of his or her home, the child
 21 shall count as one case; (c) if, within one family, one or more
 22 children are placed in the home and one or more children are placed
 23 out of the home, the children placed in the home shall count as
 1 one case and each child placed out of the home shall count as one
 2 case; and (d) any child receiving services from the department or a
 3 private entity under contract with the department shall be counted
 4 as provided in subdivisions (a) through (c) of this subsection
 5 whether or not such child is a ward of the state. For purposes of
 6 this subsection, a child is considered to be placed in the home if
 7 the child is placed with his or her biological or adoptive parent
 8 or a legal guardian and a child is considered to be placed out of
 9 the home if the child is placed in foster care, group home care, or
 10 any other setting which is not the child's planned permanent home.
 11 (3>"; and in line 12 before "To" insert "(4)".

12 5. On page 8, line 3, strike "2013" and insert "2014".

LEGISLATIVE BILL 1160. Placed on General File with amendment.
 AM2003

1 1. Insert the following new sections:
 2 Sec. 10. On December 15 of 2012, 2013, and 2014, the
 3 Health and Human Services Committee of the Legislature shall
 4 provide a written report to the Legislature, Governor, and Chief
 5 Justice of the Nebraska Supreme Court with respect to the progress
 6 made by the Department of Health and Human Services implementing
 7 the recommendations of the committee contained in the final report
 8 of the study conducted by the committee pursuant to Legislative
 9 Resolution 37, One Hundred Second Legislature, First Session, 2011.
 10 In order to facilitate such report, the department shall provide to
 11 the committee by September 15 of 2012, 2013, and 2014 the reports
 12 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,
 13 71-827, 71-1904, and 71-3407 and subdivision (6) of section 43-405.
 14 Sec. 11. Section 43-296, Reissue Revised Statutes of
 15 Nebraska, is amended to read:
 16 43-296 All associations receiving juveniles under the

17 Nebraska Juvenile Code shall be subject to the same visitation,
 18 inspection, and supervision by the Department of Health and Human
 19 Services as are public charitable institutions of this state, and
 20 it shall be the duty of the department to pass annually upon the
 21 fitness of every such association as may receive or desire to
 22 receive juveniles under the provisions of such code. Every such
 23 association shall annually, ~~at such time as the department shall~~
 1 ~~direct,~~ on or before September 15, make a report to the department
 2 showing its condition, management, and competency to adequately
 3 care for such juveniles as are or may be committed to it and such
 4 other facts as the department may require. Upon receiving such
 5 report, the department shall provide a copy to the Health and Human
 6 Services Committee of the Legislature on or before September 15 of
 7 2012, 2013, and 2014. Upon the department being satisfied that such
 8 association is competent and has adequate facilities to care for
 9 such juveniles, it shall issue to such association a certificate
 10 to that effect, which certificate shall continue in force for one
 11 year unless sooner revoked by the department. No juvenile shall
 12 be committed to any such association which has not received such
 13 a certificate within the fifteen months immediately preceding the
 14 commitment. The court may at any time require from any association
 15 receiving or desiring to receive juveniles under the provisions
 16 of the Nebraska Juvenile Code such reports, information, and
 17 statements as the judge shall deem proper and necessary for his or
 18 her action, and the court shall in no case be required to commit
 19 a juvenile to any association whose standing, conduct, or care of
 20 juveniles or ability to care for the same is not satisfactory to
 21 the court.

22 Sec. 12. Section 43-405, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 43-405 The administrative duties of the Office of
 25 Juvenile Services are to:

- 27 (1) Manage, establish policies for, and administer the
 1 office, including all facilities and programs operated by the
 2 office or provided through the office by contract with a provider;
- 3 (2) Supervise employees of the office, including
 4 employees of the facilities and programs operated by the office;
- 5 (3) Have separate budgeting procedures and develop and
 6 report budget information separately from the Department of Health
 7 and Human Services;
- 8 (4) Adopt and promulgate rules and regulations for
 9 the levels of treatment and for management, control, screening,
 10 evaluation, treatment, rehabilitation, parole, transfer, and
 11 discharge of juveniles placed with or committed to the Office of
 12 Juvenile Services;
- 13 (5) Ensure that statistical information concerning
 14 juveniles placed with or committed to facilities or programs of
 15 the office is collected, developed, and maintained for purposes of
 research and the development of treatment programs;

16 (6) Monitor commitments, placements, and evaluations
17 at facilities and programs operated by the office or through
18 contracts with providers and report its findings annually to the
19 Legislature. For 2012, 2013, and 2014, the department shall also
20 provide the report to the Health and Human Services Committee
21 of the Legislature on or before September 15. The report shall
22 include an assessment of the administrative costs of operating
23 the facilities, the cost of programming, and the savings realized
24 through reductions in commitments, placements, and evaluations;

25 (7) Coordinate the programs and services of the juvenile
26 justice system with other governmental agencies and political
27 subdivisions;

1 (8) Coordinate educational, vocational, and social
2 counseling;

3 (9) Coordinate community-based services for juveniles and
4 their families;

5 (10) Supervise and coordinate juvenile parole and
6 aftercare services; and

7 (11) Exercise all powers and perform all duties necessary
8 to carry out its responsibilities under the Health and Human
9 Services, Office of Juvenile Services Act.

10 Sec. 13. Section 43-534, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-534 Every department, agency, institution, committee,
13 and commission of state government which is concerned or
14 responsible for children and families shall submit, as part of
15 the annual budget request of such department, agency, institution,
16 committee, or commission, a comprehensive statement of the efforts
17 such department, agency, institution, committee, or commission has
18 taken to carry out the policy and principles set forth in sections
19 43-532 and 43-533. For 2012, 2013, and 2014, the Department of
20 Health and Human Services shall provide a copy of its statement
21 submitted under this section to the Health and Human Services
22 Committee of the Legislature on or before September 15. The
23 statement shall include, but not be limited to, a listing of
24 programs provided for children and families and the priority of
25 such programs, a summary of the expenses incurred in the provision
26 and administration of services for children and families, the
27 number of clients served by each program, and data being collected
1 to demonstrate the short-term and long-term effectiveness of each
2 program.

3 Sec. 14. Section 68-1207.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 68-1207.01 The Department of Health and Human Services
6 shall annually provide a report to the Legislature and Governor
7 outlining the caseloads of child protective services, the factors
8 considered in their establishment, and the fiscal resources
9 necessary for their maintenance. For 2012, 2013, and 2014, the
10 department shall also provide the report to the Health and Human

11 Services Committee of the Legislature on or before September 15.

12 Such report shall include:

13 (1) A comparison of caseloads established by the
14 department with the workload standards recommended by national
15 child welfare organizations along with the amount of fiscal
16 resources necessary to maintain such caseloads in Nebraska;

17 (2)(a) The number of child welfare services caseworkers
18 and case managers employed by the State of Nebraska and child
19 welfare services workers, providing services directly to children
20 and families, who are under contract with the State of Nebraska
21 or employed by a private entity under contract with the State of
22 Nebraska and (b) statistics on the average length of employment in
23 such positions, statewide and by health and human services area;

24 (3)(a) The average caseload of child welfare services
25 caseworkers and case managers employed by the State of Nebraska
26 and child welfare services workers, providing services directly to
27 children and families, who are under contract with the State of
1 Nebraska or employed by a private entity under contract with the
2 State of Nebraska and (b) the outcomes of such cases, including
3 the number of children reunited with their families, children
4 adopted, children in guardianships, placement of children with
5 relatives, and other permanent resolutions established, statewide
6 and by health and human services area; and

7 (4) The average cost of training child welfare services
8 caseworkers and case managers employed by the State of Nebraska
9 and child welfare services workers, providing services directly to
10 children and families, who are under contract with the State of
11 Nebraska or employed by a private entity under contract with the
12 State of Nebraska, statewide and by health and human services area.

13 Sec. 15. Section 71-825, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-825 The department shall provide an annual report,
16 no later than December 1, to the Governor and the Legislature
17 on the operation of the Children and Family Support Hotline
18 established under section 71-822, the Family Navigator Program
19 established under section 71-823, and the provision of voluntary
20 post-adoption and post-guardianship case management services under
21 section 71-824, except that for 2012, 2013, and 2014, the
22 department shall also provide the report to the Health and Human
23 Services Committee of the Legislature on or before September 15.

24 Sec. 16. Section 71-1904, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1904 (1) The department shall adopt and promulgate
27 rules and regulations pursuant to sections 71-1901 to 71-1906.01
1 for (a) the proper care and protection of children by licensees
2 under such sections, (b) the issuance, suspension, and revocation
3 of licenses to provide foster care, (c) the issuance, suspension,
4 and revocation of probationary licenses to provide foster care, (d)
5 the issuance, suspension, and revocation of provisional licenses to

6 provide foster care, (e) the provision of training in foster care,
7 which training shall be directly related to the skills necessary
8 to care for children in need of out-of-home care, including,
9 but not limited to, abused, neglected, dependent, and delinquent
10 children, and (f) the proper administration of sections 71-1901 to
11 71-1906.01.

12 (2) The training required by subdivision (1)(e) of this
13 section may be waived in whole or in part by the department for
14 persons operating foster homes providing care only to relatives
15 of the foster care provider. Such waivers shall be granted
16 on a case-by-case basis upon assessment by the department of
17 the appropriateness of the relative foster care placement. The
18 department shall report annually to the Health and Human Services
19 Committee of the Legislature the number of waivers granted under
20 this subsection and the total number of children placed in relative
21 foster homes. For 2012, 2013, and 2014, the department shall
22 provide the report to the Health and Human Services Committee of
23 the Legislature on or before September 15.

24 Sec. 17. Section 71-3407, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-3407 (1) The purposes of the team shall be to (a)
27 develop an understanding of the causes and incidence of child
1 deaths in this state, (b) develop recommendations for changes
2 within relevant agencies and organizations which may serve to
3 prevent child deaths, and (c) advise the Governor, the Legislature,
4 and the public on changes to law, policy, and practice which will
5 prevent child deaths.

6 (2) The team shall:

7 (a) Undertake annual statistical studies of the causes
8 and incidence of child deaths in this state. The studies shall
9 include, but not be limited to, an analysis of the records of
10 community, public, and private agency involvement with the children
11 and their families prior to and subsequent to the deaths;

12 (b) Develop a protocol for retrospective investigation of
13 child deaths by the team;

14 (c) Develop a protocol for collection of data regarding
15 child deaths by the team;

16 (d) Consider training needs, including cross-agency
17 training, and service gaps;

18 (e) Include in its annual report recommended changes
19 to any law, rule, regulation, or policy needed to decrease the
20 incidence of preventable child deaths;

21 (f) Educate the public regarding the incidence and causes
22 of child deaths, the public role in preventing child deaths, and
23 specific steps the public can undertake to prevent child deaths.
24 The team may enlist the support of civic, philanthropic, and public
25 service organizations in the performance of its educational duties;

26 (g) Provide the Governor, the Legislature, and the public
27 with annual written reports which shall include the team's findings

1 and recommendations for each of its duties. For 2012, 2013, and
 2 2014, the team shall also provide the report to the Health and
 3 Human Services Committee of the Legislature on or before September
 4 15; and

5 (h) When appropriate, make referrals to those agencies as
 6 required in section 28-711 or as otherwise required by state law.

7 Sec. 18. Sections 10, 11, 12, 13, 14, 15, 16, 17,
 8 and 19 of this act become operative three calendar months after
 9 adjournment of this legislative session. The other sections of this
 10 act become operative on their effective date.

11 Sec. 19. Original sections 43-296, 43-405, 43-534,
 12 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes
 13 of Nebraska, are repealed.

14 2. On page 5, line 13, after "necessary" insert
 15 "including the Foster Care Review Board data coordinator".

16 3. On page 6, line 4, after the period insert "In
 17 conjunction with the report, the department shall prepare the
 18 advance planning document required to qualify for federal funding
 19 for the statewide automated child welfare information system
 20 pursuant to 45 C.F.R. 1355.50 through 1355.57, implementing section
 21 474(a)(3)(C) and (D) of Title IV-E of the federal Social Security
 22 Act, 42 U.S.C. 674(a)(3)(C) and (D), as such regulations, act,
 23 and section existed on January 1, 2012. The advance planning
 24 document shall describe the proposed plan for managing the design,
 25 development, and operations of a statewide automated child welfare
 26 information system that meets such federal requirements and state's
 27 needs in an efficient, comprehensive, and cost effective manner.".

1 4. On page 8, strike lines 16 through 20 and insert:
 2 "(m) Non-court-involved children, including the number of
 3 children served, the services requested, the services provided, the
 4 cost of the services, and the funding source;".

5 5. On page 9, line 17, strike "and"; and in line 22 after
 6 "overdue" insert "; and

7 (7) For any individual involved in the child welfare
 8 system receiving a service or a placement through the department
 9 or its agent for which referral is necessary, the date when such
 10 referral was made by the department or its agent and the date
 11 and the method by which the individual receiving the services was
 12 notified of such referral. To the extent the department becomes
 13 aware of the date when the individual receiving the referral began
 14 receiving such services, the department or its agent shall document
 15 such date".

16 6. On page 14, line 2, strike "and"; and in line
 17 4 after the semicolon insert "and (F) percentage of children
 18 denied reauthorization requests or subsequent review of initial
 19 authorization".

20 7. Renumber the remaining section and correct internal
 21 references accordingly.

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 993A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 993, One Hundred Second Legislature, Second Session, 2012.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB239:
AM1684

(Amendments to Standing Committee amendments, AM727)

- 1 1. On page 1, line 17, strike "or"; after line 17 insert
- 2 the following new subdivision:
- 3 "(2) A tribal identification card issued by a federally
- 4 recognized Indian tribe which is current and valid at the time it
- 5 is presented; or"; and in line 18 strike "(2)" and insert "(3)".

VISITORS

Visitors to the Chamber were 46 fourth-grade students, teachers, and sponsors from York.

The Doctor of the Day was Dr. Jeffrey Gartrell from Omaha.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Monday, February 27, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 27, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 2012

PRAYER

The prayer was offered by Pastor Jim Miller, Christ United Methodist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Conrad and Pirsch who were excused; and Senators Christensen, Coash, Cornett, and Fischer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 423. Introduced by Hadley, 37.

WHEREAS, four students from Kearney Catholic placed at the 2012 Class C State Wrestling Championship; and

WHEREAS, Adam Keating took first place in the 120-pound division; and

WHEREAS, Thomas Connelly took fifth place in the 160-pound division; and

WHEREAS, Zac Keating took sixth place in the 126-pound division; and

WHEREAS, Damon Rodriguez took sixth place in the 106-pound division; 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 Kearney Catholic wrestling team on their success at the 2012 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Kearney Catholic wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 424. Introduced by Hadley, 37.

WHEREAS, five students from Kearney High School placed at the 2012 Class A State Wrestling Championship; and

WHEREAS, Hunter Bamford took second place in the 113-pound division; and

WHEREAS, Seth Nehls took second place in the 120-pound division; and

WHEREAS, Isaac Stansbury took fourth place in the 106-pound division; and

WHEREAS, Kalen Mazankowski took sixth place in the 145-pound division; and

WHEREAS, Jacob Oertle took sixth place in the 138-pound division; 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 Kearney wrestling team on their success at the 2012 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Kearney wrestling team.

Laid over.

MOTION - Approve Appointments

Senator Hadley moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 611:

Board of Public Roads Classifications and Standards

Roger Figard

LeRoy Gerrard

Darold Tagge

David Wacker

Timothy Weander

Edward Wootton

Voting in the affirmative, 40:

Ashford	Flood	Heidemann	Lautenbaugh	Price
Avery	Fulton	Howard	Louden	Schilz
Bloomfield	Gloor	Karpisek	McCoy	Schumacher
Brasch	Haar, K.	Krist	McGill	Seiler
Campbell	Hadley	Lambert	Mello	Smith
Carlson	Hansen	Langemeier	Nelson	Sullivan
Cook	Harms	Larson	Nordquist	Wallman
Dubas	Harr, B.	Lathrop	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Adams	Council	Janssen
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Excused and not voting, 6:

Christensen	Conrad	Fischer
Coash	Cornett	Pirsch

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 985A. Title read. Considered.

Senator Krist offered the following amendment:

AM2189

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$226,750 from
- 4 the General Fund for FY2012-13 to the Board of Regents of the
- 5 University of Nebraska for the University of Nebraska Medical
- 6 Center's College of Public Health, for Program 781, to aid in
- 7 carrying out the provisions of Legislative Bill 985, One Hundred
- 8 Second Legislature, Second Session, 2012.
- 9 Sec. 2. There is hereby appropriated (1) \$7,151,179 from
- 10 the General Fund for FY2012-13 and (2) \$7,151,179 from the General
- 11 Fund for FY2013-14 to the Nebraska Supreme Court, for Program 435,
- 12 to aid in carrying out the provisions of Legislative Bill 985, One
- 13 Hundred Second Legislature, Second Session, 2012.
- 14 Total expenditures for permanent and temporary salaries
- 15 and per diems from funds appropriated in this section shall not
- 16 exceed \$584,535 for FY2012-13 or \$584,535 for FY2013-14.
- 17 Sec. 3. Laws 2011, LB374, section 99, is amended to read:
- 18 Sec. 99. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
- 19 SERVICES
- 20 Program No. 250 - Juvenile Services Operations

21		FY2011-12	FY2012-13
22	GENERAL FUND	29,847,188	30,055,974
23	<u>GENERAL FUND</u>	<u>29,847,188</u>	<u>28,785,875</u>
1	CASH FUND	1,083,083	1,085,380
2	FEDERAL FUND est.	712,823	712,823
3	PROGRAM TOTAL	31,643,094	31,854,177
4	<u>PROGRAM TOTAL</u>	<u>31,643,094</u>	<u>30,584,078</u>
5	<u>SALARY LIMIT</u>	<u>10,619,814</u>	<u>10,803,292</u>

6 The unexpended General Fund appropriation balance
7 existing on June 30, 2011, is hereby reappropriated.

8 The Department of Administrative Services shall monitor
9 the appropriations and expenditures for this program according to
10 the following program classifications:

- 11 No. 315 - Office of Juvenile Services
- 12 No. 345 - Juvenile Community-Based Services
- 13 No. 364 - Juvenile Parole Administration
- 14 No. 371 - Youth Rehabilitation and Treatment
- 15 Center-Geneva
- 16 No. 374 - Youth Rehabilitation and Treatment
- 17 Center-Kearney

18 There is included in the appropriation to this program
19 for FY2011-12 \$1,000,000 Cash Funds for mental health services to
20 juvenile offenders under section 43-407 from the Nebraska Health
21 Care Cash Fund. There is included in the appropriation to this
22 program for FY2012-13 \$1,000,000 Cash Funds for mental health
23 services to juvenile offenders under section 43-407 from the
24 Nebraska Health Care Cash Fund.

25 Sec. 4. Laws 2011, LB374, section 101, is amended to
26 read:

27 Sec. 101. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
1 SERVICES

2 Program No. 347 - Public Assistance

3		FY2011-12	FY2012-13
4	GENERAL FUND	239,522,936	243,518,332
5	<u>GENERAL FUND</u>	<u>239,522,936</u>	<u>237,637,252</u>
6	CASH FUND	6,044,444	6,044,444
7	FEDERAL FUND est.	141,003,570	132,464,624
8	PROGRAM TOTAL	386,570,950	382,027,400
9	<u>PROGRAM TOTAL</u>	<u>386,570,950</u>	<u>376,146,320</u>

10 There is included in the appropriation to this program
11 for FY2011-12 \$239,522,936 General Funds, \$6,044,444 Cash Funds,
12 and \$141,003,570 Federal Funds estimate for state aid, which
13 shall only be used for such purpose. There is included in
14 the appropriation to this program for FY2012-13 ~~\$243,518,332~~
15 \$237,637,252 General Funds, \$6,044,444 Cash Funds, and \$132,464,624
16 Federal Funds estimate for state aid, which shall only be used for
17 such purpose.

18 There is included in the appropriation to this program
19 for FY2011-12 \$810,000 Cash Funds from the Nebraska Health Care

20 Cash Fund for state aid to aid in carrying out the Nebraska
 21 Lifespan Respite Services Program and to provide payment to
 22 caregivers to purchase services under the respite subsidy program.
 23 There is included in the appropriation to this program for
 24 FY2012-13 \$810,000 Cash Funds from the Nebraska Health Care Cash
 25 Fund for state aid to aid in carrying out the Nebraska Lifespan
 26 Respite Services Program and to provide payment to caregivers to
 27 purchase services under the respite subsidy program.
 1 There is included in the appropriation to this program
 2 for FY2011-12 \$2,734,444 Cash Funds from the Nebraska Health
 3 Care Cash Fund for state aid for the continuation of the
 4 behavioral health provider rate increase. There is included in
 5 the appropriation to this program for FY2012-13 \$2,734,444 Cash
 6 Funds from the Nebraska Health Care Cash Fund for state aid for the
 7 continuation of the behavioral health provider rate increase.
 8 Sec. 5. Original Laws 2011, LB374, sections 99 and 101,
 9 are repealed.
 10 Sec. 6. Since an emergency exists, this act takes effect
 11 when passed and approved according to law.

The Krist amendment 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 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 993. Title read. Considered.

Senator Council renewed her amendment, AM2110, found on page 609.

Senator Council withdrew her amendment.

Senator Council withdrew her amendment, AM2113, found on page 609.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 425. Introduced by B. Harr, 8; Krist, 10.

WHEREAS, the Omaha Creighton Preparatory School decathlon team won the 2012 Nebraska Academic Decathlon; and

WHEREAS, the win was Creighton Preparatory School's third consecutive decathlon championship; and

WHEREAS, coaches Jeannie Brayman, Kevin Mortensen, Dave Stuva, and Mike Higgins did a tremendous job of mentoring and fostering the team; and

WHEREAS, Greg Smith, Charlie Ziegenbein, Michael Tritz, Nathan Davis, Mitchell Kilborn, Nathan DeMaria, Johnnie Shaw, John Szalewski, Connor Kerschinske, Blake Stokes, Nick Mullen, Bob Leddy, Nolan Terry, Cameron Troshynski, Jackson Koehler, John Porter, John Wilson, Martin Gilgenast, Brigg Killips, Patrick Fisher, Andrew McIntosh, Mark Schembari, and Alex Rogers displayed hard work and dedication as they prepared for the competition; and

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

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

1. That the Legislature congratulates the Omaha Creighton Preparatory School decathlon team on winning the 2012 Nebraska Academic Decathlon.

2. That a copy of this resolution be sent to the Creighton Preparatory School decathlon team and their head coach, Jeannie Brayman.

Laid over.

LEGISLATIVE RESOLUTION 426. Introduced by Larson, 40.

WHEREAS, the Hartington boys' bowling team won the state championship for Class C at the 2012 Nebraska High School Bowling Federation State Tournament; and

WHEREAS, the Hartington bowling team is a collaboration of students from Hartington Public High School and Hartington Cedar Catholic High School; and

WHEREAS, the Hartington bowling team competed in four games, giving them a team total of a 2602 series; and

WHEREAS, this year marks the team's third year participating in the state bowling tournament; 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 Hartington boys' bowling team on winning the state championship for Class C at the 2012 Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the bowling team and their coaches, Jim Anderson and Gene Haberer.

Laid over.

AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB949:
AM1995

- 1 1. Insert the following new section:
2 Sec. 5. Since an emergency exists, this act takes effect
3 when passed and approved according to law.
4 2. On page 2, strike beginning with "(1)" in line 1
5 through line 9 and insert "(1)(a) On or before July 30, 2012,
6 the Division of Children and Family Services of the Department of
7 Health and Human Services shall report in writing its expenditures
8 between January 1, 2012, and June 30, 2012, to the Appropriations
9 Committee of the Legislature and the Health and Human Services
10 Committee of the Legislature. Such report shall identify any
11 changes or movement of funds in excess of two hundred fifty
12 thousand dollars relating to child welfare between subprograms
13 within Budget Program 347.
14 (b) Beginning with the third calendar quarter of 2012,
15 the division shall report in writing its expenditures for each
16 quarter within thirty days after the end of the quarter to the
17 Appropriations Committee of the Legislature and the Health and
18 Human Services Committee of the Legislature. Such report shall
19 identify any changes or movement of funds in excess of two
20 hundred fifty thousand dollars relating to child welfare between
21 subprograms within Budget Program 347."; in line 10 strike "For"
22 through the first comma and insert "For the biennium ending June
23 30, 2015, and the biennium ending June 30, 2017."; and in line
1 25 strike "In" through the first comma and insert "Not later than
2 September 15, 2013, and not later than September 15, 2015.".
3 3. On page 3, line 6, strike "FY2013-14" through "budget"
4 and insert "biennial budget for the biennium ending June 30, 2015".
5 4. On page 4, line 2, after "the" insert "key".

Senator Cornett filed the following amendment to LB1071:
AM2148 is available in the Bill Room.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 42. Placed on Final Reading.

LEGISLATIVE BILL 446. Placed on Final Reading.

ST62

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

1. On page 1, line 3, "and 79-1241.03" has been struck and ", 79-1241.03, and 79-1242" inserted; and in line 6 "and use" has been inserted after "distribution".

LEGISLATIVE BILL 526. Placed on Final Reading.
LEGISLATIVE BILL 733. Placed on Final Reading.
LEGISLATIVE BILL 739. Placed on Final Reading.
LEGISLATIVE BILL 760. Placed on Final Reading.
LEGISLATIVE BILL 780. Placed on Final Reading.
LEGISLATIVE BILL 790. Placed on Final Reading.

LEGISLATIVE BILL 801. Placed on Final Reading.
 ST66

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

1. On page 109, line 16, "and" has been inserted after the semicolon.

LEGISLATIVE BILL 841. Placed on Final Reading.
LEGISLATIVE BILL 860. Placed on Final Reading.
LEGISLATIVE BILL 862. Placed on Final Reading.
LEGISLATIVE BILL 862A. Placed on Final Reading.
LEGISLATIVE BILL 985. Placed on Final Reading.
LEGISLATIVE BILL 1043. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

VISITORS

Visitors to the Chamber were members of The Nebraska Library Commission and Friends of the Omaha Public Library; Krystal Hicok; Shirley Sider; Nathan Wilson; and Majorie Gloe.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Conrad and Pirsch who were excused; and Senators Ashford, Fischer, Heidemann, and Nelson who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Revenue

Room 1524

Monday, March 5, 2012 12:00 p.m.

AM2148 to LB1071

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 239. Title read. Considered.

Committee AM727, found on page 865, First Session, 2011, was considered.

Senator Council renewed her amendment, AM1667, found on page 106, to the committee amendment.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 759. Placed on Final Reading.

LEGISLATIVE BILL 786. Placed on Final Reading.

LEGISLATIVE BILL 811. Placed on Final Reading.

LEGISLATIVE BILL 878. Placed on Final Reading.

LEGISLATIVE BILL 1031. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 427. Introduced by Karpisek, 32.

WHEREAS, Trevor Hartley, a senior at Thayer Central High School, won the 2012 Class D State Wrestling Championship in the 182-pound division; and

WHEREAS, Trevor finished the season with a 39-2 record; 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 Trevor Hartley on winning the 2012 Class D State Wrestling Championship in the 182-pound division.
2. That a copy of this resolution be sent to Trevor Hartley.

Laid over.

LEGISLATIVE RESOLUTION 428. Introduced by Karpisek, 32.

WHEREAS, Luke DeLong, a senior at Fillmore Central High School, won the 2012 Class C State Wrestling Championship in the 160-pound division; and

WHEREAS, Luke finished his senior wrestling season undefeated; 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 Luke DeLong on winning the 2012 Class C State Wrestling Championship in the 160-pound division.
2. That a copy of this resolution be sent to Luke DeLong.

Laid over.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB209:
AM2193 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 880. Placed on General File.

LEGISLATIVE BILL 999. Placed on General File.

LEGISLATIVE BILL 1006. Placed on General File.

LEGISLATIVE BILL 1023. Placed on General File.

LEGISLATIVE BILL 1116. Placed on General File.

LEGISLATIVE BILL 1141. Placed on General File.

LEGISLATIVE BILL 819. Placed on General File with amendment.
AM1999

- 1 1. Strike original sections 2 to 4 and insert the
2 following new sections:
- 3 Sec. 2. Section 69-1302, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 69-1302 The following property held or owing by a banking
6 or financial organization or by a business association is presumed
7 abandoned:
- 8 (a) Any demand, savings, or matured time deposit that
9 is not automatically renewable made in this state with a banking
10 organization, together with any interest or dividends thereon,
11 excluding any charges that may lawfully be withheld, unless the
12 owner has, within five years:
- 13 (1) Increased or decreased the amount of the deposit, or
14 presented the passbook or other similar evidence of the deposit for
15 the crediting of interest or dividends; or
- 16 (2) Corresponded in writing with the banking organization
17 concerning the deposit; or
- 18 (3) Otherwise indicated an interest in the deposit as
19 evidenced by a memorandum or other record on file with the banking
20 organization; or
- 21 (4) Owned other property to which subdivision (a)(1),
22 (2), or (3) applies and if the banking organization corresponds
23 in writing with the owner with regard to the property that would
1 otherwise be presumed abandoned under subdivision (a) of this
2 section at the address to which correspondence regarding the other
3 property regularly is sent; or
- 4 (5) Had another relationship with the banking
5 organization concerning which the owner has:
- 6 (i) Corresponded in writing with the banking
7 organization; or
- 8 (ii) Otherwise indicated an interest as evidenced by a
9 memorandum or other record on file with the banking organization
10 and if the banking organization corresponds in writing with the
11 owner with regard to the property that would otherwise be abandoned
12 under subdivision (a) of this section at the address to which
13 correspondence regarding the other relationship regularly is sent.
- 14 (b) Any funds paid in this state toward the purchase of
15 shares or other interest in a financial organization or any deposit
16 that is not automatically renewable, including a certificate of
17 indebtedness that is not automatically renewable, made therewith in
18 this state, and any interest or dividends thereon, excluding any
19 charges that may lawfully be withheld, unless the owner has within
20 five years:
- 21 (1) Increased or decreased the amount of the funds or
22 deposit, or presented an appropriate record for the crediting of
23 interest or dividends; or

24 (2) Corresponded in writing with the financial
25 organization concerning the funds or deposit; or
26 (3) Otherwise indicated an interest in the funds or
27 deposit as evidenced by a memorandum or other record on file with
1 the financial organization; or

2 (4) Owned other property to which subdivision (b)(1),
3 (2), or (3) applies and if the financial organization corresponds
4 in writing with the owner with regard to the property that would
5 otherwise be presumed abandoned under subdivision (b) of this
6 section at the address to which correspondence regarding the other
7 property regularly is sent; or

8 (5) Had another relationship with the financial
9 organization concerning which the owner has:

10 (i) Corresponded in writing with the financial
11 organization; or

12 (ii) Otherwise indicated an interest as evidenced by a
13 memorandum or other record on file with the financial organization
14 and if the financial organization corresponds in writing with the
15 owner with regard to the property that would otherwise be abandoned
16 under this subdivision (b) of this section at the address to which
17 correspondence regarding the other relationship regularly is sent.

18 (c) A holder may not, with respect to property described
19 in subdivision (a) or (b) of this section, impose any charges
20 solely due to dormancy or cease payment of interest solely due
21 to dormancy unless there is a written contract between the holder
22 and the owner of the property pursuant to which the holder may
23 impose reasonable charges or cease payment of interest or modify
24 the imposition of such charges and the conditions under which
25 such payment may be ceased. A holder of such property who imposes
26 charges solely due to dormancy may not increase such charges
27 with respect to such property during the period of dormancy.

1 The contract required by this subdivision may be in the form of
2 a signature card, deposit agreement, or similar agreement which
3 contains or incorporates by reference (1) the holder's schedule of
4 charges and the conditions, if any, under which the payment of
5 interest may be ceased or (2) the holder's rules and regulations
6 setting forth the holder's schedule of charges and the conditions,
7 if any, under which the payment of interest may be ceased.

8 (d)(1) Any time deposit that is automatically renewable,
9 including a certificate of indebtedness that is automatically
10 renewable, made in this state with a banking or financial
11 organization, together with any interest thereon, seven years
12 after the expiration of the initial time period or any renewal time
13 period unless the owner has, during such initial time period or
14 renewal time period:

15 (i) Increased or decreased the amount of the deposit, or
16 presented an appropriate record or other similar evidence of the
17 deposit for the crediting of interest;

- 18 (ii) Corresponded in writing with the banking or
19 financial organization concerning the deposit;
- 20 (iii) Otherwise indicated an interest in the deposit as
21 evidenced by a memorandum or other record on file with the banking
22 or financial organization;
- 23 (iv) Owned other property to which subdivision (d)(1)(i),
24 (ii), or (iii) of this section applies and if the banking or
25 financial organization corresponds in writing with the owner with
26 regard to the property that would otherwise be presumed abandoned
27 under subdivision (d) of this section at the address to which
1 correspondence regarding the other property regularly is sent; or
- 2 (v) Had another relationship with the banking or
3 financial organization concerning which the owner has:
- 4 (A) Corresponded in writing with the banking or financial
5 organization; or
- 6 (B) Otherwise indicated an interest as evidenced by
7 a memorandum or other record on file with the banking or
8 financial organization and if the banking or financial organization
9 corresponds in writing with the owner with regard to the property
10 that would otherwise be abandoned under subdivision (d) of this
11 section at the address to which correspondence regarding the other
12 relationship regularly is sent.
- 13 (2) If, at the time provided for delivery in section
14 69-1310, a penalty or forfeiture in the payment of interest would
15 result from the delivery of a time deposit subject to subdivision
16 (d) of this section, the time for delivery shall be extended until
17 the time when no penalty or forfeiture would result.
- 18 (e) Any sum payable on checks certified in this state
19 or on written instruments issued in this state on which a
20 banking or financial organization or business association is
21 directly liable, including, by way of illustration but not of
22 limitation, certificates of deposit that are not automatically
23 renewable, drafts, money orders, and traveler's checks, that, with
24 the exception of money orders and traveler's checks, has been
25 outstanding for more than five years from the date it was payable,
26 or from the date of its issuance if payable on demand, or, in
27 the case of (i) money orders, that has been outstanding for more
1 than seven years from the date of issuance and (ii) traveler's
2 checks, that has been outstanding for more than fifteen years from
3 the date of issuance, unless the owner has within five years, or
4 within seven years in the case of money orders and within fifteen
5 years in the case of traveler's checks, corresponded in writing
6 with the banking or financial organization or business association
7 concerning it, or otherwise indicated an interest as evidenced by
8 a memorandum or other record on file with the banking or financial
9 organization or business association.
- 10 (f) Any funds or other personal property, tangible
11 or intangible, removed from a safe deposit box or any other
12 safekeeping repository or agency or collateral deposit box in

13 this state on which the lease or rental period has expired due
 14 to nonpayment of rental charges or other reason, or any surplus
 15 amounts arising from the sale thereof pursuant to law, that have
 16 been unclaimed by the owner for more than five years from the date
 17 on which the lease or rental period expired.

18 (g) For the purposes of this section failure of the
 19 United States mails to return a letter, duly deposited therein,
 20 first-class postage prepaid, to the last-known address of an owner
 21 of tangible or intangible property shall be deemed correspondence
 22 in writing and shall be sufficient to overcome the presumption
 23 of abandonment created herein. A memorandum or writing on file
 24 with such banking or financial organization shall be sufficient to
 25 evidence such failure.

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

10 Sec. 4. The State Treasurer, upon receiving military
 11 medals, shall hold and maintain the military medals for ten years
 12 or until the original owner or the owners' respective heirs or
 13 beneficiaries can be identified and the military medals returned.
 14 After ten years, the State Treasurer may designate a veteran's
 15 organization, an awarding agency, or a government entity as the
 16 custodian of the military medals. Once the military medals are
 17 turned over to a veteran's organization, an awarding agency,
 18 or a government entity, the State Treasurer will no longer be
 19 responsible for the safe keeping of the military medals.

LEGISLATIVE BILL 858. Placed on General File with amendment.
 AM2117

1 1. On page 5, line 24, after "services" insert ",
 2 using performance-based contracting methods to the maximum extent
 3 practicable.".

4 2. On page 10, line 6; page 11, line 13; and page 13,
 5 line 12, strike "twenty-five" and insert "fifteen".

6 3. On page 13, strike beginning with "The" in line 17
 7 through the period in line 18; and in line 19 strike "guidelines"
 8 and insert "proof-of-need analysis" and strike "at least".

9 4. On page 15, line 7, after "certify" insert "receipt
 10 of"; strike line 8 through "section" in line 9; in line 9 strike
 11 "determination" and insert "receipt of the proof-of-need analysis";
 12 and in line 10 strike "receipt of" and insert "receiving" and after

13 the period insert "Certification of the proof-of-need analysis
 14 means that all information required by this section has been
 15 provided to the division by the state agency.".

LEGISLATIVE BILL 869. Placed on General File with amendment.
 AM2122

- 1 1. On page 2, line 25, strike "nonprofit" and show as
- 2 stricken.
- 3 2. On page 3, strike beginning with "which" in line 1
- 4 through the period in line 2, show as stricken, and insert an
- 5 underscored period.

(Signed) Bill Avery, Chairperson

Executive Board

LEGISLATIVE BILL 1007. Indefinitely postponed.

LEGISLATIVE BILL 1133. Indefinitely postponed.

(Signed) John Wightman, Chairperson

Health and Human Services

LEGISLATIVE BILL 1122. Placed on General File.

LEGISLATIVE BILL 825. Placed on General File with amendment.
 AM2163

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. For purposes of sections 1 to 6 of this act:
- 4 (1) Client means an applicant for one or more economic
- 5 assistance programs or his or her legal representative;
- 6 (2) Community-based organization means:
- 7 (a) An area agency on aging established pursuant to the
- 8 Nebraska Community Aging Services Act;
- 9 (b) A Nebraska-based community action agency designated
- 10 under the federal Economic Opportunity Act of 1964, 42 U.S.C. 2701
- 11 et seq., as such sections existed on January 1, 2012;
- 12 (c) A Nebraska-based center for independent living
- 13 established under the federal Rehabilitation Act of 1973, 29 U.S.C.
- 14 701 et seq., as such section existed on January 1, 2012;
- 15 (d) A Nebraska-based rural health clinic established
- 16 under the federal Rural Health Clinics Act of 1983, 42 U.S.C. 201
- 17 et seq., as such section existed on January 1, 2012;
- 18 (e) A Nebraska-based federally qualified health center
- 19 and rural health clinic as such terms are defined in the federal
- 20 Social Security Act, 42 U.S.C. 1395x(aa), as such section existed
- 21 on January 1, 2012; and

22 (f) Any other organization that demonstrates to the
23 department that it can comply with the requirements of subsection
1 (2) of section 5 of this act;

2 (3) Economic assistance programs includes aid to
3 dependent children; aid to the aged, blind, and disabled;
4 Supplemental Nutrition Assistance Program; medicaid; child care;
5 emergency assistance; energy assistance; social services block
6 grants; and other similar programs administered by the department;
7 and

8 (4) Existing local office means all office locations for
9 economic assistance programs of the Department of Health and Human
10 Services that existed on January 1, 2012.

11 Sec. 2. (1) The Department of Health and Human Services
12 shall staff multiple, integrated access points for economic
13 assistance programs administered by the department in order to
14 assure that Nebraskans who rely on such programs will be able to
15 utilize them effectively.

16 (2) The department shall staff existing local offices
17 that provide access to economic assistance programs throughout the
18 state with caseworkers to provide in-person services to department
19 clients. The department shall provide sufficient numbers and hours
20 of staff to perform the activities described in this section and
21 section 3 of this act.

22 (3) The department shall determine appropriate numbers
23 and hours of staff for each existing local office based on a review
24 of the need in each service area. In determining the appropriate
25 numbers and hours of staff, the department shall, at a minimum,
26 consider: (a) The need for staff to travel to community-based
27 organizations as provided in section 5 of this act; (b) the volume
1 of economic assistance cases in the counties served by the existing
2 local office; (c) the number of community-based organizations in
3 the counties served by the existing local office; (d) the volume
4 of call-center calls originating in the counties served by the
5 existing local office; and (e) the requirements of sections 1 to 5
6 of this act.

7 (4) Caseworkers at existing local offices shall perform
8 the following activities by appointment and on a drop-in basis:

9 (a) Help clients complete assistance and renewal
10 applications;

11 (b) Screen clients for program eligibility;

12 (c) Interview clients for assistance eligibility and
13 assistance renewal eligibility;

14 (d) Determine program eligibility of the client; and

15 (e) Answer client questions in-person.

16 (5) Department call centers for economic assistance
17 programs shall take appointments for face-to-face help for clients
18 regarding or relating to such assistance upon request of the
19 client.

20 (6) Each existing local office shall be equipped with a
21 reasonable number of computers, telephones, and scanning equipment
22 for client use.

23 Sec. 3. (1) The Department of Health and Human Services
24 shall provide high-quality services for clients who apply for or
25 receive benefits under public benefit programs administered by the
26 department.

27 (2) The department shall utilize department caseworkers
1 who are located in call centers, dedicated caseworkers, and
2 specialized department employees or units who will provide
3 in-person assistance to specific clients.

4 (3) Upon the request of the client, dedicated caseworkers
5 shall, at a minimum, be utilized for persons with chronic physical
6 or mental disorders and the elderly that require the provision of
7 medical and personal care services on a recurring or continuing
8 basis.

9 (4) Specialized department employees or units shall, at a
10 minimum, be utilized for complex cases, including medicaid waiver
11 cases, medicaid spousal impoverishment cases, disability cases, and
12 other similar cases upon request of the client.

13 (5) The dedicated caseworkers and specialized department
14 employees or units shall be placed in the existing local offices
15 established or reestablished under section 2 of this act and shall
16 be accessible to department caseworkers in call centers.

17 Sec. 4. (1) Community support specialists within the
18 Department of Health and Human Services shall:

19 (a) Act as a liaison between the department and
20 community-based organizations;

21 (b) Facilitate client assistance by community-based
22 organizations;

23 (c) Train community-based organizations in how to help
24 clients access economic assistance programs through the department
25 web site; and

26 (d) Respond to client problems with the application
27 process known as Access Nebraska or its successor.

1 (2) The department shall determine the appropriate
2 numbers and hours of community support specialists but shall, at
3 a minimum, employ eight community support specialists to perform
4 the requirements of subsection (1) of this section. The community
5 support specialists shall receive annual training in:

6 (a) Principles and practices of public administration;

7 (b) Procedure and policy development; and

8 (c) Federal and state laws, rules, regulations, and
9 procedures pertaining to health and human services programs.

10 Sec. 5. (1) The Department of Health and Human Services
11 shall enter into contracts with community-based organizations
12 which allow the department to keep caseworkers present at the
13 community-based organization at the times specified in the

14 contract. A contract under this section shall specify sufficient
15 times to allow caseworkers to:

16 (a) Screen and conduct interviews for assistance
17 eligibility and assistance renewal;

18 (b) Assist clients with assistance applications and
19 renewals;

20 (c) Receive assistance applications and renewals;

21 (d) Answer questions in person;

22 (e) Train and provide technical assistance to staff of
23 community-based organizations; and

24 (f) Conduct face-to-face interviews with clients by
25 appointment and on a drop-in basis.

26 (2) In addition to the requirements specified in
27 subsection (1) of this section, each such contract shall allow the
1 community-based organization to:

2 (a) Provide quality, accurate information relating to
3 economic assistance programs that are targeted at populations known
4 to have low participation rates in or difficulty accessing such
5 assistance programs;

6 (b) Provide quality outreach to clients in the target
7 populations who utilize economic assistance programs;

8 (c) Assist clients in scheduling appointments with
9 caseworkers at a community-based organization facility or local
10 office that provides access to economic assistance programs,
11 whichever the client prefers;

12 (d) Assist with organization of information required for
13 economic assistance application or renewal; and

14 (e) Negotiate fair compensation for services provided to
15 applicants for economic assistance benefits as described in this
16 section.

17 (3) The department shall maintain a sufficient number
18 of contracts to provide access to assistance for all Nebraska
19 citizens in establishing and maintaining eligibility for economic
20 assistance programs. In determining the number of contracts with
21 community-based organizations, the department shall, at a minimum,
22 consider:

23 (a) The geographic distance applicants would be required
24 to travel to meet with a caseworker in person and how to minimize
25 that distance;

26 (b) The volume of economic assistance cases in the
27 service area and how to adequately serve those cases;

1 (c) The number of clients in an area who have difficulty
2 in verbal and written communication due to hearing or vision
3 impairment, language barriers, or literacy challenges and how to
4 accommodate their needs;

5 (d) The community-based organization's ability to serve
6 the need; and

7 (e) The number of existing local offices in the service
8 area.

9 Sec. 6. The Department of Health and Human Services
 10 shall fulfill the requirements of sections 1 to 5 of this act
 11 by September 1, 2012. The department shall train community-based
 12 organizations by September 1, 2012. The department shall report
 13 back to the Health and Human Services Committee of the Legislature
 14 by September 15, 2012, regarding the implementation of sections
 15 1 to 5 of this act, including, but not limited to, the reasons
 16 for the department's determinations of the appropriate number of
 17 staff and hours pursuant to section 2 of this act and the number
 18 of community-based organization contracts pursuant to section 5 of
 19 this act.

LEGISLATIVE BILL 1077. Placed on General File with amendment.
 AM1960

- 1 1. On page 2, line 18, after the period insert "Nothing
- 2 in this section shall be construed to require any facility listed
- 3 in this section to cover the cost of a vaccination provided
- 4 pursuant to this section."

LEGISLATIVE BILL 1083. Placed on General File with amendment.
 AM1991

- 1 1. On page 2, line 13, before "nurse" insert "licensed".

(Signed) Kathy Campbell, Chairperson

COMMUNICATIONS

February 15, 2012

Governor Dave Heineman
 Office of the Governor
 P.O. Box 94848
 Lincoln, NE 68509-4848

Dear Governor Heineman:

Please accept this letter of support and approval for the generous gift from the Norfolk Veterans Home Heroes Park Foundation Inc. This gift will enable the development of Heroes Park. Heroes Park is the development of the property adjacent to the rear of the Norfolk Veterans Home. This development is the grading and seeding of what will be a park like environment easily accessible to members of the veteran's home and their visiting families. Not only will the project be a place of rest, relaxation and leisure for the members - essentially a back yard for the place they call home - but a place for the communities of Northeast Nebraska to come together to express their support and appreciation for our veterans.

This project will enhance the quality of life of the members of our home. There will be no significant maintenance issues that cannot be addressed

with current facility staff and resources. Lastly, I would like to commend the members of the Foundation as well as all the people who have cared so much to work together to make an excellent facility even better.

Sincerely,
(Signed) John Hilgert
Director
Division of Veterans' Homes

February 27, 2012

Senator John Wightman
Chairperson, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Wightman,

Enclosed is correspondence from the Department of Administrative Services. The correspondence relates to a request for approval of planned improvements to include material and in-kind services to be donated per §81-1108.33, R.R.S. of Neb 1943 for the following:

Phase 1 of Norfolk Veterans Home Heroes Park Project

I am forwarding this correspondence to you for Executive Board action.

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

PJO:jk

enclosure

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Hadley moved the previous question. The question is, "Shall the debate now close?"

Senator Hadley moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Hadley requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 24:

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

Voting in the negative, 22:

Ashford	Council	Howard	McGill	Wallman
Avery	Dubas	Karpisek	Mello	Wightman
Campbell	Haar, K.	Lambert	Nordquist	
Cook	Harms	Lathrop	Schumacher	
Cornett	Harr, B.	Louden	Seiler	

Excused and not voting, 3:

Conrad	Langemeier	Pirsch
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The motion to cease debate failed with 24 ayes, 22 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were former Senator Cap Dierks from Ewing, his son, Jon, from Lincoln; and Senator Smith's son, Garrett, from Papillion.

The Doctor of the Day was Dr. Hannah Heckart from Omaha.

ADJOURNMENT

At 3:59 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 28, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 2012

PRAYER

The prayer was offered by Reverend ValJean Warman, Fullerton United Methodist Church and Pierce Chapel United Methodist Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad, Cornett, Council, Heidemann, Lautenbaugh, Price, and Schumacher who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 882. Placed on Select File.

LEGISLATIVE BILL 985A. Placed on Select File with amendment.
ER189

- 1 1. In the Krist amendment, AM2189, on page 1, line 11,
- 2 strike "Nebraska".
- 3 2. On page 1, line 4, after the semicolon insert "to
- 4 reduce appropriations to the Department of Health and Human
- 5 Services;".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 541. Placed on Final Reading Second.

LEGISLATIVE BILL 686. Placed on Final Reading.
ST63

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

1. On page 1, line 3, "an exception" has been struck and "exceptions" inserted.

LEGISLATIVE BILL 723. Placed on Final Reading.

LEGISLATIVE BILL 773. Placed on Final Reading.

LEGISLATIVE BILL 794. Placed on Final Reading.

LEGISLATIVE BILL 831. Placed on Final Reading.

LEGISLATIVE BILL 849. Placed on Final Reading.
ST64

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

1. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "recreation areas; to authorize the Game and Parks Commission to convey certain real estate; to prescribe conditions relating to the operation and maintenance of the real estate; to provide duties for the Lower Loup Natural Resources District; and to declare an emergency." inserted.

LEGISLATIVE BILL 871. Placed on Final Reading.

LEGISLATIVE BILL 887. Placed on Final Reading.

LEGISLATIVE BILL 904. Placed on Final Reading.

LEGISLATIVE BILL 943. Placed on Final Reading.

LEGISLATIVE BILL 1018. Placed on Final Reading.
ST65

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

1. In the McCoy amendment, AM2161, on page 1, line 21, an underscored comma has been inserted after "interests".

LEGISLATIVE BILL 1064. Placed on Final Reading.

LEGISLATIVE BILL 1118. Placed on Final Reading Second.

LEGISLATIVE RESOLUTION 40CA. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

BILL 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 LB633 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 633. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010, and sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to change determination and certification dates under the Tax Equity and Educational Opportunities Support Act; to change tax levy and bonding authority for certain improvement projects; to authorize issuance of refunding bonds; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 6:

Conrad	Council	Lautenbaugh
Cornett	Heidemann	Schumacher

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB633.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR401 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR401.

GENERAL FILE

LEGISLATIVE BILL 821. Title read. Considered.

Committee AM2138, found on page 644, was considered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 2012, at 9:25 a.m. was the following: LB633e.

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

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB824:
AM2195

(Amendments to Standing Committee amendments, AM2080)

- 1 1. On page 7, line 14, after the first comma insert "line
- 2 20, after 'distillation' insert ', except that in the case of a
- 3 malt beverage with an alcohol content of more than six percent
- 4 by volume, not more than one and one-half percent of the volume
- 5 of the malt beverage may consist of alcohol derived from flavors,
- 6 flavorings, or other nonbeverage ingredients containing alcohol
- 7 obtained by distillation'; and in".

RESOLUTION**LEGISLATIVE RESOLUTION 429.** Introduced by Avery, 28.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States; Operation Enduring Freedom in Afghanistan; Operation Iraqi Freedom and Operation New Dawn in Iraq and Kuwait; and Operation Unified Protector in Libya; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation, both air and ground, reconnaissance and surveillance, law and order, including police investigation, direct support maintenance, and agricultural development; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, aerial medical evacuation, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, Nebraska National Guard personnel have completed over 10,000 individual deployments to more than twenty foreign countries since September 11, 2001; and

WHEREAS, Sergeant Patrick Douglas Hamburger gave his last full measure of devotion, sacrificing his life for our state and nation; and

WHEREAS, the Silver Star, the third highest award exclusively for combat valor, was presented to Second Lieutenant Bradley Duane Larson; and

WHEREAS, the Soldier's Medal, awarded for heroism in noncombat circumstances, was presented to Staff Sergeant Justin Dean McCoy and Staff Sergeant Eric Lee Schnell; and

WHEREAS, the Bronze Star Medal with Valor, awarded for heroic or meritorious achievement or service, was presented to Specialist Eric Ryan Blackburn; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces who were wounded or killed as a direct result of enemy actions, was presented to Second Lieutenant Bradley Duane Larson, Sergeant First Class Daniel Robert Malizzi, Staff Sergeant Seth Daniel Wecker, Staff Sergeant Brian Wayne Anderson, Staff Sergeant Michael George Cordes, Staff Sergeant James Matthew Dubbs, Sergeant Jeffrey Allan Burton, Sergeant Patrick Douglas Hamburger, Sergeant David Jerome Suing, Specialist Eric Ryan Blackburn, and Specialist Alex Benjamin Young; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, was presented to Specialist Alex Benjamin Young and Staff Sergeant Timothy Daniel Hartmann.

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

1. That the Legislature extends its thanks to and honors the honorees named in this resolution for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the honorees named in this resolution.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1091A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1091, One Hundred Second Legislature, Second Session, 2012.

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 907. Placed on General File.

(Signed) Tom Carlson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the request to approve a gift of materials of \$450,000 of labor and in-kind work offered from the Norfolk Veterans Home Heroes Park Foundation to the Norfolk Veterans Home Heroes Park Project for Phase 1 improvements to Heroes Park to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 821. Committee AM2138, found on page 644 and considered in this day's Journal, was renewed.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

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

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 734. Placed on General File.

LEGISLATIVE BILL 737. Placed on General File.

LEGISLATIVE BILL 768. Placed on General File.

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 817. Placed on General File.

LEGISLATIVE BILL 881. Placed on General File.

LEGISLATIVE BILL 941. Placed on General File.

LEGISLATIVE BILL 920. Placed on General File with amendment.
AM2097

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 28-311.09, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-311.09 (1) Any victim who has been harassed as
- 6 defined by section 28-311.02 may file a petition and affidavit
- 7 for a harassment protection order as provided in subsection
- 8 (3) of this section. Upon the filing of such a petition and
- 9 affidavit in support thereof, the judge or court may issue a
- 10 harassment protection order without bond enjoining the respondent
- 11 from (a) imposing any restraint upon the person or liberty of
- 12 the petitioner, (b) harassing, threatening, assaulting, molesting,
- 13 attacking, or otherwise disturbing the peace of the petitioner, or
- 14 (c) telephoning, contacting, or otherwise communicating with the
- 15 petitioner.
- 16 (2) The petition for a harassment protection order shall
- 17 state the events and dates of acts constituting the alleged
- 18 harassment.
- 19 (3) A petition for a harassment protection order shall be
- 20 filed with the clerk of the district court, and the proceeding may
- 21 be heard by the county court or the district court as provided in
- 22 section 25-2740.
- 23 (4) A petition for a harassment protection order filed
- 1 pursuant to subsection (1) of this section may not be withdrawn
- 2 except upon order of the court. An order issued pursuant to
- 3 subsection (1) of this section shall specify that it is effective
- 4 for a period of one year unless otherwise dismissed or modified
- 5 by the court. Any person who knowingly violates an order issued
- 6 pursuant to subsection (1) of this section after service or notice
- 7 as described in subdivision (8)(b) of this section shall be guilty
- 8 of a Class II misdemeanor.

9 (5)(a) Fees to cover costs associated with the filing of
10 a petition for a harassment protection order or the issuance or
11 service of a harassment protection order seeking only the relief
12 provided by this section shall not be charged, except that a court
13 may assess such fees and costs if the court finds, by clear and
14 convincing evidence, that the statements contained in the petition
15 were false and that the harassment protection order was sought in
16 bad faith.

17 (b) A court may also assess costs associated with the
18 filing of a petition for a harassment protection order or the
19 issuance or service of a harassment protection order seeking only
20 the relief sought in the harassment protection order against the
21 respondent.

22 (6) The clerk of the district court shall make available
23 standard application and affidavit forms for a harassment
24 protection order with instructions for completion to be used by a
25 petitioner. The clerk and his or her employees shall not provide
26 assistance in completing the forms. The State Court Administrator
27 shall adopt and promulgate the standard application and affidavit
1 forms provided for in this section as well as the standard
2 temporary and final harassment protection order forms and provide
3 a copy of such forms to all clerks of the district courts in this
4 state. These standard temporary and final harassment protection
5 order forms shall be the only such forms used in this state.

6 (7) Any order issued under subsection (1) of this section
7 may be issued ex parte without notice to the respondent if it
8 reasonably appears from the specific facts shown by affidavit of
9 the petitioner that irreparable harm, loss, or damage will result
10 before the matter can be heard on notice. If the specific facts
11 included in the affidavit (a) do not show that the petitioner will
12 suffer irreparable harm, loss, or damage or (b) show that, for any
13 other compelling reason, an ex parte order should not be issued,
14 the court or judge may forthwith cause notice of the application
15 to be given to the adverse party stating that he or she may show
16 cause, not more than fourteen days after service upon him or her,
17 why such order should not be entered. If such ex parte order is
18 issued without notice to the respondent, the court shall forthwith
19 cause notice of the petition and order to be given the respondent
20 stating that, upon service on the respondent, the order shall
21 remain in effect for a period of one year unless the respondent
22 shows cause why the order should not remain in effect for a period
23 of one year. The court shall also cause to be served upon the
24 respondent a form with which to request a show-cause hearing. If
25 the respondent wishes to appear and show cause why the order should
26 not remain in effect for a period of one year, he or she shall
27 affix his or her current address, telephone number, and signature
1 to the form and return it to the clerk of the district court
2 within five days after service upon him or her. Upon receipt of
3 the request for a show-cause hearing, the court shall immediately

4 schedule a show-cause hearing to be held within thirty days after
5 the receipt of the request for a show-cause hearing and shall
6 notify the petitioner and respondent of the hearing date.

7 ~~(8)~~(8)(a) Upon the issuance of any harassment protection
8 order under this section, the clerk of the court shall forthwith
9 provide the petitioner, without charge, with two certified copies
10 of such order. The clerk of the court shall also forthwith provide
11 the local police department or local law enforcement agency and
12 the local sheriff's office, without charge, with one copy each
13 of such order and one copy each of the sheriff's return thereon.
14 The clerk of the court shall also forthwith provide a copy of
15 the harassment protection order to the sheriff's office in the
16 county where the respondent may be personally served together
17 with instructions for service. Upon receipt of the order and
18 instructions for service, such sheriff's office shall forthwith
19 serve the harassment protection order upon the respondent and file
20 its return thereon with the clerk of the court which issued the
21 harassment protection order within fourteen days of the issuance
22 of the harassment protection order. If any harassment protection
23 order is dismissed or modified by the court, the clerk of the court
24 shall forthwith provide the local police department or local law
25 enforcement agency and the local sheriff's office, without charge,
26 with one copy each of the order of dismissal or modification.

27 (b) If the respondent is present at a hearing convened
1 pursuant to this section and the harassment protection order is
2 not dismissed or modified, such respondent shall be deemed to have
3 notice by the court at such hearing that the protection order will
4 be granted and remain in effect and further service of such notice
5 described in this subsection shall not be required for purposes of
6 prosecution under this section. If the respondent has been properly
7 served with the ex parte order and fails to appear at the hearing
8 required under this section, the temporary order shall be deemed to
9 be granted and remain in effect and the service of the ex parte
10 order will serve as notice required under this section.

11 (9) A peace officer may with or without a warrant arrest
12 a person if (a) the officer has probable cause to believe that
13 the person has committed a violation of an order issued pursuant
14 to this section or a violation of a valid foreign harassment
15 protection order recognized pursuant to section 28-311.10 and (b)
16 a petitioner under this section provides the peace officer with
17 a copy of a harassment protection order or the peace officer
18 determines that such an order exists after communicating with the
19 local law enforcement agency or a person protected under a valid
20 foreign harassment protection order recognized pursuant to section
21 28-311.10 provides the peace officer with a copy of a valid foreign
22 harassment protection order.

23 (10) A peace officer making an arrest pursuant to
24 subsection (9) of this section shall take such person into custody
25 and take such person before a judge of the county court or

26 the court which issued the harassment protection order within
 27 a reasonable time. At such time the court shall establish the
 1 conditions of such person's release from custody, including the
 2 determination of bond or recognizance, as the case may be. The
 3 court shall issue an order directing that such person shall have no
 4 contact with the alleged victim of the harassment.

5 Sec. 2. Section 42-924, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 42-924 (1) Any victim of domestic abuse may file a
 8 petition and affidavit for a protection order as provided in
 9 subsection (2) of this section. Upon the filing of such a petition
 10 and affidavit in support thereof, the judge or court may issue a
 11 protection order without bond granting the following relief:

12 (a) Enjoining the respondent from imposing any restraint
 13 upon the petitioner or upon the liberty of the petitioner;

14 (b) Enjoining the respondent from threatening,
 15 assaulting, molesting, attacking, or otherwise disturbing the peace
 16 of the petitioner;

17 (c) Enjoining the respondent from telephoning,
 18 contacting, or otherwise communicating with the petitioner;

19 (d) Removing and excluding the respondent from the
 20 residence of the petitioner, regardless of the ownership of the
 21 residence;

22 (e) Ordering the respondent to stay away from any place
 23 specified by the court;

24 (f) Awarding the petitioner temporary custody of any
 25 minor children not to exceed ninety days; ~~or~~

26 (g) Enjoining the respondent from possessing or
 27 purchasing a firearm as defined in section 28-1201; or

1 ~~(g)-(h)~~ Ordering such other relief deemed necessary to
 2 provide for the safety and welfare of the petitioner and any
 3 designated family or household member.

4 (2) Petitions for protection orders shall be filed with
 5 the clerk of the district court, and the proceeding may be heard
 6 by the county court or the district court as provided in section
 7 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this
 9 section may not be withdrawn except upon order of the court. An
 10 order issued pursuant to subsection (1) of this section shall
 11 specify that it is effective for a period of one year and, if
 12 the order grants temporary custody, the number of days of custody
 13 granted to the petitioner unless otherwise modified by the court.

14 (4) Any person who knowingly violates ~~an a protection~~
 15 order issued pursuant to subsection (1) of this section or section
 16 42-931 after service or notice as described in subsection (2)
 17 of section 42-926 shall be guilty of a Class II misdemeanor,
 18 except that (a) any person convicted of violating such order who
 19 has a prior conviction for violating a protection order shall be
 20 guilty of a Class I misdemeanor and (b) any person convicted of

21 violating such order who has a prior conviction for violating the
22 same protection order or a protection order granted to the same
23 petitioner shall be guilty of a Class IV felony.

24 ~~(4)~~(5) If there is any conflict between sections 42-924
25 to 42-926 and any other provision of law, sections 42-924 to 42-926
26 shall govern.

27 Sec. 3. Section 42-925, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 42-925 (1) An order issued under subsection (1) of
3 section 42-924 may be issued ex parte to the respondent if
4 it reasonably appears from the specific facts included in the
5 affidavit that the petitioner will be in immediate danger of abuse
6 before the matter can be heard on notice. If an order is issued
7 ex parte, such order is a temporary order and the court shall
8 immediately schedule an evidentiary hearing to be held within
9 thirty days after service of such order, and the court shall
10 cause notice of the hearing to be given to the petitioner and the
11 respondent forthwith cause notice of the petition and order to
12 be given to the respondent. The court shall also cause a form to
13 request a show-cause hearing to be served upon the respondent. If
14 the respondent wishes to appear and show cause why the order should
15 not remain in effect, he or she shall affix his or her current
16 address, telephone number, and signature to the form and return it
17 to the clerk of the district court within five days after service
18 upon him or her. Upon receipt of the request for a show-cause
19 hearing, the request of the petitioner, or upon the court's own
20 motion, the court shall immediately schedule a show-cause hearing
21 to be held within thirty days after the receipt of the request for
22 a show-cause hearing and shall notify the petitioner and respondent
23 of the hearing date. If the respondent appears at the hearing and
24 shows cause why such order should not remain in effect, the court
25 shall rescind the temporary order. If the respondent does not so
26 appear and show cause, the temporary order shall be affirmed and
27 shall be deemed the final protection order. If the respondent has
1 been properly served with the ex parte order and fails to appear
2 at the hearing required under this subsection, the temporary order
3 shall be affirmed and the service of the ex parte order shall be
4 notice of the final protection order for purposes of prosecution
5 under subsection (4) of section 42-924.

6 (2) If an order under subsection (1) of section 42-924
7 is not issued ex parte, the court shall immediately schedule an
8 evidentiary hearing to be held within fourteen days after the
9 filing of the petition, and the court shall cause notice of the
10 hearing to be given to the petitioner and the respondent. If the
11 respondent does not appear at the hearing and show cause why such
12 order should not be issued, the court shall issue ~~such a final~~
13 protection order.

14 (3) The court may by rule or order refer or assign all
 15 matters regarding orders issued under subsection (1) of section
 16 42-924 to a referee for findings and recommendations.

17 (4) An order issued under subsection (1) of section
 18 42-924 shall remain in effect for a period of one year from the
 19 date of issuance, unless ~~vacated~~ dismissed or modified by the court
 20 prior to such date. If the order grants temporary custody, such
 21 custody shall not exceed the number of days specified by the court
 22 unless the respondent shows cause why the order should not remain
 23 in effect.

24 (5) The court shall also cause the notice created under
 25 section 29-2291 to be served upon the respondent notifying the
 26 respondent that it may be unlawful under federal law for a person
 27 who is subject to a protection order to possess or receive any
 1 firearm or ammunition.

2 Sec. 4. Section 42-926, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 42-926 (1) Upon the issuance of any a temporary or final
 5 protection order under section 42-925, the clerk of the court
 6 shall forthwith provide the petitioner, without charge, with two
 7 certified copies of such order. The clerk of the court shall
 8 also forthwith provide the local police department or local law
 9 enforcement agency and the local sheriff's office, without charge,
 10 with one copy each of such order and one copy each of the sheriff's
 11 return thereon. The clerk of the court shall also forthwith provide
 12 a copy of the protection order to the sheriff's office in the
 13 county where the respondent may be personally served together
 14 with instructions for service. Upon receipt of the order and
 15 instructions for service, such sheriff's office shall forthwith
 16 serve the protection order upon the respondent and file its return
 17 thereon with the clerk of the court which issued the protection
 18 order within fourteen days of the issuance of the protection
 19 order. If any protection order is dismissed or modified by the
 20 court, the clerk of the court shall forthwith provide the local
 21 police department or local law enforcement agency and the local
 22 sheriff's office, without charge, with one copy each of the order
 23 of dismissal or modification.

24 (2) If the respondent was present at a hearing convened
 25 pursuant to section 42-925 and the protection order was not
 26 dismissed or modified, the respondent shall be deemed to have
 27 notice by the court at such hearing that the protection order
 1 will be granted and remain in effect and further service of notice
 2 described in subsection (1) of this section is not required for
 3 purposes of prosecution under subsection (4) of section 42-924.

4 Sec. 5. Original sections 28-311.09, 42-924, 42-925, and
 5 42-926, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

LEGISLATIVE BILL 845. Placed on General File with amendment.
AM2146

- 1 1. On page 4, strike beginning with "A" in line 5 through
- 2 "(4)" in line 8.

(Signed) Chris Langemeier, Chairperson

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB751:
AM2190

(Amendments to Standing Committee amendments, AM1939)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 60-105, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-105 Body means that portion of a vehicle which
- 5 determines its shape and appearance and is attached to the frame.
- 6 Body does not include the box or bed of a truck.
- 7 2. Correct the operative date and repealer sections so
- 8 that the sections added by this amendment become operative three
- 9 calendar months after the adjournment of this legislative session.
- 10 3. Renumber the remaining sections and correct internal
- 11 references accordingly.

Senator Fischer filed the following amendment to LB751:
AM2090

(Amendments to Standing Committee amendments, AM1939)

- 1 1. On page 82, line 18; and page 83, line 22, after
- 2 "hundred" insert "thirty".

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Schumacher has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITORS

Visitors to the Chamber were 48 fourth-grade students and teachers from St. Wenceslaus, Wahoo; FBLA State Officers: Amy Chin of Columbus Lakeview, Pat Cook of Bellevue East, Shyanne Thompson of Minden High, Sally Moore of Fillmore Central, and Trevor Sorensen of Minden High; and 41 fourth-grade students and teachers from Bryan Elementary, Lexington.

RECESS

At 11:47 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 Langemeier presiding.

ROLL CALL

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

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 993. Placed on Select File with amendment.
ER190

1. On page 5, line 2, after "to" insert "alleged".

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1160. Title read. Considered.

Committee AM2003, found on page 645, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment 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 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 430. Introduced by Hansen, 42.

WHEREAS, Zack Denney, a senior at North Platte High School, won the 2012 Class A State Wrestling Championship in the 145-pound division; and

WHEREAS, Zack defeated Jordan Hammond of Omaha Burke 2-0 to win the state title, the first such title for North Platte since 1982; and

WHEREAS, Zack's hard work and determination led him to finish the season with a 49-1 record; and

WHEREAS, Zack's win was instrumental to North Platte's third-place finish in the team championship; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; 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 Zack Denney on winning the 2012 Class A State Wrestling Championship in the 145-pound division and for his exemplary season record.

2. That a copy of this resolution be sent to Zack Denney and his coach, Dale Hall.

Laid over.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 799. Placed on General File with amendment. AM2208

1 1. On page 4, line 17, strike "III" and insert "IIIA";
2 and in line 20 strike "II" and insert "III".

3 2. On page 5, after line 2, insert the following new
4 subsection:

5 "(9) For purposes of this section, negligently refers to
6 criminal negligence and means that a person knew or should have
7 known of the danger involved and acted recklessly, as defined in
8 section 28-109, with respect to the safety or health of the minor
9 child.".

(Signed) Brad Ashford, Chairperson

MESSAGE FROM THE GOVERNOR

February 28, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 633e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,

(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 949. Title read. Considered.

Senator Harms renewed his amendment, AM1995, found on page 659.

The Harms amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 820. Title read. Considered.

Committee AM2165, found on page 639, was considered.

SENATOR COASH PRESIDING

The committee amendment was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Committee AM2159, found on page 644, was considered.

SENATOR CARLSON PRESIDING

Pending.

VISITORS

Visitor to the Chamber was Chuck Cone from Burwell.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 4:57 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 29, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - FEBRUARY 29, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 29, 2012

PRAYER

The prayer was offered by Pastor Carl Ratcliff, United Faith Community Church, Valley.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused; and Senators Cook, Cornett, Karpisek, Langemeier, Lathrop, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMITTEE REPORTS**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.

Joel Cerny - Board of Emergency Medical Services
Thomas Deegan - Board of Emergency Medical Services
Carl Rennerfeldt - Board of Emergency Medical Services
James Smith - Board of Emergency Medical Services

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

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.

Michael Hansen - Commission for the Blind and Visually Impaired
 James Jirak - Commission for the Blind and Visually Impaired
 Julie Johnson - Commission for the Blind and Visually Impaired

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

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.

Jan Moore - Commission for the Deaf and Hard of Hearing

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 961. Committee AM2159, found on page 644 and considered on page 690, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR ADAMS PRESIDING

Senator Howard requested a record vote on the committee amendment.

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Harr, B.	Lathrop	Wightman
Fulton	Heidemann	Louden	

Excused and not voting, 2:

Conrad	McCoy
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The committee amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Fulton	Heidemann	Louden	Wightman
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Excused and not voting, 2:

Conrad	McCoy
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Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 950A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 950, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 806A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, One Hundred Second Legislature, Second Session, 2012.

AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB830:
AM2209

- 1 1. Strike section 3 and all amendments thereto and insert
2 the following new section:
3 Sec. 3. (1) Sales and use taxes shall not be imposed
4 on the gross receipts from the sale, lease, or rental of and
5 the storage, use, or other consumption in this state of biochips
6 used for the purposes of conducting genotyping or the analysis of
7 gene expression, protein expression, genomic sequencing, or protein
8 profiling of plants, animals, or nonhuman laboratory research model
9 organisms.
10 (2) For purposes of this section, a biochip is a solid
11 substrate upon or into which is incorporated specific genetic or
12 protein information or chemicals that are queried through one or
13 more chemical interactions allowing (a) an isolation of one or
14 more single nucleotide polymorphisms which constitute an animal or
15 plant genotype, (b) an expression profile which measures activity
16 of genes or the presence of proteins, or (c) a detailed genomic
17 sequence or protein profile. The specific genetic or protein
18 information or chemicals incorporated upon or into the biochip are
19 consumed in the process of conducting the analysis.

RESOLUTIONS

LEGISLATIVE RESOLUTION 431. Introduced by Gloor, 35; Adams, 24; Carlson, 38; Christensen, 44; Dubas, 34; Hadley, 37; Hansen, 42; Seiler, 33; Sullivan, 41; Wightman, 36.

WHEREAS, the Soldiers and Sailors Home in Grand Island was created by LB 247 (1887) to provide for the "many old soldiers in Nebraska who, from wounds or disabilities received while in the union army during the rebellion, are in the county poorhouses of this state"; and

WHEREAS, the Soldiers and Sailors Home, now known as the Grand Island Veterans' Home, was the first and is the oldest of the veterans homes in the State of Nebraska; and

WHEREAS, the Grand Island Veterans' Home has, for the last one hundred twenty-five years, served the health care and social needs of many Nebraska veterans with loving care and appreciation for their selfless service in our nation's military; and

WHEREAS, the Grand Island Veterans' Home has been home to thousands of Nebraska veterans and today is home to hundreds of veterans and their families who are celebrating the 125th anniversary of the establishment of the home.

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

1. That the Legislature congratulates and celebrates with the residents, staff, and many community supporters of the Grand Island Veterans' Home on the 125th anniversary of the establishment of the home and for the excellent service to Nebraska veterans and their families.

2. That a copy of this resolution be sent to the Grand Island Veterans' Home and to the Department of Veterans' Affairs.

Laid over.

LEGISLATIVE RESOLUTION 432. Introduced by Gloor, 35; Dubas, 34.

WHEREAS, Grand Island Senior High School won the 2012 Class A State Wrestling Championship, the school's fourth team championship in a row; and

WHEREAS, Grand Island Senior High School produced two individual champions and eight individual medalists; 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 Grand Island Senior High School on winning the 2012 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island wrestling team and their coach, Mike Schadwinkel.

Laid over.

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB473:

FA36

Strike the enacting clause.

COMMITTEE REPORT Nebraska Retirement Systems

LEGISLATIVE BILL 1082. Placed on General File with amendment. AM2105 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 916. Title read. Considered.

Committee AM1739, found on page 522, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Committee AM1939, found on page 558, was considered.

Senator Fischer renewed her amendment, AM2032, found on page 573, to the committee amendment.

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

Senator Flood renewed his amendment, AM2078, found on page 631, to the committee amendment.

The Flood amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Fischer renewed her amendment, AM2190, found on page 687, to the committee amendment.

The Fischer amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Fischer renewed her amendment, AM2090, found on page 687, to the committee amendment.

The Fischer amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB799: AM2164 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB750. No objections. So ordered.

VISITORS

Visitors to the Chamber were 55 fourth-grade students and teachers from St. Joseph's School, Lincoln; and Lisa Skinner from Herman.

RECESS

At 11:59 a.m., on a motion by Senator Christensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Conrad, Krist, and McCoy who were excused; and Senators Coash, Heidemann, Lathrop, and Lautenbaugh who were excused until they arrive.

SENATOR GLOOR PRESIDING**AMENDMENT - Print in Journal**

Senator Seiler filed the following amendment to LB536:
AM2232

(Amendments to Final Reading copy)

1. On page 6, line 12, strike "a proportionate".

GENERAL FILE

LEGISLATIVE BILL 950. Title read. Considered.

Committee AM2158, found on page 638, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 433. Introduced by Ashford, 20; B. Harr, 8; Howard, 9; Nelson, 6.

WHEREAS, the Omaha Westside Warriors won the 2012 Girls' State Swimming Championship; and

WHEREAS, the Warriors defeated defending champion Millard West 195-178 to take the state title; and

WHEREAS, the Warriors were led by thirty-five-year veteran coach Doug Krecklow, who won his twentieth state title with the Warriors' win; and

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

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

1. That the Legislature congratulates the Omaha Westside Warriors on winning the 2012 Girls' State Swimming Championship and Coach Doug Krecklow on winning his twentieth state title.

2. That a copy of this resolution be sent to the Omaha Westside Warriors girls' swimming team and their coach, Doug Krecklow.

Laid over.

LEGISLATIVE RESOLUTION 434. Introduced by Ashford, 20; B. Harr, 8; Nelson, 6.

WHEREAS, Molly Kroeger, a senior at Omaha Westside High School, was named Outstanding Female Swimmer at the 2012 Girls' State Swimming Championship; and

WHEREAS, Molly was the only competitor to win two individual gold medals at the meet; and

WHEREAS, Molly won the 200-yard freestyle gold medal with a season-best time of 1:53.89 and beat Natalie Renshaw of Millard North to win the 100-yard freestyle in 52.45; 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 Molly Kroeger on winning two individual gold medals and being named Outstanding Female Swimmer at the 2012 Girls' State Swimming Championship.

2. That a copy of this resolution be sent to Molly Kroeger.

Laid over.

LEGISLATIVE RESOLUTION 435. Introduced by Fulton, 29.

WHEREAS, the Lincoln Chamber of Commerce and the Gallup Organization recognized five years ago the need to form a group for young professionals in Lincoln; and

WHEREAS, the Lincoln Young Professionals Group has grown to include over eight hundred members and has become the largest such organization in Nebraska; and

WHEREAS, the Lincoln Young Professionals Group continues to be successful in its critical function of developing business and civic leadership skills among young professionals; and

WHEREAS, members of the Lincoln Young Professionals Group continue to make significant philanthropic contributions to Lincoln organizations; and

WHEREAS, the Lincoln Young Professionals Group's mission of empowering young professionals to create an energetic and dynamic environment of learning, networking, and entrepreneurship is of great importance in ensuring the sustained economic vitality of the city of Lincoln and the State of Nebraska.

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 Young Professionals Group on its fifth anniversary and commends the success of its members.

2. That a copy of this resolution be sent to the Lincoln Chamber of Commerce.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 727. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM1902, found on page 515, was considered.

Senator Fulton renewed his amendment, AM2132, found on page 618.

The Fulton amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 834. Title read. Considered.

Committee AM1866, found on page 500, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB807:
AM2030

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 69-2433, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 69-2433 An applicant shall:
- 6 (1) Be at least twenty-one years of age;
- 7 (2) Not be prohibited from purchasing or possessing a
- 8 handgun by 18 U.S.C. 922, as such section existed on January 1,
- 9 2005;
- 10 (3) Possess the same powers of eyesight as required under
- 11 section 60-4,118 for a Class O operator's license. If an applicant
- 12 does not possess a current Nebraska motor vehicle operator's
- 13 license, the applicant may present a current optometrist's or
- 14 ophthalmologist's statement certifying the vision reading obtained
- 15 when testing the applicant. If such certified vision reading meets
- 16 the vision requirements prescribed by section 60-4,118 for a Class
- 17 O operator's license, the vision requirements of this subdivision
- 18 shall have been met;
- 19 ~~(4) Not have pled guilty to, not have pled nolo~~
- 20 ~~contendere to, or not have been convicted of a felony under~~
- 21 ~~the laws of this state or under the laws of any other jurisdiction;~~
- 22 ~~(5) Not have pled guilty to, not have pled nolo~~
- 23 ~~contendere to, or not have been convicted of a misdemeanor crime~~
- 1 of violence under the laws of this state or under the laws of any
- 2 other jurisdiction within the ten years immediately preceding the
- 3 date of application;
- 4 (6) Not have been found in the previous ten years to be a
- 5 mentally ill and dangerous person under the Nebraska Mental Health
- 6 Commitment Act or a similar law of another jurisdiction or not be
- 7 currently adjudged mentally incompetent;
- 8 (7)(a) Have been a resident of this state for at least
- 9 one hundred eighty days. For purposes of this section, resident
- 10 does not include an applicant who maintains a residence in another
- 11 state and claims that residence for voting or tax purposes except
- 12 as provided in subdivision (b) or (c) of this subdivision;
- 13 (b) If an applicant is a member of the United States
- 14 Armed Forces, such applicant shall be considered a resident of

15 this state for purposes of this section after he or she has been
 16 stationed at a military installation in this state pursuant to
 17 permanent duty station orders even though he or she maintains a
 18 residence in another state and claims that residence for voting or
 19 tax purposes; or

20 (c) If an applicant is a new Nebraska resident and
 21 possesses a valid permit to carry a concealed handgun issued by his
 22 or her previous state of residence that is recognized by this state
 23 pursuant to section 69-2448, such applicant shall be considered a
 24 resident of this state for purposes of this section;

25 ~~(8) Have Not have had no violations a conviction of~~
 26 any law of this state relating to firearms, unlawful use of
 27 a weapon, or controlled substances or of any similar laws of
 1 another jurisdiction ~~in within~~ the ten years preceding the date
 2 of application. This subdivision does not apply to any conviction
 3 under Chapter 37 or under any similar law of another jurisdiction,
 4 except for a conviction under section 37-509, 37-513, or 37-522 or
 5 under any similar law of another jurisdiction;

6 (9) Not be on parole, probation, house arrest, or work
 7 release;

8 (10) Be a citizen of the United States; and

9 (11) Provide proof of training.

10 Sec. 2. Original section 69-2433, Revised Statutes
 11 Supplement, 2011, is repealed.

12 Sec. 3. Since an emergency exists, this act takes effect
 13 when passed and approved according to law.

Senator Lautenbaugh filed the following amendment to LB807:
 AM2089

(Amendments to AM2030)

1 1. Insert the following new section:

2 Sec. 2. Section 69-2443, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 69-2443 (1) A permitholder who violates subsection (1)
 5 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty
 6 of a Class III misdemeanor for the first violation and a Class I
 7 misdemeanor for any second or subsequent violation.

8 (2) A permitholder who violates subsection (3) of section
 9 69-2440 is guilty of a Class I misdemeanor.

10 (3) A permitholder convicted of a violation ~~described in~~
 11 subsection (1) or (2) of this section of section 69-2440 or 69-2442
 12 may also have his or her permit revoked.

13 (4) A permitholder convicted of a violation of section
 14 69-2441 shall not have his or her permit revoked for a first
 15 offense but may have his or her permit revoked for any second or
 16 subsequent offense.

17 2. Renumber the remaining sections and correct the
 18 repealer section accordingly.

COMMITTEE REPORT

Agriculture

The Agriculture 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.

William Marshall III - Nebraska State Fair Board

Aye: 8 Bloomfield, Brasch, Carlson, B. Harr, Karpisek, Larson, Lathrop, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 933. Title read. Considered.

Committee AM2001, found on page 573, was considered.

SENATOR GLOOR PRESIDING

Senator Langemeier offered the following amendment to the committee amendment:

AM2245

(Amendments to Standing Committee amendments, AM2001)

- 1 1. On page 1, line 5, after "equivalent" insert "and all
- 2 of the absences are due to documented illness that makes attendance
- 3 impossible or impracticable or are otherwise excused by school
- 4 authorities, the attendance officer may report such information to
- 5 the county attorney of the county in which the person resides. If
- 6 the child is absent more than twenty days per year or the hourly
- 7 equivalent and any of such absences are not excused"; in line 7
- 8 strike "three" through "least" and insert "two statements."; strike
- 9 beginning with "absences" in line 9 through "the" in line 11; and
- 10 in line 13 strike "(c)" and insert "(b)".

SENATOR CARLSON PRESIDING

The Langemeier amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 3 nays, 4 present and not voting, and 7 excused and not voting.

ADJOURNMENT

At 5:04 p.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 1, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 1, 2012

PRAYER

The prayer was offered by Pastor Michael Davis, United Methodist Church, Elgin.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 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

Freeman, Robert
OTB Destination, LLC
Plucker, Julia
ABATE of Nebraska, Inc.
Friends of Nebraska Racing Inc.
Southport West Partners, LLC

REPORT

The following report was received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska
Nebraska Crime Victim's Reparations Program, Twenty-fourth Report,
July 1, 2010-June 30, 2011

GENERAL FILE

LEGISLATIVE BILL 993A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 950A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Sullivan's birthday.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 403, 404, 405, 406 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 403, 404, 405, 406.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,104, Reissue Revised Statutes of Nebraska, and sections 60-301 and 60-3,100, Revised Statutes Supplement, 2011; to provide for special interest motor vehicle license plates; to provide for a fee; to provide a penalty; to define special interest motor vehicle; 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, 46:

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

Voting in the negative, 1:

Louden

Present and not voting, 1:

Council

Excused and not voting, 1:

Conrad

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

LEGISLATIVE BILL 216A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Second Legislature, Second Session, 2012.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 1:

Conrad

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 LB427 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 427.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-625, 54-626, 54-627, 54-630, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to licensing and primary enclosures; to change requirements of commercial cat breeders and commercial dog breeders; 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, 45:

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

Voting in the negative, 3:

Krist	Louden	Schumacher
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Present and not voting, 1:

Lathrop

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 459.

A BILL FOR AN ACT relating to political subdivisions; to prohibit defining or assigning a legal status for animals as prescribed; and to provide a duty for the Revisor of Statutes.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Conrad Haar, K.

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

WITHDRAW - Amendment to LB473

Senator Sullivan withdrew her amendment, FA36, found on page 695, to LB473.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 507.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1708, Reissue Revised Statutes of Nebraska; to provide for satisfaction of work activity requirements through education; to restrict use of state funds; to provide for reports; to state intent; to harmonize provisions; to provide a termination date; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

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

LEGISLATIVE BILL 612.

A BILL FOR AN ACT relating to civil procedure; to increase the statute of limitations for plaintiffs suffering injury from sexual assault as a child; and to provide a duty for the Revisor of Statutes.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 19CA.

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

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

To amend Article IV, section 5:

IV-5 ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor in pursuit of such office.

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

A constitutional amendment to provide that any misdemeanor while in pursuit of his or her office is grounds for impeachment of a civil officer.

For
Against.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 4:

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 269.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-910, and 45-927, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and the distribution of fees; to create a fund; to provide powers and duties for the University of Nebraska; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

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

LEGISLATIVE BILL 370.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1824, 77-1825, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of delinquent real property taxes by sale of real property; to define a term; to provide for applicability; 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, 48:

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

Voting in the negative, 1:

Louden

Not voting, 0.

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

LEGISLATIVE BILL 470.

A BILL FOR AN ACT relating to libraries; to amend sections 16-251 and 51-211, Reissue Revised Statutes of Nebraska; to provide requirements for approval of personnel policies and procedures as prescribed; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

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

LEGISLATIVE BILL 498.

A BILL FOR AN ACT relating to the Industrial Ground Water Regulatory Act; to amend section 46-683.01, Reissue Revised Statutes of Nebraska; to provide an exception for amendments for permits for mineral exploration and production; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 646. With Emergency Clause.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 38-1207, 48-101.01, and 71-8215, Reissue Revised Statutes of Nebraska; to redefine terms; to prohibit expansion of a scope of practice; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

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 677.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-929, 28-930, and 28-931, Revised Statutes Cumulative Supplement, 2010; to provide penalties for assault on a health care professional as prescribed; to define terms; to provide for signs; 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	Cornett	Harr, B.	Lathrop	Pirsch
Ashford	Dubas	Heidemann	Lautenbaugh	Price
Avery	Fischer	Howard	Louden	Schilz
Brasch	Flood	Janssen	McCoy	Schumacher
Campbell	Gloor	Karpisek	McGill	Seiler
Carlson	Haar, K.	Krist	Mello	Smith
Christensen	Hadley	Lambert	Nelson	Sullivan
Conrad	Hansen	Langemeier	Nordquist	Wallman
Cook	Harms	Larson	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 4:

Bloomfield	Coash	Council	Fulton
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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 LB714 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 714. With Emergency Clause.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2202, 76-2213.01, 76-2228.01, 76-2229.01, 76-2230,

76-2231.01, 76-2232, 76-2236, 76-2241, and 76-2249, Revised Statutes Cumulative Supplement, 2010, and section 76-2223, Revised Statutes Supplement, 2011; to update references; to change provisions relating to findings; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 725. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2011; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB770 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 770.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,147.01 and 81-2,147.03, Reissue Revised Statutes of Nebraska; to redefine a term; to adopt updated labeling requirements under the Nebraska Seed Law; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB771 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 771. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,244.01, 81-2,257, 81-2,259, 81-2,270, 81-2,271, and 81-2,277, Reissue Revised Statutes of Nebraska; to change and eliminate food establishment and food safety provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-2,272.02, 81-2,272.17, and 81-2,272.36, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 800.

A BILL FOR AN ACT relating to school lands; to amend section 72-258.03, Revised Statutes Supplement, 2011; to change provisions relating to appraised value of school lands; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB828 with 48 ayes, 0 nays, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 828. With Emergency Clause.

A BILL FOR AN ACT relating to energy; to amend sections 66-901, 66-902, 66-909, 66-910, 66-911.01, 66-912, and 76-3004, Reissue Revised Statutes of Nebraska, sections 72-270, 72-271, 72-272, 72-273, 72-274, 77-2704.57, 79-309.01, and 79-1035, Revised Statutes Cumulative Supplement, 2010, and section 76-3001, Revised Statutes Supplement, 2011; to define, redefine, and eliminate terms; to change and eliminate provisions relating to easements; to provide for duration of solar and wind agreements as prescribed; to prohibit severance of certain ownership

interests as prescribed; to harmonize provisions; to repeal the original sections; to outright repeal sections 66-907, 66-909.03, and 66-911, 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

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 bills were read and put upon final passage:

LEGISLATIVE BILL 836. With Emergency Clause.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2365.02, Reissue Revised Statutes of Nebraska; to change provisions relating to investment in certificates of deposit and time deposits; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 852.

A BILL FOR AN ACT relating to corporations; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 21-2024, Revised Statutes Supplement, 2011; to change provisions relating to corporate purposes under the Business Corporation Act and to redefine a term under the Nebraska Professional Corporation Act; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-530, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to filing information; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

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 LB854 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 854.

A BILL FOR AN ACT relating to business entities; to amend sections 21-323.01, 21-325.01, 21-19,139, 21-19,159, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and section 21-152, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to dissolution, revocation, and reinstatement; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB873 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 873. With Emergency Clause.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1523, 66-1525, and 66-1529.02, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Supplement, 2011; to extend use of the Petroleum Release Remedial Action Cash Fund until June 30, 2016; to harmonize provisions; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Gloor

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 bills were read and put upon final passage:

LEGISLATIVE BILL 879.

A BILL FOR AN ACT relating to public funds; to amend section 77-2320, Reissue Revised Statutes of Nebraska; to change security deposit requirements; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 886.

A BILL FOR AN ACT relating to trade practices; to amend sections 87-130, 87-132, and 87-134, Reissue Revised Statutes of Nebraska, and sections 87-210 and 87-211, Revised Statutes Supplement, 2011; to change provisions relating to trademarks and trade names; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 890.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend sections 21-1914 and 21-1915, Reissue Revised Statutes of Nebraska; to provide for the electronic transmission of notice as prescribed; to define a term; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 911.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Reissue Revised Statutes of Nebraska; to clarify a use of the Nebraska Training and Support Trust Fund; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 942.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-193, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to notice; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1043. With Emergency Clause.

A BILL FOR AN ACT relating to public power districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to contracts or agreements for discounted rates; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Conrad

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 LB1118 with 43 ayes, 3 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1118. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5703, 77-5705, 77-5723, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715, 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for large data center projects; to define and redefine terms; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Pahls

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

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 1057. Placed on General File with amendment.
AM2170

- 1 1. Strike sections 5 and 7 and insert the following
- 2 sections:
- 3 Sec. 5. Sections 2 and 6 of this act become operative on
- 4 October 1, 2012. The other sections of this act become operative on
- 5 their effective date.
- 6 Sec. 6. Original section 2-3623, Reissue Revised Statutes
- 7 of Nebraska, is repealed.
- 8 2. On page 3, strike lines 1 through 17.
- 9 3. On page 4, strike beginning with the comma in line 20
- 10 through the comma in line 22.
- 11 4. On page 5, line 6, strike "2-3623,".
- 12 5. Renumber the remaining sections accordingly.

(Signed) Tom Carlson, Chairperson

Revenue

LEGISLATIVE BILL 750. Placed on General File with amendment.
AM2183

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-1371, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-1371 Comparable sales are recent sales of properties

6 that are similar to the property being assessed in significant
7 physical, functional, and location characteristics and in their
8 contribution to value. Sales of land which do not include a farm
9 home site as defined in section 77-1359 shall not constitute
10 a comparable sale when determining the actual value for farm
11 home sites pursuant to sections 77-1359 and 77-1363. When using
12 comparable sales in determining actual value of an individual
13 property under the sales comparison approach provided in section
14 77-112, the following guidelines shall be considered in determining
15 what constitutes a comparable sale:

16 (1) Whether the sale was financed by the seller and
17 included any special financing considerations or the value of
18 improvements;

19 (2) Whether zoning affected the sale price of the
20 property;

21 (3) For sales of agricultural land or horticultural land
22 as defined in section 77-1359, whether a premium was paid to
23 acquire nearby property. Land within one mile of currently owned
1 property shall be considered nearby property;

2 (4) Whether sales or transfers made in connection with
3 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
4 or in consideration of other legal actions should be excluded from
5 comparable sales analysis as not reflecting current market value;

6 (5) Whether sales between family members within the third
7 degree of consanguinity include considerations that fail to reflect
8 current market value;

9 (6) Whether sales to or from federal or state agencies or
10 local political subdivisions reflect current market value;

11 (7) Whether sales of undivided interests in real property
12 or parcels less than forty acres or sales conveying only a portion
13 of the unit assessed reflect current market value;

14 (8) Whether sales or transfers of property in exchange
15 for other real estate, stocks, bonds, or other personal property
16 reflect current market value;

17 (9) Whether deeds recorded for transfers of convenience,
18 transfers of title to cemetery lots, mineral rights, and rights of
19 easement reflect current market value;

20 (10) Whether sales or transfers of property involving
21 railroads or other public utility corporations reflect current
22 market value;

23 (11) Whether sales of property substantially improved
24 subsequent to assessment and prior to sale should be adjusted to
25 reflect current market value or eliminated from such analysis; ~~and~~

26 (12) For agricultural land or horticultural land as
27 defined in section 77-1359 which is or has been receiving the
1 special valuation pursuant to sections 77-1343 to 77-1347.01,
2 whether the sale price reflects a value which the land has for
3 purposes or uses other than as agricultural land or horticultural

4 land and therefor does not reflect current market value of other
5 agricultural land or horticultural land; and-

6 (13) For agricultural land and horticultural land as
7 defined in section 77-1359, whether a premium was paid because
8 the sale was in conjunction with a like-kind exchange of property
9 under section 1031 of the Internal Revenue Code. The Department
10 of Revenue shall each year conduct an analysis of sales of
11 agricultural land and horticultural land to determine whether sales
12 of agricultural land and horticultural land involving section 1031
13 like-kind exchanges reflect a market premium relative to sales of
14 agricultural land and horticultural land not involving section 1031
15 like-kind exchanges.

16 The Property Tax Administrator may issue guidelines for
17 assessing officials for use in determining what constitutes a
18 comparable sale. Guidelines shall take into account the factors
19 listed in this section and other relevant factors as prescribed by
20 the Property Tax Administrator.

21 Sec. 2. Original section 77-1371, Reissue Revised
22 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1114. Placed on General File with amendment.
AM2118

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

3 Section 1. Section 77-27,139.03, Revised Statutes
4 Supplement, 2011, is amended to read:

5 77-27,139.03 (1) State aid provided to municipalities
6 pursuant to sections 77-27,139.01 to 77-27,139.04 shall be
7 calculated by determining the average property tax levy for
8 operational purposes other than for principal and interest payments
9 on the indebtedness of all incorporated municipalities. The Auditor
10 of Public Accounts shall provide to the Department of Revenue
11 a list of the bond and nonbond tax request amounts from the
12 most recent budgets filed by incorporated municipalities. The
13 information shall be used to calculate the bond and nonbond tax
14 levies for aid purposes under this section. The auditor shall
15 provide the information to the department by February 1 each year.

16 (2) Each municipality shall receive state aid from the
17 Municipal Equalization Fund equal to (a) the product of the
18 average per capita property tax of the appropriate population group
19 multiplied by the current population of the municipality minus (b)
20 the product of the average property tax levy multiplied by the
21 certified valuation within the incorporated municipality, except
22 that a municipality shall not receive any aid under this section if
23 the calculation results in a negative number.

1 (3) If a municipal tax levy for operational purposes
2 was less than the average property tax levy in the immediately
3 preceding fiscal year, the state aid provided to such municipality
4 shall be reduced by twenty percent for each one-cent increment the

5 levy was below the average property tax levy but the reduction
6 shall not exceed eighty percent.

7 (4) If the amount of money in the Municipal Equalization
8 Fund is less than the total amount of state aid for all
9 municipalities as required by the allocation formula in subsection
10 (2) of this section, the money in the fund shall be allocated
11 on a prorated basis to such municipalities. If the amount of
12 money in the fund is more than the total amount of state aid for
13 municipalities as required by the allocation formula, the excess
14 money in the fund shall be credited to the General Fund.

15 Sec. 2. This act becomes operative on July 1, 2012.

16 Sec. 3. Original section 77-27,139.03, Revised Statutes
17 Supplement, 2011, is repealed.

18 Sec. 4. Since an emergency exists, this act takes effect
19 when passed and approved according to law.

(Signed) Abbie Cornett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 436. Introduced by Price, 3; Avery, 28; Bloomfield, 17; Flood, 19; Gloor, 35; Hadley, 37; Janssen, 15; Krist, 10; Lambert, 2; Nelson, 6; Seiler, 33; Smith, 14; Wallman, 30.

WHEREAS, the United States Air Force Weather Agency traces its heritage to two centuries of American military weather service, beginning when United States Army surgeons began recording weather observations regularly in the early nineteenth century as part of the Army's medical studies; and

WHEREAS, the United States Army Air Corps Weather Service was established on July 1, 1937; and

WHEREAS, the mission of the United States Air Force Weather Agency technicians, as part of the Joint team, is to deliver accurate, relevant, and timely environmental information, products, and services anywhere in the world and impact decision superiority by enhancing predictive battlespace awareness and enabling commanders at all levels to anticipate and exploit the battlespace environment; and

WHEREAS, the United States Air Force Weather Agency will celebrate its seventy-fifth anniversary July 1, 2012.

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

1. That the Legislature congratulates the United States Air Force Weather Agency for the support it offers to the men and women of our military and to the citizens of the State of Nebraska and the United States of America.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 216, 216A, 427, 459, 507, 612, 269, 370, 470, 498, 646, 677, 714, 725, 770, 771, 800, 828, 836, 852, 853, 854, 873, 879, 886, 890, 911, 942, 1043, 1118, and LR19CA.

GENERAL FILE

LEGISLATIVE BILL 1067. Title read. Considered.

Committee AM1961, found on page 540, was considered.

SENATOR COASH PRESIDING

Pending.

SPEAKER FLOOD PRESIDING**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR402 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR402.

SENATOR COASH PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 1067. Committee AM1961, found on page 540 and considered in this day's Journal, was renewed.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 2012, at 10:53 a.m. were the following: LBs 216, 216A, 427, 459, 507, 612, 269, 370, 470, 498, 646e, 677, 714e, 725e, 770, 771e, 800, 828e, 836e, 852, 853, 854, 873e, 879, 886, 890, 911, 942, 1043e, and 1118e.

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

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 1, 2012, at 10:55 a.m. was the following: LR19CA.

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

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 900. Placed on General File with amendment.
AM2169

- 1 1. On page 2, line 1, after "the" insert "Director of
- 2 Children and Family Services of the Division of Children and Family
- 3 Services of the Department of Health and Human Services, the"; and
- 4 in line 16 after "the" insert "Division of Children and Family
- 5 Services, the".
- 6 2. On page 3, line 11, after "assist" insert "the
- 7 Division of Children and Family Services.".

LEGISLATIVE BILL 1148. Placed on General File with amendment.
AM2119

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 38-2133, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-2133 (1) A person who applies to the department for
- 6 certification as a marriage and family therapist shall be qualified
- 7 for such certification if he or she:
- 8 (a) Provides evidence to the department that he or she
- 9 has a master's or doctoral degree in marriage and family therapy
- 10 from a program approved by the board or a graduate degree in a
- 11 field determined by the board to be related to marriage and family
- 12 therapy and graduate-level course work determined by the board to
- 13 be equivalent to a master's degree in marriage and family therapy;
- 14 (b) Provides evidence to the department that he or she
- 15 has had at least three thousand hours of experience in marriage
- 16 and family therapy under a qualified supervisor following receipt
- 17 of the graduate degree. The three thousand hours shall include
- 18 at least one thousand five hundred hours of direct-client contact
- 19 during the five years preceding application for certification.
- 20 During the course of completing the client-contact hours, there
- 21 shall be at least one hundred hours of supervisor-supervisee
- 22 contact hours with a qualified supervisor and supervision shall be
- 23 provided at least one hour per week or two hours every two weeks;
- 1 and
- 2 (c) Completes an application and passes an examination
- 3 approved by the board.

4 (2) For purposes of this section:

5 (a) Actively engaged in the practice of marriage and
6 family therapy may include (i) services and activities provided
7 under the direct supervision of a person with at least a master's
8 degree in marriage and family therapy from a program approved by
9 the board or (ii) services and activities that are classified by
10 title or by description of duties and responsibilities as marriage
11 and family therapy practice;

12 (b) Qualified supervisor means (i) a licensed mental
13 health practitioner, a psychologist licensed to engage in the
14 practice of psychology, or a licensed physician who holds a
15 designation of approved supervisor from an association which
16 establishes standards for marriage and family therapy in conformity
17 with accepted industry standards; such who meets supervisory
18 standards established by shall be specified in rules and
19 regulations of approved by the board and adopted and promulgated
20 by the department or (ii) a marriage and family therapist who has
21 practiced for five years and has completed a five-hour supervision
22 course that may be provided by an association which establishes
23 standards for marriage and family therapy in conformity with
24 accepted industry standards; such standards shall be specified
25 in rules and regulations approved by the board and adopted and
26 promulgated by the department; and

27 (c) Supervision means face-to-face contact between an
1 applicant and a qualified supervisor during which the applicant
2 appraises the supervisor of the diagnosis and treatment of each
3 client, the clients' cases are discussed, the supervisor provides
4 the applicant with oversight and guidance in treating and dealing
5 with clients, and the supervisor evaluates the applicant's
6 performance. In order for a supervised period of time to be
7 credited toward the time of supervision required by subsection (1)
8 of this section, it shall consist of the following:

9 (i) A minimum of a ratio of two hours of supervision per
10 fifteen hours of the applicant's contact with clients;

11 (ii)-(i) Focus on raw data from the applicant's clinical
12 work which is made directly available to the supervisor through
13 such means as written clinical materials, direct observation, and
14 video and audio recordings;

15 (iii)-(ii) A process which is distinguishable from
16 personal psychotherapy or didactic instruction; and

17 (iv)-(iii) A proportion of individual and group
18 supervision as determined by the rules and regulations of the
19 board.

20 Sec. 2. Original section 38-2133, Reissue Revised
21 Statutes of Nebraska, is repealed.

(Signed) Kathy Campbell, Chairperson

Agriculture

LEGISLATIVE BILL 905. Placed on General File with amendment.
AM2197

- 1 1. Strike sections 11 and 13 and insert the following
2 sections:
3 Sec. 11. Sections 6 and 12 of this act become operative
4 on October 1, 2012. The other sections of this act become operative
5 on their effective date.
6 Sec. 12. Original section 2-2311, Reissue Revised
7 Statutes of Nebraska, is repealed.
8 2. On page 5, line 11, strike "act" and insert "section";
9 in line 12 strike "five-tenths" and insert "four-tenths"; strike
10 beginning with "The" in line 14 through the period in line 18;
11 after line 21 insert:
12 "(2) After October 1, 2014, the board may, whenever it
13 determines that the excise tax levied by this section is yielding
14 more or less than is required to carry out the intent and purposes
15 of the Nebraska Wheat Resources Act, reduce or increase such levy
16 for such period as it deems justifiable, but not less than one
17 year, and such levy shall not exceed five-tenths percent of the
18 net market value. Any adjustment to the levy shall be by rule and
19 regulation adopted and promulgated by the board in accordance with
20 the Administrative Procedure Act."; and strike lines 22 through 25
21 and show as stricken.
22 3. On page 6, strike lines 1 through 5 and show as
23 stricken; and in line 25 strike the semicolon.
1 4. On page 7, strike beginning with "any" in line 1
2 through the semicolon in line 2.
3 5. On page 8, line 4, strike "2-2311,".
4 6. Renumber the remaining section accordingly.

(Signed) Tom Carlson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 751A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 88; to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, One Hundred Second Legislature, Second Session, 2012; to change an appropriation; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 437. Introduced by Christensen, 44.

WHEREAS, Dexter Becker of Southern Valley won the 2012 Class C State Wrestling Championship in the 195-pound division; and

WHEREAS, Dexter pinned Trent Osnes of Valentine to win the state title; and

WHEREAS, Dexter is Southern Valley's first state wrestling champion; 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 Dexter Becker on winning the 2012 Class C State Wrestling Championship in the 195-pound division.

2. That a copy of this resolution be sent to Dexter Becker.

Laid over.

LEGISLATIVE RESOLUTION 438. Introduced by Christensen, 44.

WHEREAS, Hunter Timmons of Medicine Valley won the 2012 Class D State Wrestling Championship in the 145-pound division; and

WHEREAS, Hunter defeated Sean Pille of Oakland-Craig 5-3 to take the state title; 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 Hunter Timmons on winning the 2012 Class D State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Hunter Timmons.

Laid over.

LEGISLATIVE RESOLUTION 439. Introduced by Christensen, 44.

WHEREAS, Mike Shoff of Cambridge won the 2012 Class D State Wrestling Championship in the 285-pound division; and

WHEREAS, Mike defeated Nathan Bazata of Howells 4-3 to take the state title; 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 Mike Shoff on winning the 2012 Class D State Wrestling Championship in the 285-pound division.
2. That a copy of this resolution be sent to Mike Shoff.

Laid over.

LEGISLATIVE RESOLUTION 440. Introduced by Bloomfield, 17.

WHEREAS, the Emerson-Hubbard High School dance team brought home first place honors in the 2012 Class D Nebraska State Cheer and Dance Championships in Hip Hop, with team members receiving individual gold medals; and

WHEREAS, team members are senior Catherine Duerksen (3rd year), senior Justine Sebade (4th year), junior Raychel Wyatt (3rd year), junior Jayden Gubbels (1st year), sophomore Jordyn Gentrup (1st year), and freshman Lexi Boyle (1st year); and

WHEREAS, volunteer coaches Brenda Sebade and Kristina Schoenberner have given tirelessly to the success of this team; and

WHEREAS, the "Spectacular Six" and their coaches gave up much of their free time over the summer, early morning hours on school days twice per week, and Saturdays for another four to five hours per week, not to mention daily practice together or individually; and

WHEREAS, parents, teachers, classmates, and the communities have provided financial support through fundraising; and

WHEREAS, many of the team members also participate in school sports, limiting their time for the dance team to early morning and sometimes after sports practice and games; and

WHEREAS, all team members must maintain regular attendance requirements and grade eligibility, which takes individual and team responsibility and commitment.

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

1. That the Legislature congratulates the Emerson-Hubbard High School dance team for winning the 2012 Class D Nebraska State Cheer and Dance Championships in Hip Hop.

2. That the Legislature congratulates volunteer coaches Brenda Sebade and Kristina Schoenberner for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Emerson-Hubbard High School dance team and coaches Brenda Sebade and Kristina Schoenberner.

Laid over.

LEGISLATIVE RESOLUTION 441. Introduced by Bloomfield, 17.

WHEREAS, the Emerson-Hubbard High School dance team brought home first place honors in the 2012 Class D Nebraska State Cheer and

Dance Championships in Jazz, with team members receiving individual gold medals; and

WHEREAS, team members are senior Catherine Duerksen (3rd year), senior Justine Sebade (4th year), junior Raychel Wyatt (3rd year), junior Jayden Gubbels (1st year), sophomore Jordyn Gentrup (1st year), and freshman Lexi Boyle (1st year); and

WHEREAS, volunteer coaches Brenda Sebade and Kristina Schoenberner have given tirelessly to the success of this team; and

WHEREAS, the "Spectacular Six" and their coaches gave up much of their free time over the summer, early morning hours on school days twice per week, and Saturdays for another four to five hours per week, not to mention daily practice together or individually; and

WHEREAS, parents, teachers, classmates, and the communities have provided financial support through fundraising; and

WHEREAS, many of the team members also participate in school sports, limiting their time for the dance team to early morning and sometimes after sports practice and games; and

WHEREAS, all team members must maintain regular attendance requirements and grade eligibility, which takes individual and team responsibility and commitment.

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

1. That the Legislature congratulates the Emerson-Hubbard High School dance team for winning the 2012 Class D Nebraska State Cheer and Dance Championships in Jazz.

2. That the Legislature congratulates volunteer coaches Brenda Sebade and Kristina Schoenberner for their excellent season and guidance of the team.

3. That a copy of this resolution to sent to the Emerson-Hubbard High School dance team and coaches Brenda Sebade and Kristina Schoenberner.

Laid over.

LEGISLATIVE RESOLUTION 442. Introduced by Bloomfield, 17.

WHEREAS, the Wayne High School She Devils dance team brought home first place honors in the 2012 Class C Nebraska State Cheer and Dance Championships in Pom-Small Group, with team members receiving individual gold medals; and

WHEREAS, team members are senior captain Laura Muren, senior Megan Bessmer, senior Natalie Sieler, junior captain Erica Holcomb, junior McKenna Gibson, sophomore Aspen Pflanz, sophomore Chantel Martin, sophomore Paige Wacker, freshman Gabby Miller, and freshman Maddie Morris; and

WHEREAS, volunteer coaches Haley Reimer and Sophie Foster have given tirelessly to the success of this team and stated "the team demonstrated excellent precision and uniformity throughout their pom routine"; and

WHEREAS, the She Devils and their coaches gave up much of their free time over the summer, early morning hours on school days twice per week, and Saturdays for another four to five hours per week, not to mention daily practice together or individually; and

WHEREAS, parents, teachers, classmates, and the community have provided financial support through fundraising; and

WHEREAS, many of the team members also participate in school sports, limiting their time for the dance team to early morning and sometimes after sports practice and games; and

WHEREAS, all team members must maintain regular attendance requirements and grade eligibility, which takes individual and team responsibility and commitment.

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

1. That the Legislature congratulates the Wayne High School She Devils dance team for winning the 2012 Class C Nebraska State Cheer and Dance Championships in Pom-Small Group.

2. That the Legislature congratulates volunteer coaches Haley Reimer and Sophie Foster for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Wayne High School She Devils dance team and coaches Haley Reimer and Sophie Foster.

Laid over.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB806:
AM2229

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 3, lines 10 and 23; and page 4, lines 5
- 2 and 6, strike "equitable treatment of equine species" and insert
- 3 "construction of a racetrack enclosure for horseraces in a county
- 4 which contains a city of the primary class".
- 5 2. Insert the following new amendment:
- 6 2. On page 3, line 4, after the period insert "The
- 7 authorization to license and regulate parimutuel wagering on
- 8 historic horseracing under this subdivision, sections 2 to 4
- 9 of this act, and sections 2-1215 and 2-1222 terminates when the
- 10 racetrack enclosure referred to in subsection (3) of section 2-1222
- 11 is constructed".

Senator McCoy filed the following amendment to LB806:
AM2219

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 6, after "held" insert "and in which
- 2 all horses that participated are dead at the time the wager is
- 3 placed".

Senator Harms filed the following amendment to LB806:
AM2226

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 13, after "horserace" insert "and
- 2 shall require that each machine used for parimutuel wagering on
- 3 historic horseraces displays only one horserace at a time".

Senator Harms filed the following amendment to LB806:
AM2230

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 14, after "(4)" insert "As part of
- 2 the regulation under subdivision (7) of section 2-1203.01, the
- 3 commission shall require that live racing be conducted at the
- 4 licensed racetrack enclosure for one hundred fifty percent or more
- 5 of the days assigned to the racetrack in 1988 in order to qualify
- 6 for a license under subdivision (7) of section 2-1203.01.
- 7 (5)".

Senator Nelson filed the following amendment to LB806:
AM2223

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 2, line 10, strike "one-tenth of one" and
- 2 insert "ten".

Senator Mello filed the following amendment to LB1079:
AM2249

- 1 1. On page 2, strike beginning with "between" in line
- 2 12 through "college" in line 14 and all amendments thereto and
- 3 insert "among a provider of basic skills education and training,
- 4 the provider of the Adult Education Program established pursuant to
- 5 section 79-11,133, and a nonprofit social services organization";
- 6 and strike lines 24 and 25 and all amendments thereto.
- 7 2. On page 3, strike lines 1 and 2 and all amendments
- 8 thereto; in line 3 strike "(3)" and insert "(2)"; in line 6 strike
- 9 "(4)" and insert "(3)"; in line 7 strike "adult-education" and
- 10 insert "adult education"; in line 8 strike "and in a community
- 11 college"; in line 9 strike "(5)" and insert "(4)"; in line 13
- 12 strike "(6)" and insert "(5)"; and in line 16 strike "(7)" and
- 13 insert "(6)".

Senator Avery filed the following amendment to LB806:
AM2217

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 5, strike "a form of horserace that"
- 2 and insert "an electronic gaming device that displays a horserace
- 3 and".

Senator Avery filed the following amendment to LB806:

AM2216

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 10, strike "enough" and insert "the
- 2 entire length".

Senator Avery filed the following amendment to LB806:

AM2225

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, strike beginning with "initial" in line 15
- 2 through "one" in line 16 and insert "annual license fee of ten".

Senator Avery filed the following amendment to LB806:

AM2218

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 3, line 4, after the first occurrence of
- 2 "fund" insert ", not to exceed one thousand dollars annually,".

Senator Smith filed the following amendment to LB806:

AM2224

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 2, lines 15 and 17, strike "five hundredths of
- 2 one" and insert "five".

Senator Christensen filed the following amendment to LB806:

AM2227

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 1, line 13, after "horserace" insert "and
- 2 shall require that there is at least twenty minutes between the end
- 3 of the display of one historic horserace and the beginning of the
- 4 display of the next historic horserace".

Senator Fulton filed the following amendment to LB806:

AM2220

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 2, line 2, strike the first occurrence of
- 2 "one" and insert "ten".

Senator Fulton filed the following amendment to LB806:

AM2221

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 2, line 4, strike "one and one-half" and
- 2 insert "fifteen".

Senator Fulton filed the following amendment to LB806:

AM2222

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 2, line 7, strike "two" and insert "twenty".

Senator Karpisek filed the following amendment to LB1067:
AM2260

(Amendments to Standing Committee amendments, AM1961)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-607, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 9-607 (1) Lottery shall mean a gambling scheme in which:
- 6 (a) The players pay or agree to pay something of value
- 7 for an opportunity to win;
- 8 (b) Winning opportunities are represented by tickets;
- 9 (c) Winners are solely determined by one of the following
- 10 two methods:
- 11 (i) By a random drawing of tickets differentiated by
- 12 sequential enumeration from a receptacle by hand whereby each
- 13 ticket has an equal chance of being chosen in the drawing; or
- 14 (ii) By use of a game known as keno in which a player
- 15 selects up to twenty numbers from a total of eighty numbers on a
- 16 paper ticket and a computer, other electronic selection device, or
- 17 electrically operated blower machine which is not player-activated
- 18 randomly selects up to twenty numbers from the same pool of
- 19 eighty numbers and the winning players are determined by the
- 20 correct matching of the numbers on the paper ticket selected by
- 21 the players with the numbers randomly selected by the computer,
- 22 other electronic selection device, or electrically operated blower
- 1 machine, except that (A) no keno game shall permit or require
- 2 player activation of lottery equipment and (B) the random selection
- 3 of numbers by the computer, other electronic selection device, or
- 4 electrically operated blower machine shall not occur within five
- 5 minutes of the completion of the previous selection of random
- 6 numbers unless another time limit applies pursuant to subsection
- 7 (5) of this section; and
- 8 (d) The holders of the winning paper tickets are to
- 9 receive cash or prizes redeemable for cash. Selection of a winner
- 10 or winners shall be predicated solely on chance.
- 11 (2) Lottery shall not include:
- 12 (a) Any gambling scheme which uses any mechanical gaming
- 13 device, computer gaming device, electronic gaming device, or video
- 14 gaming device which has the capability of awarding something of
- 15 value, free games redeemable for something of value, or tickets or
- 16 stubs redeemable for something of value;
- 17 (b) Any activity authorized or regulated under the
- 18 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
- 19 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
- 20 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
- 21 article 12; or
- 22 (c) Any activity prohibited under Chapter 28, article 11.
- 23 (3) Notwithstanding the requirement in subdivision
- 24 (1)(c)(ii) of this section that a player select up to twenty

25 numbers, a player may select more than twenty numbers on a paper
26 ticket when a top or bottom, left or right, edge, or way ticket
27 is played. For a top or bottom ticket, the player shall select
1 all numbers from one through forty or all numbers from forty-one
2 through eighty. For a left or right ticket, the player shall select
3 all numbers ending in one through five or all numbers ending in
4 six through zero. For an edge ticket, the player shall select all
5 of the numbers comprising the outside edge of the ticket. For a way
6 ticket, the player shall select a combination of groups of numbers
7 in multiple ways on a single ticket.

8 (4) A county, city, or village conducting a keno lottery
9 shall designate the method of winning number selection to be used
10 in the lottery and submit such designation in writing to the
11 department prior to conducting a keno lottery. Only those methods
12 of winning number selection described in subdivision (1)(c)(ii) of
13 this section shall be permitted, and the method of winning number
14 selection initially utilized may only be changed once during that
15 business day as set forth in the designation. A county, city, or
16 village shall not change the method or methods of winning number
17 selection filed with the department or allow it to be changed
18 once such initial designation has been made unless (a) otherwise
19 authorized in writing by the department based upon a written
20 request from the county, city, or village or (b) an emergency
21 arises in which case a ball draw method of number selection would
22 be switched to a number selection by a random number generator.
23 An emergency situation shall be reported by the county, city,
24 or village to the department within twenty-four hours of its
25 occurrence.

26 (5) The governing body of a county, city, or village
27 conducting a keno lottery under this section may submit the issue
1 of changing the time between random selection of numbers by the
2 computer under subdivision (1)(c)(ii)(B) of this section from five
3 minutes to four minutes or three minutes. The governing body may
4 submit the question of four minutes or the question of three
5 minutes to the registered voters of the county, city, or village at
6 a special, primary, or general election pursuant to section 32-559
7 once per calendar year.

8 Sec. 2. Original section 9-607, Revised Statutes
9 Supplement, 2011, is repealed.

Senator B. Harr filed the following amendment to LB473:
FA37
Strike the enacting clause.

VISITORS

Visitors to the Chamber were 14 fourth-grade students and teacher from St. Paul Lutheran School, Beatrice.

The Doctor of the Day was Dr. John R. Jacobsen from Geneva.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Monday, March 5, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 5, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 2012

PRAYER

The prayer was offered by Father Mike McDermott, Resurrection Catholic Church, Grand Island.

ROLL CALL

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

The roll was called and all members were present except Senator McGill who was excused; and Senators Conrad, Cook, Cornett, Harms, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 821. Placed on Select File with amendment.
ER196 is available in the Bill Room.

LEGISLATIVE BILL 1160. Placed on Select File with amendment.
ER193 is available in the Bill Room.

LEGISLATIVE BILL 949. Placed on Select File with amendment.
ER191

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1)(a) On or before July 30, 2012, the
- 4 Division of Children and Family Services of the Department of
- 5 Health and Human Services shall report in writing its expenditures
- 6 between January 1, 2012, and June 30, 2012, to the Appropriations
- 7 Committee of the Legislature and the Health and Human Services
- 8 Committee of the Legislature. Such report shall identify any

9 changes or movement of funds in excess of two hundred fifty
 10 thousand dollars relating to child welfare between subprograms
 11 within Budget Program 347.

12 (b) Beginning with the third calendar quarter of 2012,
 13 the division shall report in writing its expenditures for each
 14 quarter within thirty days after the end of the quarter to the
 15 Appropriations Committee of the Legislature and the Health and
 16 Human Services Committee of the Legislature. Such report shall
 17 identify any changes or movement of funds in excess of two
 18 hundred fifty thousand dollars relating to child welfare between
 19 subprograms within Budget Program 347.

20 (2)(a) For the biennium ending June 30, 2015, and the
 21 biennium ending June 30, 2017, the Division of Children and Family
 22 Services of the Department of Health and Human Services shall,
 23 as part of the appropriations request process pursuant to section
 1 81-132, include a strategic plan that identifies the main purpose
 2 or purposes of each program, verifiable and auditable key goals
 3 that the division believes are fair measures of its progress in
 4 meeting each program's main purpose or purposes, and benchmarks for
 5 improving performance on the key goals for the state as a whole
 6 and for each Department of Health and Human Services service area.
 7 The division shall also report whether the benchmarks are being met
 8 and, if not, the expected timeframes for meeting them. Such key
 9 goals and benchmarks shall be developed by the Division of Children
 10 and Family Services with the assistance of the budget division of
 11 the Department of Administrative Services pursuant to subdivision
 12 (2) of section 81-1113.

13 (b) Not later than September 15, 2013, and not later than
 14 September 15, 2015, the Division of Children and Family Services
 15 of the Department of Health and Human Services shall report to
 16 the Health and Human Services Committee of the Legislature and the
 17 Appropriations Committee of the Legislature on the progress towards
 18 its key goals that occurred in the previous twelve months.

19 (3) It is the intent of the Legislature that
 20 appropriations of funds for child welfare aid be designated as a
 21 separate budget program beginning with the biennial budget for the
 22 biennium ending June 30, 2015.

23 Sec. 2. Section 81-132, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 81-132 All departments, offices, and institutions of
 26 the state government requesting appropriations shall file in the
 27 office of the Director of Administrative Services the budget
 1 forms furnished them by the director under the provisions of
 2 sections 81-1113 and 81-1113.01. The budget forms required by
 3 this section shall be filed on or before September 15 of each
 4 even-numbered year, except that in 2002, the budget administrator
 5 of the budget division of the Department of Administrative Services
 6 may extend the filing deadline for budget forms to a date no
 7 later than October 15, 2002. The forms shall show their total

8 estimated requirements for the next biennium for each unit
9 of their organization and activity classified as to object of
10 expenditure. With such forms, each department, office, institution,
11 and expending agency shall file a report showing all money received
12 by such department, office, institution, or expending agency
13 together with the estimated receipts for the coming biennium.
14 Such estimates shall be accompanied by a statement in writing
15 giving facts and explanations of reasons for each item of increased
16 appropriation requested. The report submitted by the Department of
17 Health and Human Services shall include, but not be limited to, the
18 key goals, benchmarks, and progress reports required pursuant to
19 section 1 of this act.

20 Sec. 3. Section 81-1113, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1113 The budget division shall prepare the executive
23 budget in accordance with the wishes and policies of the Governor.
24 The budget division shall have the following duties, powers, and
25 responsibilities:

26 (1) Shall prescribe the forms and procedures to be
27 employed by all departments and agencies of the state in compiling
1 and submitting their individual budget requests and shall set
2 up a budget calendar which shall provide for (a) the date, not
3 later than July 15 of each even-numbered year, for distribution
4 of instructions, (b) the date by which time requests for
5 appropriations by each agency shall be submitted, and (c) the
6 period during which such public hearings as the Governor may elect
7 shall be held for each department and agency. The budget request
8 shall be submitted each even-numbered year no later than the date
9 provided in section 81-132, shall include the intended receipts
10 and expenditures by programs, subprograms, and activities and such
11 additional information as the administrator may deem appropriate
12 for each fiscal year, shall be made upon a biennial basis, and
13 shall include actual receipts and actual expenditures for each
14 fiscal year of the most recently completed biennium and the first
15 year of the current biennium and estimates for the second year of
16 the current biennium and each year of the next ensuing biennium;

17 (2) Shall work with each governmental department and
18 agency in developing performance standards for each program,
19 subprogram, and activity to measure and evaluate present as well
20 as projected levels of expenditures. The budget division shall
21 also work with the Division of Children and Family Services of
22 the Department of Health and Human Services to develop key goals,
23 benchmarks, and methods of quantification of progress required
24 pursuant to section 1 of this act;

25 (3) Shall, following passage of legislative
26 appropriations, be responsible for the administration of the
27 approved budget through budgetary allotments;

1 (4) Shall be responsible for a monthly budgetary report
2 for each department and agency showing comparisons between actual

- 3 expenditures and allotments, which report shall be subject to
 4 review by the director and budget administrator; and
 5 (5) Shall be responsible for the authorization of
 6 employee positions. Such authorizations shall be based on the
 7 following:
- 8 (a) A requirement that a sufficient budget program
 9 appropriation and salary limitation exist to fully fund all
 10 authorized positions;
- 11 (b) A requirement that permanent full-time positions
 12 which have been vacant for ninety days or more be reviewed
 13 and reauthorized prior to being filled. If requested by the
 14 budget division, the personnel division of the Department of
 15 Administrative Services shall review such vacant position to
 16 determine the proper classification for the position;
- 17 (c) A requirement that authorized positions accurately
 18 reflect legislative intent contained in legislative appropriation
 19 and intent bills; and
- 20 (d) Other relevant criteria as determined by the budget
 21 administrator.
- 22 Sec. 4. Original sections 81-132 and 81-1113, Reissue
 23 Revised Statutes of Nebraska, are repealed.
- 24 Sec. 5. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.
- 26 2. On page 1, line 5, strike "and"; and in line 6 after
 27 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 820. Placed on Select File with amendment.
 ER192 is available in the Bill Room.

LEGISLATIVE BILL 961. Placed on Select File with amendment.
 ER194

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds and declares that:
- 4 (1) The State of Nebraska has the legal responsibility
 5 for children in its custody and accordingly should maintain the
 6 decisionmaking authority inherent in direct case management of
 7 child welfare services;
- 8 (2) Training and longevity of child welfare services case
 9 managers and caseworkers directly impact the safety, permanency,
 10 and well-being of children receiving child welfare services.
 11 Meaningful reform of the system can occur only when competent,
 12 skilled case managers and caseworkers educated in evidence-based
 13 child welfare best practices are making determinations for the
 14 care of, and services to, children and families and providing
 15 first-hand, direct information for decisionmaking and high-quality
 16 evidence to the courts relating to the best interests of the
 17 children. Maintaining quality, well-trained, and experienced case
 18 managers is essential and will be a core component in child

19 welfare reform strategic planning and implementation. Additional
20 resources and funds for training, support, and compensation may be
21 required. Notwithstanding the outsourcing of case management, the
22 Department of Health and Human Services retains legal custody of
23 wards of the state and remains responsible for their care. Inherent
1 in privatized case management is the loss of trained, skilled
2 individuals employed by the state providing the stable workforce
3 essential to fulfilling the state's responsibilities for children
4 who are wards of the state, resulting in the risk of loss of a
5 trained, experienced, and stable workforce;

6 (3) Privatization of case management of child welfare
7 services can and has resulted in dependence on one or more private
8 entities for the provision of an essential specialized service
9 that is extremely difficult to replace. As a result, the risk of
10 a private entity abandoning the contract, either voluntarily or
11 involuntarily, creates a very high risk to the entire system of
12 child welfare services;

13 (4) Privatization of case management of child welfare
14 services, including responsibilities for both service coordination
15 and service delivery by private entities, may create conflicts of
16 interest because the resulting financial incentives can undermine
17 decisionmaking regarding the appropriate services that would be in
18 the best interest of the children. Additionally, such privatization
19 of child welfare case management can result in loss of services
20 across the spectrum of child welfare by reducing market competition
21 and driving many providers out of the market;

22 (5) Case management of child welfare services issues
23 relating to caseloads, placement, turnover, communication, and
24 stability affect outcomes and permanency for children and families;
25 and

26 (6) Private lead agency contracts require complex
27 monitoring capabilities to insure compliance and oversight of
1 performance, including private case managers, to insure improved
2 child welfare outcomes. Accordingly, increased resources are
3 expended on administration and oversight of such lead agency
4 contracts rather than on improvement of the child welfare system,
5 direct service provision to children and families, and investment
6 in prevention programs.

7 Sec. 2. By September 1, 2012, for all cases in which
8 a court has awarded a juvenile to the care of the Department
9 of Health and Human Services according to subsection (1) of
10 section 43-285 and for any noncourt and voluntary cases, the
11 case manager shall be an employee of the department. The child
12 welfare case manager shall be responsible for and shall directly
13 oversee: Case planning; service authorization; investigation of
14 compliance; monitoring and evaluation of the care and services
15 provided to children and families; and decisionmaking regarding
16 the determination of visitation and the care, placement, medical
17 services, psychiatric services, training, and expenditures on

18 behalf of each juvenile under subsection (1) of section 43-285. The
19 child welfare case manager shall be responsible for determination,
20 decisionmaking and direct preparation of the proposed plan for the
21 care, placement, services, and permanency of the juvenile filed
22 with the court required under subsection (2) of section 43-285. The
23 health and safety of the juvenile shall be the paramount concern in
24 the proposed plan in accordance with such subsection.

25 Sec. 3. Section 68-1207, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 68-1207 (1) The Department of Health and Human Services
1 shall supervise all public child welfare services as described
2 by law. The department shall establish and maintain caseloads
3 to carry out child welfare services which provide for adequate,
4 timely, and indepth investigations and services to children and
5 families. In establishing the standards for such caseloads, the
6 department shall ~~(1)-(a)~~ include the workload factors that
7 may differ due to geographic responsibilities, office location,
8 and the travel required to provide a timely response in the
9 investigation of abuse and neglect, the protection of children, and
10 the provision of services to children and families in a uniform
11 and consistent statewide manner and ~~(2)-(b)~~ consider workload
12 standards recommended by national child welfare organizations and
13 factors related to the attainment of such standards. The department
14 shall consult with the appropriate employee representative in
15 establishing such standards. The average caseload of each case
16 manager providing child welfare services shall be reduced by
17 twenty-five percent each year beginning with a twenty-five percent
18 reduction on or before September 1, 2012, and a twenty-five percent
19 reduction on or before each September 1 thereafter until each
20 case manager's caseload and each caseworker's caseload is within
21 the standards established by the Child Welfare League of America
22 or its successor. Beginning September 15, 2012, the department
23 shall include in its annual report required pursuant to section
24 68-1207.01 a report on the attainment of the increase according
25 to caseload standards established by the Child Welfare League of
26 America or its successor. The department's annual report shall also
27 include changes in the standards of the Child Welfare League of
1 America.

2 (2) Caseload size shall be determined in the following
3 manner: (a) If children are placed in the home, the family shall
4 count as one case regardless of how many children are placed in the
5 home; (b) if a child is placed out of his or her home, the child
6 shall count as one case; (c) if, within one family, one or more
7 children are placed in the home and one or more children are placed
8 out of the home, the children placed in the home shall count as
9 one case and each child placed out of the home shall count as one
10 case; and (d) any child receiving services from the department or a
11 private entity under contract with the department shall be counted
12 as provided in subdivisions (a) through (c) of this subsection

13 whether or not such child is a ward of the state. For purposes of
14 this subsection, a child is considered to be placed in the home if
15 the child is placed with his or her biological or adoptive parent
16 or a legal guardian and a child is considered to be placed out of
17 the home if the child is placed in foster care, group home care, or
18 any other setting which is not the child's planned permanent home.

19 (3) To insure appropriate oversight of noncourt and
20 voluntary cases when any services are provided as a result of a
21 child safety assessment, the department shall develop a case plan
22 that specifies the services to be provided and the actions to be
23 taken by the department and the family in each such case.

24 (4) To carry out the provisions of this section, the
25 Legislature shall provide funds for additional staff.

26 Sec. 4. Section 81-3116, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-3116 The responsibilities of the divisions created in
2 section 81-3113 include, but are not limited to, the following:

3 (1) The Division of Behavioral Health shall administer
4 (a) the state hospitals for the mentally ill designated in section
5 83-305 and (b) publicly funded community-based behavioral health
6 services;

7 (2) The Division of Children and Family Services shall
8 administer (a) protection and safety programs and services,
9 including child welfare programs and services and the Office of
10 Juvenile Services, (b) economic and family support programs and
11 services, and (c) service areas as may be designated by the
12 chief executive officer or by the Director of Children and Family
13 Services under authority of the chief executive officer, except
14 that on and after September 1, 2012, the western, central, and
15 northern service areas shall align with the district court judicial
16 districts described in section 24-301.02 in a manner that no
17 district court judicial district is included in more than one
18 service area;

19 (3) The Division of Developmental Disabilities shall
20 administer (a) the Beatrice State Developmental Center and
21 (b) publicly funded community-based developmental disabilities
22 services;

23 (4) The Division of Medicaid and Long-Term Care shall
24 administer (a) the medical assistance program also known as
25 medicaid, (b) aging services, and (c) other related programs
26 and services;

27 (5) The Division of Public Health shall administer
1 (a) preventive and community health programs and services, (b)
2 the regulation and licensure of health-related professions and
3 occupations, and (c) the regulation and licensure of health care
4 facilities and health care services; and

5 (6) The Division of Veterans' Homes shall administer (a)
6 the Eastern Nebraska Veterans' Home, (b) the Grand Island Veterans'
7 Home, (c) the Norfolk Veterans' Home, and (d) the Western Nebraska

8 Veterans' Home.

9 Sec. 5. (1) On and after the effective date of this act,
 10 the Department of Health and Human Services shall not reinstate a
 11 lead agency in the central, western, or northern service areas of
 12 Nebraska as such service areas are designated pursuant to section
 13 81-3116.

14 (2) The department shall not extend past July 1, 2014,
 15 the contracts with lead agencies in existence on the effective
 16 date of this act in the eastern or southeastern service areas of
 17 Nebraska as such service areas are designated pursuant to section
 18 81-3116.

19 Sec. 6. Original sections 68-1207 and 81-3116, Reissue
 20 Revised Statutes of Nebraska, are repealed.

21 Sec. 7. Since an emergency exists, this act takes effect
 22 when passed and approved according to law.

23 2. On page 1, line 6, strike "contracts and" and insert
 24 "caseloads, contracts, and contract".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 927. Placed on General File with amendment.
 AM2191

1 1. Strike section 2 and insert the following section:

2 Sec. 2. (1) Except as otherwise provided in this
 3 section, individual identification shall not be required for cattle
 4 identified by a registered brand, accompanied by a state-issued
 5 brand inspection certificate, and imported into Nebraska directly
 6 from a mandatory brand inspection area of any state or portion of
 7 a state.

8 (2) The Department of Agriculture may require cattle
 9 described in subsection (1) of this section to be identified by
 10 individual identification to enter the state if the Director of
 11 Agriculture determines that:

12 (a) The brand registration or the brand inspection
 13 procedures and documentation of the state of origin are
 14 insufficient to enable the tracing of animals to their herd of
 15 origin;

16 (b) Identification by brand alone is in conflict with a
 17 standard of federal law or regulation regarding identification of
 18 cattle moved in interstate commerce; or

19 (c) The cattle originate from a location that is not a
 20 tuberculous accredited-free state or zone pursuant to 9 C.F.R. 77.7
 21 or is not designated a brucellosis Class Free or Class A state or
 22 area pursuant to 9 C.F.R. 78.41, as such regulations existed on
 23 January 1, 2012.

1 (3) This section does not limit the authority of the
2 State Veterinarian to issue import orders imposing additional
3 requirements for animals imported into Nebraska from any state,
4 country, zone, or other area, including requirements relating to
5 identification.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Room 1507

Tuesday, March 13, 2012 9:30 a.m.

Approve gift of materials, labor and in-kind work from the Norfolk Veterans Home Heroes Park Foundation to the Norfolk Veterans Home Heroes Park Project

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Carlson filed the following amendment to LR358CA:
AM2264

1 1. On page 1, strike lines 11 through 13 and show as
2 stricken; and in line 14 strike "(3)", show as stricken, and insert
3 "(2)".

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 691:

Board of Emergency Medical Services
Joel Cerny
Thomas Deegan
Carl Rennerfeldt
James Smith

Voting in the affirmative, 32:

Adams	Council	Harr, B.	Lathrop	Smith
Ashford	Fischer	Heidemann	McCoy	Sullivan
Avery	Flood	Howard	Pahls	Wallman
Bloomfield	Fulton	Janssen	Pirsch	Wightman
Brasch	Gloor	Karpisek	Price	
Campbell	Haar, K.	Krist	Schumacher	
Carlson	Hadley	Lambert	Seiler	

Voting in the negative, 0.

Present and not voting, 10:

Christensen	Dubas	Langemeier	Louden	Nelson
Coash	Hansen	Larson	Mello	Nordquist

Excused and not voting, 7:

Conrad	Cornett	Lautenbaugh	Schilz
Cook	Harms	McGill	

The appointments were confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 692:

Commission for the Blind and Visually Impaired

Michael Hansen

James Jirak

Julie Johnson

Voting in the affirmative, 36:

Adams	Fischer	Howard	Louden	Smith
Avery	Flood	Janssen	McCoy	Sullivan
Bloomfield	Fulton	Karpisek	Nelson	Wallman
Brasch	Gloor	Krist	Pahls	Wightman
Campbell	Haar, K.	Lambert	Pirsch	
Carlson	Hadley	Langemeier	Price	
Cook	Hansen	Larson	Schumacher	
Council	Heidemann	Lathrop	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Coash	Harr, B.	Nordquist
Christensen	Dubas	Mello	Schilz

Excused and not voting, 5:

Conrad	Cornett	Harms	Lautenbaugh	McGill
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 692:

Commission for the Deaf and Hard of Hearing
Jan Moore

Voting in the affirmative, 37:

Adams	Council	Heidemann	Lathrop	Schumacher
Ashford	Flood	Howard	Louden	Seiler
Avery	Fulton	Janssen	McCoy	Smith
Bloomfield	Gloor	Karpisek	Mello	Sullivan
Brasch	Haar, K.	Krist	Nelson	Wallman
Campbell	Hadley	Lambert	Pahls	
Carlson	Hansen	Langemeier	Pirsch	
Cook	Harms	Larson	Price	

Voting in the negative, 0.

Present and not voting, 8:

Christensen	Dubas	Harr, B.	Schilz
Coash	Fischer	Nordquist	Wightman

Excused and not voting, 4:

Conrad	Cornett	Lautenbaugh	McGill
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The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 702:

Nebraska State Fair Board
William Marshall III

Voting in the affirmative, 34:

Adams	Flood	Howard	Louden	Schilz
Bloomfield	Fulton	Janssen	McCoy	Schumacher
Brasch	Gloor	Karpisek	Mello	Seiler
Campbell	Haar, K.	Krist	Nordquist	Smith
Carlson	Hadley	Langemeier	Pahls	Sullivan
Cook	Hansen	Larson	Pirsch	Wallman
Council	Heidemann	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Coash	Harms	Nelson
Avery	Dubas	Harr, B.	Wightman
Christensen	Fischer	Lambert	

Excused and not voting, 4:

Conrad	Cornett	Lautenbaugh	McGill
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 443. Introduced by Campbell, 25.

WHEREAS, Charles J. Egr of Wahoo passed away Sunday, February 26, 2012; and

WHEREAS, born on July 4, 1925, to second-generation Nebraskans whose parents emigrated to the United States from Bohemia, Charles was intensely proud of his Czech heritage and spoke the language fluently. He grew up on the family farm near Prague and attended School District 84 in Plasi before being drafted into the United States Army in 1944. He served in Company E, 96th Infantry Division, of the 10th Army as a marksman and was gravely wounded in the Ryukyu Campaign on Okinawa in April 1945. After spending seven months in the hospital with both legs paralyzed, Charles was able to walk with the use of canes. His military honors included the Purple Heart, Bronze Campaign Star, Combat Infantry Badge, Good Conduct Ribbon, Victory Ribbon, and Asiatic Pacific Theater Ribbon; and

WHEREAS, after the war, Charles married June A. Voboril of Prague, and they raised their family in Saunders County, living in Prague where he operated a drug store and later worked at the United States Post Office before becoming assistant county clerk. Charles and June later built a home near Wahoo where they supported the newly-established Bishop Neumann High School; and

WHEREAS, Charles was elected Saunders County Clerk in 1968 and served a total of thirty-four years in office, running unopposed in all but his first election campaign. Charles was actively involved with the Nebraska

Association of County Officials throughout his service to Saunders County, and the association named him County Official of the Year in 1985; and

WHEREAS, Charles served on a state commission to recommend changes in Nebraska election laws and also served as campaign treasurer for former State Senator and Speaker of the Legislature Curt Bromm of Wahoo; and

WHEREAS, as a veteran, husband, father, friend, and elected official, Charles Egr's lifelong participation in his community and state exemplifies the finest Nebraska ideals of citizen government and public service. He leaves behind a legacy of helping others which touched many lives, and his passing is a profound loss.

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

1. That the Legislature expresses and extends its sympathy and condolences to the family, friends, and former colleagues of Charles J. Egr.

2. That a copy of this resolution be sent to June Egr.

Laid over.

LEGISLATIVE RESOLUTION 444. Introduced by Harms, 48.

WHEREAS, the Bluffs Middle School Brass Ensemble of Scottsbluff performed in the rotunda of the State Capitol on February 28, 2012; and

WHEREAS, the Bluffs Middle School Brass Ensemble is directed by Michael Koch; 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 Bluffs Middle School Brass Ensemble on their performance in the rotunda of the State Capitol.

2. That a copy of this resolution be sent to the Bluffs Middle School Brass Ensemble and their director, Michael Koch.

Laid over.

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB209:

AM2235

(Amendments to Standing Committee amendments, AM1949)

1. On page 1, line 11, after "year" insert "or one
2. million dollars, whichever is less"; and strike beginning with line
3. 15 through the underscored period in line 16.

GENERAL FILE

LEGISLATIVE BILL 1067. Committee AM1961, found on page 540 and considered on page 734, was renewed.

Senator Karpisek renewed his amendment, AM2260, found on page 744, to the committee amendment.

Senator Karpisek withdrew his amendment.

Senator Christensen offered the following amendment to the committee amendment:

AM2270

(Amendments to Standing Committee amendments, AM1961)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-607, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 9-607 (1) Lottery shall mean a gambling scheme in which:
 - 6 (a) The players pay or agree to pay something of value
 - 7 for an opportunity to win;
 - 8 (b) Winning opportunities are represented by tickets;
 - 9 (c) Winners are solely determined by one of the following
 - 10 two methods:
 - 11 (i) By a random drawing of tickets differentiated by
 - 12 sequential enumeration from a receptacle by hand whereby each
 - 13 ticket has an equal chance of being chosen in the drawing; or
 - 14 (ii) By use of a game known as keno in which a player
 - 15 selects up to twenty numbers from a total of eighty numbers on a
 - 16 paper ticket and a computer, other electronic selection device, or
 - 17 electrically operated blower machine which is not player-activated
 - 18 randomly selects up to twenty numbers from the same pool of
 - 19 eighty numbers and the winning players are determined by the
 - 20 correct matching of the numbers on the paper ticket selected by
 - 21 the players with the numbers randomly selected by the computer,
 - 22 other electronic selection device, or electrically operated blower
 - 1 machine, except that (A) no keno game shall permit or require
 - 2 player activation of lottery equipment and (B) the random selection
 - 3 of numbers by the computer, other electronic selection device, or
 - 4 electrically operated blower machine shall not occur within five
 - 5 minutes of the completion of the previous selection of random
 - 6 numbers unless another time limit applies pursuant to subsection
 - 7 (5) of this section; and
 - 8 (d) The holders of the winning paper tickets are to
 - 9 receive cash or prizes redeemable for cash. Selection of a winner
 - 10 or winners shall be predicated solely on chance.
 - 11 (2) Lottery shall not include:
 - 12 (a) Any gambling scheme which uses any mechanical gaming
 - 13 device, computer gaming device, electronic gaming device, or video

14 gaming device which has the capability of awarding something of
15 value, free games redeemable for something of value, or tickets or
16 stubs redeemable for something of value;

17 (b) Any activity authorized or regulated under the
18 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
19 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
20 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
21 article 12; or

22 (c) Any activity prohibited under Chapter 28, article 11.

23 (3) Notwithstanding the requirement in subdivision
24 (1)(c)(ii) of this section that a player select up to twenty
25 numbers, a player may select more than twenty numbers on a paper
26 ticket when a top or bottom, left or right, edge, or way ticket
27 is played. For a top or bottom ticket, the player shall select
1 all numbers from one through forty or all numbers from forty-one
2 through eighty. For a left or right ticket, the player shall select
3 all numbers ending in one through five or all numbers ending in
4 six through zero. For an edge ticket, the player shall select all
5 of the numbers comprising the outside edge of the ticket. For a way
6 ticket, the player shall select a combination of groups of numbers
7 in multiple ways on a single ticket.

8 (4) A county, city, or village conducting a keno lottery
9 shall designate the method of winning number selection to be used
10 in the lottery and submit such designation in writing to the
11 department prior to conducting a keno lottery. Only those methods
12 of winning number selection described in subdivision (1)(c)(ii)
13 of this section shall be permitted, and the method of winning
14 number selection initially utilized may only be changed once during
15 that business day as set forth in the designation. As to each
16 selection method or device so designated, a county, city, or
17 village may determine to use a time limit of less than five
18 minutes but not less than three minutes per random-number selection
19 under subdivision (1)(c)(ii)(B) of this section if approved by
20 the registered voters of the county, city, or village as provided
21 in subsection (5) of this section. A county, city, or village
22 shall not change the method or methods of winning number selection
23 filed with the department or allow it to be changed once such
24 initial designation has been made unless (a) otherwise authorized
25 in writing by the department based upon a written request from the
26 county, city, or village or (b) an emergency arises in which case a
27 ball draw method of number selection would be switched to a number
1 selection by a random number generator. An emergency situation
2 shall be reported by the county, city, or village to the department
3 within twenty-four hours of its occurrence.

4 (5) The governing body of a county, city, or village
5 conducting a keno lottery under this section may submit the issue
6 of changing the time per random-number selection under subdivision
7 (1)(c)(ii)(B) of this section from five minutes to four minutes or
8 three minutes. The governing body may submit the question of four

- 9 minutes or the question of three minutes to the registered voters
 10 of the county, city, or village at a special, primary, or general
 11 election pursuant to section 32-559 once per calendar year.
 12 Sec. 2. Original section 9-607, Revised Statutes
 13 Supplement, 2011, is repealed.

Senator Christensen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Christensen requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Christensen	Hansen	McCoy
Bloomfield	Dubas	Harms	Nelson
Brasch	Flood	Heidemann	Pirsch
Carlson	Fulton	Janssen	Price

Voting in the negative, 16:

Adams	Council	Larson	Nordquist
Campbell	Harr, B.	Lathrop	Seiler
Coash	Karpisek	Lautenbaugh	Smith
Cook	Lambert	Louden	Wallman

Present and not voting, 14:

Ashford	Gloor	Howard	Pahls	Sullivan
Cornett	Haar, K.	Krist	Schilz	Wightman
Fischer	Hadley	Mello	Schumacher	

Excused and not voting, 3:

Conrad	Langemeier	McGill
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The Christensen amendment lost with 16 ayes, 16 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Karpisek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Karpisek moved for a call of the house. The motion prevailed with

37 ayes, 0 nays, and 12 not voting.

Senator Karpisek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Adams	Cook	Hadley	Lathrop	Schilz
Campbell	Cornett	Karpisek	Louden	Seiler
Coash	Council	Lambert	Mello	Sullivan
Conrad	Haar, K.	Larson	Nordquist	Wallman

Voting in the negative, 17:

Brasch	Fischer	Harms	McCoy	Wightman
Carlson	Flood	Howard	Nelson	
Christensen	Fulton	Janssen	Pahls	
Dubas	Hansen	Langemeier	Smith	

Present and not voting, 9:

Ashford	Bloomfield	Krist	Pirsch	Schumacher
Avery	Gloor	Lautenbaugh	Price	

Excused and not voting, 3:

Harr, B.	Heidemann	McGill
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Failed to advance to Enrollment and Review Initial with 20 ayes, 17 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 983. Title read. Considered.

SPEAKER FLOOD PRESIDING

Committee AM2096, found on page 607, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

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

RESOLUTIONS**LEGISLATIVE RESOLUTION 445.** Introduced by Bloomfield, 17.

WHEREAS, the Wayne High School girls' bowling team won the 2012 Class C Nebraska High School Bowling Federation State Tournament, with team members earning individual gold medals; and

WHEREAS, the team won their first state title by defeating Burwell/Ord in a five-game Baker-format series; and

WHEREAS, team members are seniors Sara Aschoff (1st year) and Burgandy Roberts (4th year) and juniors Megan Aschoff (1st year), Miranda Denklau (3rd year), and Rachel Waddington (3rd year); and

WHEREAS, volunteer Coach Mike Varley and Assistant Coach Emily Dillon have given tirelessly to the success of the team; and

WHEREAS, Dusty Baker, owner and operator of Melodee Lanes in Wayne, generously allowed the team to use the facility; and

WHEREAS, the team practices at least two evenings per week and participates in meets on weekends and some weeknights and the team members must maintain attendance requirements and grade eligibility; and

WHEREAS, the team is self-supporting and works diligently with multiple fundraisers and enjoys community support, including that of parents, classmates, and teachers; and

WHEREAS, team members also participate in other various extracurricular activities; 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 Wayne High School girls' bowling team for winning the 2012 Class C Nebraska High School Bowling Federation State Tournament.

2. That the Legislature congratulates volunteer Coach Mike Varley and Assistant Coach Emily Dillon for their excellent season and guidance of the team.

3. That the Legislature commends Dusty Baker, owner and operator of Melodee Lanes, for his generosity.

4. That copies of this resolution be sent to the Wayne High School girls' bowling team and their coaches, Mike Varley and Emily Dillon, and to Dusty Baker, of Melodee Lanes.

Laid over.

LEGISLATIVE RESOLUTION 446. Introduced by Bloomfield, 17.

WHEREAS, the Pender High School wrestling team took second place at the 2012 Class D State Wrestling Championship for the second year in a row; and

WHEREAS, Pender was second in the rankings going into the state tournament behind Amherst for the second year in a row after winning the D-2 district championship with 208.5 points; and

WHEREAS, Amherst, the state champion, scored 187.5 points to Pender's 164 points, and the schools' combined points are only 127.5 points less than the remaining eight of the top ten Class D teams combined; and

WHEREAS, the Pender wrestlers defeated the Amherst wrestlers in all three weight classes in which they competed; and

WHEREAS, Pender finished the season with a 368/170 winning ratio; and

WHEREAS, Coach Dennis Oliver coached the Pender wrestlers to a record-tying five individual state championships in a single season; and

WHEREAS, sophomore Mark Dunn defeated Tyler Bailey of Sutton 6-5 to win the 106-pound division title; and

WHEREAS, sophomore Benny Oliver defeated Lukas Cox of Alma 6-0 to win the 113-pound division title; and

WHEREAS, sophomore Jacob Sebade defeated Toby Nordmeyer of East Butler 8-0 to win the 120-pound division title; and

WHEREAS, junior Garrett Bowder defeated Mason Klingelhofer of Amherst 11-0 to win the 126-pound division title; and

WHEREAS, senior Cory Sebade defeated Jake Wells of Anselmo-Merna 11-5 to win the 152-pound division title and finished with an undefeated season record of 40-0; and

WHEREAS, junior Ben Burmester took second place in the 182-pound division; and

WHEREAS, senior Blake Reppert took sixth place in the 145-pound division, finishing out his high school wrestling career with 102 wins; and

WHEREAS, junior Klint Conroy qualified in the 160-pound division; and

WHEREAS, junior Conner Albus qualified in the 285-pound division; 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 Pender High School wrestling team on taking second place in the 2012 Class D State Wrestling Championship and Coach Dennis Oliver for his excellent season and guidance of his team in his thirteenth year as their coach.

2. That a copy of this resolution be sent to the Pender High School wrestling team and their coach, Dennis Oliver.

Laid over.

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB949:
AM2269

(Amendments to E & R amendments, ER191)

- 1 1. On page 2, line 6, after "area" insert "designated
- 2 pursuant to section 81-3116"; in line 18 strike "its key goals" and

- 3 insert "the key goals identified pursuant to this subsection"; and
- 4 strike beginning with "with" in line 21 through "2015" in line 22
- 5 and insert "July 1, 2012".

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teachers from Lincoln Christian School; and 75 fourth-grade students and teachers from Centennial Elementary, Columbus.

RECESS

At 11:48 a.m., on a motion by Senator Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Conrad, Janssen, Langemeier, Larson, McGill, and Schilz who were excused; and Senators Ashford, Campbell, and Cornett who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 447. Introduced by Howard, 9.

WHEREAS, bullying is the most common form of violence; and

WHEREAS, bullying causes deep psychological pain, and children who are bullied often experience low self-esteem and depression, physical problems, more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, children who engage in bullying behavior often go on to engage in more destructive, antisocial behaviors as teens and adults; and

WHEREAS, schoolwide commitment to stop bullying can reduce bullying by more than fifty percent; and

WHEREAS, it takes a community to prevent the bullying of children; and

WHEREAS, National Bullying Prevention Month encourages communities nationwide to work together to increase awareness of the prevalence and impact of bullying on all children.

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

1. That October 2012 be designated as Nebraska Bullying Prevention Month with the intention that the issue of bullying and its prevention be discussed in the State of Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

LEGISLATIVE RESOLUTION 448. Introduced by Howard, 9.

WHEREAS, Film Streams is a nonprofit organization dedicated to the promotion of film as an art form; and

WHEREAS, Film Streams is devoted to the enhancement of cultural and intellectual life in the Omaha metropolitan area; and

WHEREAS, Film Streams works to promote diversity by educating Nebraska's youth about films in the cultural context; and

WHEREAS, Film Streams supports local filmmakers through the Local Filmmakers Showcase; and

WHEREAS, Film Streams is a vital contributor to the vibrant local arts scene in Omaha.

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

1. That the Legislature recognizes Film Streams for its contribution to the arts in Nebraska.

2. That a copy of this resolution be sent to Film Streams.

Laid over.

LEGISLATIVE RESOLUTION 449. Introduced by Howard, 9.

WHEREAS, each year National Professional Social Work Month is observed in March; and

WHEREAS, National Professional Social Work Month is a time to celebrate the profession of social work and raise awareness of the benefits and challenges of social work; and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social workers make a critical impact on adolescent and youth development, aging and family caregiving, child protection and family services, health care navigation, mental and behavioral health treatment, military and veterans' assistance, nonprofit management and community development, and poverty reduction; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of the citizens of Nebraska.

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

1. That the Legislature recognizes March 2012 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers - Nebraska Chapter.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 842. Title read. Considered.

Committee AM2036, found on page 594, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 450. Introduced by Adams, 24.

WHEREAS, the Seward Bluejays won the 2012 Class B Girls' State Basketball Championship; and

WHEREAS, the Bluejays defeated the Beatrice Lady Orange 46-35 in the championship game; and

WHEREAS, Coach Tom Tvrdy led the Bluejays to their fourth straight state championship; and

WHEREAS, the Bluejays finished the season with 101 consecutive wins and four consecutive undefeated seasons; 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 Coach Tom Tvrdy and the Seward Bluejays on winning the 2012 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluejays and Coach Tvrdy.

Laid over.

LEGISLATIVE RESOLUTION 451. Introduced by Pirsch, 4.

WHEREAS, Mohit Jain of Millard North High School has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Mohit has achieved an extraordinary honor in being named a Distinguished Finalist in 2012; and

WHEREAS, Mohit was named a Distinguished Finalist for giving generous amounts of time and energy to OmahaCares.org.

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Jain who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Mohit Jain on being named a 2012 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes his leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Mohit Jain.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 863. Title read. Considered.

Senator Coash renewed his amendment, AM2129, found on page 613.

The Coash amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SPEAKER FLOOD PRESIDING

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 916. Placed on Select File with amendment.
ER199

- 1 1. In the Standing Committee amendments, AM1739:
- 2 a. On page 10, line 20, after "any" insert "of";
- 3 b. On page 19, line 21, before "The" insert "(4)";
- 4 c. On page 23, line 18; and page 119, line 16, after the
- 5 period insert an underscored comma;
- 6 d. On page 49, line 14; page 101, line 20; and page 135,

- 7 line 4, strike the first "the"; and
 8 e. On page 89, line 17, strike "on or after July 1,
 9 2000," and show as stricken.
- 10 2. On page 1, strike beginning with "23-2323.02" in
 11 line 1 through line 16 and insert "16-1019, 16-1038, 23-2322,
 12 23-2323.02, 24-707, 24-710.02, 24-710.05, 48-1401, 79-906,
 13 79-933.01, 79-948, 79-956, 79-980, 79-998, 79-9,104, 79-9,106,
 14 81-2014, 81-2031.03, 81-2032, 84-1309, 84-1312, 84-1324, and
 15 84-1505, Reissue Revised Statutes of Nebraska, sections 23-2309.01,
 16 23-2310.05, 23-2317, 23-2321, 84-1310.01, 84-1311.03, 84-1319,
 17 and 84-1323, Revised Statutes Cumulative Supplement, 2010, and
 18 sections 14-2111, 23-2301, 23-2308, 23-2308.01, 23-2319.01, 24-701,
 19 79-902, 81-2026, 81-2041, 84-1301, 84-1309.02, 84-1321.01, and
 20 84-1503, Revised Statutes Supplement, 2011; to provide for the
 21 use of retirement benefits to pay civil damages for utilities
 22 district employees and appointees, police officers, firefighters,
 23 county employees, judges, participants in deferred compensation
 1 plans, school employees, officers of the Nebraska State Patrol,
 2 and state employees as prescribed; to exempt per diems from the
 3 definition of compensation; to require an employer to provide
 4 certain termination of employment information to the Public
 5 Employees Retirement Board; to require repayment of retirement
 6 benefits as prescribed; to authorize creation of subfunds; to
 7 provide for a cash balance benefit election for certain county
 8 and state employees; to change provisions relating to county and
 9 state employer funds; to eliminate certain reporting requirements
 10 for school retirement systems as prescribed; to clarify provisions
 11 relating to tax-qualification requirements; to change provisions
 12 relating to rollover distributions and death benefits; to exclude
 13 any person under the age of eighteen years from the definition
 14 of school employee; to redefine termination of employment; to
 15 provide duties for the Public Employees Retirement Board relating
 16 to the determination of de minimus amounts and tax-qualification
 17 requirements; to harmonize provisions; to provide severability;
 18 to repeal the original sections; to outright repeal section
 19 23-2319.02, Revised Statutes Cumulative Supplement, 2010; and to
 20 declare an emergency."
- 21 3. On page 2, strike lines 1 through 6.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB950:
 AM2267

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 61-218, Revised Statutes Supplement,
 4 2011, is amended to read:

5 61-218 (1) The Water Resources Cash Fund is created. The
6 fund shall be administered by the Department of Natural Resources.
7 Any money in the fund available for investment shall be invested
8 by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 (2) The State Treasurer shall credit to the fund such
11 money as is (a) transferred to the fund by the Legislature, (b)
12 paid to the state as fees, deposits, payments, and repayments
13 relating to the fund, both principal and interest, (c) donated as
14 gifts, bequests, or other contributions to such fund from public or
15 private entities, (d) made available by any department or agency of
16 the United States if so directed by such department or agency, and
17 (e) allocated pursuant to section 81-15,175.

18 (3) The fund shall be expended by the department (a)
19 to aid management actions taken to reduce consumptive uses of
20 water or to enhance streamflows or ground water recharge in river
21 basins, subbasins, or reaches which are deemed by the department
22 overappropriated pursuant to section 46-713 or fully appropriated
23 pursuant to section 46-714 or are bound by an interstate compact or
1 decree or a formal state contract or agreement, (b) for purposes
2 of projects or proposals described in the grant application as
3 set forth in subdivision (2)(h) of section 81-15,175, and (c) to
4 the extent funds are not expended pursuant to subdivisions (a)
5 and (b) of this subsection, the department may conduct a statewide
6 assessment of short-term and long-term water management activities
7 and funding needs to meet statutory requirements in sections 46-713
8 to 46-718 and 46-739 and any requirements of an interstate compact
9 or decree or formal state contract or agreement. The fund shall not
10 be used to pay for administrative expenses or any salaries for the
11 department or any political subdivision.

12 (4) It is the intent of the Legislature that three
13 million three hundred thousand dollars be transferred each fiscal
14 year from the General Fund to the Water Resources Cash Fund for
15 FY2011-12 through FY2018-19, except that for FY2012-13 it is the
16 intent of the Legislature that ten million five hundred thousand
17 dollars be transferred from the General Fund to the Water Resources
18 Cash Fund.

19 (5)(a) Expenditures from the Water Resources Cash
20 Fund may be made to natural resources districts eligible under
21 subsection (3) of this section for activities to either achieve a
22 sustainable balance of consumptive water uses or assure compliance
23 with an interstate compact or decree or a formal state contract
24 or agreement and shall require a match of local funding in an
25 amount equal to or greater than forty percent of the total cost
26 of carrying out the eligible activity. The department shall, no
27 later than August 1 of each year, beginning in 2007, determine the
1 amount of funding that will be made available to natural resources
2 districts from the Water Resources Cash Fund and notify natural
3 resources districts of this determination. The department shall

4 adopt and promulgate rules and regulations governing application
5 for and use of the Water Resources Cash Fund by natural resources
6 districts. Such rules and regulations shall, at a minimum, include
7 the following components:

8 (i) Require an explanation of how the planned activity
9 will achieve a sustainable balance of consumptive water uses or
10 will assure compliance with an interstate compact or decree or a
11 formal state contract or agreement as required by section 46-715
12 and the controls, rules, and regulations designed to carry out the
13 activity; and

14 (ii) A schedule of implementation of the activity or its
15 components, including the local match as set forth in subdivision
16 (5)(a) of this section.

17 (b) Any natural resources district that fails to
18 implement and enforce its controls, rules, and regulations as
19 required by section 46-715 shall not be eligible for funding
20 from the Water Resources Cash Fund until it is determined by the
21 department that compliance with the provisions required by section
22 46-715 has been established.

23 (6) The Department of Natural Resources shall submit an
24 annual report to the Legislature no later than October 1 of each
25 year, beginning in the year 2007, that shall detail the use of the
26 Water Resources Cash Fund in the previous year. The report shall
27 provide:

1 (a) Details regarding the use and cost of activities
2 carried out by the department; and

3 (b) Details regarding the use and cost of activities
4 carried out by each natural resources district that received funds
5 from the Water Resources Cash Fund.

6 (7)(a) Prior to the application deadline for fiscal year
7 2011-12, the Department of Natural Resources shall apply for a
8 grant of nine million nine hundred thousand dollars from the
9 Nebraska Environmental Trust Fund, to be paid out in three annual
10 installments of three million three hundred thousand dollars. The
11 purposes listed in the grant application shall be consistent with
12 the uses of the Water Resources Cash Fund provided in this section
13 and shall be used to aid management actions taken to reduce
14 consumptive uses of water, to enhance streamflows, to recharge
15 ground water, or to support wildlife habitat in any river basin
16 determined to be fully appropriated pursuant to section 46-714 or
17 designated as overappropriated pursuant to section 46-713.

18 (b) If the application is granted, funds received from
19 such grant shall be remitted to the State Treasurer for credit to
20 the Water Resources Cash Fund for the purpose of supporting the
21 projects set forth in the grant application. The department shall
22 include in its grant application documentation that the Legislature
23 has authorized a transfer of three million three hundred thousand
24 dollars from the General Fund into the Water Resources Cash Fund
25 for each of fiscal years 2011-12 and 2012-13 and has stated its

26 intent to transfer three million three hundred thousand dollars to
27 the Water Resources Cash Fund for fiscal year 2013-14.

1 (c) It is the intent of the Legislature that the
2 department apply for an additional three-year grant that would
3 begin in fiscal year 2014-15 if the criteria established in
4 subsection (4) of section 81-15,175 are achieved.

5 (8) The department shall establish a subaccount within
6 the Water Resources Cash Fund for the accounting of all money
7 received as a grant from the Nebraska Environmental Trust Fund as
8 the result of an application made pursuant to subsection (7) of
9 this section. At the end of each calendar month, the department
10 shall calculate the amount of interest earnings accruing to the
11 subaccount and shall notify the State Treasurer who shall then
12 transfer a like amount from the Water Resources Cash Fund to the
13 Nebraska Environmental Trust Fund.

14 Sec. 2. The State Treasurer shall transfer \$7,200,000
15 from the General Fund to the Water Resources Cash Fund on
16 or before June 30, 2013, on such date as directed by the
17 budget administrator of the budget division of the Department
18 of Administrative Services.

19 Sec. 3. Original section 61-218, Revised Statutes
20 Supplement, 2011, is repealed.

RESOLUTION

LEGISLATIVE RESOLUTION 452. Introduced by Nordquist, 7.

PURPOSE: The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the retirement system established pursuant to the County Employees Retirement Act, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System as provided in the Judges Retirement Act. The study may also examine the retirement system established pursuant to the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1130. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SENATOR ADAMS PRESIDING

LEGISLATIVE RESOLUTION 373CA. Read. Considered.

Committee AM1948, found on page 540, was considered.

Senator Wightman moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

SPEAKER FLOOD PRESIDING

Senator Lautenbaugh requested a roll call vote on the advancement of the resolution.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 4 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 820A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 820, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 821A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 821, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 1160A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1160, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 833. Placed on General File.

LEGISLATIVE BILL 740. Placed on General File with amendment. AM2212

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,290, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,290 (1)(a) No vehicle shall exceed a length of
- 6 forty feet, extreme overall dimensions, inclusive of front and rear
- 7 bumpers including load, except that:
- 8 (i) A bus or a motor home, as defined in section 71-4603,
- 9 may exceed the forty-foot limitation but shall not exceed a length
- 10 of forty-five feet;
- 11 (ii) A truck-tractor may exceed the forty-foot
- 12 limitation;
- 13 (iii) A semitrailer operating in a truck-tractor single
- 14 semitrailer combination, which semitrailer was actually and
- 15 lawfully operating in the State of Nebraska on December 1, 1982,
- 16 may exceed the forty-foot limitation; ~~and~~
- 17 (iv) A semitrailer operating in a truck-tractor single
- 18 semitrailer combination, which semitrailer was not actually and
- 19 lawfully operating in the State of Nebraska on December 1, 1982,
- 20 may exceed the forty-foot limitation but shall not exceed a length
- 21 of fifty-three feet including load; ~~and-~~
- 22 (v) A semitrailer operating in a truck-tractor single
- 23 semitrailer combination, while transporting baled livestock forage,
- 1 may exceed the forty-foot limitation but shall not exceed a length
- 2 of fifty-nine feet six inches including load.
- 3 (b) No combination of vehicles shall exceed a length of
- 4 sixty-five feet, extreme overall dimensions, inclusive of front and
- 5 rear bumpers and including load, except:
- 6 (i) One truck and one trailer, loaded or unloaded,
- 7 used in transporting implements of husbandry to be engaged in
- 8 harvesting, while being transported into or through the state
- 9 during daylight hours if the total length does not exceed
- 10 seventy-five feet including load;

- 11 (ii) A truck-tractor single semitrailer combination;
12 (iii) A truck-tractor semitrailer trailer combination,
13 but the semitrailer trailer portion of such combination shall not
14 exceed sixty-five feet inclusive of connective devices; and
15 (iv) A driveway saddlemount vehicle transporter
16 combination and driveway saddlemount with fullmount vehicle
17 transporter combination, but the total overall length shall not
18 exceed ninety-seven feet.
- 19 (c) A truck shall be construed to be one vehicle for the
20 purpose of determining length.
- 21 (d) A trailer shall be construed to be one vehicle for
22 the purpose of determining length.
- 23 (2) Subsection (1) of this section shall not apply to:
- 24 (a) Extra-long vehicles which have been issued a permit
25 pursuant to section 60-6,292;
- 26 (b) Vehicles which have been issued a permit pursuant to
27 section 60-6,299;
- 1 (c) The temporary moving of farm machinery during
2 daylight hours in the normal course of farm operations;
- 3 (d) The movement of unbaled livestock forage vehicles,
4 loaded or unloaded;
- 5 (e) The movement of public utility or other construction
6 and maintenance material and equipment at any time;
- 7 (f) Farm equipment dealers hauling, driving, delivering,
8 or picking up farm equipment or implements of husbandry within the
9 county in which the dealer maintains his or her place of business,
10 or in any adjoining county or counties, and return;
- 11 (g) The overhang of any motor vehicle being hauled upon
12 any lawful combination of vehicles, but such overhang shall not
13 exceed the distance from the rear axle of the hauled motor vehicle
14 to the closest bumper thereof;
- 15 (h) The overhang of a combine to be engaged in
16 harvesting, while being transported into or through the state
17 driven during daylight hours by a truck-tractor semitrailer
18 combination, but the length of the semitrailer, including overhang,
19 shall not exceed sixty-three feet and the maximum semitrailer
20 length shall not exceed fifty-three feet;
- 21 (i) Any self-propelled specialized mobile equipment with
22 a fixed load when the requirements of subdivision (2)(i) of section
23 60-6,288 are met; or
- 24 (j) One truck-tractor two trailer combination or one
25 truck-tractor semitrailer trailer combination used in transporting
26 equipment utilized by custom harvesters under contract to
27 agricultural producers to harvest wheat, soybeans, or milo
1 during the months of April through November but the length of
2 the property-carrying units, excluding load, shall not exceed
3 eighty-one feet six inches.
- 4 (3) The length limitations of this section shall be
5 exclusive of safety and energy conservation devices such as

- 6 rearview mirrors, turnsignal lights, marker lights, steps and
 7 handholds for entry and egress, flexible fender extensions,
 8 mudflaps and splash and spray suppressant devices, load-induced
 9 tire bulge, refrigeration units or air compressors, and other
 10 devices necessary for safe and efficient operation of commercial
 11 motor vehicles, except that no device excluded from the limitations
 12 of this section shall have by its design or use the capability to
 13 carry cargo.
 14 Sec. 2. Original section 60-6,290, Reissue Revised
 15 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 930. Placed on General File with amendment.
 AM2272 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Wallman filed the following amendment to LB1090:
 AM2273

- 1 1. On page 2, line 20, strike "school districts" and
- 2 insert "schools".

Senator Krist filed the following amendment to LB998:
 AM2279 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB824:
 AM2302

(Amendments to Standing Committee amendments, AM2080)

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 7, line 14, after the first comma insert "line
- 5 20, after 'distillation' insert ', except that in the case of a
- 6 malt beverage with an alcohol content of more than six percent
- 7 by volume, not more than one and one-half percent of the volume
- 8 of the malt beverage may consist of alcohol derived from flavors,
- 9 flavorings, or other nonbeverage ingredients containing alcohol
- 10 obtained by distillation'; and in".

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to
 LB983. No objections. So ordered.

VISITORS

Visitor to the Chamber was Spencer Woltemath from Peru.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 4:26 p.m., on a motion by Senator Ashford, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 6, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen, Coash, Conrad, Cornett, Loudon, McGill, Smith, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 429 and 430 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 429 and 430.

GENERAL FILE

LEGISLATIVE BILL 751A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 820A. Title read. Considered.

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

LEGISLATIVE BILL 821A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1160A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 782. Title read. Considered.

Committee AM1901, found on page 497, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 810. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1039. Title read. Considered.

Committee AM1796, found on page 487, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Brasch withdrew her amendment, AM1710, found on page 349.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 995. Title read. Considered.

Committee AM1810, found on page 595, was considered.

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1090. Title read. Considered.

Committee AM1823, found on page 572, was adopted with 26 ayes, 0 nays,

18 present and not voting, and 5 excused and not voting.

PRESIDENT SHEEHY PRESIDING

Senator Wallman renewed his amendment, AM2273, found on page 777.

The Wallman amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Wallman moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 25:

Avery	Dubas	Janssen	Lautenbaugh	Pahls
Coash	Gloor	Karpisek	McGill	Pirsch
Conrad	Haar, K.	Krist	Mello	Seiler
Cook	Harr, B.	Langemeier	Nelson	Sullivan
Council	Howard	Lathrop	Nordquist	Wallman

Voting in the negative, 0.

Present and not voting, 16:

Bloomfield	Fischer	Lambert	Schilz
Brasch	Fulton	Larson	Schumacher
Carlson	Hansen	Louden	Smith
Christensen	Harms	McCoy	Wightman

Absent and not voting, 1:

Campbell

Excused and not voting, 7:

Adams	Cornett	Hadley	Price
Ashford	Flood	Heidemann	

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1090A. Title read. Considered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 453. Introduced by B. Harr, 8; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2012 Boys' State Swimming Championship; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its sixth consecutive state championship; and

WHEREAS, Coach Tom Beck and the team's assistant coaches, Harlan Groff, Dr. Larry Raynor, and Cathy Hausman, did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: Carter Brouillette, Jon Doyle, Leo Garofalo, David Hansen, Jake Hedrick, Ben Kellen, Collin Piti, Ryan Tate, Sean Tate, Jimmy Ahlgren, Mike Bauwens, Nick Bohlim, David Carlson, Carter Deras, Justin Kozol, Sean Lawson, Matt Magee, Karl Schaenzer, Adam Sobetski, Paul Witt, Chris Chavez, Szymmy Day, Jordy Greene, Andrew Hansen, Jack Moritz, Alex Penrice, Jude Sakowski, Gus Slavik, Chad Wiley, Louis Landen, Erik Lindholm, Connor Magee, Matt Medara, Will Raynor, and Paul Stratman; and

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

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

1. That the Legislature congratulates the Omaha Creighton Prep swimming team on winning the 2012 Boys' State Swimming Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their coach, Tom Beck.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 851. Placed on General File.

LEGISLATIVE BILL 1106. Placed on General File with amendment. AM2239

1 1. Strike the original sections and insert the following

2 new sections:

3 Section 1. Section 77-1374, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 77-1374 Improvements on leased public lands shall be

6 assessed, together with the value of the lease, to the owner of the

7 improvements as real property. On or before March 1, following any
8 construction thereof or any change in the improvements made on or
9 before January 1, the owner of the improvements shall file with the
10 county assessor an assessment application on a form prescribed by
11 the Tax Commissioner. An assessment application shall also be filed
12 with the county assessor at the time a change of ownership occurs,
13 and such assessment application shall be signed by the owner of
14 the improvements. The taxes imposed on the improvements shall be
15 collected in the same manner as in all other cases of collection of
16 taxes on real property.

17 Sec. 2. Original section 77-1374, Reissue Revised
18 Statutes of Nebraska, is repealed.

(Signed) Abbie Cornett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1026. Placed on General File.

(Signed) Rich Pahls, Chairperson

VISITORS

Visitors to the Chamber were 18 twelfth-grade students and teacher from Hartington; 53 fourth-grade students and teachers from Milliken Park Elementary, Fremont; and 56 fourth-grade students and teachers from Norman Rockwell Elementary, Omaha.

RECESS

At 11:53 a.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Bloomfield, Conrad, Flood, Langemeier, Loudon, and Smith who were excused until they arrive.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1140. Placed on General File.

LEGISLATIVE BILL 936. Placed on General File with amendment.
AM2303

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

LEGISLATIVE BILL 953. Placed on General File with amendment.
AM2242

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) State fleet card programs shall be created
- 4 and shall be administered separately by the University of Nebraska
- 5 and by the Department of Roads. The Department of Roads shall
- 6 administer a fleet card program on behalf of state government
- 7 other than the University of Nebraska under a contract through
- 8 the State Treasurer. The State Treasurer shall determine the type
- 9 of fleet card or cards utilized in the state fleet card program.

- 10 The State Treasurer shall contract with one or more financial
- 11 institutions, card-issuing banks, credit card companies, charge
- 12 card companies, debit card companies, or third-party merchant
- 13 banks capable of operating a fleet card program on behalf of
- 14 the state, including the University of Nebraska, and political
- 15 subdivisions that participate in the state contract for such
- 16 services. Rules and regulations may be adopted and promulgated
- 17 as needed by the Department of Roads and the University of
- 18 Nebraska for the operation of the state fleet card programs. The
- 19 rules and regulations shall provide authorization instructions for
- 20 all transactions. Expenses associated with the state fleet card
- 21 programs shall be considered as an administrative or operational
- 22 expense.

- 23 (2) For purposes of this section, fleet card means a
- 1 payment card used for gasoline, diesel, and other fuels. Fleet
- 2 cards may also be used to pay for vehicle and equipment maintenance
- 3 and expenses at the discretion of the program administrator. The
- 4 Department of Roads and University of Nebraska shall each designate
- 5 a program administrator.

- 6 (3) Any state official, state agency, or political
- 7 subdivision may utilize the state fleet card for the purchase
- 8 of goods and services described in subsection (2) of this section
- 9 for and on behalf of the State of Nebraska. No disbursements or
- 10 cash back on fleet card transactions shall be allowed.

- 11 (4) Vendors accepting a state fleet card shall obtain
- 12 authorization for all transactions in accordance with instructions
- 13 from the program administrator. Transaction authorization shall
- 14 be from the financial institution, card-issuing bank, credit card
- 15 company, charge card company, debit card company, or third-party
- 16 merchant bank contracted to provide such service to the State of
- 17 Nebraska. Each transaction shall be authorized in accordance with

18 the instructions provided by the program administrator for each
19 state official, state agency, or political subdivision.

20 (5) Detailed transaction information for the purposes
21 of tracking expenditures shall include fleet card identification,
22 merchant name and address, transaction number, date, time, product,
23 quantity, cost, and equipment meter reading if applicable. A
24 state fleet card program may require an itemized receipt for
25 purposes of tracking expenditures of a state fleet card purchase
26 from a commercial vendor as acceptable detailed transaction
27 information. If detailed transaction information is not provided,
1 the program administrator shall have the authority to temporarily
2 or permanently suspend state fleet card purchases in accordance
3 with rules and regulations.

4 (6) Upon termination or suspension of employment of an
5 individual using a state fleet card, such individual's state fleet
6 card account shall be immediately closed and he or she shall return
7 the state fleet card to the agency from which it was obtained.

8 (7) No officer or employee of the state shall use a state
9 fleet card for any unauthorized use as determined by the rules and
10 regulations.

11 Sec. 2. The State Fleet Card Distributive Fund is
12 created. All rebates received by the state from the fleet card
13 program entered into by the State of Nebraska pursuant to section
14 1 of this act, except for rebates received from the fleet card
15 program of the University of Nebraska, shall be credited to the
16 fund. The fund may consist of fleet card rebates received on behalf
17 of state agencies, boards, commissions, and political subdivisions
18 and shall be administered by the State Treasurer. Fleet card
19 rebates shall be distributed by the State Treasurer, consistent
20 with volume spent and contract terms, to: (1) The University of
21 Nebraska; (2) any political subdivision participating in the state
22 fleet card program; and (3) the State Treasurer for distribution
23 to the remainder of state government. The State Treasurer or
24 his or her designee is authorized to distribute through the fund
25 or through a vendor contractual agreement the remaining program
26 rebates. Rebates received by the vendor after the effective date
27 of this act shall be disbursed to participating entities under the
1 contract consistent with volume spent and contract terms.

2 Sec. 3. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1090A. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 962. Title read. Considered.

Committee AM2018, found on page 548, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1079. Title read. Considered.

Committee AM2055, found on page 566, was considered.

PRESIDENT SHEEHY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Thursday, March 15, 2012 1:00 p.m.

Steven Manning - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 454. Introduced by Fulton, 29; Ashford, 20; Council, 11; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Nordquist, 7.

WHEREAS, the 2011 Creighton University soccer team reached the NCAA Men's College Cup for the fourth time in school history following a twenty-one win season; and

WHEREAS, Creighton's 2011 appearance in the NCAA Men's College Cup is the nineteenth postseason appearance during the last two decades; and

WHEREAS, Head Coach Elmar Bolowich was rightly named the NSCAA Midwest Region Coach of the Year and MLSsoccer.com's NCAA Coach of the Year in his first season at Creighton; and

WHEREAS, four players, defender Andrew Duran, forward Ethan Finlay, goalkeeper Brian Holt, and midfielder Greg Jordan, were named NSCAA All-Americans; and

WHEREAS, Andrew Duran and Ethan Finlay were drafted in the first round and Greg Jordan and Tyler Polak were drafted in the second round of the 2012 Major League Soccer SuperDraft; and

WHEREAS, the 2011 Bluejays were undefeated on their home field at Morrison Stadium, which College Soccer News has called the most exciting

college soccer stadium in the nation and where Creighton ranked in the top ten in the NCAA in average attendance for the ninth straight season; and

WHEREAS, the 2011 Creighton University men's soccer team's achievements are a source of great pride to Creighton University students, faculty and alumni, Omahans, and the people of the State of Nebraska.

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

1. That the Legislature congratulates the Creighton University men's soccer team for their achievements in the 2011 season and extends its best wishes for continued success.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Elmar Bolowich.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 897. Placed on General File.

LEGISLATIVE BILL 822. Placed on General File with amendment.
AM2313

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-1315, Revised Statutes Supplement,
4 2011, is amended to read:
5 77-1315 (1) The county assessor shall, after March 19
6 and on or before June 1, implement adjustments to the real
7 property assessment roll for actions of the Tax Equalization
8 and Review Commission, except beginning January 1, 2014, in any
9 county with a population of at least one hundred fifty thousand
10 inhabitants according to the most recent federal decennial census,
11 the adjustments shall be implemented after March 25 and on or
12 before June 1.

13 (2) On or before June 1, in addition to the notice
14 of preliminary valuation sent pursuant to section 77-1301, the
15 county assessor shall notify the owner of record as of May 20 of
16 every item of real property which has been assessed at a value
17 different than in the previous year. Such notice shall be given
18 by first-class mail addressed to such owner's last-known address.
19 It shall identify the item of real property and state the old
20 and new valuation, the date of convening of the county board of
21 equalization, and the dates for filing a protest, ~~and the average~~
22 ~~level of value of all classes and subclasses of real property~~
23 ~~in the county as determined by the Tax Equalization and Review~~
1 ~~Commission.~~

2 (3) Immediately upon completion of the assessment roll,
3 the county assessor shall cause to be published in a newspaper

4 of general circulation in the county a certification that the
 5 assessment roll is complete and notices of valuation changes
 6 have been mailed and provide the final date for filing valuation
 7 protests with the county board of equalization.
 8 (4) The county assessor shall annually, on or before June
 9 6, post in his or her office and, as designated by the county
 10 board, mail to a newspaper of general circulation and to licensed
 11 broadcast media in the county the assessment ratios as found
 12 in his or her county as determined by the Tax Equalization and
 13 Review Commission and any other statistical measures, including,
 14 but not limited to, the assessment-to-sales ratio, the coefficient
 15 of dispersion, and the price-related differential.
 16 Sec. 2. Original section 77-1315, Revised Statutes
 17 Supplement, 2011, is repealed.

(Signed) Abbie Cornett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1079. Committee AM2055, found on page 566 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Mello renewed his amendment, AM2249, found on page 742.

The Mello amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Senator Mello moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 455. Introduced by Carlson, 38.

WHEREAS, the Sandy Creek Lady Cougars won the 2012 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Lady Cougars defeated the Minden Lady Whippets 51-45 to win their tenth state championship under coach Russ Ninemire, giving the Lady Cougars the second-most state titles in Nebraska high school girls' basketball; and

WHEREAS, the Lady Cougars finished with a record of 22-3; and

WHEREAS, the Lady Cougars displayed remarkable ability and teamwork throughout their outstanding season; 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 Sandy Creek Lady Cougars on winning the 2012 Class C-1 Girls' State Basketball Championship.

2. That the Legislature congratulates Head Coach Russ Ninemire and his assistant coaches, Jeremy Borer and Crystal Hassenstab, for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Sandy Creek Lady Cougars and Head Coach Russ Ninemire.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 806. Title read. Considered.

Committee AM1852, found on page 439, was considered.

Senator McCoy renewed his amendment, AM2229, found on page 741, to the committee amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 456. Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2012 Class D-2 Girls' State Basketball Championship by defeating Howells High School by a score of 50-47; and

WHEREAS, the Wynot High School girls' basketball team ended the season with a record of 26-3; and

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

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

1. That the Legislature congratulates the Wynot High School girls' basketball team on winning the 2012 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and their coach, Steve Wieseler.

Laid over.

LEGISLATIVE RESOLUTION 457. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2012 Class C-2 Girls' State Basketball Championship by defeating Lutheran High Northeast by a score of 41-28; and

WHEREAS, the Crofton High School girls' basketball team ended the season with a record of 23-4; 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 Crofton High School girls' basketball team on winning the 2012 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and their coach, Aaron Losing.

Laid over.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB239:
AM2297 is available in the Bill Room.

Senator McCoy filed the following amendment to LB1104:
AM2286

(Amendments to Standing Committee amendments, AM2077)

- 1 1. Strike section 2.
- 2 2. On page 31, strike beginning with "sections" in line
- 3 15 through "85-1517" in line 16 and insert "section 77-3442".
- 4 3. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB961:
AM2311

(Amendments to E & R amendments, ER194)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds and declares that:
- 4 (1) The State of Nebraska has the legal responsibility
- 5 for children in its custody and accordingly should maintain the
- 6 decisionmaking authority inherent in direct case management of
- 7 child welfare services;
- 8 (2) Training and longevity of child welfare case managers
- 9 directly impact the safety, permanency, and well-being of children
- 10 receiving child welfare services;
- 11 (3) Meaningful reform of the child welfare system
- 12 can occur only when competent, skilled case managers educated
- 13 in evidence-based child welfare best practices are making

14 determinations for the care of, and services to, children
15 and families and providing first-hand, direct information for
16 decisionmaking and high-quality evidence to the courts relating to
17 the best interests of the children;

18 (4) Maintaining quality, well-trained, and experienced
19 case managers is essential and will be a core component in
20 child welfare reform, including statewide strategic planning
21 and implementation. Additional resources and funds for training,
22 support, and compensation may be required;

1 (5) Notwithstanding the outsourcing of case management,
2 the Department of Health and Human Services retains legal custody
3 of wards of the state and remains responsible for their care.
4 Inherent in privatized case management is the loss of trained,
5 skilled individuals employed by the state providing the stable
6 workforce essential to fulfilling the state's responsibilities for
7 children who are wards of the state, resulting in the risk of loss
8 of a trained, experienced, and stable workforce;

9 (6) Privatization of case management of child welfare
10 services can and has resulted in dependence on one or more private
11 entities for the provision of an essential specialized service
12 that is extremely difficult to replace. As a result, the risk of
13 a private entity abandoning the contract, either voluntarily or
14 involuntarily, creates a very high risk to the entire child welfare
15 system, including essential child welfare services;

16 (7) Privatization of case management and child welfare
17 services, including responsibilities for both service coordination
18 and service delivery by private entities, may create conflicts of
19 interest because the resulting financial incentives can undermine
20 decisionmaking regarding the appropriate services that would
21 be in the best interests of the children. Additionally, such
22 privatization of child welfare services, including case management,
23 can result in loss of services across the spectrum of child welfare
24 services by reducing market competition and driving many providers
25 out of the market;

26 (8) Privatization of case management and of child welfare
27 services has resulted in issues relating to caseloads, placement,
1 turnover, communication, and stability within the child welfare
2 system that adversely affect outcomes and permanency for children
3 and families; and

4 (9) Private lead agency contracts require complex
5 monitoring capabilities to insure compliance and oversight of
6 performance, including private case managers, to insure improved
7 child welfare outcomes.

8 Sec. 2. (1) Except as provided in subsection (2) of
9 this section, by April 1, 2012, for all cases in which a
10 court has awarded a juvenile to the care of the Department of
11 Health and Human Services according to subsection (1) of section
12 43-285 and for any noncourt and voluntary cases, the case manager
13 shall be an employee of the department. Such case manager shall

14 be responsible for and shall directly oversee: Case planning;
15 service authorization; investigation of compliance; monitoring
16 and evaluation of the care and services provided to children
17 and families; and decisionmaking regarding the determination of
18 visitation and the care, placement, medical services, psychiatric
19 services, training, and expenditures on behalf of each juvenile
20 under subsection (1) of section 43-285. Such case manager shall be
21 responsible for decisionmaking and direct preparation regarding the
22 proposed plan for the care, placement, services, and permanency of
23 the juvenile filed with the court required under subsection (2)
24 of section 43-285. The health and safety of the juvenile shall be
25 the paramount concern in the proposed plan in accordance with such
26 subsection.

27 (2) The department may contract with a lead agency
1 for a case management lead agency model pilot project in the
2 department's eastern service area as designated pursuant to section
3 81-3116. The department shall include in the pilot project the
4 appropriate conditions, performance outcomes, and oversight for the
5 lead agency, including, but not be limited to:

6 (a) The reporting and survey requirements of lead
7 agencies described in sections 6 and 7, Legislative Bill 1160, One
8 Hundred Second Legislature, Second Session, 2012;

9 (b) Departmental monitoring and functional capacities of
10 lead agencies described in section 8, Legislative Bill 1160, One
11 Hundred Second Legislature, Second Session, 2012;

12 (c) The key areas of evaluation specified in subsection
13 (3) of section 9, Legislative Bill 1160, One Hundred Second
14 Legislature, Second Session, 2012;

15 (d) Compliance and coordination with the development
16 of the statewide strategic plan for child welfare program and
17 service reform pursuant to Legislative Bill 821, One Hundred Second
18 Legislature, Second Session, 2012; and

19 (e) Assurance of financial accountability and reporting
20 by the lead agency.

21 (3) Prior to April 1, 2013, the Health and Human Services
22 Committee of the Legislature shall review the pilot project and
23 provide to the department and the Legislature recommendations,
24 and any legislation necessary to adopt the recommendations,
25 regarding the adaptation or continuation of the pilot project. In
26 making the recommendations, the committee shall utilize: (a) The
27 evaluation completed pursuant to Legislative Bill 1160, One Hundred
1 Second Legislature, Second Session, 2012; (b) the recommendations
2 of the statewide strategic plan pursuant to Legislative Bill
3 821, One Hundred Second Legislature, Second Session, 2012; (c)
4 the department's assessment of the pilot project; and (d) any
5 additional reports, surveys, information, and data provided to and
6 requested by the committee. If the pilot project continues past
7 April 1, 2013, the lead agency shall comply with the requirements
8 of section 4, Legislative Bill 821, One Hundred Second Legislature,

9 Second Session, 2012.

10 Sec. 3. Section 68-1207, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 68-1207 (1) The Department of Health and Human Services
13 shall supervise all public child welfare services as described by
14 law. The department and the pilot project described in section 2 of
15 this act shall establish and maintain caseloads to carry out child
16 welfare services which provide for adequate, timely, and in-depth
17 investigations and services to children and families. Caseloads
18 shall range between twelve and seventeen cases as determined
19 pursuant to subsection (2) of this section. In establishing the
20 standards for such specific caseloads within such range, the
21 department and the pilot project shall ~~(4)~~(a) include the workload
22 factors that may differ due to geographic responsibilities, office
23 location, and the travel required to provide a timely response in
24 the investigation of abuse and neglect, the protection of children,
25 and the provision of services to children and families in a
26 uniform and consistent statewide manner and ~~(2)~~ consider workload
27 standards recommended by national child welfare organizations and
1 factors related to the attainment of such standards. The department
2 shall consult with the appropriate employee representative in
3 establishing such standards. (b) utilize the workload criteria of
4 the standards established as of January 1, 2012, by the Child
5 Welfare League of America. The average caseload shall be reduced
6 by the department in all service areas as designated pursuant
7 to section 81-3116 and by the pilot project to comply with
8 the caseload range described in this subsection by September 1,
9 2012. Beginning September 15, 2012, the department shall include
10 in its annual report required pursuant to section 68-1207.01
11 a report on the attainment of the decrease according to such
12 caseload standards. The department's annual report shall also
13 include changes in the standards of the Child Welfare League of
14 America or its successor.

15 (2) Caseload size shall be determined in the following
16 manner: (a) If children are placed in the home, the family shall
17 count as one case regardless of how many children are placed in
18 the home; (b) if a child is placed out of the home, the child
19 shall count as one case; (c) if, within one family, one or more
20 children are placed in the home and one or more children are placed
21 out of the home, the children placed in the home shall count as
22 one case and each child placed out of the home shall count as one
23 case; and (d) any child receiving services from the department or a
24 private entity under contract with the department shall be counted
25 as provided in subdivisions (a) through (c) of this subsection
26 whether or not such child is a ward of the state. For purposes of
27 this subsection, a child is considered to be placed in the home if
1 the child is placed with his or her biological or adoptive parent
2 or a legal guardian and a child is considered to be placed out of

3 the home if the child is placed in foster care, group home care, or
 4 any other setting which is not the child's planned permanent home.

5 (3) To insure appropriate oversight of noncourt and
 6 voluntary cases when any child welfare services are provided,
 7 either by the department or by a lead agency participating in
 8 the pilot project, as a result of a child safety assessment, the
 9 department or lead agency shall develop a case plan that specifies
 10 the services to be provided and the actions to be taken by the
 11 department or lead agency and the family in each such case.

12 (4) To carry out the provisions of this section, the
 13 Legislature shall provide funds for additional staff.

14 Sec. 4. Section 81-3116, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 81-3116 The responsibilities of the divisions created in
 17 section 81-3113 include, but are not limited to, the following:

18 (1) The Division of Behavioral Health shall administer
 19 (a) the state hospitals for the mentally ill designated in section
 20 83-305 and (b) publicly funded community-based behavioral health
 21 services;

22 (2) The Division of Children and Family Services shall
 23 administer (a) protection and safety programs and services,
 24 including child welfare programs and services and the Office of
 25 Juvenile Services, (b) economic and family support programs and
 26 services, and (c) service areas as may be designated by the
 27 chief executive officer or by the Director of Children and Family
 1 Services under authority of the chief executive officer, except
 2 that on and after September 1, 2012, the western, central, and
 3 northern service areas shall be aligned to be coterminous with the
 4 district court judicial districts described in section 24-301.02;

5 (3) The Division of Developmental Disabilities shall
 6 administer (a) the Beatrice State Developmental Center and
 7 (b) publicly funded community-based developmental disabilities
 8 services;

9 (4) The Division of Medicaid and Long-Term Care shall
 10 administer (a) the medical assistance program also known as
 11 medicaid, (b) aging services, and (c) other related programs
 12 and services;

13 (5) The Division of Public Health shall administer
 14 (a) preventive and community health programs and services, (b)
 15 the regulation and licensure of health-related professions and
 16 occupations, and (c) the regulation and licensure of health care
 17 facilities and health care services; and

18 (6) The Division of Veterans' Homes shall administer (a)
 19 the Eastern Nebraska Veterans' Home, (b) the Grand Island Veterans'
 20 Home, (c) the Norfolk Veterans' Home, and (d) the Western Nebraska
 21 Veterans' Home.

22 Sec. 5. On and after the effective date of this act,
 23 the Department of Health and Human Services shall not reinstate a
 24 lead agency in the southeast, central, western, or northern service

25 areas of Nebraska as such service areas are designated pursuant to
 26 section 81-3116.

27 Sec. 6. Original sections 68-1207 and 81-3116, Reissue

1 Revised Statutes of Nebraska, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect

3 when passed and approved according to law.

Senator Campbell filed the following amendment to LB1160:
 AM2280 is available in the Bill Room.

Senator Campbell filed the following amendment to LB820:
 AM2284 is available in the Bill Room.

Senator Campbell filed the following amendment to LB821:
 AM2304 is available in the Bill Room.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1079A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 1038. Placed on General File with amendment.
 AM2256

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

3 Section 1. (1) The Division of Public Health of the
 4 Department of Health and Human Services shall establish a lead
 5 poisoning prevention program that has the following components:

6 (a) A coordinated plan to prevent childhood lead
 7 poisoning and to minimize exposure of the general public to
 8 lead-based paint hazards. Such plan shall:

9 (i) Provide a standard, stated in terms of micrograms
 10 of lead per deciliter of whole blood, to be used in identifying
 11 elevated blood-lead levels;

12 (ii) Require that a child be tested for an elevated
 13 blood-lead level in accordance with the medicaid state plan as
 14 defined in section 68-907 if the child is a participant in the
 15 medical assistance program established pursuant to the Medical
 16 Assistance Act; and

17 (iii) Recommend that a child be tested for elevated
 18 blood-lead levels if the child resides in a zip code with a

19 high prevalence of children with elevated blood-lead levels as
20 demonstrated by previous testing data or if the child meets one
21 of the criteria included in a lead poisoning prevention screening
22 questionnaire developed by the department; and

23 (b) An educational and community outreach plan regarding
1 lead poisoning prevention that shall, at a minimum, include the
2 development of appropriate educational materials targeted to health
3 care providers, child care providers, public school personnel,
4 owners and tenants of residential dwellings, and parents of young
5 children. Such educational materials shall be made available to the
6 general public via the department's web site.

7 (2) The results of all blood-lead level tests conducted
8 in Nebraska shall be reported to the department. When the
9 department receives notice of a child with an elevated blood-lead
10 level as stated in the plan required pursuant to subdivision (1)(a)
11 of this section, it shall initiate contact with the local public
12 health department or the physician, or both, of such child and
13 offer technical assistance, if necessary.

14 (3) The department shall report to the Legislature by
15 January 1, 2013, and each January 1 thereafter, the number of
16 children from birth through age six who were screened for elevated
17 blood-lead levels during the preceding fiscal year and who were
18 confirmed to have elevated blood-lead levels as stated in the plan
19 required pursuant to subdivision (1)(a) of this section. The report
20 shall compare such results with those of previous fiscal years and
21 shall identify any revisions to the plan required by subdivision
22 (1)(a) of this section.

23 (4) This section does not require the department to pay
24 the cost of elevated-blood-lead-level testing in accordance with
25 this section except in cases described in subdivision (1)(a)(ii) of
26 this section.

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. The McCoy amendment, AM2229, found on page 741 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1005. Placed on General File.

LEGISLATIVE BILL 959. Placed on General File with amendment.
AM2010

- 1 1. Strike the original sections and insert the following
2 section:
- 3 Section 1. (1)(a) A current or former employer may
4 disclose the following information about a current or former
5 employee's employment history to a prospective employer of the
6 current or former employee upon receipt of written consent from the
7 current or former employee:
- 8 (i) Date and duration of employment;
9 (ii) Pay rate and wage history on the date of receipt of
10 written consent;
11 (iii) Job description and duties;
12 (iv) The most recent written performance evaluation
13 prepared prior to the date of the request;
14 (v) Attendance information;
15 (vi) Results of drug or alcohol tests administered within
16 one year prior to the request;
17 (vii) Threats of violence, harassing acts, or threatening
18 behavior related to the workplace or directed at another employee;
19 (viii) Whether the employee was voluntarily or
20 involuntarily separated from employment and the reasons for the
21 separation; and
22 (ix) Whether the employee is eligible for rehire.
- 23 (b) The current or former employer disclosing such
1 information shall be presumed to be acting in good faith and
2 shall be immune from civil liability for the disclosure or any
3 consequences of such disclosure unless the presumption of good
4 faith is rebutted upon a showing by a preponderance of the evidence
5 that the information disclosed by the current or former employer
6 was false, and the current or former employer had knowledge of its
7 falsity or acted with malice or reckless disregard for the truth.
- 8 (2)(a) The consent required in subsection (1) of this
9 section shall be on a separate form from the application form
10 or, if included in the application form, shall be in bold letters
11 and in larger typeface than the largest typeface in the text of
12 the application form. The consent form shall state, at a minimum,
13 language similar to the following:
- 14 I, (applicant), hereby give consent to any and all
15 prior employers of mine to provide information with regard to my
16 employment with prior employers to (prospective employer).
- 17 (b) The consent must be signed and dated by the
18 applicant.
- 19 (c) The consent will be valid only for the length of
20 time that the application is considered active by the prospective
21 employer but in no event longer than six months.
- 22 (3) This section shall also apply to any current or
23 former employee, agent, or other representative of the current

24 or former employer who is authorized to provide and who provides
 25 information in accordance with this section.

26 (4)(a) This section does not require any prospective
 27 employer to request employment history on a prospective employee
 1 and does not require any current or former employer to disclose
 2 employment history to any prospective employer.

3 (b) Except as specifically amended in this section, the
 4 common law of this state remains unchanged as it relates to
 5 providing employment information on current and former employees.

6 (c) This section applies only to causes of action
 7 accruing on and after the effective date of this act.

8 (5) The immunity conferred by this section shall not
 9 apply when an employer discriminates or retaliates against an
 10 employee because the employee has exercised or is believed to have
 11 exercised any federal or state statutory right or undertaken any
 12 action encouraged by the public policy of this state.

LEGISLATIVE BILL 997. Placed on General File with amendment.
 AM1885

1 1. Insert the following new section:

2 Sec. 4. Section 60-6,298, Revised Statutes Supplement,
 3 2011, is amended to read:

4 60-6,298 (1)(a) The Department of Roads or the Nebraska
 5 State Patrol, with respect to highways under its jurisdiction
 6 including the National System of Interstate and Defense Highways,
 7 and local authorities, with respect to highways under their
 8 jurisdiction, may in their discretion upon application and good
 9 cause being shown therefor issue a special, continuing, or
 10 continuous permit in writing authorizing the applicant or his
 11 or her designee:

12 (i) To operate or move a vehicle, a combination of
 13 vehicles, or objects of a size or weight of vehicle or load
 14 exceeding the maximum specified by law when such permit is
 15 necessary:

16 (A) To further the national defense or the general
 17 welfare;

18 (B) To permit movement of cost-saving equipment to be
 19 used in highway or other public construction or in agricultural
 20 land treatment; or

21 (C) Because of an emergency, an unusual circumstance, or
 22 a very special situation;

23 (ii) To operate vehicles, for a distance up to one
 1 hundred twenty miles, loaded up to fifteen percent greater than the
 2 maximum weight specified by law, up to ten percent greater than the
 3 maximum length specified by law, except that for a truck-tractor
 4 semitrailer trailer combination utilized to transport sugar beets
 5 which may be up to twenty-five percent greater than the maximum
 6 length specified by law, or both, when carrying grain or other
 7 seasonally harvested products from the field where such grain or

8 products are harvested to storage, market, or stockpile in the
9 field or from stockpile to market or factory when failure to
10 move such grain or products in abundant quantities would cause an
11 economic loss to the person or persons whose grain or products are
12 being transported or when failure to move such grain or products
13 in as large quantities as possible would not be in the best
14 interests of the national defense or general welfare. The distance
15 limitation may be waived for vehicles when carrying dry beans from
16 the field where harvested to storage or market when dry beans
17 are not normally stored, purchased, or used within the permittee's
18 local area and must be transported more than one hundred twenty
19 miles to an available marketing or storage destination. No permit
20 shall authorize a weight greater than twenty thousand pounds on any
21 single axle;

22 (iii) To transport an implement of husbandry which does
23 not exceed twelve and one-half feet in width during daylight hours,
24 except that the permit shall not allow transport on holidays;

25 (iv) To operate one or more recreational vehicles, as
26 defined in section 71-4603, exceeding the maximum width specified
27 by law if movement of the recreational vehicles is prior to retail
1 sale and the recreational vehicles comply with subdivision (2)(k)
2 of section 60-6,288; or

3 (v) To operate an emergency vehicle for purposes of sale,
4 demonstration, exhibit, or delivery, if the applicant or his or her
5 designee is a manufacturer or sales agent of the emergency vehicle.
6 No permit shall be issued for an emergency vehicle which weighs
7 over sixty thousand pounds on the tandem axle.

8 (b) No permit shall be issued under subdivision (a)(i)
9 of this subsection for a vehicle carrying a load unless such
10 vehicle is loaded with an object which exceeds the size or weight
11 limitations, which cannot be dismantled or reduced in size or
12 weight without great difficulty, and which of necessity must be
13 moved over the highways to reach its intended destination. No
14 permit shall be required for the temporary movement on highways
15 other than dustless-surfaced state highways and for necessary
16 access to points on such highways during daylight hours of
17 cost-saving equipment to be used in highway or other public
18 construction or in agricultural land treatment when such temporary
19 movement is necessary and for a reasonable distance.

20 (2) The application for any such permit shall
21 specifically describe the vehicle, the load to be operated or
22 moved, whenever possible the particular highways for which permit
23 to operate is requested, and whether such permit is requested for a
24 single trip or for continuous or continuing operation. The permit
25 shall include a signed affirmation under oath that for any load
26 sixteen feet high or higher that the applicant has contacted any
27 and all electrical utilities that have high voltage conductors and
1 infrastructure that crosses over the roadway affected by the move
2 and made arrangements with such electrical utilities for the safe

3 movement of the load under any high voltage conductors owned by
4 such electrical utilities.

5 (3) The department or local authority is authorized to
6 issue or withhold such permit at its discretion or, if such permit
7 is issued, to limit the number of days during which the permit
8 is valid, to limit the number of trips, to establish seasonal or
9 other time limitations within which the vehicles described may be
10 operated on the highways indicated, or to issue a continuous or
11 continuing permit for use on all highways, including the National
12 System of Interstate and Defense Highways. The permits are subject
13 to reasonable conditions as to periodic renewal of such permit
14 and as to operation or movement of such vehicles. The department
15 or local authority may otherwise limit or prescribe conditions
16 of operation of such vehicle or vehicles, when necessary to
17 assure against undue damage to the road foundations, surfaces, or
18 structures or undue danger to the public safety. The department or
19 local authority may require such undertaking or other security as
20 may be deemed necessary to compensate for any injury to any roadway
21 or road structure.

22 (4) Every such permit shall be carried in the vehicle
23 to which it refers and shall be open to inspection by any peace
24 officer, carrier enforcement officer, or authorized agent of any
25 authority granting such permit. Each such permit shall state the
26 maximum weight permissible on a single axle or combination of axles
27 and the total gross weight allowed. No person shall violate any
1 of the terms or conditions of such special permit. In case of any
2 violation, the permit shall be deemed automatically revoked and the
3 penalty of the original limitations shall be applied unless:

4 (a) The violation consists solely of exceeding the size
5 or weight specified by the permit, in which case only the penalty
6 of the original size or weight limitation exceeded shall be
7 applied; or

8 (b) The total gross load is within the maximum authorized
9 by the permit, no axle is more than ten percent in excess of the
10 maximum load for such axle or group of axles authorized by the
11 permit, and such load can be shifted to meet the weight limitations
12 of wheel and axle loads authorized by such permit. Such shift may
13 be made without penalty if it is made at the state or commercial
14 scale designated in the permit. The vehicle may travel from its
15 point of origin to such designated scale without penalty, and a
16 scale ticket from such scale, showing the vehicle to be properly
17 loaded and within the gross and axle weights authorized by the
18 permit, shall be reasonable evidence of compliance with the terms
19 of the permit.

20 (5) The department or local authority issuing a permit
21 as provided in this section may adopt and promulgate rules and
22 regulations with respect to the issuance of permits provided for in
23 this section.

24 (6) The department shall make available applications
25 for permits authorized pursuant to subdivisions (1)(a)(ii) and
26 (1)(a)(iii) of this section in the office of each county treasurer.
27 The department may make available applications for all other
1 permits authorized by this section to the office of the county
2 treasurer and may make available applications for all permits
3 authorized by this section to any other location chosen by the
4 department.

5 (7) The department or local authority issuing a permit
6 may require a permit fee of not to exceed twenty-five dollars,
7 except that:

8 (a) The fee for a continuous or continuing permit may not
9 exceed twenty-five dollars for a ninety-day period, fifty dollars
10 for a one-hundred-eighty-day period, or one hundred dollars for a
11 one-year period; and

12 (b) The fee for permits issued pursuant to subdivision
13 (1)(a)(ii) of this section shall be twenty-five dollars for a
14 thirty-day permit and fifty dollars for a sixty-day permit. Permits
15 issued pursuant to such subdivision shall be valid for thirty days
16 or sixty days and shall be renewable for a total number of days not
17 to exceed two hundred ten days per year.

18 A vehicle or combination of vehicles for which an
19 application for a permit is requested pursuant to this section
20 shall be registered under section 60-3,147 or 60-3,198 for the
21 maximum gross vehicle weight that is permitted pursuant to section
22 60-6,294 before a permit shall be issued.

23 2. On page 2, lines 9 and 14, strike "electric", show as
24 stricken, and insert "electrical".

25 3. On page 3, lines 19, 21, and 23; and page 6, line 10,
26 strike "electric" and insert "electrical".

27 4. On page 3, line 21, strike "electrical" and insert
1 "electric".

2 5. On page 3, line 23, after the period insert "This
3 subsection shall not be construed to apply to activities performed
4 by an authorized and qualified person employed by an electrical
5 utility on the electric system of another electrical utility
6 when the nonowning or nonoperating electrical utility has a
7 written agreement with the owning and operating electrical utility
8 (a) providing for the joint use of or interconnection of the
9 electric systems of both the electrical utilities or (b) approving
10 authorized and qualified persons employed by the nonowning or
11 nonoperating electrical utility to work on the electric system of
12 the owning or operating electrical utility on an ongoing basis.".

13 6. On page 5, line 8, after the period insert "This
14 subsection shall not be construed to apply to activities performed
15 by an electrical utility on high voltage conductors of another
16 electrical utility when the electrical utilities have a written
17 agreement (a) providing for joint use of poles or structures
18 supporting the high voltage conductors of the electrical utilities

19 or (b) approving the nonowning electrical utility's performance
 20 of the activities described in subdivisions (1)(a), (b), and (c)
 21 of this section on an ongoing basis on the owning or operating
 22 electrical utility's high voltage conductors."

23 7. On page 6, strike beginning with "written" in line
 24 10 through "move" in line 13 and insert "a signed affirmation
 25 under oath that for any load sixteen feet high or higher that
 26 the applicant has contacted any and all electrical utilities that
 27 have high voltage conductors and infrastructure that crosses over
 1 the roadway affected by the move and made arrangements with such
 2 electrical utilities for the safe movement of the load under any
 3 high voltage conductors owned by such electrical utilities".

4 8. Renumber the remaining sections and correct the
 5 repealer section accordingly.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT

Business and Labor

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

J. L. Spray - Commission of Industrial Relations

Aye: 7 Ashford, Carlson, Cook, B. Harr, Lathrop, Smith, Wallman. Nay: 0.
 Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. The McCoy amendment, AM2229, found on page 741 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB821:
 AM2323

(Amendments to E & R amendments, ER196)

1 1. On page 5, line 6, after "(b)" insert "The
 2 commission shall create a committee to examine the structure and
 3 responsibilities of the Office of Juvenile Services as they exist
 4 on the effective date of this act. Such committee shall review the
 5 role and effectiveness of the youth rehabilitation and treatment

6 centers in the juvenile justice system and make recommendations
7 to the commission on the future role of the youth rehabilitation
8 and treatment centers in the juvenile justice continuum of
9 care. Such committee shall also review the responsibilities of
10 the Administrator of the Office of Juvenile Services, including
11 oversight of the youth rehabilitation and treatment centers
12 and juvenile parole, and make recommendations to the commission
13 relating to the future responsibilities of the administrator.
14 (c)".

Senator Lathrop filed the following amendment to LB821:

AM2276

(Amendments to E & R amendments, ER196)

1 1. On page 15, strike lines 6 through 13 and insert the
2 following new subsection:
3 "(3) Notwithstanding the fact that a criminal
4 investigation, a criminal prosecution, or both is in progress, all
5 law enforcement agencies and prosecuting attorneys shall cooperate
6 with the investigations conducted by the Inspector General and
7 shall provide the Inspector General with all records, information,
8 documents, and files and access to all relevant persons and
9 witnesses and to all physical evidence, immediately upon request
10 by the Inspector General. If the Inspector General in conjunction
11 with the Public Counsel determines it appropriate, the Inspector
12 General may, when requested to do so by a law enforcement agency
13 or prosecuting attorney, suspend an investigation by the office
14 until a criminal investigation or prosecution is completed or
15 has proceeded to a point that, in the judgment of the Inspector
16 General, reinstatement of the Inspector General investigation
17 will not impede or infringe upon the criminal investigation or
18 prosecution.".

Senator Krist filed the following amendment to LB998:

AM2332 is available in the Bill Room.

VISITOR

Visitor to the Chamber was State Representative Frank Kloucek from Scotland, South Dakota.

ADJOURNMENT

At 5:01 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 7, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 2012

PRAYER

The prayer was offered by Reverend Dr. Leroy Adams Jr., Morning Star Baptist Church, Omaha.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 820A. Placed on Select File.

LEGISLATIVE BILL 821A. Placed on Select File.

LEGISLATIVE BILL 1160A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

SELECT FILE

LEGISLATIVE BILL 821. ER196, found on page 747, was adopted.

Senator Campbell renewed her amendment, AM2304, found on page 795.

Senator Lathrop offered the following amendment to the Campbell amendment:

AM2334

(Amendments to AM2304)

- 1 1. On page 6, line 5, after "(b)" insert "The
 2 commission shall create a committee to examine the structure and
 3 responsibilities of the Office of Juvenile Services as they exist
 4 on the effective date of this act. Such committee shall review the
 5 role and effectiveness of the youth rehabilitation and treatment
 6 centers in the juvenile justice system and make recommendations
 7 to the commission on the future role of the youth rehabilitation
 8 and treatment centers in the juvenile justice continuum of
 9 care. Such committee shall also review the responsibilities of
 10 the Administrator of the Office of Juvenile Services, including
 11 oversight of the youth rehabilitation and treatment centers
 12 and juvenile parole, and make recommendations to the commission
 13 relating to the future responsibilities of the administrator.
 14 (c)".

The Lathrop amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Lathrop offered the following amendment to the Campbell amendment:

AM2336

(Amendments to AM2304)

- 1 1. On page 16, strike lines 15 through 22 and insert the
 2 following new subsection:
 3 "(3) Notwithstanding the fact that a criminal
 4 investigation, a criminal prosecution, or both is in progress, all
 5 law enforcement agencies and prosecuting attorneys shall cooperate
 6 with the investigations conducted by the Inspector General and
 7 shall provide the Inspector General with all records, information,
 8 documents, and files and access to all relevant persons and
 9 witnesses and to all physical evidence, immediately upon request
 10 by the Inspector General. If the Inspector General in conjunction
 11 with the Public Counsel determines it appropriate, the Inspector
 12 General may, when requested to do so by a law enforcement agency
 13 or prosecuting attorney, suspend an investigation by the office
 14 until a criminal investigation or prosecution is completed or
 15 has proceeded to a point that, in the judgment of the Inspector
 16 General, reinstatement of the Inspector General investigation
 17 will not impede or infringe upon the criminal investigation or
 18 prosecution.".

The Lathrop amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Campbell moved for a call of the house. The motion prevailed with

26 ayes, 0 nays, and 23 not voting.

The Campbell amendment, as amended, was adopted with 46 ayes, 0 nays, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lathrop withdrew his amendments, AM2323 and AM2276, found on pages 802 and 803.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 821A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1160. ER193, found on page 747, was adopted.

Senator Campbell renewed her amendment, AM2280, found on page 795.

The Campbell amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1160A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 949. ER191, found on page 747, was adopted.

Senator Krist renewed his amendment, AM2269, found on page 765.

The Krist amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Mello offered the following amendment:
AM2337

(Amendments to E & R amendments, ER191)

- 1 1. On page 1, line 6, before "to" insert "and the
- 2 outcomes relating to such expenditures"; and in line 14 after
- 3 the first "quarter" insert "and the outcomes relating to such
- 4 expenditures".

The Mello amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 820. ER192, found on page 750, was adopted.

Senator Campbell renewed her amendment, AM2284, found on page 795.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 820A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 961. ER194, found on page 750, was adopted.

Senator Campbell renewed her amendment, AM2311, found on page 790.

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

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 751. Placed on Select File with amendment. ER195 is available in the Bill Room.

LEGISLATIVE BILL 751A. Placed on Select File.

LEGISLATIVE BILL 950. Placed on Select File with amendment. ER197

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

LEGISLATIVE BILL 950A. Placed on Select File.

LEGISLATIVE BILL 727. Placed on Select File with amendment. ER200 is available in the Bill Room.

LEGISLATIVE BILL 834. Placed on Select File with amendment. ER198 is available in the Bill Room.

LEGISLATIVE BILL 933. Placed on Select File with amendment. ER201

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-209, Revised Statutes Supplement,
- 4 2011, is amended to read:

5 79-209 (1) In all school districts in this state, any
6 superintendent, principal, teacher, or member of the school board
7 who knows of any violation of section 79-201 on the part of any
8 child of school age, his or her parent, the person in actual or
9 legal control of such child, or any other person shall within
10 three days report such violation to the attendance officer of
11 the school, who shall investigate the case. When of his or her
12 personal knowledge, by report or complaint from any resident of the
13 district, or by report or complaint as provided in this section,
14 the attendance officer believes that any child is unlawfully absent
15 from school, the attendance officer shall immediately investigate.

16 (2) All school districts shall have a written policy on
17 excessive absenteeism developed in collaboration with the county
18 attorney of the county in which the principal office of the
19 school district is located. The policy shall include a provision
20 indicating how the school district and the county attorney will
21 handle cases in which excessive absences are due to documented
22 illness that makes attendance impossible or impracticable, and
23 the policy shall state the number of absences or the hourly
1 equivalent upon the occurrence of which the school shall render
2 all services in its power to compel such child to attend some
3 public, private, denominational, or parochial school, which the
4 person having control of the child shall designate, in an attempt
5 to address the problem of excessive absenteeism. The number of
6 absences in the policy shall not exceed five days per quarter
7 or the hourly equivalent. School districts may use excused and
8 unexcused absences for purposes of the policy. Such services shall
9 include, but need not be limited to:

10 (1)-(a) One or more meetings between a school attendance
11 officer, school social worker or the school principal or a
12 member of the school administrative staff designated by the school
13 administration if such school does not have a school social worker,
14 the child's parent or guardian, and the child, if necessary,
15 to report and to attempt to solve the problem of excessive
16 absenteeism;

17 (2)-(b) Educational counseling to determine whether
18 curriculum changes, including, but not limited to, enrolling the
19 child in an alternative education program that meets the specific
20 educational and behavioral needs of the child, would help solve the
21 problem of excessive absenteeism;

22 (3)-(c) Educational evaluation, which may include a
23 psychological evaluation, to assist in determining the specific
24 condition, if any, contributing to the problem of excessive
25 absenteeism, supplemented by specific efforts by the school to
26 help remedy any condition diagnosed; and

27 (4)-(d) Investigation of the problem of excessive
1 absenteeism by the school social worker, or if such school does
2 not have a school social worker, by the school principal or a
3 member of the school administrative staff designated by the school

4 administration, to identify conditions which may be contributing to
 5 the problem. If services for the child and his or her family are
 6 determined to be needed, the school social worker or the school
 7 principal or a member of the school administrative staff performing
 8 the investigation shall meet with the parent or guardian and the
 9 child to discuss any referral to appropriate community agencies
 10 for economic services, family or individual counseling, or other
 11 services required to remedy the conditions that are contributing to
 12 the problem of excessive absenteeism.

13 (3) If the child is absent more than twenty days per
 14 year or the hourly equivalent and all of the absences are
 15 due to documented illness that makes attendance impossible or
 16 impracticable or are otherwise excused by school authorities,
 17 the attendance officer may report such information to the county
 18 attorney of the county in which the person resides. If the
 19 child is absent more than twenty days per year or the hourly
 20 equivalent and any of such absences are not excused, the attendance
 21 officer shall file a report with the county attorney of the
 22 county in which the person resides on a form which includes
 23 the following two statements, one of which must be designated
 24 by the school representative signing the report: (a) The school
 25 representative requests additional time to work with the student
 26 prior to intervention by the county attorney; and (b) the school
 27 representative believes that the school has used all reasonable
 1 efforts to resolve the student's excessive absenteeism without
 2 success and recommends county attorney intervention. If further
 3 action is necessary to address the child's attendance, the initial
 4 meeting between the parent or guardian of the child, the school,
 5 and the county attorney or his or her designee shall be at a
 6 location determined by the school.

7 ~~If the child is absent more than twenty days per year~~
 8 ~~or the hourly equivalent, the attendance officer shall file a~~
 9 ~~report with the county attorney of the county in which such person~~
 10 ~~resides. The county attorney may file a complaint against a person~~
 11 ~~violating section 79-201 before the judge of the county court~~
 12 ~~of the county in which such person resides charging such person~~
 13 ~~with violation of section 79-201 or may file a petition under the~~
 14 ~~Nebraska Juvenile Code alleging the person violating section 79-201~~
 15 ~~is a juvenile described in subdivision (3)(a) or (3)(b) of section~~
 16 ~~43-247.~~

17 (4) Nothing in this section shall preclude a county
 18 attorney from being involved at any stage in the process to address
 19 excessive absenteeism.

20 Sec. 2. Original section 79-209, Revised Statutes
 21 Supplement, 2011, is repealed.

LEGISLATIVE BILL 993A. Placed on Select File.

LEGISLATIVE BILL 983. Placed on Select File.

LEGISLATIVE BILL 842. Placed on Select File with amendment.
ER202

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-1721, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-1721 (1) Under the self-sufficiency contract developed
- 6 under section 68-1719, the principal wage earner and other
- 7 nonexempt members of the applicant family shall be required to
- 8 participate in one or more of the following approved activities,
- 9 including, but not limited to, education, job skills training, work
- 10 experience, job search, or employment.
- 11 (2) Education shall consist of the general education
- 12 development program, high school, Adult Basic Education, English
- 13 as a Second Language, postsecondary education, or other education
- 14 programs approved in the contract.
- 15 (3) Job skills training shall include vocational
- 16 training in technical job skills and equivalent knowledge.
- 17 Activities shall consist of formalized, technical job skills
- 18 training, apprenticeships, on-the-job training, or training in the
- 19 operation of a microbusiness enterprise. The types of training,
- 20 apprenticeships, or training positions may include, but need not be
- 21 limited to, the ability to provide services such as home repairs,
- 22 automobile repairs, respite care, foster care, personal care, and
- 23 child care. Job skills training shall be prioritized and approved
- 1 for occupations that facilitate economic self-sufficiency.
- 2 (4) The purpose of work experience shall be to improve
- 3 the employability of applicants by providing work experience and
- 4 training to assist them to move promptly into regular public or
- 5 private employment. Work experience shall mean unpaid work in a
- 6 public, private, for-profit, or nonprofit business or organization.
- 7 Work experience placements shall take into account the individual's
- 8 prior training, skills, and experience. A placement shall not
- 9 exceed six months.
- 10 (5) Job search shall assist adult members of recipient
- 11 families in finding their own jobs. The emphasis shall be placed on
- 12 teaching the individual to take responsibility for his or her own
- 13 job development and placement.
- 14 (6) Employment shall consist of work for pay. The
- 15 employment may be full-time or part-time but shall be adequate
- 16 to help the recipient family reach economic self-sufficiency.
- 17 (7) For purposes of creating the self-sufficiency
- 18 contract and meeting the applicant's work activity requirement, an
- 19 applicant shall be allowed to engage in vocational training that
- 20 leads to an associate degree, a diploma, or a certificate for a
- 21 minimum of twenty hours per week for up to thirty-six months. This
- 22 subsection terminates on ~~September 30, 2012~~, December 31, 2016.
- 23 Sec. 2. The Department of Health and Human Services shall
- 24 collect the following data and information yearly:

25 (1) The total number of participants in the aid to
 26 dependent children program described in section 43-512 pursuing an
 27 associate degree;

1 (2) Graduation rates of such participants, the number
 2 of participants that are making satisfactory progress in their
 3 educational pursuits, and the length of time participants
 4 participate in education to fulfill their work requirement under
 5 the program;

6 (3) The monthly earnings, educational level attained, and
 7 employment status of such participants at six months and at twelve
 8 months after terminating participation in the aid to dependent
 9 children program; and

10 (4) A summary of activities performed by the department
 11 to promote postsecondary educational opportunities to participants
 12 in the aid to dependent children program.

13 Sec. 3. (1) The Department of Health and Human Services
 14 shall provide a report to the Governor and the Legislature no
 15 later than December 1 each year regarding the data and information
 16 collected pursuant to section 2 of this act, including a summary of
 17 such data and information.

18 (2) The data and information collected under such section
 19 shall be considered a public record under section 84-712.01.

20 Sec. 4. Original section 68-1721, Reissue Revised
 21 Statutes of Nebraska, is repealed.

22 2. On page 1, line 1, strike "the Welfare Reform Act"
 23 and insert "public assistance"; and in line 4 after the semicolon
 24 insert "to require the Department of Health and Human Services to
 25 collect certain data regarding aid to dependent children and to
 26 provide a report;".

LEGISLATIVE BILL 907. Placed on Select File.

LEGISLATIVE BILL 863. Placed on Select File with amendment.
 ER203

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

3 Section 1. Section 18-2701, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 18-2701 Sections 18-2701 to 18-2738 and section 3 of this
 6 act shall be known and may be cited as the Local Option Municipal
 7 Economic Development Act.

8 Sec. 2. Section 18-2709, Revised Statutes Supplement,
 9 2011, is amended to read:

10 18-2709 (1) Qualifying business means any corporation,
 11 partnership, limited liability company, or sole proprietorship
 12 which derives its principal source of income from any of the
 13 following: The manufacture of articles of commerce; the conduct
 14 of research and development; the processing, storage, transport,
 15 or sale of goods or commodities which are sold or traded in

16 interstate commerce; the sale of services in interstate commerce;
 17 headquarters facilities relating to eligible activities as
 18 listed in this section; telecommunications activities, including
 19 services providing advanced telecommunications capability; ~~or~~
 20 tourism-related activities; or the production of films, including
 21 feature, independent, and documentary films, commercials, and
 22 television programs.

23 (2) Qualifying business also means:

1 (a) In cities of the first and second class and villages,
 2 a business that derives its principal source of income from the
 3 construction or rehabilitation of housing;

4 (b) A business that derives its principal source of
 5 income from retail trade, except that no more than forty percent of
 6 the total revenue generated pursuant to the Local Option Municipal
 7 Economic Development Act for an economic development program in any
 8 twelve-month period and no more than twenty percent of the total
 9 revenue generated pursuant to the act for an economic development
 10 program in any five-year period, commencing from the date of
 11 municipal approval of an economic development program, shall be
 12 used by the city for or devoted to the use of retail trade
 13 businesses. For purposes of this subdivision, retail trade means
 14 a business which is principally engaged in the sale of goods or
 15 commodities to ultimate consumers for their own use or consumption
 16 and not for resale; and

17 (c) In cities with a population of two thousand five
 18 hundred inhabitants or less, a business shall be a qualifying
 19 business even though it derives its principal source of income from
 20 activities other than those set out in this section.

21 (3) If a business which would otherwise be a qualifying
 22 business employs people and carries on activities in more than
 23 one city in Nebraska or will do so at any time during the first
 24 year following its application for participation in an economic
 25 development program, it shall be a qualifying business only if, in
 26 each such city, it maintains employment for the first two years
 27 following the date on which such business begins operations in the
 1 city as a participant in its economic development program at a
 2 level not less than its average employment in such city over the
 3 twelve-month period preceding participation.

4 (4) A qualifying business need not be located within the
 5 territorial boundaries of the city from which it is or will be
 6 receiving financial assistance.

7 Sec. 3. A qualifying business which derives its principal
 8 source of income from the production of films, commercials, and
 9 television programs and which is utilizing an economic development
 10 program shall (1) provide notice to the Nebraska Film Office or its
 11 successor of each project for which the qualifying business intends
 12 to utilize the economic development program and (2) acknowledge
 13 in the production credits of the film, commercial, or television
 14 program the State of Nebraska and the city operating the economic

15 development program. The acknowledgment shall be required only when
 16 production credits are displayed and shall not be required if
 17 prohibited by local, state, or federal law, rule, or regulation.

18 Sec. 4. Original section 18-2701, Reissue Revised
 19 Statutes of Nebraska, and section 18-2709, Revised Statutes
 20 Supplement, 2011, are repealed.

21 2. On page 1, strike beginning with "18-2709" in line 2
 22 through line 5 and insert "18-2701, Reissue Revised Statutes of
 23 Nebraska, and section 18-2709, Revised Statutes Supplement, 2011;
 24 to redefine qualifying business to include film production; to
 25 provide duties for qualifying businesses; to harmonize provisions;
 26 and to repeal the original sections."

LEGISLATIVE BILL 1130. Placed on Select File.

LEGISLATIVE BILL 965. Placed on Select File.

LEGISLATIVE RESOLUTION 373CA. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 816. Placed on General File.

LEGISLATIVE BILL 899. Placed on General File.

LEGISLATIVE BILL 1046. Placed on General File.

LEGISLATIVE BILL 538. Placed on General File with amendment.
 AM2329

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

3 Section 1. Section 29-820, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 29-820 (1) Unless other disposition is specifically
 6 provided by law, when property seized or held is no longer required
 7 as evidence, it shall be disposed of by the law enforcement agency
 8 on such showing as the law enforcement agency may deem adequate, as
 9 follows:

10 (a) Property stolen, embezzled, obtained by false
 11 pretenses, or otherwise obtained unlawfully from the rightful owner
 12 thereof shall be restored to the owner;

13 (b) Money shall be restored to the owner unless it was
 14 used in unlawful gambling or lotteries or it was used or intended
 15 to be used to facilitate a violation of Chapter 28, article 4, in
 16 which case the money shall be forfeited and disposed of as required
 17 by Article VII, section 7, of the Constitution of Nebraska;

18 (c) Property which is unclaimed or the ownership of which
 19 is unknown shall be sold at a public auction held by the officer
 20 having custody thereof and the net proceeds disposed of as provided

21 in subdivision (b) of this subsection, as shall any money which is
 22 unclaimed or the ownership of which is unknown;

23 ~~(d) Except as provided in subdivision (2)(b) subsection~~
 1 ~~(2) of this section, articles of contraband shall be destroyed; and~~

2 ~~(e) Except as provided in subdivision (2)(a) of this~~
 3 ~~section, firearms, Firearms, ammunition, explosives, bombs, and~~
 4 ~~like devices which have been used in the commission of crime shall~~
 5 ~~be destroyed; and-~~

6 (f) Firearms which have come into the law enforcement
 7 agency's possession through a seizure or otherwise and (i) have not
 8 been used in the commission of crime, (ii) have not been defaced or
 9 altered in any manner that violates any state or federal law, (iii)
 10 may have a lawful use and be lawfully possessed, and (iv) are not
 11 subject to section 29-440 shall be restored to the owner.

12 (2) When the following property is seized or held and is
 13 no longer required as evidence, such property shall be disposed of
 14 on order of the court as the court may deem adequate:

15 ~~(a) Firearms which may have a lawful use; and~~

16 ~~(b)~~ Goods which are declared to be contraband but may
 17 reasonably be returned to a condition or state in which such goods
 18 may be lawfully used, possessed, or distributed by the public.

19 (3) When any animal as defined by section 28-1008 is
 20 seized or held and is no longer required as evidence, such animal
 21 may be disposed of in such manner as the court may direct. The
 22 court may consider adoption alternatives through humane societies
 23 or comparable institutions and the protection of such animal's
 24 welfare. For a humane society or comparable institution to be
 25 considered as an adoption alternative under this subsection, it
 26 must first be licensed by the Department of Agriculture as having
 27 passed the inspection requirements in the Commercial Dog and Cat
 1 Operator Inspection Act and paid the fee for inspection under the
 2 act. The court may prohibit an adopting or purchasing party from
 3 selling such animal for a period not to exceed one year.

4 (4) Unless otherwise provided by law, all other property
 5 shall be disposed of in such manner as the court in its sound
 6 discretion shall direct.

7 Sec. 2. Original section 29-820, Reissue Revised Statutes
 8 of Nebraska, is repealed.

LEGISLATIVE BILL 722. Placed on General File with amendment.
 AM2327

1 1. On page 2, line 25, strike "cash".

2 2. On page 3, line 1, after "offender" insert "to the
 3 extent that such bond is not otherwise encumbered by a valid lien,
 4 levy, execution, or assignment to counsel of record or the person
 5 who posted the bond".

LEGISLATIVE BILL 787. Placed on General File with amendment.
AM2266

- 1 1. Strike section 2.
- 2 2. Correct the repealer and renumber the remaining
- 3 sections accordingly.

LEGISLATIVE BILL 865. Placed on General File with amendment.
AM2305

- 1 1. On page 3, line 1, strike the new matter and reinstate
- 2 the stricken matter; and in line 2 strike the new matter.

LEGISLATIVE BILL 908. Placed on General File with amendment.
AM2319

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 29-3921, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 29-3921 (1) The Commission on Public Advocacy Operations
- 6 Cash Fund is created. The fund shall be used for the operations
- 7 of the commission, except that transfers may be made from the fund
- 8 to the General Fund at the direction of the Legislature through
- 9 June 30, 2011. The Commission on Public Advocacy Operations Cash
- 10 Fund shall consist of money remitted pursuant to section 33-156.
- 11 It is the intent of the Legislature that the commission shall
- 12 be funded solely from the fund. Any money in the fund available
- 13 for investment shall be invested by the state investment officer
- 14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 15 State Funds Investment Act.
- 16 (2) On July 1, 2011, or as soon thereafter as
- 17 administratively possible, the State Treasurer shall transfer
- 18 one hundred thousand dollars from the Commission on Public
- 19 Advocacy Operations Cash Fund to the Supreme Court Education
- 20 Fund. The State Court Administrator shall use these funds to
- 21 assist the juvenile justice system in providing prefilings and
- 22 diversion programming designed to reduce excessive absenteeism and
- 23 unnecessary involvement with the juvenile justice system.
- 1 (3) The State Treasurer shall transfer the following
- 2 amounts from the Commission on Public Advocacy Operations Cash Fund
- 3 to the Court Appointed Special Advocate Fund:
- 4 (a) On July 1, 2011, or as soon thereafter as
- 5 administratively possible, one hundred thousand dollars; and
- 6 (b) On July 1, 2012, or as soon thereafter as
- 7 administratively possible, two hundred thousand dollars.
- 8 (4) No later than July 15 of each year from 2012 through
- 9 2017, the State Court Administrator shall certify to the State
- 10 Treasurer the number of court filings made in any county containing
- 11 a city of the metropolitan class in which the indigent defense
- 12 fee provided in subsection (1) of section 33-156 was paid to the
- 13 Commission on Public Advocacy Operations Cash Fund during the prior

14 fiscal year. The State Treasurer shall transfer an amount equal to
 15 the number of such certified filings multiplied by one dollar and
 16 fifty cents from the fund to the county treasurer of such county
 17 for credit to the Indigent Defense Services Fund of the county on
 18 September 1 or as soon thereafter as administratively possible. Any
 19 county receiving funds under this section shall create an Indigent
 20 Defense Services Fund in the county treasury and all indigent
 21 defense services shall be funded through such fund.

22 Sec. 2. Original section 29-3921, Revised Statutes
 23 Supplement, 2011, is repealed.

24 Sec. 3. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

LEGISLATIVE BILL 948. Placed on General File with amendment.
 AM2310

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

3 Section 1. Section 28-1310, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-1310 (1) A person commits the offense of intimidation
 6 by telephone ~~call~~ or electronic communication device if, with
 7 intent to terrify, intimidate, threaten, harass, annoy, or offend,
 8 the person:

9 (a) ~~Telephones-Contacts~~ another by telephone or
 10 electronic communication device anonymously, whether or not
 11 conversation ensues, and disturbs the peace, quiet, and right of
 12 privacy of any person at the place where the ~~calls-communications~~
 13 are received; or

14 (b) ~~Telephones-Contacts~~ another by telephone or
 15 electronic communication device and uses indecent, lewd,
 16 lascivious, or obscene language or suggests any indecent, lewd, or
 17 lascivious act; or

18 (c) ~~Telephones-Contacts~~ another by telephone or
 19 electronic communication device and threatens to inflict injury to
 20 any person or to the property of any person; or

21 (d) Intentionally fails to disengage ~~the a telephonic~~
 22 connection; or

23 (e) ~~Telephones-Contacts~~ another by telephone or
 1 electronic communication device and attempts to extort money or
 2 other thing of value from any person.

3 (2) The use of indecent, lewd, or obscene language or
 4 the making of a threat or lewd suggestion shall be prima facie
 5 evidence of intent to terrify, intimidate, threaten, harass, annoy,
 6 or offend.

7 (3) The offense shall be deemed to have been committed
 8 either at the place where ~~the call~~ such communication was made or
 9 where it was received.

10 (4) For purposes of this section, electronic
 11 communication device means any device which, in its ordinary and

12 intended use, transmits by electronic means writings, sounds,
 13 visual images, or data of any nature to another electronic
 14 communication device.
 15 ~~(4)-(5)~~ Intimidation by telephone ~~call or electronic~~
 16 communication device is a Class ~~III-II~~ misdemeanor.
 17 Sec. 2. Original section 28-1310, Reissue Revised
 18 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1051. Placed on General File with amendment.
 AM2314

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 28-348, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 28-348 Sections 28-348 to 28-387 and sections 7, 8, and
 6 13 of this act shall be known and may be cited as the Adult
 7 Protective Services Act.
 8 Sec. 2. Section 28-349, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 28-349 The Legislature recognizes the need for the
 11 investigation and provision of services to certain persons who
 12 are substantially impaired and are unable to protect themselves
 13 from abuse, neglect, or exploitation. Often such persons cannot
 14 find others able or willing to render assistance. The Legislature
 15 intends through the Adult Protective Services Act to establish a
 16 program designed to fill this need and to assure the availability
 17 of the program to all eligible persons. It is also the intent of
 18 the Legislature to authorize the least restriction possible on the
 19 exercise of personal and civil rights consistent with the person's
 20 need for services.
 21 Sec. 3. Section 28-350, Reissue Revised Statutes of
 22 Nebraska, is amended to read:
 23 28-350 For purposes of the Adult Protective Services Act,
 1 unless the context otherwise requires, the definitions found in
 2 sections 28-351 to 28-371 and sections 7 and 8 of this act shall
 3 be used.
 4 Sec. 4. Section 28-351, Reissue Revised Statutes of
 5 Nebraska, is amended to read:
 6 28-351 Abuse ~~shall mean~~ means any knowing, or
 7 intentional, ~~or negligent act or omission~~ on the part of a
 8 caregiver, ~~a vulnerable adult~~, or any other person which results in
 9 physical injury, unreasonable confinement, cruel punishment, sexual
 10 abuse, or sexual exploitation, ~~or denial of essential services to~~
 11 of a vulnerable adult.
 12 Sec. 5. Section 28-352, Reissue Revised Statutes of
 13 Nebraska, is amended to read:
 14 28-352 Adult protective services ~~shall mean~~ means those
 15 services provided by the department for the prevention, correction,
 16 or discontinuance of abuse, neglect, or exploitation. Such services

17 shall be those necessary and appropriate under the circumstances
 18 to protect an abused, neglected, or exploited vulnerable adult,
 19 ensure that the least restrictive alternative is provided, prevent
 20 further abuse, neglect, or exploitation, and promote self-care and
 21 independent living. Such services shall include, but not be limited
 22 to: (1) Receiving and investigating reports of alleged abuse,
 23 neglect, or exploitation; (2) developing social service plans; (3)
 24 arranging for the provision of services such as medical care,
 25 mental health care, legal services, fiscal management, housing, or
 26 home health care; (4) arranging for the provision of items such
 27 as food, clothing, or shelter; and (5) arranging or coordinating
 1 services for caregivers.

2 Sec. 6. Section 28-358, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 28-358 Exploitation ~~shall mean~~ means the taking of
 5 property of a vulnerable adult by any person by means of
 6 undue influence, breach of a fiduciary relationship, deception,
 7 or extortion or by any unlawful means.

8 Sec. 7. Section 28-355, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 ~~28-355 Denial of essential services shall mean that~~
 11 Neglect means any knowing or intentional act or omission on the
 12 part of a caregiver to provide essential services or the failure
 13 of a vulnerable adult, due to physical or mental impairments,
 14 to perform self-care or obtain essential services are denied or
 15 ~~neglected~~ to such an extent that there is actual physical injury
 16 to a vulnerable adult or imminent danger of the vulnerable adult
 17 suffering physical injury or death.

18 Sec. 8. Sexual exploitation includes, but is not
 19 limited to, unlawful intrusion as described in section 28-311.08
 20 and causing, allowing, permitting, inflicting, or encouraging
 21 a vulnerable adult to engage in voyeurism, in exhibitionism,
 22 in prostitution, or in the lewd, obscene, or pornographic
 23 photographing, filming, or depiction of the vulnerable adult.

24 Sec. 9. Section 28-370, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 28-370 Unreasonable confinement ~~shall mean~~ means
 27 confinement which intentionally causes physical injury to a
 1 vulnerable adult or false imprisonment as described in section
 2 28-314 or 28-315.

3 Sec. 10. Section 28-372, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-372 (1) When any physician, psychologist, physician
 6 assistant, nurse, nursing assistant, other medical, developmental
 7 disability, or mental health professional, law enforcement
 8 personnel, caregiver or employee of a caregiver, operator or
 9 employee of a sheltered workshop, owner, operator, or employee
 10 of any facility licensed by the department, or human services
 11 professional or paraprofessional not including a member of the

12 clergy has reasonable cause to believe that a vulnerable adult
 13 has been subjected to abuse, neglect, or exploitation or observes
 14 such adult being subjected to conditions or circumstances which
 15 reasonably would result in abuse, neglect, or exploitation, he or
 16 she shall report the incident or cause a report to be made to the
 17 appropriate law enforcement agency or to the department. Any other
 18 person may report abuse, neglect, or exploitation if such person
 19 has reasonable cause to believe that a vulnerable adult has been
 20 subjected to abuse, neglect, or exploitation or observes such adult
 21 being subjected to conditions or circumstances which reasonably
 22 would result in abuse, neglect, or exploitation.

23 (2) Such report may be made by telephone, with the
 24 caller giving his or her name and address, and, if requested by
 25 the department, shall be followed by a written report within
 26 forty-eight hours. To the extent available the report shall
 27 contain: (a) The name, address, and age of the vulnerable adult;
 1 (b) the address of the caregiver or caregivers of the vulnerable
 2 adult; (c) the nature and extent of the alleged abuse, neglect,
 3 or exploitation or the conditions and circumstances which would
 4 reasonably be expected to result in such abuse, neglect, or
 5 exploitation; (d) any evidence of previous abuse, neglect, or
 6 exploitation including the nature and extent of the abuse, neglect,
 7 or exploitation; and (e) any other information which in the opinion
 8 of the person making the report may be helpful in establishing
 9 the cause of the alleged abuse, neglect, or exploitation and the
 10 identity of the perpetrator or perpetrators.

11 (3) Any law enforcement agency receiving a report of
 12 abuse, neglect, or exploitation shall notify the department no
 13 later than the next working day by telephone or mail.

14 (4) A report of abuse, neglect, or exploitation made
 15 to the department which was not previously made to or by a law
 16 enforcement agency shall be communicated to the appropriate law
 17 enforcement agency by the department no later than the next working
 18 day by telephone or mail.

19 (5) The department shall establish a statewide toll-free
 20 number to be used by any person any hour of the day or night
 21 and any day of the week to make reports of abuse, neglect, or
 22 exploitation.

23 Sec. 11. Section 28-373, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 28-373 (1) Upon the receipt of a report concerning abuse,
 26 neglect, or exploitation pursuant to section 28-372, it shall be
 27 the duty of the law enforcement agency (a) to make an investigation
 1 if deemed warranted because of alleged violations of section
 2 28-386, (b) to take immediate steps, if necessary, to protect
 3 the vulnerable adult, and (c) to institute legal proceedings if
 4 appropriate. The law enforcement agency shall notify the department
 5 if an investigation is undertaken. Such notification shall be made
 6 no later than the next working day following receipt of the report.

7 (2) The law enforcement agency shall make a written
8 report or a case summary to the department of all investigated
9 cases of abuse, neglect, or exploitation and action taken with
10 respect to all such cases.

11 Sec. 12. Section 28-374, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 28-374 (1) The department shall investigate each case
14 of alleged abuse, neglect, or exploitation and shall provide such
15 adult protective services as are necessary and appropriate under
16 the circumstances.

17 (2) In each case of alleged abuse, neglect, or
18 exploitation, the department may make a request for further
19 assistance from the appropriate law enforcement agency or initiate
20 such action as may be appropriate under the circumstances.

21 (3) The department shall make a written report or case
22 summary to the appropriate law enforcement agency and to the
23 registry of all reported cases of abuse, neglect, or exploitation
24 and action taken.

25 (4) The department shall deliver a written report or case
26 summary to the appropriate county attorney if the investigation
27 indicates a reasonable cause to believe that a violation of section
1 28-386 has occurred.

2 Sec. 13. (1) Upon completion of the investigation
3 pursuant to sections 28-373 and 28-374, the person who allegedly
4 abused, neglected, or exploited a vulnerable adult shall be given
5 written notice of the determination of the investigation and
6 whether the person who allegedly abused, neglected, or exploited a
7 vulnerable adult will be entered into the registry.

8 (2) If the person who allegedly abused, neglected, or
9 exploited a vulnerable adult will be entered into the registry,
10 the notice shall be sent by certified mail with return receipt
11 requested or first-class mail to the last-known address of the
12 person who allegedly abused, neglected, or exploited a vulnerable
13 adult and shall include:

14 (a) The nature of the report;

15 (b) The classification of the report; and

16 (c) The right of the person who allegedly abused,
17 neglected, or exploited a vulnerable adult to request the
18 department to amend or expunge identifying information from the
19 report or to remove the substantiated report from the registry in
20 accordance with section 28-380.

21 (3) If the person who allegedly abused, neglected, or
22 exploited a vulnerable adult will not be entered in the registry,
23 the notice shall be sent by first-class mail and shall include:

24 (a) The nature of the report; and

25 (b) The classification of the report.

26 Sec. 14. Section 28-376, Revised Statutes Cumulative
27 Supplement, 2010, is amended to read:

1 28-376 (1) The department shall establish and maintain

2 an Adult Protective Services Central Registry ~~for recording each~~
 3 ~~report of alleged abuse, which shall contain any substantiated~~
 4 report regarding a person who has allegedly abused, neglected, or
 5 exploited a vulnerable adult.

6 (2) Upon request, a vulnerable adult who is the subject
 7 of a report or, if the vulnerable adult is legally incapacitated,
 8 the guardian or guardian ad litem of the vulnerable adult and
 9 the person who has allegedly abused, neglected, or exploited the
 10 vulnerable adult shall be entitled to receive a copy of all
 11 information contained in the registry pertaining to ~~his or her~~
 12 ~~case, such report.~~ The department shall not release data that would
 13 be harmful or detrimental to the vulnerable adult or that would
 14 identify or locate a person who, in good faith, made a report or
 15 cooperated in a subsequent investigation unless ordered to do so by
 16 a court of competent jurisdiction.

17 (3) The department shall establish classifications for
 18 all cases in the registry. ~~All cases determined to be unfounded~~
 19 ~~shall be expunged from the registry.~~

20 (4) The department shall determine whether a name-change
 21 order received from the clerk of a district court pursuant to
 22 section 25-21,271 is for a person on the Adult Protective Services
 23 Central Registry and, if so, shall include the changed name with
 24 the former name in the registry and file or cross-reference the
 25 information under both names.

26 Sec. 15. Section 28-386, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 28-386 (1) A person commits knowing and intentional
 2 abuse, neglect, or exploitation of a vulnerable adult if he or
 3 she through a knowing and intentional act causes or permits a
 4 vulnerable adult to be:

- 5 (a) Physically injured;
- 6 (b) Unreasonably confined;
- 7 (c) Sexually abused;
- 8 (d) Exploited;
- 9 (e) Cruelly punished; ~~or~~
- 10 (f) ~~Denied essential services.~~ Neglected; or
- 11 (g) Sexually exploited.

12 (2) Knowing and intentional abuse, neglect, or
 13 exploitation of a vulnerable adult is a Class IIIA felony.

14 Sec. 16. Section 28-387, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 28-387 (1) A county court may issue an ex parte
 17 order authorizing the provision of short-term involuntary adult
 18 protective services or temporary placement for a vulnerable adult
 19 for up to forty-eight hours, excluding nonjudicial days, pending
 20 the hearing for a need for continuing services, after finding on
 21 the record that:

- 22 (a) The person is a vulnerable adult;
- 23 (b) An emergency exists; and

24 (c) There are compelling reasons for ordering protective
25 services or temporary placement.

26 (2) An ex parte order shall be issued only if other
27 protective custody services are unavailable or other services
1 provide insufficient protection.

2 (3) The department shall contact the appropriate county
3 attorney to file an application for short-term involuntary adult
4 protective services or temporary placement if an investigation
5 indicates probable cause to believe that an emergency exists for a
6 vulnerable adult. The department shall not be given legal custody
7 nor be made guardian of such vulnerable adult. A vulnerable adult
8 shall be responsible for the costs of services provided either
9 through his or her own income or other programs for which he or she
10 may be eligible.

11 (4) A law enforcement officer accompanied by a
12 representative of the department may enter the premises where the
13 vulnerable adult is located after obtaining the court order and
14 announcing his or her authority and purpose. Forcible entry may be
15 made only after the court order has been obtained unless there is
16 probable cause to believe that the delay of such entry would cause
17 the vulnerable adult to be in imminent danger of life-threatening
18 physical injury or ~~the denial of essential services, neglect.~~

19 (5) When, from the personal observations of a
20 representative of the department and a law enforcement officer,
21 it appears probable that the vulnerable adult is likely to be in
22 imminent danger of life-threatening physical injury or ~~the denial~~
23 ~~of essential services, neglect~~ if he or she is not immediately
24 removed from the premises, the law enforcement agency shall, when
25 authorized by the court order, take into custody and transport the
26 vulnerable adult to an appropriate medical or protective placement
27 facility.

1 (6) When action is taken under this section, a hearing
2 shall be held within forty-eight hours of the signing of the court
3 order, excluding nonjudicial days, to establish probable cause for
4 short-term involuntary adult protective services or for protective
5 placement. Unless the vulnerable adult has counsel of his or her
6 own choice or has indicated a desire for an attorney of his or her
7 own choice, the court shall appoint an attorney to represent him
8 or her in the proceeding, who shall have the powers and duties of
9 a guardian ad litem.

10 (7) Notice of the hearing shall be served personally on
11 the vulnerable adult. Waiver of notice by the vulnerable adult
12 shall not be effective unless he or she attends the hearing or such
13 notice is waived by the guardian ad litem. Notice of the hearing
14 shall be given to the following parties whose whereabouts can be
15 readily ascertained: (a) The spouse of the vulnerable adult; (b)
16 children of the vulnerable adult; and (c) any other party specified
17 by the court.

18 (8) A judgment authorizing continuance of short-term
 19 involuntary adult protective services shall prescribe those
 20 specific adult protective services which are to be provided, the
 21 duration of the services which shall not exceed sixty days, and the
 22 person or persons who are authorized or ordered to provide them.

23 Sec. 17. Section 28-713.01, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 28-713.01 (1) Upon completion of the investigation
 26 pursuant to section 28-713:

27 ~~(1)-(a)~~ In situations of alleged out-of-home child abuse
 1 or neglect, the person or persons having custody of the allegedly
 2 abused or neglected child or children shall be given written notice
 3 of the results of the investigation and any other information the
 4 law enforcement agency or department deems necessary. Such notice
 5 and information shall be sent by first-class mail; and

6 ~~(2)-(b)~~ The subject of the report of child abuse or
 7 neglect shall be given written notice of the determination of
 8 the case and whether the subject of the report of child abuse
 9 or neglect will be entered into the central register of child
 10 protection cases maintained pursuant to section 28-718 under the
 11 criteria provided in section 28-720.

12 Such (2) If the subject of the report will be entered
 13 into the central register, the notice to the subject shall be sent
 14 by certified mail with return receipt requested or first-class mail
 15 to the last-known address of the subject of the report of child
 16 abuse or neglect and shall include:

17 (a) The nature of the report;

18 (b) The classification of the report under section
 19 28-720; and

20 (c) Notification of the right of the subject of the
 21 report of child abuse or neglect to ~~a hearing and appeal request~~
 22 the department to amend or expunge identifying information from
 23 the report or to remove the substantiated report from the central
 24 register in accordance with section 28-723.

25 (3) If the subject of the report will not be entered into
 26 the central register, the notice to the subject shall be sent by
 27 first-class mail and shall include:

1 (a) The nature of the report; and

2 (b) The classification of the report under section
 3 28-720.

4 Sec. 18. Original sections 28-348, 28-349, 28-350,
 5 28-351, 28-352, 28-355, 28-358, 28-370, 28-372, 28-373, 28-374,
 6 28-386, 28-387, and 28-713.01, Reissue Revised Statutes of
 7 Nebraska, and section 28-376, Revised Statutes Cumulative
 8 Supplement, 2010, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB916:
AM2308

(Amendments to Standing Committee amendments, AM1739)

- 1 1. On page 7, lines 21 and 23; page 10, lines 15 and 17;
- 2 page 36, line 24; page 49, line 16; page 101, line 22; and page
- 3 135, line 6, strike "earned".
- 4 2. On page 19, line 23; and page 115, line 12, after
- 5 "defined contribution" insert "plan assets".
- 6 3. On page 20, strike beginning with "The" in line 8
- 7 through the period in line 23 and show the old matter as stricken.
- 8 4. On page 21, line 1, after the stricken period
- 9 insert "An active member shall make a one-time election beginning
- 10 September 1, 2012, through October 31, 2012, in order to
- 11 participate in the cash balance benefit. If no such election is
- 12 made, the member shall be treated as though he or she elected
- 13 to continue participating in the defined contribution benefit as
- 14 provided in the act prior to January 1, 2003. Members who elect
- 15 to participate in the cash balance benefit beginning September 1,
- 16 2012, through October 31, 2012, shall commence participation in the
- 17 cash balance benefit on January 2, 2013. Any member who made the
- 18 election prior to the effective date of this act does not have
- 19 to make another election of the cash balance benefit beginning
- 20 September 1, 2012, through October 31, 2012."; and in line 6 strike
- 21 "on or after", show as stricken, and insert "beginning".
- 22 5. On page 37, line 27, after "(v)" insert "except for
- 1 purposes of section 23-2323.03.".
- 2 6. On page 50, line 19, after "(v)" insert "except for
- 3 purposes of section 24-710.06.".
- 4 7. On page 68, line 10, strike "current" and show as
- 5 stricken; and in line 13 strike "current" and after "employer"
- 6 insert "that is involved in the termination of employment".
- 7 8. On page 71, line 27, after "(v)" insert "except for
- 8 purposes of section 79-933.02.".
- 9 9. On page 75, line 13, strike "more than" and show the
- 10 old matter as stricken; and in line 14 after "years" insert "or
- 11 more".
- 12 10. On page 99, line 14, after "(v)" insert "except for
- 13 purposes of section 81-2031.04.".
- 14 11. On page 116, strike beginning with "The" in line
- 15 6 through the period in line 21 and show the old matter as
- 16 stricken; and in line 26 after the stricken period insert "An
- 17 active member shall make a one-time election beginning September
- 18 1, 2012, through October 31, 2012, in order to participate in the
- 19 cash balance benefit. If no such election is made, the member shall
- 20 be treated as though he or she elected to continue participating
- 21 in the defined contribution benefit as provided in the act prior
- 22 to January 1, 2003. Members who elect to participate in the cash

- 23 balance benefit beginning September 1, 2012, through October 31,
 24 2012, shall commence participation in the cash balance benefit on
 25 January 2, 2013. Any member who made the election prior to the
 26 effective date of this act does not have to make another election
 27 of the cash balance benefit beginning September 1, 2012, through
 1 October 31, 2012."
 2 12. On page 117, line 4, strike "on or after", show as
 3 stricken, and insert "beginning".
 4 13. On page 123, line 12, after "(v)" insert "except for
 5 purposes of section 84-1313,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 458. Introduced by Howard, 9.

WHEREAS, each year nearly one million children are victims of abuse;
 and

WHEREAS, over four thousand of Nebraska's children are affected by
 child abuse every year; and

WHEREAS, the physical and mental health effects of child abuse last a
 lifetime; and

WHEREAS, children, families, and society all pay the price when child
 abuse occurs; and

WHEREAS, individuals who have the support of their communities are
 more able to provide safe environments for their children; and

WHEREAS, the best time to stop child abuse is before it starts.

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

1. That the Legislature recognizes April 2012 as Child Abuse Prevention
 Month in Nebraska and encourages communities to participate in activities
 designed to increase public awareness about the importance of preventing
 child abuse.

2. That a copy of this resolution be sent to the Department of Health and
 Human Services.

Laid over.

LEGISLATIVE RESOLUTION 459. Introduced by Howard, 9.

WHEREAS, National Adoption Month is a time to celebrate family and to
 bring about awareness that there are hundreds of thousands of adoptive
 children; and

WHEREAS, every child deserves a loving, nurturing, and permanent
 home; and

WHEREAS, adoption gives children a brighter future, brings great joy to
 the adoptive parents, and places fewer demands on social services; and

WHEREAS, adoptive children often need extra patience and support to
 help them overcome previous hardships; and

WHEREAS, children waiting for adoptive parents and families who have adopted these children require and deserve community and public support.

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

1. That the Legislature recognizes November 2012 as Adoption Month in Nebraska.

2. That during the month of November communities are encouraged to participate in activities designed to increase public awareness of adoption.

Laid over.

LEGISLATIVE RESOLUTION 460. Introduced by Nordquist, 7; Ashford, 20; Coash, 27; Cook, 13; Council, 11; Flood, 19; B. Harr, 8; Howard, 9; Krist, 10; McGill, 26; Mello, 5; Nelson, 6; Pirsch, 4.

WHEREAS, Alexander Payne, a Nebraska native and graduate of Creighton Preparatory School, won his second Academy Award for Writing, Adapted Screenplay, for *The Descendants* on February 26, 2012; and

WHEREAS, Alexander Payne takes great pride in his Nebraska roots; and

WHEREAS, Alexander Payne has frequently featured Nebraska cities in his films, most notably in *About Schmidt*, which is a tribute to the great history of creative people that hail from Omaha; and

WHEREAS, Alexander Payne has generously shared his talent in film with his native city of Omaha by serving on the Board of Directors for Film Streams, a nonprofit independent film theater in downtown Omaha; and

WHEREAS, Alexander Payne has invested his passion into other parts of the state, working to preserve a historic film theater in Scottsbluff; and

WHEREAS, Alexander Payne serves as a member of the Board of Governors of the Academy of Motion Picture Arts and Sciences (Directors Branch); and

WHEREAS, throughout his career, Alexander Payne's work has received much acclaim. He has won two Academy Awards for Writing, Adapted Screenplay, has received multiple Academy Award nominations for both Directing and Best Picture, and has won multiple Critics' Choice Awards and Golden Globe Awards.

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

1. That the Legislature honors the work of Alexander Payne and his many contributions and achievements.

2. That the Legislature expresses its sincere congratulations to Alexander Payne on his recent achievement at the 2012 Academy Awards.

3. That a copy of this resolution be sent to Alexander Payne.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 998. Title read. Considered.

Committee AM2041, found on page 623, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Krist withdrew his amendment, AM2279, found on page 777.

Senator Krist renewed his amendment, AM2332, found on page 803.

Pending.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 131. Placed on General File with amendment. AM2098

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 84-612 (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used
- 8 pursuant to this section.
- 9 (2) The State Treasurer shall transfer funds from the
- 10 Cash Reserve Fund to the General Fund upon certification by the
- 11 Director of Administrative Services that the current cash balance
- 12 in the General Fund is inadequate to meet current obligations. Such
- 13 certification shall include the dollar amount to be transferred.
- 14 Any transfers made pursuant to this subsection shall be reversed
- 15 upon notification by the Director of Administrative Services that
- 16 sufficient funds are available.
- 17 (3) In addition to receiving transfers from other funds,
- 18 the Cash Reserve Fund shall receive federal funds received by the
- 19 State of Nebraska for undesignated general government purposes,
- 20 federal revenue sharing, or general fiscal relief of the state.
- 21 ~~(4) The State Treasurer, at the direction of the~~
- 22 ~~budget administrator of the budget division of the Department of~~
- 23 ~~Administrative Services, shall transfer such amounts, as certified~~
- 1 ~~by the Director of Administrative Services, for employee health~~
- 2 ~~insurance claims and expenses, not to exceed twelve million dollars~~
- 3 ~~in total from the Cash Reserve Fund to the State Employees~~
- 4 ~~Insurance Fund between May 1, 2007, and June 30, 2011.~~
- 5 ~~(5) On July 9, 2007, the State Treasurer shall transfer~~
- 6 ~~five million dollars from the Cash Reserve Fund to the Job Training~~
- 7 ~~Cash Fund.~~

8 ~~(6) On July 7, 2008, the State Treasurer shall transfer~~
9 ~~five million dollars from the Cash Reserve Fund to the Job Training~~
10 ~~Cash Fund.~~

11 ~~(7) The State Treasurer, at the direction of the budget~~
12 ~~administrator, shall transfer an amount equal to the total amount~~
13 ~~transferred pursuant to subsection (4) of this section from the~~
14 ~~appropriate health insurance accounts of the State Employees~~
15 ~~Insurance Fund in such amounts as certified by the Director of~~
16 ~~Administrative Services to the Cash Reserve Fund on or before June~~
17 ~~30, 2011.~~

18 ~~(8)-(4) On July 7, 2009, the State Treasurer shall~~
19 ~~transfer five million dollars from the Cash Reserve Fund to the~~
20 ~~Roads Operations Cash Fund. The Department of Roads shall use such~~
21 ~~funds to provide the required state match for federal funding made~~
22 ~~available to the state through congressional earmarks.~~

23 ~~(9) Within five days after the budget division of the~~
24 ~~Department of Administrative Services notifies the State Treasurer~~
25 ~~that matching fund requirements under section 82-331 have been met,~~
26 ~~the State Treasurer shall transfer one million dollars from the~~
27 ~~Cash Reserve Fund to the Nebraska Cultural Preservation Endowment~~
1 ~~Fund.~~

2 ~~(10) On or before June 15, 2011, the State Treasurer,~~
3 ~~at the direction of the budget administrator, shall transfer one~~
4 ~~hundred fifty one million dollars from the Cash Reserve Fund to the~~
5 ~~General Fund.~~

6 ~~(11) On or before June 30, 2011, the State Treasurer,~~
7 ~~at the direction of the budget administrator, shall transfer three~~
8 ~~million dollars from the Cash Reserve Fund to the General Fund.~~

9 ~~(12)-(5) The State Treasurer shall transfer a total of~~
10 ~~thirty-seven million dollars from the Cash Reserve Fund to the~~
11 ~~General Fund on or before June 30, 2012, on such dates and in such~~
12 ~~amounts as directed by the budget administrator.~~

13 ~~(13)-(6) The State Treasurer shall transfer a total of~~
14 ~~sixty-eight million dollars from the Cash Reserve Fund to the~~
15 ~~General Fund on or before June 30, 2013, on such dates and in such~~
16 ~~amounts as directed by the budget administrator.~~

17 ~~(14)-(7) The State Treasurer, at the direction of the~~
18 ~~budget administrator, shall transfer not to exceed twelve million~~
19 ~~dollars in total between July 1, 2011, and November 30, 2012, from~~
20 ~~the Cash Reserve Fund to the Ethanol Production Incentive Cash~~
21 ~~Fund, for ethanol production incentive credits, on such dates and~~
22 ~~in such amounts as certified by the Tax Commissioner.~~

23 ~~(15)-(8) The State Treasurer, at the direction of the~~
24 ~~budget administrator, shall transfer an amount equal to the total~~
25 ~~amount transferred pursuant to subsection (14)-(7) of this section~~
26 ~~from the Ethanol Production Incentive Cash Fund to the Cash Reserve~~
27 ~~Fund in such amounts as certified by the Tax Commissioner on or~~
1 ~~before November 30, 2012.~~

2 (9) The State Treasurer, at the direction of the
 3 budget administrator of the budget division of the Department
 4 of Administrative Services, shall transfer eighty million dollars
 5 from the Cash Reserve Fund to the Nebraska Capital Construction
 6 Fund on or before August 15, 2012.

7 (10) The State Treasurer, at the direction of the
 8 budget administrator of the budget division of the Department
 9 of Administrative Services, shall transfer one million dollars from
 10 the Cash Reserve Fund to the Affordable Housing Trust Fund, on or
 11 before August 15, 2012.

12 Sec. 2. Original section 84-612, Revised Statutes
 13 Supplement, 2011, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect
 15 when passed and approved according to law.

LEGISLATIVE BILL 968. Placed on General File with amendment.
 AM2123 is available in the Bill Room.

LEGISLATIVE BILL 969. Placed on General File with amendment.
 AM2068 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

AMENDMENT - Print in Journal

Senators Wightman and Seiler filed the following amendment to LB996:
 AM2333

1 1. Strike original section 3 and insert the following new
 2 sections:

3 Sec. 2. (1) Notwithstanding the requirements of section
 4 79-201, a child who is at least sixteen years of age but less than
 5 eighteen years of age may withdraw from school before graduation
 6 and be exempt from such requirements if such child meets the
 7 requirements of this section for withdrawal.

8 (2) On or before August 1, 2012, the school board or
 9 board of education of each school district shall designate the
 10 appropriate employees of the school district to conduct exit
 11 interviews for (a) children enrolled in a school operated by the
 12 school district and (b) children who reside in the school district,
 13 are not enrolled in a school operated by a school district in
 14 Nebraska, and are not otherwise exempt from the requirements of
 15 section 79-201. Each school board and board of education shall also
 16 assure that such designations are revised as necessary.

17 (3) The exit interview shall be personally attended by:
 18 (a) The child's parent or legal guardian; (b) the child; (c)
 19 each designated appropriate school employee; and (d) the child's
 20 principal or the principal's designee if the child at the time of
 21 the exit interview is enrolled in a school operated by the school
 22 district. The withdrawal shall only be granted if it is due to: (i)

23 Financial hardship and the child must be employed to support his
 1 or her family or a dependent; (ii) illness; or (iii) an order by a
 2 court that has jurisdiction over the child.

3 (4) A withdrawal shall only be effective upon agreement
 4 of: (a) The child's parent or legal guardian; (b) the child;
 5 and (c) the principal or the principal's designee if the child
 6 is enrolled in a school operated by the school district or a
 7 designated appropriate school employee if the child at the time
 8 of the exit interview is not enrolled in a school operated by
 9 the school district. The child's parent or legal guardian and the
 10 principal, principal's designee, or designated appropriate school
 11 employee shall indicate agreement to the withdrawal by providing
 12 written consent for the child to withdraw from school. The child
 13 shall indicate agreement to the withdrawal by providing written
 14 acknowledgment of withdrawal which shall include a statement that
 15 the child and the child's parent or legal guardian understand that:

16 (a) Withdrawing from school is likely to reduce the
 17 child's future earnings and increase the child's likelihood of
 18 being unemployed in the future; and

19 (b) Alternative educational opportunities, including
 20 vocational courses of study, have been offered to the child by the
 21 school district.

22 Sec. 3. Sections 1 and 4 of this act become operative
 23 August 1, 2012. Section 2 of this act becomes operative July
 24 15, 2012. The other section of this act becomes operative on its
 25 effective date.

26 2. On page 3, line 1, reinstate the stricken "(c)" and
 27 insert "Has withdrawn from school pursuant to section 2 of this
 1 act;"; and in lines 4, 13, and 24 strike the new matter and
 2 reinstate the stricken matter.

3 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB821, LB1160, and LB949. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 twelfth-grade students and teacher from Lawrence-Nelson High School, Nelson; 6 members from Project Everlast; and 47 fourth-grade students and teachers from Eagle.

RECESS

At 11:55 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

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

GENERAL FILE

LEGISLATIVE BILL 998. The Krist amendment, AM2332, found on page 803 and considered in this day's Journal, was renewed.

SENATOR COASH PRESIDING

The Krist amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB806:
AM2331

(Amendments to Standing Committee amendments, AM1852)

- 1 1. On page 3, line 10, strike "equitable treatment
- 2 of equine species" and insert "programs which facilitate equine
- 3 therapy for youth and veterans in Nebraska".
- 4 2. Insert the following new amendment:
- 5 2. On page 3, line 3, strike "3 to 5" and insert "2 to
- 6 4"; and in line 4 after the period insert "If the use of historic
- 7 horseracing machines at licensed racetrack enclosures as regulated
- 8 by the commission results in a final order of a court of competent
- 9 jurisdiction determining that such activity allows for casino
- 10 gaming, the authorization of wagering on historic horseracing under
- 11 this subdivision and sections 2 to 4 of this act terminates one
- 12 year after the date of the final order.".

Senator Flood filed the following amendment to LB968:
FA38

Amend AM2123

Strike section 1.

Senator Flood filed the following amendment to LB968:
FA39

Strike section 1.

Senator Flood filed the following amendment to LB131:
FA40
Amend AM2098
Strike section 1.

Senator Flood filed the following amendment to LB131:
FA41
Strike section 1.

RESOLUTIONS

LEGISLATIVE RESOLUTION 461. Introduced by Brasch, 16.

WHEREAS, the top-ranked Guardian Angels Central Catholic Bluejays girls' basketball team won the 2012 Class D-1 Girls' State Basketball Championship; and

WHEREAS, the Bluejays won their fifth state title with a 49-43 victory over the Humphrey Bulldogs; and

WHEREAS, the Bluejays hadn't lost to another Class D-1 school all season; 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 Guardian Angels Central Catholic Bluejays on winning the 2012 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluejays and their coach, Jerry Stracke.

Laid over.

LEGISLATIVE RESOLUTION 462. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws, particularly the Motor Vehicle Service Contract Reimbursement Insurance Act, should be amended to address the sale of ancillary service contracts and ancillary protection product warranties. The study should include a review of issues raised during consideration of LB 1054 (McCoy), which was introduced in 2012 and referenced to the Banking, Commerce and Insurance Committee of the Legislature. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 806. Senator McCoy renewed his amendment, AM2229, found on page 741 and considered on pages 789, 796, and 802, to the committee amendment.

Pending.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Tuesday, March 20, 2012 1:00 p.m.

Scott Wiebe - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB959:
AM2345

(Amendments to Standing Committee amendments, AM2010)

- 1 1. On page 1, line 13, before the semicolon insert
- 2 "and provided to the employee during the course of his or her
- 3 employment".

COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 711. Placed on General File with amendment.
AM2214

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 50-401.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 50-401.01 (1) The Legislative Council shall have an
- 6 executive board, to be known as the Executive Board of the
- 7 Legislative Council, which shall consist of a chairperson, a

8 vice-chairperson, and six members of the Legislature, to be chosen
9 by the Legislature at the commencement of each regular session of
10 the Legislature when the speaker is chosen, and the Speaker of
11 the Legislature. The Legislature at large shall elect two of its
12 members from legislative districts Nos. 1, 2, 15, 21 to 30, 32,
13 34, and 46, 1, 17, 30, 32 to 38, 40 to 44, 47, and 48, two from
14 legislative districts Nos. 3 to 14, 18, 20, 31, 39, and 45, 2,
15 3, 15, 16, 19, 21 to 29, 45, and 46, and two from legislative
16 districts Nos. 16, 17, 19, 33, 35 to 38, 40 to 44, and 47 to 49.
17 4 to 14, 18, 20, 31, 39, and 49. The Chairperson of the Committee
18 on Appropriations shall serve as a nonvoting ex officio member
19 of the executive board whenever the board is considering fiscal
20 administration.

21 (2) The executive board shall:

22 (a) Supervise all services and service personnel of the
23 Legislature and may employ and fix compensation and other terms of
1 employment for such personnel as may be needed to carry out the
2 intent and activities of the Legislature or of the board, unless
3 otherwise directed by the Legislature, including the adoption of
4 policies by the executive board which permit (i) the purchasing
5 of an annuity for an employee who retires or (ii) the crediting
6 of amounts to an employee's deferred compensation account under
7 section 84-1504. The payments to or on behalf of an employee may be
8 staggered to comply with other law; and

9 (b) Appoint persons to fill the positions of Legislative
10 Fiscal Analyst, Director of Research, Revisor of Statutes, and
11 Legislative Auditor. The persons appointed to these positions shall
12 have training and experience as determined by the executive board
13 and shall serve at the pleasure of the executive board. The
14 Legislative Performance Audit Committee shall recommend the person
15 to be appointed Legislative Auditor. Their respective salaries
16 shall be set by the executive board.

17 (3) Notwithstanding any other provision of law, the
18 executive board may contract to obtain legal, auditing, accounting,
19 actuarial, or other professional services or advice for or on
20 behalf of the executive board, the Legislative Council, the
21 Legislature, or any member of the Legislature. The providers
22 of such services or advice shall meet or exceed the minimum
23 professional standards or requirements established or specified by
24 their respective professional organizations or licensing entities
25 or by federal law. Such contracts, the deliberations of the
26 executive board with respect to such contracts, and the work
27 product resulting from such contracts shall not be subject to
1 review or approval by any other entity of state government.

2 Sec. 2. Original section 50-401.01, Reissue Revised
3 Statutes of Nebraska, is repealed.

(Signed) John Wightman, Chairperson

Revenue

LEGISLATIVE BILL 1097. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File with amendment.
AM2281

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-202, Revised Statutes Supplement,
4 2011, is amended to read:
5 77-202 (1) The following property shall be exempt from
6 property taxes:
7 (a) Property of the state and its governmental
8 subdivisions to the extent used or being developed for use by
9 the state or governmental subdivision for a public purpose. For
10 purposes of this subdivision: ~~public~~
11 (i) Property of the state and its governmental
12 subdivisions means (A) property held in fee title by the state or a
13 governmental subdivision or (B) property beneficially owned by the
14 state or a governmental subdivision in that it is used for a public
15 purpose and is being acquired under a lease-purchase agreement,
16 financing lease, or other instrument which provides for transfer
17 of legal title to the property to the state or a governmental
18 subdivision upon payment of all amounts due thereunder; and
19 (ii) Public purpose means use of the property (A)
20 (A) to provide public services with or without cost to the
21 recipient, including the general operation of government, public
22 education, public safety, transportation, public works, civil and
23 criminal justice, public health and welfare, developments by a
1 public housing authority, parks, culture, recreation, community
2 development, and cemetery purposes, or ~~(ii) (B)~~ to carry out
3 the duties and responsibilities conferred by law with or without
4 consideration. Public purpose does not include leasing of property
5 to a private party unless the lease of the property is at fair
6 market value for a public purpose. Leases of property by a public
7 housing authority to low-income individuals as a place of residence
8 are for the authority's public purpose;
9 (b) Unleased property of the state or its governmental
10 subdivisions which is not being used or developed for use for
11 a public purpose but upon which a payment in lieu of taxes is
12 paid for public safety, rescue, and emergency services and road
13 or street construction or maintenance services to all governmental
14 units providing such services to the property. Except as provided
15 in Article VIII, section 11, of the Constitution of Nebraska,
16 the payment in lieu of taxes shall be based on the proportionate
17 share of the cost of providing public safety, rescue, or emergency
18 services and road or street construction or maintenance services
19 unless a general policy is adopted by the governing body of the
20 governmental subdivision providing such services which provides for

21 a different method of determining the amount of the payment in
22 lieu of taxes. The governing body may adopt a general policy by
23 ordinance or resolution for determining the amount of payment in
24 lieu of taxes by majority vote after a hearing on the ordinance
25 or resolution. Such ordinance or resolution shall nevertheless
26 result in an equitable contribution for the cost of providing such
27 services to the exempt property;

1 (c) Property owned by and used exclusively for
2 agricultural and horticultural societies;

3 (d) Property owned by educational, religious, charitable,
4 or cemetery organizations, or any organization for the exclusive
5 benefit of any such educational, religious, charitable, or cemetery
6 organization, and used exclusively for educational, religious,
7 charitable, or cemetery purposes, when such property is not
8 (i) owned or used for financial gain or profit to either the
9 owner or user, (ii) used for the sale of alcoholic liquors for
10 more than twenty hours per week, or (iii) owned or used by
11 an organization which discriminates in membership or employment
12 based on race, color, or national origin. For purposes of this
13 subdivision, educational organization means (A) an institution
14 operated exclusively for the purpose of offering regular courses
15 with systematic instruction in academic, vocational, or technical
16 subjects or assisting students through services relating to the
17 origination, processing, or guarantying of federally reinsured
18 student loans for higher education or (B) a museum or historical
19 society operated exclusively for the benefit and education of the
20 public. For purposes of this subdivision, charitable organization
21 means an organization operated exclusively for the purpose of the
22 mental, social, or physical benefit of the public or an indefinite
23 number of persons; and

24 (e) Household goods and personal effects not owned or
25 used for financial gain or profit to either the owner or user.

26 (2) The increased value of land by reason of shade and
27 ornamental trees planted along the highway shall not be taken into
1 account in the valuation of land.

2 (3) Tangible personal property which is not depreciable
3 tangible personal property as defined in section 77-119 shall be
4 exempt from property tax.

5 (4) Motor vehicles required to be registered for
6 operation on the highways of this state shall be exempt from
7 payment of property taxes.

8 (5) Business and agricultural inventory shall be exempt
9 from the personal property tax. For purposes of this subsection,
10 business inventory includes personal property owned for purposes
11 of leasing or renting such property to others for financial gain
12 only if the personal property is of a type which in the ordinary
13 course of business is leased or rented thirty days or less and
14 may be returned at the option of the lessee or renter at any time
15 and the personal property is of a type which would be considered

16 household goods or personal effects if owned by an individual. All
 17 other personal property owned for purposes of leasing or renting
 18 such property to others for financial gain shall not be considered
 19 business inventory.

20 (6) Any personal property exempt pursuant to subsection
 21 (2) of section 77-4105 or section 77-5209.02 shall be exempt from
 22 the personal property tax.

23 (7) Livestock shall be exempt from the personal property
 24 tax.

25 (8) Any personal property exempt pursuant to the Nebraska
 26 Advantage Act shall be exempt from the personal property tax.

27 (9) Any depreciable tangible personal property used
 1 directly in the generation of electricity using wind as the fuel
 2 source shall be exempt from the property tax levied on depreciable
 3 tangible personal property. Depreciable tangible personal property
 4 used directly in the generation of electricity using wind as the
 5 fuel source includes, but is not limited to, wind turbines, rotors
 6 and blades, towers, trackers, generating equipment, transmission
 7 components, substations, supporting structures or racks, inverters,
 8 and other system components such as wiring, control systems,
 9 switchgears, and generator step-up transformers.

10 Sec. 2. Section 77-2704.15, Revised Statutes Supplement,
 11 2011, is amended to read:

12 77-2704.15 ~~(1)(a)~~ Sales and use taxes shall not be
 13 imposed on the gross receipts from the sale, lease, or rental
 14 of and the storage, use, or other consumption in this state of
 15 purchases by the state, including public educational institutions
 16 recognized or established under the provisions of Chapter 85,
 17 or by any county, township, city, village, rural or suburban
 18 fire protection district, city airport authority, county airport
 19 authority, joint airport authority, drainage district organized
 20 under sections 31-401 to 31-450, natural resources district,
 21 elected county fair board, housing agency as defined in section
 22 71-1575 except for purchases for any commercial operation that
 23 does not exclusively benefit the residents of an affordable
 24 housing project, cemetery created under section 12-101, or joint
 25 entity or agency formed to fulfill the purposes described in the
 26 ~~Integrated Solid Waste Management Act~~ by any combination of two
 27 or more counties, townships, cities, ~~or~~ villages, or other exempt
 1 governmental units pursuant to the Interlocal Cooperation Act,
 2 the Integrated Solid Waste Management Act, or the Joint Public
 3 Agency Act, except for purchases for use in the business of
 4 furnishing gas, water, electricity, or heat, or by any irrigation
 5 or reclamation district, the irrigation division of any public
 6 power and irrigation district, or public schools or learning
 7 communities established under Chapter 79.

8 (b) For purposes of this subsection, purchases by the
 9 state or by a governmental unit listed in subdivision (a) of
 10 this subsection include purchases by a nonprofit corporation under

11 a lease-purchase agreement, financing lease, or other instrument
12 which provides for transfer of title to the property to the state
13 or governmental unit upon payment of all amounts due thereunder.

14 (2) The appointment of purchasing agents shall be
15 recognized for the purpose of altering the status of the
16 construction contractor as the ultimate consumer of building
17 materials which are physically annexed to the structure and which
18 subsequently belong to the state or the governmental unit. The
19 appointment of purchasing agents shall be in writing and occur
20 prior to having any building materials annexed to real estate in
21 the construction, improvement, or repair. The contractor who has
22 been appointed as a purchasing agent may apply for a refund of or
23 use as a credit against a future use tax liability the tax paid
24 on inventory items annexed to real estate in the construction,
25 improvement, or repair of a project for the state or a governmental
26 unit.

27 (3) Any governmental unit listed in subsection (1) of
1 this section, except the state, which enters into a contract
2 of construction, improvement, or repair upon property annexed to
3 real estate without first issuing a purchasing agent authorization
4 to a contractor or repairperson prior to the building materials
5 being annexed to real estate in the project may apply to the Tax
6 Commissioner for a refund of any sales and use tax paid by the
7 contractor or repairperson on the building materials physically
8 annexed to real estate in the construction, improvement, or repair.

9 Sec. 3. Sections 2 and 5 of this act become operative on
10 July 1, 2012. The other sections of this act become operative on
11 their effective date.

12 Sec. 4. Original section 77-202, Revised Statutes
13 Supplement, 2011, is repealed.

14 Sec. 5. Original section 77-2704.15, Revised Statutes
15 Supplement, 2011, is repealed.

16 Sec. 6. Since an emergency exists, this act takes effect
17 when passed and approved according to law.

(Signed) Abbie Cornett, Chairperson

Urban Affairs

LEGISLATIVE BILL 1121. Placed on General File with amendment.
AM1872

1 1. On page 2, line 16, strike "they signed" and insert
2 "the initial petition papers are issued under subsection (7) of
3 this section".

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. The McCoy amendment, AM2229, found on page 741 and considered on pages 789, 796, 802, and in this day's Journal, to the committee amendment, was renewed.

SENATOR ADAMS PRESIDING**SENATOR COUNCIL PRESIDING**

Senator McCoy withdrew his amendment.

Senator McCoy withdrew his amendment, AM2219, found on page 741.

Senator Harms withdrew his amendments, AM2226 and AM2230, found on page 742.

Senator Nelson withdrew his amendment, AM2223, found on page 742.

Senator Avery withdrew his amendments, AM2217, AM2216, AM2225, and AM2218, found on pages 742 and 743.

Senator Christensen withdrew his amendment, AM2227, found on page 743.

Senator Fulton withdrew his amendments, AM2220, AM2221, and AM2222, found on page 743.

Committee AM1852, found on page 439 and considered on page 789, was renewed.

Senator Ashford moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Ashford requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 25:

Ashford	Dubas	Karpisek	McGill	Schilz
Coash	Gloor	Larson	Mello	Schumacher
Conrad	Haar, K.	Lathrop	Nordquist	Seiler
Cook	Hadley	Lautenbaugh	Pahls	Sullivan
Cornett	Harr, B.	Louden	Pirsch	Wallman

Voting in the negative, 17:

Adams	Campbell	Fulton	McCoy	Wightman
Avery	Carlson	Hansen	Nelson	
Bloomfield	Christensen	Harms	Price	
Brasch	Fischer	Lambert	Smith	

Present and not voting, 1:

Council

Absent and not voting, 1:

Krist

Excused and not voting, 5:

Flood	Heidemann	Howard	Janssen	Langemeier
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The committee amendment was adopted with 25 ayes, 17 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following amendment:

FA42

Strike section 5.

Senator Lautenbaugh withdrew his amendment.

Senator Lautenbaugh offered the following amendment:

FA43

Strike section 1.

Senator Lautenbaugh withdrew his amendment.

Senator Fulton offered the following motion:

MO81

Indefinitely postpone.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 905A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 905, One Hundred Second Legislature, Second Session, 2012.

LEGISLATIVE BILL 1057A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1057, One Hundred Second Legislature, Second Session, 2012.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 1126. Placed on General File with amendment. AM1990

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 13-327, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 13-327 (1) The governing body of any city of the first
 6 ~~class or city of the second class~~ or village may, by majority
 7 vote of its members, request that the county board formally cede
 8 and transfer to the city or village extraterritorial jurisdiction
 9 over land outside the area extending two miles from the corporate
 10 boundaries of a city of the first class and one mile from the
 11 corporate boundaries of a city of the second class or village.
 12 In making its request, the city or village shall describe the
 13 territory over which jurisdiction is being sought by metes and
 14 bounds or by reference to an official map, except that a village
 15 shall not request jurisdiction over any territory that is more
 16 than one-quarter mile outside the area extending one mile from the
 17 corporate boundaries of a village.
 18 (2) Unless prohibited pursuant to section 13-328, the
 19 county board may, by majority vote of its members, grant the
 20 request with regard to some or all of the requested territory if:
 21 (a) The county has formally adopted a comprehensive
 22 development plan and zoning resolution pursuant to section 23-114
 23 not less than two years immediately preceding the date of the
 1 city's or village's request;
 2 (b) The city or village, on the date of the request, is
 3 exercising extraterritorial jurisdiction over territory within the
 4 boundaries of the county;
 5 (c) The requested territory is within the projected
 6 growth pattern of the city or village and would be within the
 7 city's or village's extraterritorial jurisdiction by reason of
 8 annexation within a reasonable period of years;
 9 (d) Not more than a total of twenty-five percent of the
 10 territory of the county located outside the corporate boundaries
 11 of any city or village within the county shall be ceded to the
 12 jurisdiction of one city or village within ten years after the date
 13 upon which the initial request for the cession of territory to the
 14 city or village was approved by the governing body of the city or
 15 village; and

16 (e) No portion of the territory ceded to the city's or
 17 village's jurisdiction by the county lies within an area extending
 18 one-half mile from the extraterritorial jurisdiction of any other
 19 city of the first or second class or village on the date the
 20 request is approved by the governing body of the city or village.

21 (3) If the county board approves the cession and transfer
 22 of extraterritorial jurisdiction to a city or village pursuant to
 23 this section, such transfer shall take effect on the effective
 24 date of the ordinance as provided for in subsection (1) of section
 25 16-902 in the case of a city of the first class or as provided for
 26 in subsection (1) of section 17-1002 in the case of a city of the
 27 second class or village. Upon the effective date of such transfer,
 1 the transferred jurisdiction shall be treated for all purposes
 2 as if such land were located within two miles of the corporate
 3 boundaries of a city of the first class or within one mile of the
 4 corporate boundaries of a city of the second class or village.

5 Sec. 2. Section 13-328, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 13-328 A county which encompasses a city of the
 8 metropolitan class or city of the primary class shall not cede or
 9 transfer extraterritorial jurisdiction over land to a city of the
 10 first ~~class or city of the~~ second class or village if, on the date
 11 the county receives a request pursuant to subsection (1) of section
 12 13-327, such land lies within the area extending three miles from
 13 the extraterritorial jurisdiction boundaries of such city of the
 14 metropolitan class or city of the primary class.

15 Sec. 3. Original sections 13-327 and 13-328, Reissue
 16 Revised Statutes of Nebraska, are repealed.

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LB824:
 AM2325

1 1. Insert the following new section:

2 Sec. 5. The commission may prohibit the sale of certain
 3 alcoholic liquor products for consumption off the premises based on
 4 alcohol content, manufacturing process, or price.

5 2. On page 2, line 3, strike "section 4" and insert
 6 "sections 4 and 5".

7 3. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB882:
 AM2355

1 1. Insert the following new section:

2 Sec. 2. This act becomes operative on January 1, 2013.

3 2. On page 3, line 8, strike "effective" and insert

4 "operative"; and after line 8 insert the following new subsection:

5 "(6) This section terminates on December 31, 2015.".

Senator McCoy filed the following amendment to LB882:

AM2361

- 1 1. On page 2, line 11, strike "cancer" and insert
- 2 "anticancer"; and in line 19 after "treatment" insert "involving
- 3 intravenously administered or injected anticancer medications".

Senator Schilz filed the following amendment to LB882:

AM2356

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2013.
- 3 2. On page 3, line 8, strike "effective" and insert
- 4 "operative"; and after line 8 insert the following new subsection:
- 5 "(6) The Director of Insurance shall grant a waiver from
- 6 the requirements of this section to a small employer providing
- 7 benefits under a policy, certificate, contract, or plan if the
- 8 small employer demonstrates to the director by actual claims
- 9 experience over any consecutive twelve-month period that compliance
- 10 with this section has increased the premium costs of the policy,
- 11 certificate, contract, or plan by at least one and one-half percent
- 12 over the twelve-month period.".

Senator Fischer filed the following amendment to LB751:

AM2351

(Amendments to E & R amendments, ER195)

- 1 1. On page 49, line 18; and page 84, line 10, strike
- 2 "first-class", show as stricken, and insert "regular United
- 3 States".
- 4 2. On page 62, strike beginning with "or" in line 14
- 5 through "60-4,124" in line 15.
- 6 3. On page 110, line 6, after "3" insert ", for the
- 7 purposes of enforcing Chapter 75, article 3".

Senator Cornett filed the following amendment to LB882:

AM2162

- 1 1. Insert the following new section:
- 2 Sec. 2. Notwithstanding section 44-3,131, (1) any
- 3 individual or group sickness and accident insurance policy,
- 4 certificate, or subscriber contract with an out-of-pocket expense
- 5 limit delivered, issued for delivery, or renewed in this state and
- 6 any hospital, medical, or surgical expense-incurred policy with
- 7 an out-of-pocket expense limit, except for policies that provide
- 8 coverage for a specified disease or other limited-benefit coverage,
- 9 and (2) any self-funded employee benefit plan with an out-of-pocket
- 10 expense limit to the extent not preempted by federal law that
- 11 provides for prescription drug coverage shall include expenses for
- 12 prescription drugs in the out-of-pocket expense limit or provide
- 13 for a separate out-of-pocket expense limit for prescription drugs.

Senator McCoy filed the following amendment to LB882:
AM2357

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2013.
- 3 2. On page 2, strike beginning with "(a)" in line 1
- 4 through "(b)" in line 6; in line 8 after "that" insert "only
- 5 insures employees of the State of Nebraska, including their spouses
- 6 and dependents, and that"; and in lines 12 and 13, 14 and 15, and
- 7 20 strike "policy, certificate, contract, or".
- 8 3. On page 3, lines 2, 3 and 4, and 6 and 7, strike
- 9 "policy, certificate, contract, or"; in line 8 strike "effective"
- 10 and insert "operative"; and after line 8 insert the following new
- 11 subsection:
- 12 "(6) The Director of Administrative Services shall,
- 13 on or before December 31, 2014, submit to the Appropriations
- 14 Committee and the Banking, Commerce and Insurance Committee of
- 15 the Legislature a report indicating the impact of the requirements
- 16 of this section on the employee benefit plan of the State of
- 17 Nebraska, including data on the utilization of and the costs
- 18 resulting from such requirements. The report shall also include a
- 19 recommendation as to whether the State of Nebraska should continue
- 20 to be required to provide benefits pursuant to this section or a
- 21 statement indicating that the director is not able to make such a
- 22 recommendation without additional utilization and cost data.".

Senator McCoy filed the following amendment to LB882:
AM2354

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2013.
- 3 2. On page 3, after line 2, insert the following new
- 4 subsection:
- 5 "(4) A policy, certificate, contract, or plan provider
- 6 is not in violation of this section if it does not include
- 7 orally administered anticancer medication in the fourth tier of its
- 8 pharmaceutical benefits."; in line 3 strike "(4)" and insert "(5)";
- 9 in line 6 strike "(5)" and insert "(6)"; and in line 8 strike
- 10 "effective" and insert "operative".

MESSAGE FROM THE GOVERNOR

March 7, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 216, 216A, 269, 370, 427, 459, 470, 498, 507, 612, 646e, 677, 714e, 725e, 770, 771e, 800, 828e, 836e, 852, 853, 854, 873e, 879, 886, 890, 911, 942, 1043e, and 1118e were received in my office on March 1, 2012.

These bills were signed and delivered to the Secretary of State on March 7, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

VISITOR

The Doctor of the Day was Dr. Michael Schooff from Papillion.

ADJOURNMENT

At 5:01 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 8, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 2012

PRAYER

The prayer was offered by Pastor Adam White, Lutheran Center-UNL Campus.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Tuesday, March 20, 2012 1:00 p.m.

Linda Jensen - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 7, 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

O'Hara Lindsay & Associates, Inc.
 Friends of Nebraska Racing Inc.
 Schuller, Lynne
 Friends of Nebraska Racing Inc.

ANNOUNCEMENT

The Chair announced March 10 is Senator Seiler's birthday.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 738. Placed on General File.

LEGISLATIVE BILL 1072. Placed on General File with amendment.
 AM2358

- 1 1. Insert the following new section:
- 2 Section 1. The following sums of money, or so much
- 3 thereof as may be required, are hereby appropriated from the
- 4 General Fund or from other funds as indicated in the state
- 5 treasury, not otherwise appropriated, for the payment of claims
- 6 arising out of miscellaneous items of indebtedness owing by the
- 7 State of Nebraska.
- 8 \$72,325.05 for Miscellaneous Claim Number 2011-11204,
- 9 against the Department of Health and Human Services, pay to Better
- 10 Living Counseling Services, Inc., Attn: Mary Hewitt, Attorney at
- 11 Law, 11404 West Dodge Road, Suite 500, Omaha, NE 68154, out of the
- 12 General Fund.
- 13 \$77,275.62 for Miscellaneous Claim Number 2012-11510,
- 14 against the Department of Health and Human Services, pay to
- 15 R&F Hobbies, Inc., dba. Prince of the Road, Attn: Michael E.
- 16 Kelley/Kenneth F. George, Attorneys at Law, P.O. Box 1685, Kearney,
- 17 NE 68848-1685, out of the General Fund.
- 18 \$108,588.53 for Miscellaneous Claim Number 2012-11679,
- 19 against the Department of Health and Human Services, pay to
- 20 Pathfinder Support Services, Inc., Attn: Brian Essen, 751 North
- 21 Lincoln Avenue, Fremont, NE 68025, out of the General Fund.
- 22 \$11,522.72 for Miscellaneous Claim Number 2012-11744,
- 23 against the Department of Health and Human Services, pay to Wesley
- 1 Center Crisis Nursery, Attn: Tracey Olson, 500 West Philip Avenue,
- 2 Norfolk, NE 68701, out of the General Fund.
- 3 \$1,232.33 for Miscellaneous Claim Number 2012-11745,
- 4 against the Department of Health and Human Services, pay to
- 5 Apex Therapy Services, Attn: Eric Snitchler, Ph.D., P.O. Box 1163,
- 6 Norfolk, NE 68702-1163, out of the General Fund.
- 7 \$12,193.14 for Miscellaneous Claim Number 2012-11746,
- 8 against the Department of Health and Human Services, pay to
- 9 Beneficial Behavioral Health Services, Inc., Attn: Steven Taylor,

- 10 4732 South 131st Street, Omaha, NE 68137-1822, out of the General
11 Fund.
12 \$102,725.94 for Miscellaneous Claim Number 2012-11747,
13 against the Department of Health and Human Services, pay to Epworth
14 Village, Attn: Thomas G. McBride, P.O. Box 530, York, NE 68467, out
15 of the General Fund.
16 \$33,748.45 for Miscellaneous Claim Number 2012-11748,
17 against the Department of Health and Human Services, pay to
18 Panhandle Mental Health Center, Attn: Laura Richards, 4110 Avenue
19 D, Scottsbluff, NE 69361, out of the General Fund.
20 \$27,232.13 for Miscellaneous Claim Number 2012-11749,
21 against the Department of Health and Human Services, pay to
22 NorthStar Services, Attn: Kirby Hall, 1202 East 14th Street, P.O.
23 Box 280, Wayne, NE 68787, out of the General Fund.
24 \$5,133.82 for Miscellaneous Claim Number 2012-11750,
25 against the Department of Health and Human Services, pay to
26 Family Resources, Inc., Attn: Kathleen Haas, P.O. Box 222, McCook,
27 NE 69001, out of the General Fund.
1 \$35,483.53 for Miscellaneous Claim Number 2012-11752,
2 against the Department of Health and Human Services, pay to
3 Compass, Attn: Michael E. Kelley/Kenneth F. George, Attorneys at
4 Law, P.O. Box 1685, Kearney, NE 68848-1685, out of the General
5 Fund.
6 \$109,761.13 for Miscellaneous Claim Number 2012-11753,
7 against the Department of Health and Human Services, pay to Good
8 Life Counseling and Support, L.L.C., Attn: Laurie Millard, P.O. Box
9 2315, 200 North 34th Street, Norfolk, NE 68702-2315, out of the
10 General Fund.
11 \$14,278.75 for Miscellaneous Claim Number 2012-11754,
12 against the Department of Health and Human Services, pay to Good
13 Life Counseling and Support, L.L.C., Attn: Laurie Millard, P.O. Box
14 2315, 200 North 34th Street, Norfolk, NE 68702-2315, out of the
15 General Fund.
16 \$88,800.53 for Miscellaneous Claim Number 2012-11755,
17 against the Department of Health and Human Services, pay to
18 Mid-Plains Center for Behavioral Healthcare Services, Inc., Attn:
19 Michael E. Kelley/Kenneth F. George, Attorneys at Law, P.O. Box
20 1685, Kearney, NE 68848-1685, out of the General Fund.
21 \$182,716.98 for Miscellaneous Claim Number 2012-11756,
22 against the Department of Health and Human Services, pay to South
23 Central Behavioral Services, Attn: Michael E. Kelley/Kenneth F.
24 George, Attorneys at Law, P.O. Box 1685, Kearney, NE 68848-1685,
25 out of the General Fund.
26 \$19,366.25 for Miscellaneous Claim Number 2012-11757,
27 against the Department of Health and Human Services, pay to Better
1 Living Counseling Services, Inc., Attn: Mary Hewitt, Attorney at
2 Law, 11404 West Dodge Road, Suite 500, Omaha, NE 68154, out of the
3 General Fund.

- 4 \$36,929.04 for Miscellaneous Claim Number 2012-11758,
5 against the Department of Health and Human Services, pay to Grace
6 Children's Home, Attn: Charles Patrie, Executive Director, P.O. Box
7 519, Henderson, NE 68371-0519, out of the General Fund.
8 \$77,546.76 for Miscellaneous Claim Number 2012-11759,
9 against the Department of Health and Human Services, pay to
10 Christian Heritage Children's Home, Attn: Gregg Nicklas, 14880 Old
11 Cheney Road, Walton, NE 68461, out of the General Fund.
12 \$25,896.51 for Miscellaneous Claim Number 2012-11760,
13 against the Department of Health and Human Services, pay to
14 Nebraska Foster and Adoptive Parent Association, Attn: Pamela
15 Allen, 2431 Fairfield Street, Suite C, Lincoln, NE 68521, out of
16 the General Fund.
17 \$257,795.95 for Miscellaneous Claim Number 2012-11763,
18 against the Department of Health and Human Services, pay to Family
19 Skill Building Services, L.L.C., 403 East C Street, North Platte,
20 NE 69101, out of the General Fund.
21 \$16,659.01 for Miscellaneous Claim Number 2012-11764,
22 against the Department of Health and Human Services, pay to Midwest
23 Special Services, Attn: Lannie Roblee, P.O. Box 82, Curtis, NE
24 69025, out of the General Fund.
25 \$421.07 for Miscellaneous Claim Number 2012-11767,
26 against the Department of Health and Human Services, pay to
27 Nebraska Children's Home Society, 4939 South 118th Street, Omaha,
1 NE 68137, out of the General Fund.
2 \$5,815.15 for Miscellaneous Claim Number 2012-11768,
3 against the Department of Health and Human Services, pay to
4 Cedars Youth Services, Attn: Cindy Rudolph, 6601 Pioneers Blvd.,
5 Suite 1, Lincoln, NE 68506, out of the General Fund.
6 \$17,863.48 for Miscellaneous Claim Number 2012-11769,
7 against the Department of Health and Human Services, pay to Indiana
8 Developmental Training Center of Lafayette L.L.C., Attn: Monica
9 Ansay, P.O. Box 78729, Milwaukee, WI 53278, out of the General
10 Fund.
11 \$68,951.38 for Miscellaneous Claim Number 2012-11770,
12 against the Department of Health and Human Services, pay to
13 Building Blocks for Community Enrichment, Attn: Traci S. Taylor,
14 C.F.O., 101 East Wilson Avenue, Norfolk, NE 68701, out of the
15 General Fund.
16 \$20,645.45 for Miscellaneous Claim Number 2012-11771,
17 against the Department of Health and Human Services, pay to Mark of
18 Honor Youth Lodge, Inc., Attn: Mark Bazemore, P.O. Box 309, Macy,
19 NE 68039, out of the General Fund.
20 \$16,704.36 for Miscellaneous Claim Number 2012-11772,
21 against the Department of Health and Human Services, pay to Mosaic,
22 Attn: Kris D'Ann Maples, Esq., Vice President of Legal Supports,
23 4980 South 118th Street, Omaha, NE 68137, out of the General Fund.
24 \$87,270.30 for Miscellaneous Claim Number 2012-11782,
25 against the Department of Health and Human Services, pay to Norfolk

- 26 Group Home, Inc., Attn: Sandra McGrath and Shelly McGrath, 201
27 North 12th Street, Norfolk, NE 68701, out of the General Fund.
1 \$8,187.76 for Miscellaneous Claim Number 2012-11783,
2 against the Department of Health and Human Services, pay to
3 Children's Square USA, Attn: Carol D. Wood, P.O. Box 8-C, Council
4 Bluffs, IA 51502-3008, out of the General Fund.
5 \$37,163.72 for Miscellaneous Claim Number 2012-11794,
6 against the Department of Health and Human Services, pay to
7 Behavioral Health Specialists, Inc., Attn: Connie Barnes, 900 West
8 Norfolk Avenue, Suite 200, Norfolk, NE 68701, out of the General
9 Fund.
10 \$5,885.57 for Miscellaneous Claim Number 2012-11797,
11 against the Department of Health and Human Services, pay to
12 Heartland Boys Home, L.L.C., Attn: Mark Billingsley, 1225 Golden
13 Gate Drive, Papillion, NE 68046, out of the General Fund.
14 \$1,689.97 for Miscellaneous Claim Number 2012-11798,
15 against the Department of Health and Human Services, pay to
16 Harvest Haven Group Homes, L.L.C., Attn: Mark Billingsley, 1225
17 Golden Gate Drive, Papillion, NE 68046, out of the General Fund.
18 \$16,986.79 for Miscellaneous Claim Number 2012-11828,
19 against the Department of Health and Human Services, pay to Human
20 Services, Inc., Attn: Colleen S. Hood, Assistant Director, 419 West
21 25th Street, Alliance, NE 69301, out of the General Fund.
22 \$899.75 for Miscellaneous Claim Number 2012-11830,
23 against the Department of Health and Human Services, pay to Mercy
24 Medical Center, Attn: Judy Pfeifer, 1000 4th Street SW, Mason City,
25 IA 50401, out of the General Fund.
26 \$63,735.00 for Miscellaneous Claim Number 2012-11842,
27 against the Department of Health and Human Services, pay to OMNI
1 Behavioral Health, Attn: Morgan Kelly, General Counsel, 5115 F
2 Street, Omaha, NE 68117, out of the General Fund.
3 \$12,416.61 for Miscellaneous Claim Number 2012-11854,
4 against the Department of Health and Human Services, pay to Apex
5 Foster Care, Inc., Attn: Alicia Zuger, 9945 Maple Street, Omaha, NE
6 68134-5550, out of the General Fund.
7 \$6,933.14 for Miscellaneous Claim Number 2012-11863,
8 against the Department of Health and Human Services, pay to
9 St. Monica's Home, Attn: Jennifer Ekeler, 120 Wedgewood Drive,
10 Lincoln, NE 68510, out of the General Fund.
11 \$402,019.17 for Miscellaneous Claim Number 2012-11882,
12 against the Department of Health and Human Services, pay to BSM
13 Inc., dba McConaughy Discovery Center, Attn: Jeannine Lane, P.O.
14 Box 299, Ogallala, NE 69153, out of the General Fund.
15 \$5,302.03 for Miscellaneous Claim Number 2012-11895,
16 against the Department of Health and Human Services, pay to Central
17 Mediation Center, Attn: Denise Haupt, P.O. Box 838, Kearney, NE
18 68848-0838, out of the General Fund.
19 \$1,224.00 for Miscellaneous Claim Number 2012-11896,
20 against the Department of Health and Human Services, pay to

- 21 Women In Community Service - WICS Residence for Girls, Attn: Tauni
22 Waddington, 1935 D Street, Lincoln, NE 68502, out of the General
23 Fund.
24 \$4,948.65 for Miscellaneous Claim Number 2012-11897,
25 against the Department of Health and Human Services, pay to
26 Child Saving Institute, Attn: Susan Baumert, 4545 Dodge Street,
27 Omaha, NE 68132, out of the General Fund.
1 \$17,883.32 for Miscellaneous Claim Number 2012-11898,
2 against the Department of Health and Human Services, pay to
3 Community Action Partnership of Western Nebraska, Attn: Scott
4 Stockwell, 3350 10th Street, Gering, NE 69341, out of the General
5 Fund.
6 \$114.10 for Miscellaneous Claim Number 2012-11899,
7 against the Department of Health and Human Services, pay to Myhanh
8 Che, 1333 North 161st Street, Omaha, NE 68118, out of the General
9 Fund.
10 \$136,258.51 for Miscellaneous Claim Number 2012-11900,
11 against the Department of Health and Human Services, pay to
12 Heartland Family Service, Attn: John Jeanetta, 2101 South 42nd
13 Street, Omaha, NE 68105, out of the General Fund.
14 \$65,671.18 for Miscellaneous Claim Number 2012-11901,
15 against the Department of Health and Human Services, pay to Father
16 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys
17 Town, NE 68010, out of the General Fund.
18 \$161,541.19 for Miscellaneous Claim Number 2012-11902,
19 against the Department of Health and Human Services, pay to Father
20 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys
21 Town, NE 68010, out of the General Fund.
22 \$994.25 for Miscellaneous Claim Number 2012-11910,
23 against the Department of Health and Human Services, pay to Donald
24 Tuggle, 108 South Willow Street, North Platte, NE 69101, out of
25 the General Fund.
26 \$952.96 for Miscellaneous Claim Number 2012-11911,
27 against the Department of Health and Human Services, pay to Donald
1 Tuggle, 108 South Willow Street, North Platte, NE 69101, out of
2 the General Fund.
3 \$810.26 for Miscellaneous Claim Number 2012-11946,
4 against the Department of Health and Human Services, pay to Rick
5 Michaelsen, 405 West Q Street, McCook, NE 69001, out of the General
6 Fund.
7 \$8,146.69 for Miscellaneous Claim Number 2012-11947,
8 against the Department of Health and Human Services, pay to
9 Northeast Nebraska Juvenile Services, Attn: Mark Benne, P.O. Box
10 50, Madison, NE 68748, out of the General Fund.
11 \$4,695.00 for Miscellaneous Claim Number 2012-11948,
12 against the Department of Health and Human Services, pay to Dr.
13 John Meidlinger, 207 North Pine Street, Suite 100, Grand Island, NE
14 68801, out of the General Fund.

15 The claims included in this section shall be paid through
 16 Program 536 in Agency 65.

17 For informational purposes only, the appropriations
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20 <u>GENERAL FUND</u>	<u>\$2,499,342.98</u>
21 <u>CASH FUND</u>	<u>\$-0-</u>
22 <u>REVOLVING FUND</u>	<u>\$-0-</u>
23 <u>TOTAL</u>	<u>\$2,499,342.98</u>

24 2. On page 3, line 3, strike "2004-00646" and insert
 25 "TC04-646-1".

26 3. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

Health and Human Services

LEGISLATIVE BILL 1142. Placed on General File with amendment.
 AM2240

1 1. Insert the following section:

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

4 2. On page 3, line 5, after "of" insert "hospitals;

5 (c) At least one representative of physicians;

6 (d) At least one other representative of"; in line 6

7 strike "(c)" and insert "(e)"; in line 9 strike "(d)" and insert

8 "(f)"; in line 12 strike "(e)" and insert "(g)"; in line 16 strike

9 "(f)" and insert "(h)" and strike "and"; in line 17 strike "(g)"

10 and insert "(i)"; in line 19 after "Nebraskans" insert "; and

11 (j) At least one representative of local public health

12 departments".

13 3. On page 4, after line 3 insert:

14 "(4) The members of the Health Care Data Base Advisory

15 Committee appointed pursuant to subsection (2) of this section

16 shall serve without compensation and shall not be reimbursed

17 for expenses incurred in the performance of their duties on the

18 committee".

19 4. On page 5, line 20, strike the second "and"; and in

20 line 22 after "purposes" insert "; and

21 (m) Include whether the advisory committee should

22 continue to exist and provide recommendations to the Department of

23 Insurance regarding the Nebraska Health Care Data Base after the

1 report required in subsection (2) of this section is completed".

(Signed) Kathy Campbell, Chairperson

WITHDRAW - Amendment to LB473

Senator B. Harr withdrew his amendment, FA37, found on page 745, to LB473.

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 LB473 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 473.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to adopt the Black-Tailed Prairie Dog Management Act; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 32:

Adams	Cornett	Heidemann	Louden	Schumacher
Avery	Fischer	Janssen	McCoy	Seiler
Bloomfield	Flood	Karpisek	Nelson	Wallman
Brasch	Gloor	Krist	Nordquist	Wightman
Campbell	Hadley	Lambert	Pirsch	
Carlson	Hansen	Langemeier	Price	
Christensen	Harms	Lathrop	Schilz	

Voting in the negative, 11:

Coash	Fulton	Howard	Smith
Cook	Haar, K.	McGill	Sullivan
Dubas	Harr, B.	Pahls	

Present and not voting, 2:

Council	Mello
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Excused and not voting, 4:

Ashford	Conrad	Larson	Lautenbaugh
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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 LB446 with 41 ayes, 3 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 446.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and sections 79-1217, 79-1241.03, and 79-1242, Revised Statutes Cumulative Supplement, 2010; to provide for participation in statewide projects as prescribed; to change a tax levy limitation; to change provisions relating to distribution and use of funds; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Ashford	Conrad	Lautenbaugh
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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 526. With Emergency Clause.

A BILL FOR AN ACT relating to water; to amend section 46-294, Reissue Revised Statutes of Nebraska; to change provisions relating to water transfers; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 733.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-511, Revised Statutes Supplement, 2011; to provide for electronic transmission and filing of documents under the Nebraska Uniform Limited Liability Company Act; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 739. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Supplement, 2011; to authorize the commission to convey certain real estate; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Cornett Council

Excused and not voting, 2:

Ashford Lautenbaugh

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 759.

A BILL FOR AN ACT relating to petitions; to amend sections 32-628 and 32-629, Reissue Revised Statutes of Nebraska; to change requirements for circulators; 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, 41:

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

Voting in the negative, 2:

Janssen Larson

Present and not voting, 4:

Adams Hansen Nelson Pirsch

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1503, Reissue Revised Statutes of Nebraska; to change

provisions relating to meetings of the Environmental Quality Council and grants; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Seiler

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 780.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.05, 53-103.21, and 53-123.14, Reissue Revised Statutes of Nebraska; to redefine terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 786. With Emergency Clause.

A BILL FOR AN ACT relating to cities; to amend section 19-613, Reissue Revised Statutes of Nebraska; to change provisions relating to forfeiture of office as a member of a city council; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 790. With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Reissue Revised Statutes of Nebraska; to change the number of judges in certain county judge judicial districts; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 38:

Adams	Cornett	Hansen	Langemeier	Price
Avery	Council	Harms	Lathrop	Schumacher
Brasch	Dubas	Harr, B.	Louden	Seiler
Campbell	Flood	Heidemann	McCoy	Smith
Christensen	Fulton	Howard	McGill	Wallman
Coash	Gloor	Janssen	Mello	Wightman
Conrad	Haar, K.	Krist	Nordquist	
Cook	Hadley	Lambert	Pahls	

Voting in the negative, 8:

Bloomfield	Fischer	Larson	Schilz
Carlson	Karpisek	Nelson	Sullivan

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Ashford Lautenbaugh

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 LB801 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to county officials; to amend sections 37-1214, 37-1215, 37-1216, 37-1217, 37-1218, 37-1219, 37-1223, 37-1226, 37-1227, 37-1278, 37-1280, 37-1284, 37-1285, 37-1286, 37-1289, 37-1291, 37-1293, 37-1296, 60-142.03, 60-146, 60-147, 60-148, 60-149, 60-150, 60-152, 60-162, 60-163, 60-164, 60-166, 60-168, 60-168.01, 60-169, 60-170, 60-173, 60-175, 60-178, 60-180, 60-181, 60-184, 60-189, 60-371, 60-372, 60-382, 60-384, 60-385, 60-388, 60-391, 60-396, 60-397, 60-398, 60-3,104.01, 60-3,109, 60-3,111, 60-3,112, 60-3,114, 60-3,115, 60-3,116, 60-3,119, 60-3,120, 60-3,121, 60-3,122.02, 60-3,128, 60-3,140, 60-3,141, 60-3,142, 60-3,144, 60-3,147, 60-3,148, 60-3,156, 60-3,157, 60-3,158, 60-3,159, 60-3,163, 60-3,166, 60-3,186, 60-3,189, 60-3,202, 60-3,209, 60-3,217, 60-1803, 60-1807, 77-1501, and 77-3445, Reissue Revised Statutes of Nebraska, sections 37-1279, 37-1282, and 37-1283, Revised Statutes Cumulative Supplement, 2010, and sections 18-1214, 18-1738, 18-1738.01, 18-1738.02, 18-1739, 37-1287, 60-144, 60-153, 60-161, 60-386, 60-395, 60-3,190, 77-2703, and 77-2708, Revised Statutes Supplement, 2011; to eliminate obsolete references to designated county officials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-111, 60-162.01, and 60-320, Reissue Revised Statutes of Nebraska, section 37-1280.01, Revised Statutes Cumulative Supplement, 2010, and section 23-186, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 811.

A BILL FOR AN ACT relating to finance; to amend section 8-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure of confidential information; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 841. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 2011; to change provisions relating to permits for exceeding size and weight limitations; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Ashford Lautenbaugh

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 860.

A BILL FOR AN ACT relating to truth and deception examiners; to amend sections 81-1917 and 81-1918, Reissue Revised Statutes of Nebraska; to change qualification and training requirements regarding voice stress analysis; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 LB878 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 878.

A BILL FOR AN ACT relating to elections; to amend sections 32-206, 32-568, and 32-809, Reissue Revised Statutes of Nebraska, section 32-570, Revised Statutes Cumulative Supplement, 2010, and section 32-811, Revised Statutes Supplement, 2011; to change provisions relating to publication of the official election calendar, filling vacancies, automatic nomination of candidates for reclamation districts, and placement of names on ballots; to eliminate provisions relating to custodians and training for vote counting devices; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1044 and 32-1045, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 1031.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-503, Uniform Commercial Code, Revised Statutes Supplement, 2011; to change provisions relating to name of debtor; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 686.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend section 38-3321, Revised Statutes Cumulative Supplement, 2010; to provide exceptions for transplantation of bovine embryos; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Karpisek Seiler

Present and not voting, 2:

Avery Council

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 723.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend sections 71-5301 and 71-5304.01, Reissue Revised Statutes of Nebraska; to eliminate a defined term; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 773.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-155, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 794.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3503, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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 LB831 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 831.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-186, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2010; to adopt the Genetic Counseling Practice 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, 46:

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

Voting in the negative, 1:

Bloomfield

Excused and not voting, 2:

Ashford Lautenbaugh

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 849. With Emergency Clause.

A BILL FOR AN ACT relating to recreation areas; to authorize the Game and Parks Commission to convey certain real estate; to prescribe conditions relating to the operation and maintenance of the real estate; to provide duties for the Lower Loup Natural Resources District; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Ashford Lautenbaugh

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 871.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-806, 71-809, and 83-368, Reissue Revised Statutes of Nebraska; to provide for policies relating to financial eligibility of consumers and schedules of fees and copays; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 904.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend section 71-615, Reissue Revised Statutes of Nebraska; to change provisions relating to the reporting of annulments and dissolutions of marriage by the clerk of the district court; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 943.

A BILL FOR AN ACT relating to insurance; to adopt the Insured Homeowners Protection Act; and to provide a duty for the Revisor of Statutes.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

LEGISLATIVE BILL 1064.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5510, Revised Statutes Supplement, 2011; to permit the procurement of certain disability insurance from a nonadmitted insurer; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Lautenbaugh

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 473, 446, 526, 733, 739, 759, 760, 780, 786, 790, 801, 811, 841, 860, 878, 1031, 686, 723, 773, 794, 831, 849, 871, 904, 943, and 1064.

MOTION - Return LB536 to Select File

Senator Seiler moved to return LB536 to Select File for his specific amendment, AM2232, found on page 697.

The Seiler motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 536. The Seiler specific amendment, AM2232, found on page 697, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 861. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 735. ER188, found on page 613, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 209. Senator Cornett renewed her amendment, AM2193, found on page 662.

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

Senator Krist withdrew his amendment, AM2235, found on page 759.

Senator Cornett offered the following amendment:

AM2277

- 1 1. On page 2, strike lines 10 through 16 and all
 2 amendments thereto and insert:
 3 "(2)(a) Deductions for a refund made pursuant to section
 4 77-4105 or 77-5725 shall be delayed for one year after the refund
 5 has been made to the taxpayer. The Department of Revenue shall
 6 notify the municipality liable for the refund of the pending
 7 refund, the amount of the refund, and the month in which the
 8 deduction will be made or begin, except:
 9 (b) If the amount of a refund claimed under
 10 section 77-4105 or 77-5725 exceeds twenty-five percent of the
 11 municipality's total sales and use tax receipts, net of any refunds
 12 or sales tax collection fees, for the municipality's prior fiscal
 13 year, the department shall deduct the refund over the period of
 14 one year in equal monthly amounts beginning after the one-year
 15 notification period required by subdivision (2)(a) of this section.
 16 (c) This subsection applies to refunds owed by cities of
 17 the first class, cities of the second class, and villages."

Senator Krist offered the following amendment to the Cornett amendment:

AM2370

(Amendments to AM2277)

- 1 1. On page 1, line 13, after "year" insert "or one
 2 million dollars, whichever is less"; and strike beginning with line
 3 16 through the underscored period in line 17.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 8, 2012, at 10:36 a.m. were the following: LBs 473, 446, 526e, 733, 739e, 759, 760, 780, 786e, 790e, 801, 811, 841e, 860, 878, 1031, 686, 723, 773, 794, 831, 849e, 871, 904, 943, and 1064.

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

EXPLANATION OF VOTE

Had I been present, I would have voted "nay" on final passage of LB473.

(Signed) Danielle Conrad

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Thursday, March 15, 2012 1:00 p.m.

Diane Muelleman - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1087. Placed on General File with amendment.
AM2364

- 1 1. Strike the original sections and insert the following
2 new section:
3 Section 1. (1) The Natural Gas Fuel Board is hereby
4 established to advise the State Energy Office regarding the
5 promotion of natural gas as a motor vehicle fuel in Nebraska.
6 The board shall provide recommendations relating to:
7 (a) Distribution, infrastructure, and workforce
8 development for natural gas to be used as a motor vehicle fuel;
9 (b) Loans, grants, and tax incentives to encourage the
10 use of natural gas as a motor vehicle fuel for individuals and
11 public and private fleets; and
12 (c) Such other matters as it deems appropriate.
13 (2) The board shall consist of eight members appointed by
14 the Governor. The Governor shall make the initial appointments by
15 October 1, 2012. The board shall include:
16 (a) One member representing a jurisdictional utility as
17 defined in section 66-1802;
18 (b) One member representing a metropolitan utilities
19 district;
20 (c) One member representing the interests of the
21 transportation industry in this state;
22 (d) One member representing the interests of the business
23 community in this state, specifically fueling station owners or
1 operators;
2 (e) One member representing natural gas marketers or
3 pipelines in the state;
4 (f) One member representing automobile dealerships or
5 repair businesses in the state;
6 (g) One member representing labor interests in the state;
7 and
8 (h) One member representing environmental interests in
9 the state, specifically air quality.

10 (3) All appointments shall be subject to the approval of
 11 a majority of the members of the Legislature if the Legislature
 12 is in session, and if the Legislature is not in session, any
 13 appointment to fill a vacancy shall be temporary until the next
 14 session of the Legislature, at which time a majority of the members
 15 of the Legislature may approve or disapprove such appointment.

16 (4) Members shall be appointed for terms of four years,
 17 except that of the initial appointees the terms of the member
 18 representing a jurisdictional utility and a metropolitan utilities
 19 district shall expire on September 30, 2015, the terms of the
 20 members representing the transportation industry, the business
 21 community, natural gas marketers or pipelines, and automobile
 22 dealerships or repair businesses shall expire on September 30,
 23 2014, and the terms of the members representing labor and
 24 environmental interests shall expire on September 30, 2013. Members
 25 may be reappointed. A member shall serve until a successor is
 26 appointed and qualified.

27 (5) A vacancy on the board shall exist in the event of
 1 death, disability, resignation, or removal for cause of a member.
 2 Any vacancy on the board arising other than from the expiration of
 3 a term shall be filled by appointment for the unexpired portion of
 4 the term. An appointment to fill a vacancy shall be made by the
 5 Governor with the approval of a majority of the Legislature, and
 6 any person so appointed shall have the same qualifications as the
 7 person whom he or she succeeds.

8 (6) The board shall meet at least once annually.

9 (7) The members shall not be reimbursed for expenses
 10 associated with carrying out their duties as members.

11 (8) The State Energy Office shall provide administrative
 12 support to the board as necessary so that the board may carry out
 13 its duties.

(Signed) Chris Langemeier, Chairperson

Urban Affairs

LEGISLATIVE BILL 1137. Placed on General File with amendment.
 AM2205 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB131:
 FA44
 Strike section 2.

Senator Cornett filed the following amendment to LB131:
 FA45
 Amend AM2098
 Strike section 2.

Senator Cornett filed the following amendment to LB968:
 FA46
 Strike section 2.

Senator Cornett filed the following amendment to LB968:
 FA47
 Amend AM2123
 Strike section 2.

Senator Council filed the following amendment to LR40CA:
 FA48
 Strike the enacting clause.

Senator McGill filed the following amendment to LB310:
 AM2259

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 28-311.09, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-311.09 (1) Any victim who has been harassed as
- 6 defined by section 28-311.02 may file a petition and affidavit
- 7 for a harassment protection order as provided in subsection
- 8 (3) of this section. Upon the filing of such a petition and
- 9 affidavit in support thereof, the ~~judge or~~ court may issue a
- 10 harassment protection order without bond enjoining the respondent
- 11 from (a) imposing any restraint upon the person or liberty of
- 12 the petitioner, (b) harassing, threatening, assaulting, molesting,
- 13 attacking, or otherwise disturbing the peace of the petitioner, or
- 14 (c) telephoning, contacting, or otherwise communicating with the
- 15 petitioner.
- 16 (2) The petition for a harassment protection order shall
- 17 state the events and dates of acts constituting the alleged
- 18 harassment.
- 19 (3) A petition for a harassment protection order shall be
- 20 filed with the clerk of the district court, and the proceeding may
- 21 be heard by the county court or the district court as provided in
- 22 section 25-2740.
- 1 (4) A petition for a harassment protection order filed
- 2 pursuant to subsection (1) of this section may not be withdrawn
- 3 except upon order of the court. An order issued pursuant to
- 4 subsection (1) of this section shall specify that it is effective
- 5 for a period of one year unless otherwise dismissed or modified
- 6 by the court. Any person who knowingly violates an order issued

7 pursuant to subsection (1) of this section after service or notice
8 as described in subdivision (8)(b) of this section shall be guilty
9 of a Class II misdemeanor.

10 (5)(a) Fees to cover costs associated with the filing of
11 a petition for a harassment protection order or the issuance or
12 service of a harassment protection order seeking only the relief
13 provided by this section shall not be charged, except that a court
14 may assess such fees and costs if the court finds, by clear and
15 convincing evidence, that the statements contained in the petition
16 were false and that the harassment protection order was sought in
17 bad faith.

18 (b) A court may also assess costs associated with the
19 filing of a petition for a harassment protection order or the
20 issuance or service of a harassment protection order seeking only
21 the relief ~~sought in the harassment protection order provided by~~
22 this section against the respondent.

23 (6) The clerk of the district court shall make available
24 standard application and affidavit forms for a harassment
25 protection order with instructions for completion to be used by a
26 petitioner. The clerk and his or her employees shall not provide
27 assistance in completing the forms. The State Court Administrator
1 shall adopt and promulgate the standard application and affidavit
2 forms provided for in this section as well as the standard
3 temporary and final harassment protection order forms and provide
4 a copy of such forms to all clerks of the district courts in this
5 state. These standard temporary and final harassment protection
6 order forms shall be the only such forms used in this state.

7 (7) Any order issued under subsection (1) of this section
8 may be issued ex parte without notice to the respondent if it
9 reasonably appears from the specific facts shown by affidavit of
10 the petitioner that irreparable harm, loss, or damage will result
11 before the matter can be heard on notice. If the specific facts
12 included in the affidavit (a) do not show that the petitioner will
13 suffer irreparable harm, loss, or damage or (b) show that, for any
14 other compelling reason, an ex parte order should not be issued,
15 the court ~~or judge~~ may forthwith cause notice of the application
16 to be given to the ~~adverse party respondent~~ stating that he or she
17 may show cause, not more than fourteen days after service, ~~upon him~~
18 ~~or her~~, why such order should not be entered. If such ex parte
19 order is issued without notice to the respondent, the court shall
20 forthwith cause notice of the petition and order and a form with
21 which to request a show-cause hearing to be given the respondent
22 stating that, upon service on the respondent, the order shall
23 remain in effect for a period of one year unless the respondent
24 shows cause why the order should not remain in effect for a period
25 of one year. ~~The court shall also cause to be served upon the~~
26 ~~respondent a form with which to request a show-cause hearing.~~ If
27 the respondent wishes to appear and show cause why the order should
1 not remain in effect for a period of one year, he or she shall

2 affix his or her current address, telephone number, and signature
3 to the form and return it to the clerk of the district court
4 within five days after service upon him or her. Upon receipt of
5 the request for a show-cause hearing, the court shall immediately
6 schedule a show-cause hearing to be held within thirty days after
7 the receipt of the request for a show-cause hearing and shall
8 notify the petitioner and respondent of the hearing date.

9 ~~(8)-(8)(a)~~ Upon the issuance of any harassment protection
10 order, ~~under this section,~~ the clerk of the court shall forthwith
11 provide the petitioner, without charge, with two certified copies
12 of such order. The clerk of the court shall also forthwith provide
13 the local police department or local law enforcement agency and
14 the local sheriff's office, without charge, with one copy each
15 of such order and one copy each of the sheriff's return thereon.
16 The clerk of the court shall also forthwith provide a copy of
17 the harassment protection order to the sheriff's office in the
18 county where the respondent may be personally served together
19 with instructions for service. Upon receipt of the order and
20 instructions for service, such sheriff's office shall forthwith
21 serve the harassment protection order upon the respondent and file
22 its return thereon with the clerk of the court which issued the
23 harassment protection order within fourteen days of the issuance
24 of the harassment protection order. If any harassment protection
25 order is dismissed or modified by the court, the clerk of the court
26 shall forthwith provide the local police department or local law
27 enforcement agency and the local sheriff's office, without charge,
1 with one copy each of the order of dismissal or modification.

2 (b) If the respondent is present at a hearing convened
3 pursuant to this section and the harassment protection order is not
4 dismissed, such respondent shall be deemed to have notice by the
5 court at such hearing that the protection order will be granted and
6 remain in effect and further service of such notice described in
7 this subsection shall not be required for purposes of prosecution
8 under this section. If the respondent has been properly served
9 with the ex parte order and fails to appear at the hearing, the
10 temporary order shall be deemed to be granted and remain in effect
11 and the service of the ex parte order will serve as notice required
12 under this section.

13 (9) A peace officer may, with or without a warrant,
14 arrest a person if (a) the officer has probable cause to believe
15 that the person has committed a violation of ~~an~~ a harassment
16 protection order issued pursuant to this section or a violation
17 of a valid foreign harassment protection order recognized pursuant
18 to section 28-311.10 and (b) a petitioner under this section
19 provides the peace officer with a copy of a harassment protection
20 order or the peace officer determines that such an order exists
21 after communicating with the local law enforcement agency or a
22 person protected under a valid foreign harassment protection order

23 recognized pursuant to section 28-311.10 provides the peace officer
 24 with a copy of a ~~valid foreign harassment protection~~ such order.

25 (10) A peace officer making an arrest pursuant to
 26 subsection (9) of this section shall take such person into custody
 27 and take such person before a ~~judge of the county court or~~
 1 the court which issued the harassment protection order within
 2 a reasonable time. At such time the court shall establish the
 3 conditions of such person's release from custody, including the
 4 determination of bond or recognizance, as the case may be. The
 5 court shall issue an order directing that such person shall have no
 6 contact with the alleged victim of the harassment.

7 Sec. 2. Section 42-903, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 42-903 For purposes of the Protection from Domestic Abuse
 10 Act, unless the context otherwise requires:

11 (1) Abuse means the occurrence of one or more of the
 12 following acts between household members:

13 (a) Attempting to cause or intentionally and knowingly
 14 causing bodily injury with or without a dangerous instrument;

15 (b) Placing, by ~~physical menace,~~ means of credible
 16 threat, another person in fear of ~~imminent~~ bodily injury. For
 17 purposes of this subdivision, credible threat means a verbal or
 18 written threat, including a threat performed through the use of an
 19 electronic communication device, or a threat implied by a pattern
 20 of conduct or a combination of verbal, written, or electronically
 21 communicated statements and conduct that is made by a person with
 22 the apparent ability to carry out the threat so as to cause the
 23 person who is the target of the threat to reasonably fear for
 24 his or her safety or the safety of his or her family. It is not
 25 necessary to prove that the person making the threat had the intent
 26 to actually carry out the threat. The present incarceration of the
 27 person making the threat shall not prevent the threat from being
 1 deemed a credible threat under this section; or

2 (c) Engaging in sexual contact or sexual penetration
 3 without consent as defined in section 28-318;

4 (2) Department means the Department of Health and Human
 5 Services;

6 (3) Family or household members includes spouses or
 7 former spouses, children, persons who are presently residing
 8 together or who have resided together in the past, persons who
 9 have a child in common whether or not they have been married
 10 or have lived together at any time, other persons related
 11 by consanguinity or affinity, and persons who are presently
 12 involved in a dating relationship with each other or who have
 13 been involved in a dating relationship with each other. For
 14 purposes of this subdivision, dating relationship means frequent,
 15 intimate associations primarily characterized by the expectation
 16 of affectional or sexual involvement, but does not include a

17 casual relationship or an ordinary association between persons in a
18 business or social context; and

19 (4) Law enforcement agency means the police department
20 or town marshal in incorporated municipalities, the office of the
21 sheriff in unincorporated areas, and the Nebraska State Patrol.

22 Sec. 3. Section 42-924, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 42-924 (1) Any victim of domestic abuse may file a
25 petition and affidavit for a protection order as provided in
26 subsection (2) of this section. Upon the filing of such a petition
27 and affidavit in support thereof, the ~~judge or~~ court may issue a

1 protection order without bond granting the following relief:

2 (a) Enjoining the respondent from imposing any restraint
3 upon the petitioner or upon the liberty of the petitioner;

4 (b) Enjoining the respondent from threatening,
5 assaulting, molesting, attacking, or otherwise disturbing the peace
6 of the petitioner;

7 (c) Enjoining the respondent from telephoning,
8 contacting, or otherwise communicating with the petitioner;

9 (d) Removing and excluding the respondent from the
10 residence of the petitioner, regardless of the ownership of the
11 residence;

12 (e) Ordering the respondent to stay away from any place
13 specified by the court;

14 (f) Awarding the petitioner temporary custody of any
15 minor children not to exceed ninety days; ~~or~~

16 (g) Enjoining the respondent from possessing or
17 purchasing a firearm as defined in section 28-1201; or

18 ~~(g)-(h)~~ (h) Ordering such other relief deemed necessary to
19 provide for the safety and welfare of the petitioner and any
20 designated family or household member.

21 (2) Petitions for protection orders shall be filed with
22 the clerk of the district court, and the proceeding may be heard
23 by the county court or the district court as provided in section
24 25-2740.

25 (3) A petition filed pursuant to subsection (1) of this
26 section may not be withdrawn except upon order of the court. An
27 order issued pursuant to subsection (1) of this section shall
1 specify that it is effective for a period of one year and, if
2 the order grants temporary custody, the number of days of custody
3 granted to the petitioner unless otherwise modified by the court.

4 (4) Any person who knowingly violates ~~an~~ a protection
5 order issued pursuant to subsection (1) of this section or section
6 42-931 after service or notice as described in subsection (2)
7 of section 42-926 shall be guilty of a Class ~~II~~ I misdemeanor,
8 except that ~~(a)~~ any person convicted of violating such order who
9 has a prior conviction for violating a protection order shall be
10 guilty of a Class I misdemeanor and ~~(b) any person convicted of~~
11 ~~violating such order who has a prior conviction for violating the~~

12 ~~same protection order or a protection order granted to the same~~
13 ~~petitioner shall be guilty of a Class IV felony.~~

14 (4)-(5) If there is any conflict between sections 42-924
15 to 42-926 and any other provision of law, sections 42-924 to 42-926
16 shall govern.

17 Sec. 4. Section 42-925, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 42-925 (1) An order issued under subsection (1) of
20 section 42-924 may be issued ex parte to the respondent if
21 it reasonably appears from the specific facts included in the
22 affidavit that the petitioner will be in immediate danger of abuse
23 before the matter can be heard on notice. If an order is issued
24 ex parte, ~~such order is a temporary order and the court shall~~
25 ~~immediately schedule an evidentiary hearing to be held within~~
26 ~~thirty days after service of such order, and the court shall~~
27 ~~cause notice of the hearing to be given to the petitioner and the~~
1 ~~respondent, forthwith cause notice of the petition and order to~~
2 ~~be given to the respondent. The court shall also cause a form to~~
3 ~~request a show-cause hearing to be served upon the respondent. If~~
4 ~~the respondent wishes to appear and show cause why the order should~~
5 ~~not remain in effect, he or she shall affix his or her current~~
6 ~~address, telephone number, and signature to the form and return it~~
7 ~~to the clerk of the district court within five days after service~~
8 ~~upon him or her. Upon receipt of the request for a show-cause~~
9 ~~hearing, the request of the petitioner, or upon the court's own~~
10 ~~motion, the court shall immediately schedule a show-cause hearing~~
11 ~~to be held within thirty days after the receipt of the request for~~
12 ~~a show-cause hearing and shall notify the petitioner and respondent~~
13 ~~of the hearing date. If the respondent appears at the hearing and~~
14 ~~shows cause why such order should not remain in effect, the court~~
15 ~~shall rescind the temporary order. If the respondent does not so~~
16 ~~appear and show cause, the temporary order shall be affirmed and~~
17 ~~shall be deemed the final protection order. If the respondent has~~
18 ~~been properly served with the ex parte order and fails to appear at~~
19 ~~the hearing, the temporary order shall be affirmed and the service~~
20 ~~of the ex parte order shall be notice of the final protection order~~
21 ~~for purposes of prosecution under subsection (4) of section 42-924.~~

22 (2) If an order under subsection (1) of section 42-924
23 is not issued ex parte, the court shall immediately schedule an
24 evidentiary hearing to be held within fourteen days after the
25 filing of the petition, and the court shall cause notice of the
26 hearing to be given to the petitioner and the respondent. If the
27 respondent does not appear at the hearing and show cause why such
1 order should not be issued, the court shall issue ~~such a final~~
2 ~~protection~~ order.

3 (3) The court may by rule or order refer or assign all
4 matters regarding orders issued under subsection (1) of section
5 42-924 to a referee for findings and recommendations.

6 (4) An order issued under subsection (1) of section
 7 42-924 shall remain in effect for a period of one year from the
 8 date of issuance, unless ~~vacated, dismissed or modified~~ by the court
 9 prior to such date. If the order grants temporary custody, such
 10 custody shall not exceed the number of days specified by the court
 11 unless the respondent shows cause why the order should not remain
 12 in effect.

13 (5) The court shall also cause the notice created under
 14 section 29-2291 to be served upon the respondent notifying the
 15 respondent that it may be unlawful under federal law for a person
 16 who is subject to a protection order to possess or receive any
 17 firearm or ammunition.

18 Sec. 5. Section 42-926, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 42-926 (1) Upon the issuance of ~~any~~ a temporary or final
 21 protection order under section 42-925, the clerk of the court
 22 shall forthwith provide the petitioner, without charge, with two
 23 certified copies of such order. The clerk of the court shall
 24 also forthwith provide the local police department or local law
 25 enforcement agency and the local sheriff's office, without charge,
 26 with one copy each of such order and one copy each of the sheriff's
 27 return thereon. The clerk of the court shall also forthwith provide
 1 a copy of the protection order to the sheriff's office in the
 2 county where the respondent may be personally served together
 3 with instructions for service. Upon receipt of the order and
 4 instructions for service, such sheriff's office shall forthwith
 5 serve the protection order upon the respondent and file its return
 6 thereon with the clerk of the court which issued the protection
 7 order within fourteen days of the issuance of the protection
 8 order. If any protection order is dismissed or modified by the
 9 court, the clerk of the court shall forthwith provide the local
 10 police department or local law enforcement agency and the local
 11 sheriff's office, without charge, with one copy each of the order
 12 of dismissal or modification. If the respondent has notice as
 13 described in subsection (2) of this section, further service under
 14 this subsection is unnecessary.

15 (2) If the respondent was present at a hearing convened
 16 pursuant to section 42-925 and the protection order was not
 17 dismissed, the respondent shall be deemed to have notice by the
 18 court at such hearing that the protection order will be granted
 19 and remain in effect and further service of notice described in
 20 subsection (1) of this section is not required for purposes of
 21 prosecution under subsection (4) of section 42-924.

22 Sec. 6. Original sections 28-311.09, 42-903, 42-924,
 23 42-925, and 42-926, Reissue Revised Statutes of Nebraska, are
 24 repealed.

25 2. On page 1, strike beginning with "domestic" in
 26 line 1 through line 5 and insert "court procedure; to amend
 27 sections 28-311.09, 42-903, 42-924, and 42-925, Reissue Revised

- 1 Statutes of Nebraska; to change provisions relating to harassment
- 2 protection orders and domestic abuse protection orders, petitions,
- 3 definitions, and penalties; to harmonize provisions; and to repeal
- 4 the original sections."

SELECT FILE

LEGISLATIVE BILL 209. The Krist amendment, AM2370, found in this day's Journal, to the Cornett amendment, was renewed.

The Krist amendment lost with 10 ayes, 22 nays, 13 present and not voting, and 4 excused and not voting.

Senator Cornett renewed her amendment, AM2277, found in this day's Journal.

The Cornett amendment was adopted with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 996. Senator Wightman renewed the Wightman-Seiler amendment, AM2333, found on page 830.

Senator Adams offered the following amendment to the Wightman-Seiler amendment:

AM2374

(Amendments to AM2333)

- 1 1. On page 2, strike lines 19 through 21 and insert
- 2 "(b) The child is aware of any alternative educational
- 3 opportunities, including vocational courses of study, that are
- 4 available in the school district."

Pending.

AMENDMENTS - Print in Journal

Senator Schilz filed the following amendment to LB882:
AM2353

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2013.
- 3 2. On page 2, strike beginning with "cancer" in line
- 4 8 through line 13 and insert "orally administered anticancer
- 5 medication used to kill or slow the growth of cancerous cells
- 6 shall not charge a copayment for such medication in excess of two
- 7 hundred percent of the lowest copayment required by the policy,
- 8 certificate, contract, or plan for brand-name medications in the
- 9 policy's, certificate's, contract's, or plan's formulary."; strike
- 10 beginning with "such" in line 16 through line 19 and insert "the

11 policy, certificate, contract, or plan authorizes the dispensation
 12 of such medication for any reason pursuant to this subsection,
 13 the copayment requirement of subsection (1) of this section shall
 14 apply."; and strike lines 20 through 25 and insert the following
 15 new subsection:

16 "(3) Nothing in this section shall be construed to
 17 require a policy, certificate, contract, or plan to provide
 18 coverage for any additional medication not otherwise required
 19 by existing law."

20 3. On page 3, strike lines 1 through 5; in line 6 strike
 21 "(5)" and insert "(4)"; and in line 8 strike "effective" and insert
 22 "operative".

Senator Harms filed the following amendment to LB985A:
 AM2366

(Amendments to AM2189)

- 1 1. On page 1, lines 9 and 10, strike "\$7,151,179"
- 2 and insert "\$8,408,817"; in line 16 strike both occurrences
- 3 of "\$584,535" and insert "\$895,612"; and in line 23 strike
- 4 "28,785,875" and insert "27,528,237".
- 5 2. On page 2, line 4, strike "30,584,078" and insert
- 6 "29,326,440".

Senator Langemeier filed the following amendment to LB806:
 FA49

Strike the enacting clause.

VISITORS

Visitors to the Chamber were Jim and Rebecca Hiatt from Spencer; Doris Earnest from North Loup; members from Region V Prevention Coalition from across the state; 32 fourth-grade students from St. Michael's, Hastings; and 20 fourth-grade students from St. John Lutheran, Seward.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Wallman, the Legislature adjourned until 10:00 a.m., Tuesday, March 13, 2012.

Patrick J. O'Donnell
 Clerk of the Legislature

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

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

PRAYER

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

ROLL CALL

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

The roll was called and all members were present except Senators Carlson, Conrad, Council, Dubas, Karpisek, Lautenbaugh, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

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

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 810. Placed on Select File.

LEGISLATIVE BILL 1039. Placed on Select File.

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

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

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

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

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

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

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

23 (2) To encourage participation and utilization of the

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

LEGISLATIVE BILL 1090A. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File.

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

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

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

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209. Placed on Final Reading. ST69

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

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

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

LEGISLATIVE BILL 536. Placed on Final Reading Second.

LEGISLATIVE BILL 735. Placed on Final Reading.

LEGISLATIVE BILL 820. Placed on Final Reading.

LEGISLATIVE BILL 820A. Placed on Final Reading.

LEGISLATIVE BILL 821. Placed on Final Reading.

ST67

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

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

2. In the Campbell amendment, AM2304:

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

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

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

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

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

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

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

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

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

ST68

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

1. In the Campbell amendment, AM2280:

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

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

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

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

LEGISLATIVE BILL 1160A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 1054. Placed on General File with amendment.

AM2369

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

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

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

7 (1) Director means the Director of Insurance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) Is installed on or applied to a vehicle;
 1 (ii) Is designed to prevent loss or damage to a vehicle

2 from a specific cause; and
 3 (iii) Includes a written warranty.

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

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

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

13 (1) Motor ~~motor~~ vehicle service contracts ~~(1)(a)-(a)(i)~~
 14 issued by a motor vehicle manufacturer or importer for the motor
 15 vehicles manufactured or imported by that manufacturer or importer

16 and ~~(b)-(ii)~~ sold by a franchised motor vehicle dealer licensed
 17 pursuant to the Motor Vehicle Industry Regulation Act or ~~(2)~~

18 ~~(b)~~ issued and sold directly by a motor vehicle manufacturer or
 19 importer licensed pursuant to the Motor Vehicle Industry Regulation

20 Act for the motor vehicles manufactured or imported by that
 21 manufacturer or importer; ~~or-~~

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

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

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

(Signed) Rich Pahls, Chairperson

EXECUTIVE BOARD REPORT

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

LR365 Developmental Disabilities Special Investigative Committee

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

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

NOTICE OF COMMITTEE HEARING

Education

Room 1525

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

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

(Signed) Greg Adams, Chairperson

RESOLUTIONS

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

PRESIDENT SIGNED

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

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

MOTION - Approve Appointment

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

Commission of Industrial Relations
 J. L. Spray

Voting in the affirmative, 34:

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

Voting in the negative, 0.

Present and not voting, 8:

Avery	Hansen	Heidemann	McGill
Cornett	Harr, B.	Krist	Nelson

Excused and not voting, 7:

Carlson	Council	Karpisek	Price
Conrad	Dubas	Lautenbaugh	

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

GENERAL FILE

LEGISLATIVE BILL 1079A. Title read. Considered.

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

LEGISLATIVE BILL 963. Title read. Considered.

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

LEGISLATIVE BILL 870. Title read. Considered.

Committee AM2023, found on page 540, was considered.

SENATOR COASH PRESIDING

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

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 463. Introduced by Wallman, 30.

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

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

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

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

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

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

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 464. Introduced by Smith, 14.

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

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 465. Introduced by Smith, 14.

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

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

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

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

Referred to the Executive Board.

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

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

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

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

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

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

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

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

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

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

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

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

Laid over.

AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB985A:
AM2371

(Amendments to AM2189)

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

Senator Schilz filed the following amendment to LB391:
AM2402

(Amendments to Final Reading copy)

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

Senator McCoy filed the following amendment to LB344:
AM2384

(Amendments to AM1577)

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

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

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1079A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 540A. Introduced by Campbell, 25.

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

UNANIMOUS CONSENT - Add Cointroducer

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

VISITORS

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

RECESS

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

AFTER RECESS

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

ROLL CALL

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

RESOLUTIONS

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

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

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

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

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 468. Introduced by Harms, 48.

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

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

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

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

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

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

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

Laid over.

GENERAL FILE

LEGISLATIVE BILL 968. Title read. Considered.

Committee AM2123, found on page 830, was considered.

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

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

SENATOR COASH PRESIDING

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

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

Pending.

RESOLUTION

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

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

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

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

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

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

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

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

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

Laid over.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Conrad has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's

Office.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB1104:

AM2367

(Amendments to Standing Committee amendments, AM2077)

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 541A. Introduced by Campbell, 25.

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

COMMITTEE REPORT

Nebraska Retirement Systems

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

Ron Ecklund - Public Employees Retirement Board

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

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Revenue

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

(Signed) Abbie Cornett, Chairperson

VISITORS

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 14, 2012
LEGISLATIVE JOURNAL
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, March 14, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Ashford, Coash, Conrad, Cook, Larson, Lautenbaugh, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 963. Placed on Select File.

LEGISLATIVE BILL 870. Placed on Select File with amendment.
 ER212

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-757, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 79-757 Sections 79-757 to 79-762 and section 2 of this
- 6 act shall be known and may be cited as the Quality Education
- 7 Accountability Act.
- 8 Sec. 2. On or before August 1, 2012, the State Board
- 9 of Education shall establish an accountability system to be used
- 10 to measure the performance of individual public schools and school
- 11 districts beginning with school year 2012-13. The accountability
- 12 system shall combine multiple measures, including, but not limited
- 13 to, graduation rates, student growth and student improvement on

14 the assessments provided in section 79-760.03, and other indicators
15 of the performance of public schools and school districts as
16 established by the board. The measures selected by the board for
17 the accountability system may be combined into a school performance
18 score and district performance score.

19 The board shall establish levels of performance for
20 the indicators used in the accountability system in order to
21 classify the performance of public schools and school districts.
22 The State Department of Education shall annually report the level
23 of performance of individual public schools and school districts
1 on the indicators used in the accountability system as part of the
2 statewide assessment and reporting system.

3 Sec. 3. Section 79-760.05, Revised Statutes Supplement,
4 2011, is amended to read:

5 79-760.05 (1) The State Board of Education shall
6 implement a statewide system for tracking individual student
7 achievement, using the student identifier system of the State
8 Department of Education, that can be aggregated to track student
9 progress by demographic characteristics, including, but not
10 limited to, race, poverty, high mobility, attendance, and limited
11 English proficiency, on available measures of student achievement
12 which include, but need not be limited to, national assessment
13 instruments, ~~and~~ state assessment instruments, and the indicators
14 used in the accountability system required pursuant to section 2
15 of this act. Such a system shall be designed so as to aggregate
16 student data by available educational input characteristics, which
17 may include class size, teacher education, teacher experience,
18 special education, early childhood programs, federal programs, and
19 other targeted education programs. School districts shall provide
20 the department with individual student achievement data from
21 assessment instruments required pursuant to section 79-760.03 in
22 order to implement the statewide system.

23 (2) The department shall annually analyze and report
24 on student achievement for the state, each school district, each
25 public school, and each learning community aggregated by the
26 demographic characteristics described in subsection (1) of this
27 section. The department shall report the findings to the Governor,
1 the Legislature, school districts, educational service units, and
2 each learning community. Such analysis shall include aggregated
3 data that would indicate differences in achievement due to
4 available educational input characteristics described in subsection
5 (1) of this section. Such analysis shall include indicators of
6 progress toward state achievement goals for students in poverty,
7 limited English proficient students, and highly mobile students.

8 Sec. 4. (1) Any school district, with the approval of
9 the State Department of Education, may establish and operate a
10 career academy. The purpose of the career academy is to provide
11 holistic education to help students find a career-based educational
12 alternative to a college-bound educational curriculum. A school

13 district may partner with another school district, an educational
 14 service unit, a learning community, a postsecondary educational
 15 institution, or a private entity in the establishment and operation
 16 of a career academy.

17 (2) A career academy established pursuant to subsection
 18 (1) of this section shall:

19 (a) Recruit students who seek a career-based curriculum,
 20 which curriculum shall be based on criteria determined by the
 21 department;

22 (b) Recruit and hire instructors based on their expertise
 23 in career-based education;

24 (c) Serve students in grades seven through twelve; and

25 (d) Provide an academic curriculum focusing on
 26 mathematics, science, and technology with a transition component
 27 to prepare youth for the workforce, including, but not limited to,
 1 internships, job training, and skills training.

2 (3) The number of students enrolled in a career academy
 3 and their grade levels shall be accounted for separately by the
 4 operating school district in the reports required pursuant to
 5 section 79-528.

6 (4) In addition to funding from the establishing school
 7 district or any of the district's partners, a career academy may
 8 also receive private donations for operating expenses.

9 (5) The department shall define standards and criteria
 10 for (a) the establishment, evaluation, and continuing approval of
 11 career academies, (b) career-based curriculum utilized by career
 12 academies, (c) the necessary data elements and collection of
 13 data pertaining to career academies, and (d) the establishment
 14 of advisory boards consisting of business and education
 15 representatives to provide guidance and direction for the operation
 16 of career academies.

17 Sec. 5. Section 79-828, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 79-828 (1) The contract of a probationary certificated
 20 employee shall be deemed renewed and remain in full force and
 21 effect unless amended or not renewed in accordance with sections
 22 79-824 to 79-842.

23 (2) The purpose of the probationary period is to allow
 24 the employer an opportunity to evaluate, assess, and assist the
 25 employee's professional skills and work performance prior to the
 26 employee obtaining permanent status.

27 All probationary certificated employees employed by ~~Class~~
 1 ~~I, II, III, and VI school districts~~ any class of school district
 2 shall, during each year of probationary employment, be evaluated
 3 at least once each semester, unless the probationary certificated
 4 employee is a superintendent, in accordance with the procedures
 5 outlined below:

6 The probationary certificated employee shall be observed
 7 and evaluation shall be based upon actual classroom observations

8 for an entire instructional period. If deficiencies are noted in
 9 the work performance of any probationary certificated employee, the
 10 evaluator shall provide the ~~teacher or administrator~~ probationary
 11 certificated employee at the time of the observation with a list
 12 of deficiencies, and a list of suggestions for improvement and
 13 assistance in overcoming the deficiencies. The evaluator shall also
 14 provide the probationary certificated employee with ~~and~~ followup
 15 evaluations and assistance when deficiencies remain.

16 If the probationary certificated employee is a
 17 superintendent, he or she shall be evaluated twice during the first
 18 year of employment and at least once annually thereafter.

19 Any certificated employee employed prior to September
 20 1, 1982, by the school board of any Class I, II, III, or VI
 21 school district shall serve the probationary period required by law
 22 prior to such date and shall not be subject to any extension of
 23 probation.

24 (3) If the school board or the superintendent or
 25 superintendent's designee determines that it is appropriate to
 26 consider whether the contract of a probationary certificated
 27 employee or the superintendent should be amended or not renewed for
 1 the next school year, such certificated employee shall be given
 2 written notice that the school board will consider the amendment
 3 or nonrenewal of such certificated employee's contract for the
 4 ensuing school year. Upon request of the certificated employee,
 5 notice shall be provided which shall contain the written reasons
 6 for such proposed amendment or nonrenewal and shall be sufficiently
 7 specific so as to provide such employee the opportunity to prepare
 8 a response and the reasons set forth in the notice shall be
 9 employment related.

10 (4) The school board may elect to amend or not renew
 11 the contract of a probationary certificated employee for any reason
 12 it deems sufficient if such nonrenewal is not for constitutionally
 13 impermissible reasons, and such nonrenewal shall be in accordance
 14 with sections 79-824 to 79-842. Amendment or nonrenewal for reason
 15 of reduction in force shall be subject to sections 79-824 to 79-842
 16 and 79-846 to 79-849.

17 (5) Within seven calendar days after receipt of
 18 the notice, the probationary certificated employee may make a
 19 written request to the secretary of the school board or to the
 20 superintendent or superintendent's designee for a hearing before
 21 the school board.

22 (6) Prior to scheduling of action or a hearing on
 23 the matter, if requested, the notice of possible amendment
 24 or nonrenewal and the reasons supporting possible amendment or
 25 nonrenewal shall be considered a confidential employment matter as
 26 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be
 27 released to the public or any news media.

1 (7) At any time prior to the holding of a hearing or
 2 prior to final determination by the school board to amend or not

3 renew the contract involved, the probationary certificated employee
 4 may submit a letter of resignation for the ensuing year, which
 5 resignation shall be accepted by the school board.

6 (8) The probationary certificated employee shall be
 7 afforded a hearing which shall not be required to meet the
 8 requirements of a formal due process hearing as set forth in
 9 section 79-832 but shall be subject to section 79-834.

10 Sec. 6. Original section 79-828, Reissue Revised Statutes
 11 of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes
 12 Supplement, 2011, are repealed.

13 Sec. 7. The following sections are outright repealed:
 14 Section 79-760, Reissue Revised Statutes of Nebraska, and section
 15 79-760.04, Revised Statutes Supplement, 2011.

16 2. On page 1, strike beginning with "79-757" in line
 17 1 through line 9 and insert "79-828, Reissue Revised Statutes of
 18 Nebraska, and sections 79-757 and 79-760.05, Revised Statutes
 19 Supplement, 2011; to provide duties for the State Board of
 20 Education and the State Department of Education; to provide for
 21 an accountability system to measure school performance pursuant to
 22 the Quality Education Accountability Act; to change provisions for
 23 tracking and reporting on individual student achievement and for
 24 evaluation of probationary certificated employees; to provide for
 25 establishment of career academies; to eliminate requirements for
 26 a prior assessment and reporting system and a joint plan for a
 27 learning community; to harmonize provisions; to repeal the original
 1 sections; and to outright repeal section 79-760, Reissue Revised
 2 Statutes of Nebraska, and section 79-760.04, Revised Statutes
 3 Supplement, 2011."

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 1125. Placed on General File with amendment.
 AM2378

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

3 Section 1. Section 2-3226.05, Revised Statutes Cumulative
 4 Supplement, 2010, is amended to read:

5 2-3226.05 (1) A district with an integrated management
 6 plan as described in subsection (1) of section 2-3226.01 may levy
 7 an occupation tax upon the activity of irrigation of agricultural
 8 lands within such district on an annual basis, not to exceed ten
 9 dollars per irrigated acre, the proceeds of which may be used
 10 for (a) repaying principal and interest on any bonds or refunding
 11 bonds issued pursuant to section 2-3226.01 for one or more projects
 12 under section 2-3226.04, (b) the repayment of financial assistance
 13 received by the district pursuant to section 2-3226.07, or (c)

14 payment of all or any part of the costs and expenses of one or more
 15 qualified projects described in section 2-3226.04. If such district
 16 has more than one river basin as described in section 2-1504 within
 17 its jurisdiction, such district shall confine such occupation tax
 18 authorized in this section to the geographic area affected by
 19 an integrated management plan adopted in accordance with section
 20 46-715.

21 (2)(a) Acres classified by the county assessor as
 22 irrigated shall be subject to such district's occupation tax
 23 unless, ~~on or before July 1, 2007, and~~ on or before March 1 in each
 1 subsequent year, the record owner certifies to the district the
 2 nonirrigation status of such acres.

3 (b) A district may exempt from the occupation tax acres
 4 that are enrolled in local, state, or federal temporary irrigation
 5 retirement programs that prohibit the application of irrigation
 6 water in the year for which the tax is levied.

7 (c) Except as provided in subdivisions (2)(a) and (b) in
 8 this section, a district is prohibited from providing an exemption
 9 from, or allowing a request for a local refund of, an occupation
 10 tax on irrigated acres regardless of the irrigation source while
 11 the record owner maintains irrigated status on such acres in the
 12 year for which the tax is levied.

13 (d) Notwithstanding subdivisions (2)(b) and (c) of this
 14 section, the record owner may present evidence of the nonirrigation
 15 status of the acres subject to the tax within twelve months after
 16 the date the tax was levied and the district may refund amounts
 17 collected upon such acres if an occupation tax was not levied by
 18 the district the previous year and the district had not adopted
 19 an integrated management plan as described in subsection (1) of
 20 section 2-3226.01 by March 1 in the current year. Subdivision
 21 (2)(d) of this section terminates on October 1, 2012.

22 (3) Any such occupation tax shall remain in effect so
 23 long as the natural resources district has bonds outstanding which
 24 have been issued stating such occupation tax as an available source
 25 for payment and for the purpose of paying all or any part of the
 26 costs and expenses of one or more projects authorized pursuant to
 27 section 2-3226.04.

1 (4) Such occupation taxes shall be certified to,
 2 collected by, and accounted for by the county treasurer at the
 3 same time and in the same manner as general real estate taxes,
 4 and such occupation taxes shall be and remain a perpetual lien
 5 against such real estate until paid. Such occupation taxes shall
 6 become delinquent at the same time and in the same manner as
 7 general real property taxes. The county treasurer shall publish and
 8 post a list of delinquent occupation taxes with the list of real
 9 property subject to sale for delinquent property taxes provided
 10 for in section 77-1804. In addition, the list shall be provided to
 11 natural resources districts which levied the delinquent occupation
 12 taxes. The list shall include the record owner's name, the parcel

13 identification number, and the amount of delinquent occupation tax.
 14 For services rendered in the collection of the occupation tax, the
 15 county treasurer shall receive the fee provided for collection of
 16 general natural resources district money under section 33-114.

17 (5) Such lien shall be inferior only to general taxes
 18 levied by political subdivisions of the state. When such occupation
 19 taxes have become delinquent and the real property on which the
 20 irrigation took place has not been offered at any tax sale, the
 21 district may proceed in district court in the county in which the
 22 real estate is situated to foreclose in its own name the lien
 23 in the same manner and with like effect as a foreclosure of a
 24 real estate mortgage, except that sections 77-1903 to 77-1917 shall
 25 govern when applicable.

26 Sec. 2. Original section 2-3226.05, Revised Statutes
 27 Cumulative Supplement, 2010, is repealed.

1 Sec. 3. Since an emergency exists, this act takes effect
 2 when passed and approved according to law.

LEGISLATIVE BILL 1161. Placed on General File with amendment.
 AM2381

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

3 Section 1. Section 57-1101, Reissue Revised Statutes of
 4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
 5 Second Legislature, First Special Session, 2011, is amended to
 6 read:

7 57-1101 Any person engaged in, and any company,
 8 corporation, or association formed or created for the purpose of,
 9 transporting or conveying crude oil, petroleum, gases, or other
 10 products thereof in interstate commerce through or across the
 11 State of Nebraska or intrastate within the State of Nebraska, and
 12 desiring or requiring a right-of-way or other interest in real
 13 estate and being unable to agree with the owner or lessee of
 14 any land, lot, right-of-way, or other property for the amount of
 15 compensation for the use and occupancy of so much of any lot, land,
 16 real estate, right-of-way, or other property as may be reasonably
 17 necessary for the laying, relaying, operation, and maintenance
 18 of any such pipeline or the location of any plant or equipment
 19 necessary to operate such pipeline, shall have the right to acquire
 20 the same for such purpose through the exercise of the power of
 21 eminent domain, except that for any major oil pipeline as defined
 22 in section 5 of this act to be placed in operation in the State of
 23 Nebraska after the effective date of this act, any such person,
 1 company, corporation, or association shall comply with section 3,
 2 Legislative Bill 4, One Hundred Second Legislature, First Special
 3 Session, 2011, and receive the approval of the Governor for the
 4 route of the pipeline under such section, or beginning January
 5 1, 2013, shall apply for and receive an order approving the
 6 application under the Major Oil Pipeline Siting Act, prior to

7 having the rights provided under this section. The procedure to
 8 condemn property shall be exercised in the manner set forth in
 9 sections 76-704 to 76-724.

10 Sec. 2. Section 3, Legislative Bill 1, One Hundred Second
 11 Legislature, First Special Session, 2011, is amended to read:

12 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
 13 Act are to:

14 (a) Ensure the welfare of Nebraskans, including
 15 protection of property rights, aesthetic values, and economic
 16 interests;

17 (b) Consider the lawful protection of Nebraska's natural
 18 resources in determining the location of routes of major oil
 19 pipelines within Nebraska;

20 (c) Ensure that a major oil pipeline is not constructed
 21 within Nebraska without receiving the approval of the commission
 22 under section 9 of this act;

23 (d) Ensure that the location of routes for major oil
 24 pipelines is in compliance with Nebraska law; and

25 (e) Ensure that a coordinated and efficient method for
 26 the authorization of such construction is provided.

27 (2) Nothing in the Major Oil Pipeline Siting Act shall be
 1 construed to regulate any safety issue with respect to any aspect
 2 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
 3 is intended to deal solely with the issue of siting or choosing the
 4 location of the route aside and apart from safety considerations.
 5 The Legislature acknowledges and respects the exclusive federal
 6 authority over safety issues established by the federal law, the
 7 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
 8 express preemption provision stated in that act. The Major Oil
 9 Pipeline Siting Act is intended to exercise only the remaining
 10 sovereign powers and purposes of Nebraska which are not included in
 11 the category of safety regulation.

12 (3) ~~The Major Oil Pipeline Siting Act shall not apply to~~
 13 ~~any major oil pipeline that has submitted an application to the~~
 14 ~~United States Department of State pursuant to Executive Order 13337~~
 15 ~~prior to the effective date of this act. The Major Oil Pipeline~~
 16 ~~Siting Act shall not apply to any major oil pipeline that, prior to~~
 17 ~~January 1, 2013, has submitted an application to the United States~~
 18 ~~Department of State pursuant to Executive Order 13337 or, prior to~~
 19 ~~January 1, 2013, has applied for or is granted international border~~
 20 ~~crossing authority pursuant to federal law.~~

21 Sec. 3. Section 3, Legislative Bill 4, One Hundred Second
 22 Legislature, First Special Session, 2011, is amended to read:

23 Sec. 3. (1)(a) If any pipeline carrier has submitted an
 24 application to a federal agency or agencies seeking international
 25 border crossing authority pursuant to federal law or executive
 26 order, the ~~The~~ department may collaborate with a federal agency
 27 or agencies in a review under the National Environmental Policy
 1 Act involving a supplemental environmental impact statement for oil

2 pipeline projects within, through, or across the state. Prior to
3 entering into such shared jurisdiction and authority with a federal
4 agency or agencies, the department ~~shall enter into a memorandum of~~
5 ~~understanding may collaborate~~ with such federal agency or agencies
6 ~~that sets and set forth~~ the responsibilities and schedules that
7 will lead to an effective and timely review under the National
8 Environmental Policy Act involving a supplemental environmental
9 impact statement.

10 (b) If no application has been submitted as described in
11 subdivision (a) of this subsection, the department may conduct a
12 study similar to a review or study under the National Environmental
13 Policy Act of the environmental impact of an oil pipeline route
14 within, through, or across the state. Such study may be provided
15 upon request by a pipeline carrier for use in an application to a
16 federal agency or agencies. If a pipeline carrier requests access
17 to the study and subsequently files an application with a federal
18 agency or agencies for an oil pipeline with a route that is within,
19 through, or across the state but does not incorporate the study
20 into its application, the department may seek reimbursement for the
21 cost of the study from the pipeline carrier. The department may
22 conduct a joint review or study as described in this subdivision
23 with a federal agency or agencies and may enter into an agreement
24 that sets forth the responsibilities and schedule that will lead to
25 an effective and timely review or study.

26 (2) Since the objectives of the process are to ensure
27 adequate information gathering, full and careful agency and public
1 review, objective preparation of a supplemental environmental
2 impact statement, adherence to a defined schedule, and an
3 appropriate role for a pipeline carrier which avoids the appearance
4 of conflicts of interest, it is the intent of the Legislature that
5 the state fully fund the process of preparation of a supplemental
6 environmental impact statement ~~and that no fees will be required of~~
7 ~~an applicant.~~ or study conducted pursuant to subdivision (1)(b) of
8 this section. The department may contract with outside vendors in
9 the process of preparation of a supplemental environmental impact
10 statement or study conducted pursuant to subdivision (1)(b) of
11 this section. The department shall make every reasonable effort to
12 ensure that each vendor has no conflict of interest or relationship
13 to any pipeline carrier that applies for an oil pipeline permit.

14 (3) In order for the process to be efficient and
15 expeditious, the department's contracts with vendors pursuant to
16 this section for a supplemental environmental impact statement or
17 study conducted pursuant to subdivision (1)(b) of this section
18 shall not be subject to the Nebraska Consultants' Competitive
19 Negotiation Act or sections 73-301 to 73-306 or 73-501 to 73-509.

20 (4)(a) After the supplemental environmental impact
21 statement is prepared pursuant to subdivision (1)(a) of this
22 section, the department shall submit it to the Governor. Within
23 thirty days after receipt of the supplemental environmental impact

24 statement from the department, the Governor shall indicate, in
 25 writing, to the federal agency or agencies involved in the review
 26 as to whether he or she approves any of the routes reviewed in the
 27 supplemental environmental impact statement.

1 (b) The department shall notify the Governor if a
 2 pipeline carrier has requested access to the review or study
 3 conducted under subdivision (1)(b) of this section. The Governor
 4 shall, within thirty days after such notice, indicate in writing
 5 to the department and to any federal agency or agencies involved
 6 in such review or study or any other appropriate federal agency or
 7 body as to whether he or she approves any of the routes reviewed
 8 in such review or study. The department shall not provide access to
 9 the review or study to the pipeline carrier without the Governor's
 10 response.

11 Sec. 4. Original section 57-1101, Reissue Revised
 12 Statutes of Nebraska, as amended by section 1, Legislative Bill
 13 1, One Hundred Second Legislature, First Special Session, 2011,
 14 section 3, Legislative Bill 1, One Hundred Second Legislature,
 15 First Special Session, 2011, and section 3, Legislative Bill 4,
 16 One Hundred Second Legislature, First Special Session, 2011, are
 17 repealed.

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

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 470. Introduced by Harms, 48.

WHEREAS, the Gering speech team won the 2012 Western Conference Meet in Chadron, defeating five area high schools; and

WHEREAS, Gering teams took first and fourth places in Oral Interpretation of Drama; and

WHEREAS, Darrin Gonzales took first place, Miranda Doremus-Reznor placed second, and Blake Weltring placed fifth in Poetry; and

WHEREAS, Kayleigh Schadwinkel took first place, Jessica Wolf placed second, and Kate Duncan placed sixth in Informative; and

WHEREAS, Kyle Upp took first place and Amy Christensen placed second in Persuasive; and

WHEREAS, Samuel Eastman and Caleb Hayden placed second and Kaleigh Mueller and Colin Chatterton placed third in Duet Acting; and

WHEREAS, Tanner Baird placed third and Gavin Hovseth placed sixth in Entertainment; and

WHEREAS, Tanner Baird placed fourth and Kyle Upp placed fifth in Extemporaneous; and

WHEREAS, Andrew Delcamp placed fourth and Samuel Eastman placed fifth in Humorous Prose; and

WHEREAS, Darrin Gonzales placed fifth in Serious Prose; 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 Gering speech team on winning the 2012 Western Conference Meet and for their outstanding individual and group performances.

2. That a copy of this resolution be sent to the Gering speech team and their coach, Tyler Thompson.

Laid over.

LEGISLATIVE RESOLUTION 471. Introduced by Harms, 48.

WHEREAS, the Scottsbluff Bearcats boys' basketball team won the District B-6 championship and qualified for the 2012 Class B Boys' State Basketball Tournament for the 35th time in school history; and

WHEREAS, the Bearcats defeated the Sidney Red Raiders 52-34 to win their second straight district title and qualified for the state tournament for the third time under fifth-year coach Tony Siske; and

WHEREAS, the members of the Scottsbluff Bearcats team are Ty Benson, Isaiah Castellaw, Zach Clements, Ty Dunkel, Julian Garcia, Michael Hadden, Trenton Harris, Jackson Hinze, Matt Klein, Beau Lofink, Tyler Mickey, Eric Moreno, Randy Wentz, Rich Williams, and Taylor Winkler; and

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

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

1. That the Legislature congratulates the Scottsbluff Bearcats boys' basketball team on winning the District B-6 championship and qualifying for the 2012 Class B Boys' State Basketball Tournament.

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

Laid over.

GENERAL FILE

LEGISLATIVE BILL 902. Title read. Considered.

Committee AM2281, found on page 836, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB902

Senator Flood asked unanimous consent to expedite LB902. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 472. Introduced by Lathrop, 12; Council, 11; B. Harr, 8; Mello, 5; Nordquist, 7; Pirsch, 4; Smith, 14.

WHEREAS, the Creighton University mens' basketball team won the 2012 Missouri Valley Conference Tournament by defeating Illinois State in an exciting overtime victory; and

WHEREAS, the victory marked the Bluejays' eleventh conference tournament championship and their seventh in the past fourteen seasons; and

WHEREAS, the Bluejays were led by Missouri Valley Conference Larry Bird Player of the Year and the tournament's Most Valuable Player Doug McDermott, who scored 33 points in the title game; and

WHEREAS, Doug McDermott was joined on the All-Tournament Team by Antoine Young and Gregory Echenique; and

WHEREAS, the Bluejays have an excellent coaching staff led by Head Coach Greg McDermott, who led them to twenty-eight wins this season; and

WHEREAS, the championship earned the Bluejays their first NCAA Men's Division I Basketball Tournament bid since 2007.

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

1. That the Legislature congratulates the Creighton University mens' basketball team for their achievements during the season and extends its best wishes for continued success in the NCAA Men's Division I Basketball Tournament.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Greg McDermott.

Laid over.

MESSAGE FROM THE GOVERNOR

March 14, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 446, 473, 526e, 686, 723, 733, 739e, 759, 760, 773, 780, 786e, 790e, 794, 801, 811, 831, 841e, 849e, 860, 871, 878, 904, 943, 1031, and 1064 were received in my office on March 8, 2012.

These bills were signed and delivered to the Secretary of State on March 14, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE**LEGISLATIVE BILL 968.** Considered.**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB1161:
AM2401

(Amendments to Standing Committee amendments, AM2381)

- 1 1. On page 4, line 19, strike "but" and insert "and".

RESOLUTION**LEGISLATIVE RESOLUTION 473.** Introduced by Avery, 28.

WHEREAS, the Norfolk Veterans' Home Heroes Park Foundation has offered to the Norfolk Veterans' Home Heroes Park Project a gift of materials, labor, and in-kind services of \$450,000; and

WHEREAS, the gift of materials, labor, and in-kind services will be used for grading, soil preparation work, and over-seeding for soil erosion prevention for Phase I of the Norfolk Veterans' Home Heroes Park Project; and

WHEREAS, Phase I of the project will not require the funding of any additional personnel on the part of the Norfolk Veterans' Home, and the Norfolk Veterans' Home Heroes Park Foundation will be responsible for all perpetual maintenance of Phase I of the project, excluding normal mowing and snow removal that will be performed by the Norfolk Veterans' Home; and

WHEREAS, Heroes Park will be easily accessible for members of the Norfolk Veterans' Home and their visiting families and will enhance the quality of life of the members of the home; and

WHEREAS, the Government, Military and Veterans Affairs Committee of the Legislature held a public hearing on this matter on March 13, 2012.

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

1. That the Legislature approves the gift from the Norfolk Veterans' Home Heroes Park Foundation to the Norfolk Veterans' Home Heroes Park Project of materials, labor, and in-kind services of \$450,000.

2. That such approval is granted with the understanding that the materials, labor, and in-kind services will be used for Phase I of the Norfolk Veterans' Home Heroes Park Project.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Committee AM2098, found on page 828, was considered.

Senator Cornett withdrew her amendment, FA45, found on page 878.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Flood withdrew his amendment, FA41, found on page 833.

Senator Cornett withdrew her amendment, FA44, found on page 877.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB970:

FA50

Amend AM2391

Strike Section 1.

Senator Karpisek filed the following amendment to LB807:
AM2382

(Amendments to AM2030)

1 1. Insert the following new section:

2 Section 1. Section 29-820, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-820 (1) Unless other disposition is specifically
5 provided by law, when property seized or held is no longer required
6 as evidence, it shall be disposed of by the law enforcement agency
7 on such showing as the law enforcement agency may deem adequate, as
8 follows:

9 (a) Property stolen, embezzled, obtained by false
10 pretenses, or otherwise obtained unlawfully from the rightful owner
11 thereof shall be restored to the owner;

12 (b) Money shall be restored to the owner unless it was
13 used in unlawful gambling or lotteries or it was used or intended
14 to be used to facilitate a violation of Chapter 28, article 4, in
15 which case the money shall be forfeited and disposed of as required
16 by Article VII, section 7, of the Constitution of Nebraska;

17 (c) Property which is unclaimed or the ownership of which
18 is unknown shall be sold at a public auction held by the officer
19 having custody thereof and the net proceeds disposed of as provided
20 in subdivision (b) of this subsection, as shall any money which is
21 unclaimed or the ownership of which is unknown;

22 (d) Except as provided in ~~subdivision (2)(b)~~ subdivision
1 (2) of this section, articles of contraband shall be destroyed; ~~and~~

2 ~~(e) Except as provided in subdivision (2)(a) of this~~
3 ~~section, firearms, Firearms, ammunition, explosives, bombs, and~~
4 like devices which have been used in the commission of crime shall
5 be destroyed; ~~and-~~

6 (f) Firearms which have come into the law enforcement
7 agency's possession through a seizure or otherwise and (i) have not
8 been used in the commission of crime, (ii) have not been defaced or
9 altered in any manner that violates any state or federal law, (iii)
10 may have a lawful use and be lawfully possessed, and (iv) are not
11 subject to section 29-440 shall be restored to the owner.

12 (2) When the following property is seized or held and is
13 no longer required as evidence, such property shall be disposed of
14 on order of the court as the court may deem adequate:

15 ~~(a) Firearms which may have a lawful use; and~~

16 ~~(b)~~ Goods which are declared to be contraband but may
17 reasonably be returned to a condition or state in which such goods
18 may be lawfully used, possessed, or distributed by the public.

19 (3) When any animal as defined by section 28-1008 is
20 seized or held and is no longer required as evidence, such animal
21 may be disposed of in such manner as the court may direct. The
22 court may consider adoption alternatives through humane societies
23 or comparable institutions and the protection of such animal's

24 welfare. For a humane society or comparable institution to be
 25 considered as an adoption alternative under this subsection, it
 26 must first be licensed by the Department of Agriculture as having
 27 passed the inspection requirements in the Commercial Dog and Cat
 1 Operator Inspection Act and paid the fee for inspection under the
 2 act. The court may prohibit an adopting or purchasing party from
 3 selling such animal for a period not to exceed one year.

4 (4) Unless otherwise provided by law, all other property
 5 shall be disposed of in such manner as the court in its sound
 6 discretion shall direct.

7 2. Renumber the remaining sections and correct the
 8 repealer section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 474. Introduced by Fulton, 29.

WHEREAS, Hope Edwards, an esteemed resident of Lincoln and a student at Lincoln Southeast High School, has achieved national recognition for exemplary volunteer service by receiving a 2012 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers throughout the United States who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Edwards conceived of and spearheaded a city-wide community service day, "Student Serve Day," in which over nine thousand students volunteered at businesses, nonprofit organizations, parks, school grounds, and neighborhoods throughout the city of Lincoln; and

WHEREAS, Ms. Edwards embodies the treasured Nebraska values of service, self-sacrifice, community, and determination; and

WHEREAS, the future prosperity of the State of Nebraska and the integrity of our communities depend on the dedication of young people like Ms. Edwards who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Hope Edwards on receiving a 2012 Prudential Spirit of Community Award and recognizes her contributions to the betterment of the city of Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to Hope Edwards.

Laid over.

LEGISLATIVE RESOLUTION 475. Introduced by Larson, 40.

WHEREAS, the Saint Mary's High School boys' basketball team won the 2012 Class D-1 Boys' State Basketball Championship by defeating Pawnee City High School by a score of 56-54; and

WHEREAS, the Saint Mary's High School boys' basketball team ended the season with a perfect record of 28-0; 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 Saint Mary's High School boys' basketball team on winning the 2012 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Saint Mary's High School boys' basketball team and their coach, Gary Chvala.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 969. Title read. Considered.

Committee AM2068, found on page 830, was considered.

PRESIDENT SHEEHY PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 476. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska's business entity statutes should be updated. The study should include a review of the Model Entity Transactions Act, which is a collaborative effort of the National Conference of Commissioners on Uniform State Laws (NCCUSL) and the American Bar Association to provide the states with a recommended, comprehensive statutory framework governing mergers, interest exchanges, conversions, and domestications involving various business entities. In order to carry out the purpose of this resolution, the study committee should seek the assistance of Nebraska members of NCCUSL and the Secretary of State and should consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 12 fourth-grade students and teacher from Faith Lutheran School, Lincoln; 48 fifth-grade students and teachers from Clarmar Elementary, Fremont; Roland and Adelyne Koranda from Wahoo; 27 fourth-grade students and teacher from Wildewood Elementary, Ralston; and retired Lt. Col. Brian Worth and Madeline Worth from Omaha.

RECESS

At 11:59 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 Senators Conrad and McGill who were excused until they arrive.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 902. Placed on Select File with amendment.
ER213

- 1 1. On page 1, lines 5 and 6, strike "and provide for
- 2 applicability" and insert "; to provide operative dates".

(Signed) Tyson Larson, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Adams has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 969. Committee AM2068, found on page 830 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 477. Introduced by Wightman, 36.

WHEREAS, the Ravenna Bluejays coached by Paul Beranek won the 2012 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Bluejays defeated Lutheran High Northeast 61-51 in the championship game to give the Bluejays their third state title in the last four years; and

WHEREAS, the Bluejays finished their outstanding season with an undefeated record of 28-0; and

WHEREAS, Bluejays teammates Connor Beranek and Trevor Cyboron were named to the Class C-2 All-tournament team by both the Lincoln Journal Star and the Omaha World-Herald, and Connor Beranek was also named to the All-tournament team for all classes by the Omaha World-Herald; 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 Ravenna Bluejays and their head coach, Paul Beranek, on winning the 2012 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluejays and their head coach, Paul Beranek.

Laid over.

LEGISLATIVE RESOLUTION 478. Introduced by Nordquist, 7; Ashford, 20; Avery, 28; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; McGill, 26; Mello, 5.

PURPOSE: The purpose of this study is to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska and to evaluate the need for legislation that would promote equal protection for all of our state's residents.

The committee shall conduct a study that includes, but is not limited to, an examination of the following issues:

- (1) The need to strengthen basic civil rights protections for all Nebraskans;
- (2) The need to provide legal recourse for persons discriminated against based upon their sexual orientation or gender identity;
- (3) The impact of laws that provide equal employment protections on employee recruitment and retention;
- (4) The impact of laws that prohibit discrimination based on sexual orientation and gender identity in attracting new residents and businesses to the state;
- (5) The impact of a lack of uniformity in antidiscrimination ordinances and policies across the state; and
- (6) The need for an exemption for religious organizations.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1072. Title read. Considered.

Committee AM2358, found on page 848, was considered.

SENATOR CARLSON PRESIDING

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 1145. Placed on General File with amendment.
AM2387

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-802, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-802 (1) A person commits pandering if such person:
- 6 (a) Entices another person to become a prostitute; or
- 7 (b) Procures or harbors therein an inmate for a house of
- 8 prostitution or for any place where prostitution is practiced or
- 9 allowed; or
- 10 (c) Inveigles, entices, persuades, encourages, or

11 procures any person to come into or leave this state for the
12 purpose of prostitution or debauchery; or

13 (d) Receives or gives or agrees to receive or give any
14 money or other thing of value for procuring or attempting to
15 procure any person to become a prostitute or commit an act of
16 prostitution or come into this state or leave this state for the
17 purpose of prostitution or debauchery.

18 (2) Pandering is a Class IV felony for a first offense,
19 unless the person being enticed, procured, harbored, or otherwise
20 persuaded to become a prostitute in violation of this section is
21 under the age of eighteen years, in which case pandering is a Class
22 III felony for a first offense. Pandering is a Class III felony for
23 a second or subsequent offense.

1 Sec. 2. (1) A task force is hereby established within
2 the Nebraska Commission on Law Enforcement and Criminal Justice
3 for the purposes of investigating and studying human trafficking,
4 the methods for advertising human trafficking services, and the
5 victimization of individuals coerced to participate in human
6 trafficking.

7 (2) The task force shall examine the extent to which
8 human trafficking is prevalent in this state, the scope of efforts
9 being taken to prevent human trafficking from occurring, and the
10 services available to victims of human trafficking in this state.
11 The task force shall also investigate the limitations upon victims
12 who wish to come forward and seek medical attention; investigate
13 the potential to stop human trafficking; and investigate the
14 potential to promote recovery, to protect families and children who
15 may be profoundly impacted by such abuse, and to save lives.

16 (3)(a) The Department of Labor shall work with the task
17 force to develop or select informational posters for placement
18 around the state. The posters shall be in English, Spanish, and any
19 other language deemed appropriate by the task force. The posters
20 shall include a toll-free telephone number a person may call
21 for assistance, preferably the National Human Trafficking Resource
22 Center Hotline (888)373-7888.

23 (b) Posters shall be placed in rest stops and strip
24 clubs. The task force shall work with local businesses and
25 nonprofit entities associated with the prevention of human
26 trafficking to voluntarily place additional signs in high schools,
27 postsecondary educational institutions, gas stations, hotels,
1 hospitals, health care clinics, urgent care centers, airports,
2 train stations, bus stations, and other locations around the state
3 deemed appropriate by the task force.

4 (4) The task force shall consist of the following
5 members:

6 (a) The Attorney General or his or her designee;

7 (b) The executive director of the Nebraska Commission on
8 Law Enforcement and Criminal Justice;

9 (c) The Superintendent of Law Enforcement and Public

10 Safety or his or her designee;

11 (d) The Director of Correctional Services or his or her
12 designee;

13 (e) The chief of police or director of public safety of a
14 city of two hundred thousand inhabitants or more;

15 (f) The chief of police or director of public safety of a
16 city of less than two hundred thousand inhabitants;

17 (g) A county sheriff;

18 (h) A county attorney;

19 (i) A county commissioner;

20 (j) A mayor or city manager;

21 (k) A person involved with the control or prevention of
22 juvenile delinquency;

23 (l) A person involved with the control or prevention of
24 child abuse;

25 (m) The Commissioner of Education or his or her designee;

26 (n) The director of the Commission on Latino-Americans or
27 his or her designee; and

1 (o) Six members, at least three of whom shall be women,
2 from the public at large.

3 (5) The Governor shall appoint the members of the task
4 force listed in subdivisions (4)(e) through (l) and (o) of this
5 section for terms as provided in subsection (6) of this section.
6 The membership of the task force shall represent varying geographic
7 areas and large and small political subdivisions. One member from
8 the public at large shall be a professional representing child
9 welfare, and one member of the public at large shall represent
10 juvenile pretrial diversion programs.

11 (6) The members of the task force appointed by the
12 Governor shall serve six-year terms, except that of the members
13 first appointed, four shall serve initial two-year terms, four
14 shall serve initial four-year terms, and six shall serve initial
15 six-year terms from January 1 next succeeding their appointments.
16 Thereafter, all members shall serve six-year terms. A member may
17 be reappointed at the expiration of his or her term. Any vacancy
18 occurring otherwise than by expiration of a term shall be filled
19 for the balance of the unexpired term in the same manner as the
20 original appointment.

21 (7) No member shall serve beyond the time when he or she
22 holds the office, employment, or status by reason of which he or
23 she was initially eligible for appointment. Any member of the task
24 force appointed by the Governor may be removed from the task force
25 for cause upon notice and an opportunity to be heard at a public
26 hearing. One of the causes for removal shall be absence from three
27 regularly scheduled meetings of the task force during any six-month
1 period when the member has failed to advise the task force in
2 advance of such meeting that he or she will be absent and stating a
3 reason therefor.

4 (8) The chairperson of the task force shall be designated

5 by the Governor to serve at the pleasure of the Governor. The
6 chairperson shall be the chief executive officer of the task force
7 but may delegate such of his or her duties to other members of the
8 task force as may be authorized by the task force.

9 (9) Notwithstanding any provision of law, ordinance, or
10 charter provision to the contrary, membership on the task force
11 shall not disqualify any member from holding any other public
12 office or employment or cause the forfeiture thereof.

13 (10) The members of the task force shall serve on the
14 task force without compensation, but they shall be entitled to
15 receive reimbursement for any actual expenses incurred as necessary
16 incident to such service as provided in sections 81-1174 to
17 81-1177.

18 (11) Eleven members of the task force shall constitute a
19 quorum for the transaction of any business or the exercise of any
20 power of the task force. The task force shall have the power to
21 act by a majority of the members present at any meeting at which a
22 quorum is in attendance.

23 (12) All appointments shall be made not later than thirty
24 days after the effective date of this act. The chairperson shall
25 meet with the task force not later than sixty days after the
26 effective date of this act.

27 (13) Not later than one year after the effective date
1 of this act, and every July 1 and December 1 thereafter, the
2 task force shall report to the Clerk of the Legislature the
3 results of its investigation and study and its recommendations, if
4 any, together with drafts of legislation necessary to carry its
5 recommendations into effect by filing the report with the clerk.

6 Sec. 3. (1) This state shall provide mandatory training
7 for law enforcement agencies, prosecutors, public defenders,
8 judges, juvenile detention center staff, and others involved in the
9 juvenile justice system and the criminal justice system and other
10 relevant officials in addressing human trafficking. The task force
11 established in section 2 of this act shall work with such agencies,
12 persons, and staff to develop a proper curriculum for the training
13 and to determine which state entity would be most appropriate
14 in providing the training. The determination and accompanying
15 legislation recommendations shall be made by December 1, 2012. Such
16 training shall focus on:

17 (a) State and federal law regarding human trafficking;

18 (b) Methods used in identifying United States citizen
19 and foreign national victims of human trafficking, including
20 preliminary interview techniques and appropriate questioning
21 methods;

22 (c) Methods for prosecuting human traffickers;

23 (d) Methods of increasing effective collaboration with
24 nongovernmental organizations and other relevant social service
25 organizations in the course of investigating and prosecuting a
26 human trafficking case;

- 27 (e) Methods for protecting the rights of victims of human
 1 trafficking, taking into account the need to consider human rights
 2 and the special needs of women and minor victims;
 3 (f) The necessity of treating victims of human
 4 trafficking as crime victims rather than as criminals; and
 5 (g) Methods for promoting the safety and well-being of
 6 all victims of human trafficking.
 7 (2) The task force shall also seek the input and
 8 participation of appropriate nongovernmental organizations and
 9 other relevant organizations regarding the provision, preparation,
 10 and presentation of the training called for in this section.
 11 Sec. 4. Original section 28-802, Reissue Revised Statutes
 12 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB1158:
 AM2418

(Amendments to Standing Committee amendments, AM1936)

- 1 1. Insert the following new section:
 2 Sec. 2. All contracts and agreements relating to the
 3 medical assistance program governing at-risk managed care service
 4 delivery for behavioral health services entered into by the
 5 department on or after July 1, 2012, shall:
 6 (1) Provide a definition and cap on administrative
 7 spending that may not exceed seven percent unless the
 8 implementing department includes detailed requirements for
 9 tracking administrative spending to ensure (a) that administrative
 10 expenditures do not include additional profit and (b) that any
 11 administrative spending in excess of seven percent is necessary to
 12 improve the health status of the population to be served;
 13 (2) Provide a definition of annual contractor profits and
 14 restrict such profits to a maximum of two and one-half percent
 15 per year of the aggregate of all income and revenue earned by the
 16 contractor and related parties under the contract;
 17 (3) Provide for reinvestment of any profits in excess of
 18 the contracted amount and any fees imposed by the department
 19 to fund community-based services for children, families, and
 20 adults according to a plan developed with stakeholder and regional
 21 behavioral health authority input and approved by the department.
 22 Such plan shall address the behavioral health needs of adults
 1 and children, including filling service gaps and providing system
 2 improvements;
 3 (4) Provide for a minimum medical loss ratio of
 4 eighty-five percent of the aggregate of all income and revenue
 5 earned by the contractor and related parties under the contract;
 6 (5) Provide that contractor incentives be at least one

7 percent of the aggregate of all income and revenue earned by the
8 contractor and related parties under the contract; and
9 (6) Provide that a minimum of one-quarter of one percent
10 of the aggregate of all income and revenue earned by the contractor
11 and related parties under the contract be contingent on performance
12 metrics.
13 2. On page 1, strike line 1 and insert "1. Strike section
14 1 and insert the following sections:".

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teacher from Freeman Public School, Adams; and 5 twelfth-grade students and teacher from Sutherland.

The Doctor of the Day was Dr. Craig Meier from Elkhorn.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 15, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 2012

PRAYER

The prayer was offered by Reverend Vern Olsen, Fullerton.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

SELECT FILE

LEGISLATIVE BILL 902. ER213, found on page 922, was adopted.

Senator B. Harr offered the following amendment:
AM2397

(Amendments to Standing Committee amendments, AM2281)

- 1 1. Strike sections 3, 4, and 5 and insert the following
- 2 new section:
- 3 Sec. 3. Original sections 77-202 and 77-2704.15, Revised
- 4 Statutes Supplement, 2011, are repealed.
- 5 2. On page 7, after line 8 insert the following new
- 6 subsection:
- 7 "(4) The changes made to this section by this legislative
- 8 bill shall apply retrospectively as well as prospectively."
- 9 3. Renumber the remaining section accordingly.

Senator B. Harr withdrew his amendment.

Senator Schumacher offered the following amendment:

AM2461

(Amendments to Standing Committee amendments, AM2281)

- 1 1. On page 1, line 18, after "thereunder" insert ". If
 2 the property beneficially owned by the state or a governmental
 3 subdivision has a cost that exceeds the threshold amount or will
 4 be used as the site of a public building with a construction cost
 5 that exceeds the threshold amount, then such property shall qualify
 6 for an exemption under this section only if the acquisition of
 7 such property or the construction of the public building has been
 8 submitted at a primary, general, or special election and has been
 9 approved by the voters. For purposes of this subdivision, threshold
 10 amount means four-tenths of one percent of the total actual value
 11 of real and personal property of the governmental subdivision for
 12 whom such property is beneficially owned as of the end of the
 13 governmental subdivision's prior fiscal year.".
- 14 2. On page 6, line 13, after the period insert "If
 15 such purchases have a cost which exceeds four-tenths of one
 16 percent of the total actual value of real and personal property
 17 of the governmental unit to whom title will pass, the purchaser
 18 shall qualify for an exemption under this section only if the
 19 question of such purchases has been submitted to the voters at a
 20 primary, general, or special election and has been approved by such
 21 voters.".

Senator Schumacher offered the following amendment to his amendment:

FA52

Amend AM2461

On page 1, line 2, strike "the state or".

Senator Schumacher withdrew his amendment, FA52.

Senator Schumacher withdrew his amendment, AM2461.

Senator B. Harr offered the following amendment:

AM2466

(Amendments to Standing Committee amendments, AM2281)

- 1 1. Strike sections 3, 4, and 5 and insert the following
 2 new section:
 3 Sec. 3. Original sections 77-202 and 77-2704.15, Revised
 4 Statutes Supplement, 2011, are repealed.
- 5 2. On page 5, after line 9 insert the following new
 6 subsection:
 7 "(10) The changes made to this section by this
 8 legislative bill are meant to clarify the meaning of this section
 9 as it existed prior to the effective date of this act.".
- 10 3. On page 7, after line 8 insert the following new
 11 subsection:
 12 "(4) The changes made to this section by this legislative

- 13 bill are meant to clarify the meaning of this section as it existed
 14 prior to the effective date of this act.".
 15 4. Renumber the remaining section accordingly.

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

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 824. Title read. Considered.

Committee AM2080, found on page 587, was considered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 968. Placed on Select File with amendment.
 ER209

- 1 1. In the Standing Committee amendments, AM2123:
 2 a. On page 3, lines 26 and 27, strike "Local Civic,
 3 Cultural, and Convention" and insert "Civic and Community";
 4 b. On page 9, line 23, strike "Lincoln";
 5 c. On page 10, line 8, after "administrator" insert "of
 6 the budget division";
 7 d. On page 12, lines 3 and 8; and page 13, line 6, before
 8 "Nebraska" insert "of the appropriation of";
 9 e. On page 12, line 18, after "Health" insert an
 10 underscored comma;
 11 f. On page 27, line 13, strike "Fund" and insert "Funds";
 12 g. On page 50, line 3, strike "3,979,777" and show as
 13 stricken;
 14 h. On page 63, strike beginning with "Local" in line 13
 15 through the comma in line 14 and show as stricken; and
 16 i. On page 71, lines 21 and 25, strike "FY2010-11" and
 17 insert "FY2012-13"; and in line 26 strike "FY2009-10" and insert
 18 "FY2011-12".
 19 2. On page 1, strike beginning with "LB" in line 1
 20 through line 8 and insert "LB374, sections 24, 46, 47, 66, 91,
 21 92, 93, 94, 98, 100, 101, 102, 104, 105, 107, 109, 112, 115,
 22 132, 200, 218, 220, 221, 222, 226, 235, 249, 260, and 267; Laws
 23 2011, LB376, section 19; Laws 2011, LB377, sections 8 and 38;
 1 and Laws 2011, LB390, section 33; to define terms; to provide,
 2 change, and eliminate provisions relating to appropriations; to
 3 reduce appropriations; to state intent; to provide for and change

4 transfers of funds; to repeal the original sections; and to declare
5 an emergency.".

LEGISLATIVE BILL 131. Placed on Select File with amendment.
ER210

1 1. In the Standing Committee amendments, AM2098:
2 a. On page 3, lines 12, 16, 18, and 24, after
3 "administrator" insert "of the budget division of the Department
4 of Administrative Services"; and
5 b. On page 4, line 10, strike the comma.
6 2. On page 1, strike lines 2 through 4 and insert
7 "84-612, Revised Statutes Supplement, 2011; to delete obsolete
8 transfer provisions; to provide for transfers of funds; to repeal
9 the original section; and to declare an emergency.".

LEGISLATIVE BILL 969. Placed on Select File with amendment.
ER211

1 1. In the Standing Committee amendments, AM2068:
2 a. On page 3, line 27, strike "department", show as
3 stricken, and insert "Department of Economic Development";
4 b. On page 6, line 16, strike "and" and show as stricken;
5 c. On page 12, line 11, strike "the"; and
6 d. On page 14, line 2, strike "the effective date of this
7 act" and insert "their effective date".
8 2. On page 1, strike beginning with "section" in line 1
9 through line 7 and insert "sections 68-965, 71-7611, and 71-8805,
10 Reissue Revised Statutes of Nebraska, section 82-332, Revised
11 Statutes Cumulative Supplement, 2010, sections 13-2704, 58-703,
12 66-1345.04, and 82-331, Revised Statutes Supplement, 2011, and Laws
13 2011, LB378, section 14; to state and restate intent; to provide
14 for transfers of funds; to change and eliminate provisions relating
15 to certain transfers of funds; to create funds; to change the
16 source and use of funds; to provide operative dates; to repeal the
17 original sections; to outright repeal Laws 2011, LB378, sections 8
18 and 10; and to declare an emergency.".

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 479. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study Nebraska's laws and regulations on radon gas exposure, particularly the effect of radon gas on Nebraska's children. The study should review the laws and regulations in place to protect children from harmful exposure in child care centers and similar places that children spend their time. The study should include a review of the issues raised during the consideration of LB 945 (Haar), which was introduced in 2012 and referred to the Health and Human Services

Committee. In order to carry out the purpose of this resolution, the committee should seek out the advice of the Nebraska Radon Program administered by the Department of Health and Human Services and licensed child care providers and the committee should consider the input of interested persons as the committee deems necessary and beneficial.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 480. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay." "On Bill Pay" is a process in which a consumer contracts with an energy service company (ESCO) to audit, finance, and manage energy efficiency. The ESCO retains all the risks, and the contract is paid by energy savings by the end user through his or her utility bill. The utility is the pass-through organization, is paid a fee for the service, and is not responsible for unpaid bills on the energy efficiency project. The committee should look at examples of this practice working in Nebraska and other states and examine ways to make it available to all Nebraskans. In order to carry out the purpose of the resolution, the committee should seek and consider the input of interested persons and organizations, including energy efficiency businesses, public power providers, and others.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 481. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study funding sources for the United States Department of Education's 21st Century Community Learning Centers (CLCs) Program. CLCs are programs in which public

schools participate in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships. They also provide access and services during the school year, including before-school and after-school hours and during the summer to students, families, and the community. CLCs are currently partially funded through grants from the federal government, but funding for those grants will end soon. The study should include a review of the issues raised during the consideration of LB 989 (Haar), which was introduced in 2012 and referred to the Revenue Committee. In order to carry out the purpose of this resolution, the committee should seek out advice from public schools and community-based organizations and review funding approaches from other states. The committee should also consider the input of all interested persons as the committee deems necessary and beneficial.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 482. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the use of eminent domain by political subdivisions for the taking of private land for the development or management of recreational trails or corridors. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the eminent domain procedures to be used by natural resources districts for recreational trails or corridors under sections 2-3234 through 2-3234.09;

(2) A review of the eminent domain procedures to be used by other political subdivisions for recreational trails or corridors under sections 76-701 through 76-726; and

(3) An examination of recreational trail projects in Nebraska being undertaken by natural resources districts in partnership with another political subdivision.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 824. Senator Karpisek withdrew his amendment, AM2195, found on page 678.

Senator Karpisek renewed his amendment, AM2302, found on page 777, to the committee amendment.

SENATOR GLOOR PRESIDING**SENATOR CARLSON PRESIDING**

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Karpisek amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Committee AM2080, found on page 587 and considered in this day's Journal, as amended, was renewed.

SPEAKER FLOOD PRESIDING

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Louden renewed his amendment, AM2325, found on page 843.

Senator Larson requested a ruling of the Chair on whether the Louden amendment is germane to the bill.

The Chair ruled the Louden amendment is germane to the bill.

SENATOR CARLSON PRESIDING

Senator Louden requested a record vote on his amendment.

Voting in the affirmative, 12:

Avery	Krist	McGill	Seiler
Dubas	Louden	Mello	Sullivan
Howard	McCoy	Nelson	Wallman

Voting in the negative, 14:

Adams	Carlson	Haar, K.	Lambert	Schumacher
Bloomfield	Coash	Hansen	Langemeier	Wightman
Campbell	Gloor	Karpisek	Larson	

Present and not voting, 18:

Brasch	Council	Hadley	Nordquist	Schilz
Christensen	Fischer	Harr, B.	Pahls	Smith
Cook	Flood	Lathrop	Pirsch	
Cornett	Fulton	Lautenbaugh	Price	

Excused and not voting, 5:

Ashford	Conrad	Harms	Heidemann	Janssen
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The Louden amendment lost with 12 ayes, 14 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 749. Placed on General File.

LEGISLATIVE BILL 1050. Placed on General File.

LEGISLATIVE BILL 1080. Placed on General File.

LEGISLATIVE BILL 1128. Placed on General File.

LEGISLATIVE BILL 872. Placed on General File with amendment. AM2317 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 483. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update and strengthen its statutes, particularly Uniform Commercial Code, article 9, part 5, with regard to rejection or removal of fraudulent or otherwise improper financing statements or other records offered for filing in the office of the Secretary of State. The study should include a review of issues raised during consideration of LB 982 (Harr), which was introduced in 2012 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and Nebraska members of the National Conference of Commissioners on Uniform State Laws and should consider the input of interested persons, including financial institutions and the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 484. Introduced by Cook, 13; B. Harr, 8; Nordquist, 7.

WHEREAS, the Creighton University women's basketball team won the 2012 Missouri Valley Conference Tournament by defeating Drake University 53-38 in the title game; and

WHEREAS, the championship earned the Bluejays their fourth NCAA Women's Division I Basketball Tournament bid and their first since 2002; and

WHEREAS, the Bluejays finished the regular season with a record of 20-12, the sixth time in ten seasons that they've won at least twenty games under Coach Jim Flanery; and

WHEREAS, the Bluejays are the winningest women's basketball team in the Missouri Valley Conference over the previous ten seasons; and

WHEREAS, Carli Tritz was named the tournament's Most Valuable Player and made the All-Tournament Team with teammate Sarah Nelson.

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

1. That the Legislature congratulates the Creighton University women's basketball team for their achievements during the season and extends its best wishes for continued success in the NCAA Women's Division I Basketball Tournament.

2. That a copy of this resolution be sent to the team and their coach, Jim Flanery.

Laid over.

VISITORS

Visitors to the Chamber were Congressman Adrian Smith; former Governor David Beasley, South Carolina; Brad Olson and Jeff Edwards, Annapolis, Maryland; Jimmy and Carly Christensen, Hartington; members of the Water Well Industry Leadership Academy from across the state; Senator Hadley's sister-in-law, Kathy Bowen, from Michigan; 15 members of Leadership Nebraska City; 35 fourth-grade students from Fillmore Central School, Geneva; and 40 fourth-grade students from Montclair Elementary, Omaha.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Cook who was excused; and Senators Adams, Christensen, Conrad, Cornett, Janssen, and Larson who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 824. Senator Karpisek offered the following amendment:

AM2426

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 53-103.38, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-103.38 Spirits means any beverage which contains
- 5 alcohol obtained by distillation, mixed with water or other
- 6 substance in solution, Spirits, ~~and~~ includes brandy, rum, whiskey,
- 7 gin, or other spirituous liquors and such liquors when rectified,
- 8 blended, or otherwise mixed with alcohol or other substances.
- 9 Spirits does not include flavored malt beverages.
- 10 2. Renumber the remaining sections and correct the
- 11 repealer accordingly.

The Karpisek amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 7 nays, 9 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB817:
AM2439 is available in the Bill Room.

BILL ON FIRST READING

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

LEGISLATIVE BILL 787A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 787, One Hundred Second Legislature, Second Session, 2012.

GENERAL FILE

LEGISLATIVE BILL 799. Title read. Considered.

SPEAKER FLOOD PRESIDING

Committee AM2208, found on page 689, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Schilz offered the following motion:

MO82

Suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2164.

SENATOR LANGEMEIER PRESIDING

Senator Schilz withdrew his motion to suspend the rules.

Senator Schilz withdrew his amendment, AM2164, found on page 696.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 902. Placed on Final Reading.

ST70

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

1. The E & R amendment, ER213, has been struck.
2. On page 1, lines 5 and 6, "and provide for applicability" has been struck and "; to state intent" inserted.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 485. Introduced by Hadley, 37.

WHEREAS, the University of Nebraska at Kearney wrestling team won the 2012 NCAA Division II Wrestling Championship; and

WHEREAS, the Lopers also won the championship in 2008 and returned seven All-Americans to this year's team; and

WHEREAS, seven out of eight wrestlers advanced out of the first round, six of those seven wrestlers advanced to the semifinals, and the Lopers won all three of their championship matches; 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 University of Nebraska at Kearney wrestling team on winning the 2012 NCAA Division II Wrestling Championship.

2. That a copy of this resolution be sent to the Lopers and their coach, Marc Bauer.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1104. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM2077, found on page 617, was considered.

Senator Adams renewed his amendment, AM2168, found on page 631, to the committee amendment.

The Adams amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator McCoy withdrew his amendment, AM2286, found on page 790.

Senator Adams renewed his amendment, AM2367, found on page 903, to the committee amendment.

The Adams amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 845. Title read. Considered.

Committee AM2146, found on page 687, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB969:
AM2453

(Amendments to Standing Committee amendments, AM2068)

1 1. Insert the following new section:
2 Sec. 5. Section 29-3921, Revised Statutes Supplement,
3 2011, is amended to read:
4 29-3921 (1) The Commission on Public Advocacy Operations
5 Cash Fund is created. The fund shall be used for the operations
6 of the commission, except that transfers may be made from the fund
7 to the General Fund at the direction of the Legislature through
8 June 30, 2011. The Commission on Public Advocacy Operations Cash
9 Fund shall consist of money remitted pursuant to section 33-156.
10 It is the intent of the Legislature that the commission shall
11 be funded solely from the fund. Any money in the fund available
12 for investment shall be invested by the state investment officer
13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 (2) On July 1, 2011, or as soon thereafter as
16 administratively possible, the State Treasurer shall transfer
17 one hundred thousand dollars from the Commission on Public
18 Advocacy Operations Cash Fund to the Supreme Court Education
19 Fund. The State Court Administrator shall use these funds to
20 assist the juvenile justice system in providing prefiling and
21 diversion programming designed to reduce excessive absenteeism and
22 unnecessary involvement with the juvenile justice system.

1 (3) The State Treasurer shall transfer the following
2 amounts from the Commission on Public Advocacy Operations Cash Fund
3 to the Court Appointed Special Advocate Fund:

4 (a) On July 1, 2011, or as soon thereafter as
5 administratively possible, one hundred thousand dollars; and

6 (b) On July 1, 2012, or as soon thereafter as
7 administratively possible, two hundred thousand dollars.

8 (4) On July 1, 2012, or as soon thereafter as
9 administratively possible, the State Treasurer shall transfer sixty
10 thousand dollars from the Commission on Public Advocacy Operations
11 Cash Fund to the Nebraska State Patrol Cash Fund.
12 The Nebraska State Patrol shall use such funds to
13 contract with the University of Nebraska to study sex offender
14 recidivism data before and after the passage of Laws 2009, LB285.

15 which changed the Nebraska sex offender classification system
 16 from an evaluation of risk assessment system to an offense-based
 17 assessment system in the attempt by the state to comply with
 18 federal requirements under the Adam Walsh Child Protection and
 19 Safety Act of 2006.

20 2. Renumber the remaining sections and correct internal
 21 references and the repealer accordingly with the section added by
 22 this amendment to become operative on the effective date of this
 23 act.

Senator Dubas filed the following amendment to LB969:

AM2452

(Amendments to Standing Committee amendments, AM2068)

- 1 1. Strike sections 3 and 4.
- 2 2. Renumber the remaining sections and correct internal
- 3 references and the repealer accordingly.

Senators Ashford, Cornett, and Schumacher filed the following amendment to LB357:

AM2447

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 77-27,142, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 77-27,142 (1) Any incorporated municipality by ordinance
 6 of its governing body is hereby authorized to impose a sales and
 7 use tax of one-half percent, one percent, ~~or one and one-half~~
 8 percent, one and three-quarters percent, or two percent upon the
 9 same transactions that are sourced under the provisions of sections
 10 77-2703.01 to 77-2703.04 within such incorporated municipality on
 11 which the State of Nebraska is authorized to impose a tax pursuant
 12 to the Nebraska Revenue Act of 1967, as amended from time to time.
 13 No sales and use tax shall be imposed pursuant to this section
 14 until an election has been held and a majority of the qualified
 15 electors have approved such tax pursuant to sections 77-27,142.01
 16 and 77-27,142.02.

17 (2)(a) Any incorporated municipality that proposes to
 18 impose a municipal sales and use tax at a rate greater than one
 19 and one-half percent or increase a municipal sales and use tax
 20 to a rate greater than one and one-half percent shall submit the
 21 question of such tax or increase at the municipality's primary or
 22 general election.

23 (b) Any rate greater than one and one-half percent shall
 1 terminate no more than ten years after its effective date or, if
 2 bonds are issued and the local option sales and use tax revenue is
 3 pledged for payment of such bonds, upon payment of such bonds and
 4 any refunding bonds, whichever date is later, except as provided in
 5 subdivision (2)(c) of this section.

6 (c) If a portion of the rate greater than one and

7 one-half percent is stated in the ballot question as being imposed
8 for the purpose of property tax relief, the interlocal agreement
9 or joint public agency agreement, or some combination of property
10 tax relief, interlocal agreement, and joint public agency agreement
11 and such portion is at least one-eighth percent, there shall be no
12 termination date for the rate representing such portion rounded to
13 the next higher one-quarter or one-half percent.

14 (d) Sections 13-518 to 13-522 apply to the revenue from
15 any such tax or increase.

16 (3)(a) Except as provided in subdivision (3)(b) of this
17 section, no sales and use tax shall be imposed at a rate greater
18 than one and one-half percent or increased to a rate greater than
19 one and one-half percent unless the municipality is a party to an
20 interlocal agreement pursuant to the Interlocal Cooperation Act or
21 a joint public agency agreement pursuant to the Joint Public Agency
22 Act, with a school district within the municipality or the county
23 in which the municipality is located creating a separate legal or
24 administrative entity.

25 (b) For a city of the metropolitan class, no sales and
26 use tax shall be imposed at a rate greater than one and one-half
27 percent or increased to a rate greater than one and one-half
1 percent unless the municipality is a party to an interlocal
2 agreement pursuant to the Interlocal Cooperation Act or a joint
3 public agency agreement pursuant to the Joint Public Agency Act
4 with the county in which the municipality is located creating a
5 separate legal or administrative entity.

6 (c) Such interlocal agreement or joint public agency
7 agreement shall contain provisions, including benchmarks,
8 relating to the long-term development of unified governance of
9 transportation, infrastructure, economic development, tourism,
10 public safety services, education, or information technology
11 services with respect to the parties. The Legislature may provide
12 additional requirements for such agreements, including benchmarks,
13 but such additional requirements shall not apply to any debt
14 outstanding at the time the Legislature enacts such additional
15 requirements. The separate legal or administrative entity created
16 shall not be one that was in existence for one calendar year
17 preceding the submission of the question of such tax or increase at
18 the municipality's primary or general election.

19 (d) Any other public agency as defined in section 13-803
20 may be a party to such interlocal cooperation agreement or joint
21 public agency agreement.

22 (e) A municipality is not required to use all of the
23 additional revenue generated by a sales and use tax imposed at a
24 rate greater than one and one-half percent or increased to a rate
25 greater than one and one-half percent under this subsection for the
26 purposes of the interlocal cooperation agreement or joint public
27 agency agreement set forth in this subsection.

1 (4) The provisions of subsections (2) and (3) of this

2 section do not apply to the first one and one-half percent of a
3 sales and use tax imposed by a municipality.

4 (5) Notwithstanding any provision of any municipal
5 charter, any incorporated municipality or interlocal agency or
6 joint public agency pursuant to an agreement as provided in
7 subsection (3) of this section may issue bonds in one or more
8 series for any municipal purpose and pay the principal of
9 and interest on any such bonds by pledging receipts from the
10 increase in the municipal sales and use taxes authorized by such
11 municipality. Any municipality which has or may issue bonds under
12 this section may dedicate a portion of its property tax levy
13 authority as provided in section 77-3442 to meet debt service
14 obligations under the bonds. For purposes of this subsection, bond
15 means any evidence of indebtedness, including, but not limited to,
16 bonds, notes including notes issued pending long-term financing
17 arrangements, warrants, debentures, obligations under a loan
18 agreement or a lease-purchase agreement, or any similar instrument
19 or obligation.

20 (2) A city of the metropolitan class is hereby authorized
21 to increase any city sales and use tax existing on January 1,
22 1978, imposed pursuant to this section by an amount not to exceed
23 one half of one percent if the question of such tax increase
24 is submitted to the voters of such city and the voters by a
25 majority vote approve such increase. The question of such increase
26 shall be submitted to the voters at the primary or general
27 election in 1980 if the city council shall submit a certified
1 copy of a resolution to that effect to the election commissioner
2 not later than forty one days prior to the primary or general
3 election. Notwithstanding the provisions of section 77-27,143, if
4 the increase is approved by the voters at the primary or general
5 election in 1980, the election commissioner shall file a certified
6 copy of the election results with the Tax Commissioner on or before
7 the last day of the month in which the election is held. If the
8 increase is not approved by the voters at the primary or general
9 election in 1980, no tax increased pursuant to this section shall
10 remain in effect after December 31, 1980.

11 (3) A city of the primary class is hereby authorized
12 to increase any city sales and use tax existing on January 1,
13 1985, imposed pursuant to this section by an amount not to exceed
14 one half of one percent if the question of such tax increase
15 is submitted to the voters of such city and the voters by a
16 majority vote approve such increase. The question of such increase
17 shall be submitted to the voters at the next primary or general
18 election or at a special election if the city council shall submit
19 a certified copy of a resolution proposing the tax increase to
20 the election commissioner within a reasonable time prior to the
21 primary, general, or special election. If the increase is approved
22 by the voters at the primary, general, or special election, the
23 election commissioner shall file a certified copy of the election

24 results with the Tax Commissioner on or before the last day of the
 25 month in which the election is held. If the voters of a city of
 26 the primary class have not approved such an increase by December
 27 31, 1987, the question of such an increase shall not be submitted
 1 thereafter to the voters and there shall be no increase in the city
 2 sales and use tax.

3 (4) A city of the first or second class or village is
 4 hereby authorized to increase any city sales and use tax existing
 5 on January 1, 1986, imposed pursuant to this section by an amount
 6 not to exceed one half of one percent if the question of such tax
 7 increase is submitted to the voters of such city or village and
 8 the voters by a majority vote approve such increase. The question
 9 of such increase shall be submitted to the voters at any primary
 10 or general election or at a special election if the city council
 11 or village board shall submit a certified copy of a resolution
 12 proposing the tax increase to the election commissioner or county
 13 clerk within a reasonable time prior to the primary, general, or
 14 special election. If the increase is approved by the voters at the
 15 primary, general, or special election, the election commissioner
 16 shall file a certified copy of the election results with the Tax
 17 Commissioner on or before the last day of the month in which the
 18 election is held.

19 Sec. 2. Section 77-27,142.01, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 77-27,142.01 (1) The governing body of any incorporated
 22 municipality may submit the question of changing any terms
 23 and conditions of a sales and use tax previously authorized
 24 under section 77-27,142. Except as otherwise provided by section
 25 77-27,142, the ~~The~~ question of modification shall be submitted to
 26 the voters at any primary or general election or at a special
 27 election if the governing body submits a certified copy of the
 1 resolution proposing modification to the election commissioner or
 2 county clerk within the time prior to the primary, general, or
 3 special election prescribed in section 77-27,142.02.

4 (2) If the change imposes a sales and use tax at a
 5 rate greater than one and one-half percent or increases the sales
 6 and use tax to a rate greater than one and one-half percent, the
 7 question shall include, but not be limited to:

8 (a) The percentage increase of one-quarter percent or
 9 one-half percent in the sales and use tax rate;

10 (b) A list of reductions or elimination of other taxes or
 11 fees, if any;

12 (c) A description of the projects, programs, or services
 13 to be funded, in whole or in part, from the revenue collected,
 14 along with any savings or efficiencies resulting from such
 15 projects, programs, or services;

16 (d) The year or years within which the revenue will be
 17 collected and, if bonds will be issued with some or all of the
 18 revenue pledged for payment of such bonds, a statement that the

19 revenue will be collected until the payment in full of such bonds
 20 and any refunding bonds; and

21 (e)(i) The percentage of revenue collected to be used for
 22 the purposes of the interlocal agreement or joint public agency
 23 agreement as provided in subsection (3) of section 77-27,142; (ii)
 24 a statement of the overall purpose of the agreement which is the
 25 long-term development of unified governance of transportation,
 26 infrastructure, economic development, tourism, public safety
 27 services, education, or information technology services; (iii) the
 1 name of the school district or county which is a party to the
 2 agreement; and (iv) the name of any other public agency which is
 3 a party to the agreement.

4 This subsection does not apply to the first one and
 5 one-half percent of a sales and use tax imposed by a municipality.

6 Sec. 3. Section 77-27,142.02, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 77-27,142.02 Except as otherwise provided by subsection
 9 (2) of section 77-27,142, after February 14, 1978, the power
 10 granted by section 77-27,142 shall not be exercised unless and
 11 until the question has been submitted at a primary, general, or
 12 special election held within the incorporated municipality and in
 13 which all qualified electors shall be entitled to vote on such
 14 question. The officials of the incorporated municipality shall
 15 order the submission of the question by submitting a certified copy
 16 of the resolution proposing the tax to the election commissioner
 17 or county clerk by March 1 for a primary election, by September 1
 18 for a general election, or at least fifty days before a special
 19 election. ~~The Except as otherwise provided by subsection (2)~~
 20 of section 77-27,142.01, the question may include any terms and
 21 conditions set forth in the resolution proposing the tax, such as
 22 a termination date or the specific project or program for which
 23 the revenue received from such tax will be allocated, and shall
 24 include the following language: Shall the governing body of the
 25 incorporated municipality impose a sales and use tax upon the
 26 same transactions within such municipality on which the State of
 27 Nebraska is authorized to impose a tax? If a majority of the votes
 1 cast upon such question shall be in favor of such tax, then the
 2 governing body of such incorporated municipality shall be empowered
 3 as provided by section 77-27,142 and shall forthwith proceed to
 4 impose a tax pursuant to the Local Option Revenue Act. If a
 5 majority of those voting on the question shall be opposed to such
 6 tax, then the governing body of the incorporated municipality shall
 7 not impose such a tax.

8 Sec. 4. Original sections 77-27,142, 77-27,142.01, and
 9 77-27,142.02, Reissue Revised Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 1072. Committee AM2358, found on page 848 and considered on page 924, was renewed.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Lathrop moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The committee amendment was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 1046A. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1046, One Hundred Second Legislature, Second Session, 2012; and to provide an operative date.

AMENDMENTS - Print in Journal

Senator Ashford filed the following amendment to LB968:
AM2476

(Amendments to Standing Committee amendments, AM2123)

- 1 1. Insert the following new sections:
- 2 Sec. 70. The Department of Health and Human Services
- 3 is hereby authorized to renovate the second-floor sleeping areas
- 4 of the Bryant/Creighton living unit at the Youth Rehabilitation
- 5 and Treatment Center-Kearney. The purpose of the renovation is
- 6 to provide the youth with a more private, homelike environment
- 7 and with a climate that is more conducive to treatment and
- 8 rehabilitation programs provided at the facility, including the
- 9 ability to provide space for the separation of juveniles exhibiting
- 10 behavior that is a danger to themselves or others.
- 11 There is hereby appropriated \$906,773 from the State
- 12 Building Fund for FY2012-13 to the Department of Health and
- 13 Human Services, for Program 942, for the renovation of the
- 14 Bryant/Creighton living unit at the Youth Rehabilitation and

15 Treatment Center-Kearney. It is the intent of the Legislature
 16 that all statutory requirements of the state building division of
 17 the Department of Administrative Services be met for this project
 18 before work begins.

19 Sec. 71. The Department of Health and Human Services
 20 is hereby authorized to remodel the second-floor sleeping areas
 21 of the Lincoln/Washington living unit at the Youth Rehabilitation
 22 and Treatment Center-Kearney. The purpose of the renovation is
 1 to provide the youth with a more private, homelike environment
 2 and with a climate that is more conducive to treatment and
 3 rehabilitation programs provided at the facility, including the
 4 ability to provide space for the separation of juveniles exhibiting
 5 behavior that is a danger to themselves or others.

6 There is hereby appropriated \$906,773 from the State
 7 Building Fund for FY2013-14 to the Department of Health and
 8 Human Services, for Program 942, for the renovation of the
 9 Lincoln/Washington living unit at the Youth Rehabilitation and
 10 Treatment Center-Kearney. It is the intent of the Legislature
 11 that all statutory requirements of the state building division of
 12 the Department of Administrative Services be met for this project
 13 before work begins.

14 2. Renumber the remaining sections and correct internal
 15 references accordingly.

Senator Mello filed the following amendment to LB731:
 AM2404 is available in the Bill Room.

Senator Heidemann filed the following amendment to LB968:
 AM2449

(Amendments to Standing Committee amendments, AM2123)

1 1. Purpose: To add an earmark to classify an
 2 appropriation as state aid.

3 Amendment:

4 a. On page 14, in line 9 after the second underscored
 5 period insert "There is included in the appropriation to this
 6 program for FY2012-13 \$800,000 for state aid, which shall only be
 7 used for such purpose.".

8 2. Purpose: Reduce general funds for Tax Equity and
 9 Educational Opportunities Support Act aid by \$212,958 to reflect
 10 the amount of reorganization incentives included in the aid
 11 certification that are funded by cash funds.

12 Amendment:

13 a. On page 18, line 21, strike "1,038,433,125" and insert
 14 "1,038,220,167"; and in line 25 strike "1,332,776,159" and insert
 15 "1,332,563,201"; and

16 b. On page 19, line 4, strike "\$1,038,433,125" and insert
 17 "\$1,038,220,167"; and in line 13 strike "\$837,080,043" and insert
 18 "\$836,867,085".

19 3. Purpose: To correctly place funding for contracted

20 case management in the appropriate program and to clarify
 21 additional funding is for personnel and associated operating costs
 22 for case managers, supervisors, and support staff.

1 Amendment:

2 a. On page 23, line 20, strike "109,019,447" and insert
 3 "106,747,672"; and in line 25 strike "206,015,269" and insert
 4 "203,743,494";

5 b. On page 24, line 1, strike "336,059,439" and insert
 6 "331,515,889"; and

7 c. On page 27, strike lines 6 through 18 and insert:

8 "It is the intent of the Legislature that the additional
 9 \$4,832,075 General Funds provided in FY2011-12 be solely used for
 10 personnel related and operating costs for additional case managers,
 11 supervisors, and support staff to reduce caseload ratios to 1:16
 12 children in out-of-home care and 1:17 families for in-home and
 13 family preservation cases and for resource development in the
 14 central, northern, and western service areas. It is the intent of
 15 the Legislature that the additional \$10,816,782 General Funds and
 16 \$2,700,000 federal funds provided in FY2012-13 be solely used for
 17 personnel related and operating costs for additional case managers,
 18 supervisors, and support staff to reduce caseload ratios to 1:16
 19 children in out-of-home care and 1:17 families for in-home and
 20 family preservation cases and for resource development in the
 21 central, northern, and western service areas.".

22 4. Purpose: To harmonize Cash Fund earmarks with the
 23 appropriation.

24 Amendment:

25 a. On page 31, line 10, strike "\$6,835,700", show as
 26 stricken, and insert "\$7,035,700"; in line 16 strike "\$6,835,000"
 27 and insert "\$7,035,700"; in line 23 strike "There is included" and
 1 insert "Included"; and in line 24 after "FY2012-13" insert "is".

2 5. Purpose: To change "may" to "shall" per Appropriations
 3 Committee intent.

4 Amendment:

5 a. On page 32, line 6, strike "may" and insert "shall".

6 6. Purpose: To correctly place funding for contracted
 7 case management in the appropriate program, correct a federal fund
 8 number, harmonize earmarks with the appropriation, and designate a
 9 fund source.

10 Amendment:

11 a. On page 32, line 18, strike "262,364,883" and insert
 12 "264,636,658"; strike line 20, show as stricken, and insert
 13 "FEDERAL FUND est. 141,003,570 134,340,412"; and in line 22 strike
 14 "400,477,964" and insert "405,021,514";

15 b. On page 33, line 1, strike "\$262,364,883" and insert
 16 "\$264,636,658" and strike "\$132,464,624", show as stricken, and
 17 insert "\$134,340,412"; in line 22 after "\$500,000" insert "General
 18 Funds"; and in line 24 after "\$750,000" insert "General Funds".

Senator Langemeier filed the following amendment to LB902:
AM2469

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following new
- 2 sections:
- 3 Sec. 3. Sections 2 and 5 of this act become operative on
- 4 July 1, 2012. The other sections of this act become operative on
- 5 their effective date.
- 6 Sec. 4. Original section 77-202, Revised Statutes
- 7 Supplement, 2011, is repealed.
- 8 Sec. 5. Original section 77-2704.15, Revised Statutes
- 9 Supplement, 2011, is repealed.
- 10 2. On page 1, lines 5 and 6, strike "to state intent" and
- 11 insert "to provide operative dates".
- 12 3. On page 6, lines 9 through 11; and page 8, lines 13
- 13 through 15, strike the new matter.
- 14 4. Renumber the remaining section accordingly.

Senator Flood filed the following amendment to LB969:
AM2470

(Amendments to Standing Committee amendments, AM2068)

- 1 Purpose: Sections 2 and 6 of Appropriations Committee
- 2 amendments, AM2068, include changes to fund transfer language to
- 3 harmonize statutes providing for the close-out of the Ethanol
- 4 Production Incentive Cash Fund (EPIC). AM2068 authorizes a General
- 5 Fund transfer of up to \$3.8 million on or before December 31,
- 6 2012, to satisfy any remaining obligations of the EPIC fund. It is
- 7 now estimated by the Department of Revenue and the budget division
- 8 that less than \$1.0 million will be needed for this purpose. This
- 9 amendment reduces the authorized General Fund transfer to the EPIC
- 10 fund by \$2.8 million.
- 11 Amendment:
- 12 1. On page 1, line 9, strike "\$3,800,000", show as
- 13 stricken, and insert "\$1,000,000".
- 14 2. On page 5, line 10, strike "\$3,800,000", show as
- 15 stricken, and insert "\$1,000,000".

Senator Flood filed the following amendment to LB131:
AM2493

(Amendments to AM2098)

- 1 PURPOSE: This amendment transfers \$10,000,000 from the
- 2 Cash Reserve Fund to the General Fund in FY2012-13 to support an
- 3 amendment offered to LB968 to provide a \$10,000,000 increase in
- 4 General Fund state aid for special education.
- 5 Amendment:
- 6 1. On page 4, after line 11 insert the following new
- 7 subsection:
- 8 "(11) The State Treasurer shall transfer ten million
- 9 dollars from the Cash Reserve Fund to the General Fund on

10 or before June 30, 2013, on such date as directed by the
 11 budget administrator of the budget division of the Department
 12 of Administrative Services."

Senator Flood filed the following amendment to LB968:
 AM2481

(Amendments to Standing Committee amendments, AM2123)

1 1. Purpose: Laws 2011, LB 390, eliminated the Community
 2 Corrections Council and transferred community corrections
 3 appropriations from the Nebraska Commission on Law Enforcement and
 4 Criminal Justice to the Supreme Court beginning with the current
 5 2011-13 (FY2011-12 and FY2012-13) budget biennium. This amendment
 6 eliminates the remaining unobligated Nebraska Commission on Law
 7 Enforcement and Criminal Justice Community Corrections Council
 8 General Fund reappropriation of \$424,727 left from FY2010-11 which
 9 has no continuing purpose.

10 Amendment:

11 a. Insert the following new section:

12 Sec. 70. Laws 2011, LB390, section 34, is amended to
 13 read:

14 Sec. 34. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW
 15 ENFORCEMENT AND CRIMINAL JUSTICE

16 Program No. 220 - Community Corrections Council Office

	FY2011-12	FY2012-13
18 GENERAL FUND	281,298	285,298
19 CASH FUND	405,917	406,951
20 PROGRAM TOTAL	687,215	692,249
21 SALARY LIMIT	218,643	223,016

22 The unexpended General Fund appropriation balance
 1 existing on June 30, 2011, less \$424,727, is hereby reappropriated.

2 b. On page 72, line 10, strike "section 33" and insert
 3 "sections 33 and 34"; and

4 c. Renumber the remaining sections and correct internal
 5 references accordingly.

6 2. Purpose: The Department of Health and Human Services
 7 February 23, 2012, letter to the chairpersons of the Appropriations
 8 Committee and the Health and Human Services Committee requested a
 9 reallocation of \$20.0 million of current FY2011-12 appropriations,
 10 including \$3.7 million in General Fund appropriations from
 11 Behavioral Health Aid Program 38, to finance child welfare
 12 service changes and costs for the remainder of current FY2011-12.

13 An evaluation of year-to-date and estimated expenditures for
 14 behavioral health aid is less than current appropriations.
 15 Appropriations Committee amendments, AM2123, includes this change
 16 for FY2011-12 as explained on pages 24-25 of the Committee report.

17 The department has also indicated that estimated expenditures will
 18 continue to be less than the appropriation for Behavioral Health
 19 Aid Program 38 in FY2012-13 by as much as \$3.7 million. This
 20 amendment reduces the FY2012-13 General Fund appropriation for that

21 program by \$1,850,000, one-half of that estimate.

22 Amendment:

23 a. On page 28, line 4, strike "75,133,219" and
 24 insert "73,283,219"; in line 8 strike "100,220,470" and insert
 25 "98,370,470"; and in line 13 strike "\$75,133,219" and insert
 26 "\$73,283,219".

27 3. Purpose: The Governor's mid-biennium recommendations
 1 included a reduction of \$5 million in the General Fund
 2 appropriations in both the FY2011-12 and FY2012-13 appropriation
 3 for Medicaid Program 348 because an evaluation of year-to-date
 4 and estimated expenditures is less than the current appropriation.
 5 The Appropriations Committee amendments, AM2123, reduced these
 6 appropriations by \$3 million for both fiscal years as explained on
 7 pages 26 and 27 of the Committee report. This amendment reduces
 8 the same appropriations by an additional \$2.0 million General Funds
 9 in both FY2011-12 and FY2012-13.

10 Amendment:

11 a. On page 34, strike line 6 and insert "GENERAL FUND
 12 580,313,492 644,573,194"; strike line 11 and insert "PROGRAM TOTAL
 13 1,599,593,142 1,699,508,714"; in line 13 strike "\$582,313,492" and
 14 insert "\$580,313,492"; and in line 17 strike "\$646,573,194" and
 15 insert "\$644,573,194".

VISITORS

Visitors to the Chamber were 21 fourth-grade students and teacher from Cedar Elementary, Beatrice; Doug Somer and Regina Rathman from Grand Island; and 28 twelfth-grade students and teachers from Southwest High School, Bartley.

ADJOURNMENT

At 4:38 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Friday, March 16, 2012.

Patrick J. O'Donnell
 Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 16, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 16, 2012

PRAYER

The prayer was offered by Pastor John Duling, First Presbyterian Church, Nebraska City.

ROLL CALL

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

The roll was called and all members were present except Senator Carlson who was excused; and Senators Conrad, Gloor, Karpisek, Lautenbaugh, Loudon, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1072. Placed on Select File.

LEGISLATIVE BILL 824. Placed on Select File with amendment.
ER214

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 53-101, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 53-101 Sections 53-101 to 53-1,122 and section 4 of this
- 6 act shall be known and may be cited as the Nebraska Liquor Control
- 7 Act.
- 8 Sec. 2. Section 53-103, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 53-103 For purposes of the Nebraska Liquor Control Act,
- 11 the definitions found in sections 53-103.01 to 53-103.42 and
- 12 section 4 of this act apply.

13 Sec. 3. Section 53-103.03, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 53-103.03 Beer means a beverage obtained by alcoholic
16 fermentation of an infusion or concoction of barley or other grain,
17 malt, and hops in water and includes, but is not limited to, beer,
18 ale, stout, lager beer, porter, ~~and near beer,~~ and flavored malt
19 beverage.

20 Sec. 4. Flavored malt beverage means a beer that derives
21 not more than forty-nine percent of its total alcohol content from
22 flavors or flavorings containing alcohol obtained by distillation,
23 except that in the case of a malt beverage with an alcohol content
1 of more than six percent by volume, not more than one and one-half
2 percent of the volume of the malt beverage may consist of alcohol
3 derived from flavors, flavorings, or other nonbeverage ingredients
4 containing alcohol obtained by distillation.

5 Sec. 5. Section 53-103.38, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-103.38 Spirits means any beverage which contains
8 alcohol obtained by distillation, mixed with water or other
9 substance in solution. Spirits, ~~and~~ includes brandy, rum, whiskey,
10 gin, or other spirituous liquors and such liquors when rectified,
11 blended, or otherwise mixed with alcohol or other substances.
12 Spirits does not include flavored malt beverages.

13 Sec. 6. Section 53-160, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 53-160 (1) For the purpose of raising revenue, a tax
16 is imposed upon the privilege of engaging in business as a
17 manufacturer or a wholesaler at a rate of thirty-one cents per
18 gallon on all beer; ninety-five cents per gallon for wine, except
19 for wines produced and released from bond in farm wineries; six
20 cents per gallon for wine produced and released from bond in farm
21 wineries; and three dollars and seventy-five cents per gallon on
22 alcohol and spirits manufactured and sold by such manufacturer or
23 shipped for sale in this state by such wholesaler in the course of
24 such business. The gallonage tax imposed by this subsection shall
25 be imposed only on alcoholic liquor upon which a federal excise tax
26 is imposed.

27 (2) Manufacturers or wholesalers of alcoholic liquor
1 shall be exempt from the payment of the gallonage tax on such
2 alcoholic liquor upon satisfactory proof, including bills of lading
3 furnished to the commission by affidavit or otherwise as the
4 commission may require, that such alcoholic liquor was manufactured
5 in this state but shipped out of the state for sale and consumption
6 outside this state.

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

10 (4) The gallonage tax shall not be imposed upon any
11 alcoholic liquor, whether manufactured in or shipped into this

12 state, when sold to a licensed nonbeverage user for use in
13 the manufacture of any of the following when such products are
14 unfit for beverage purposes: Patent and proprietary medicines and
15 medicinal, antiseptic, and toilet preparations; flavoring extracts,
16 syrups, food products, and confections or candy; scientific,
17 industrial, and chemical products, except denatured alcohol; or
18 products for scientific, chemical, experimental, or mechanical
19 purposes.

20 (5) The gallonage tax shall not be imposed upon the
21 privilege of engaging in any business in interstate commerce or
22 otherwise, which business may not, under the Constitution and
23 statutes of the United States, be made the subject of taxation by
24 this state.

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

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

12 Sec. 7. Section 53-164.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 53-164.01 Payment of the tax provided for in section
15 53-160 on alcoholic liquor shall be paid by the manufacturer or
16 wholesaler as follows:

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

25 (b) All beer wholesalers shall, on or before the
26 twenty-fifth day of each calendar month following the month in
27 which shipments were made, submit a report to the commission
1 upon forms furnished by the commission showing the total amount
2 of beer in gallons or fractional parts thereof shipped by all
3 manufacturers, whether inside or outside this state, during the
4 preceding calendar month to such wholesaler;

5 (c)(i) Except as provided in subdivision (ii) of this
6 subdivision, farm winery producers which paid less than one

7 thousand dollars of excise taxes pursuant to section 53-160 for the
8 previous calendar year and which will pay less than one thousand
9 dollars of excise taxes pursuant to section 53-160 for the current
10 calendar year shall, on or before the twenty-fifth day of the
11 calendar month following the end of the year in which wine was
12 packaged ~~or bottled for sale,~~ and released from bond, submit a
13 report to the commission upon forms furnished by the commission
14 showing the total amount of wine in gallons or fractional parts
15 thereof packaged ~~or bottled~~ and released from bond by such producer
16 during the preceding calendar year; and

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

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

10 (e) A microdistillery shall, on or before the
11 twenty-fifth day of each calendar month following the month in
12 which the distilled liquor was ~~produced~~ released from bond for
13 sale, submit a report to the commission on forms furnished by
14 the commission showing the total amount of distilled liquor in
15 gallons or fractional parts thereof produced for sale by the
16 microdistillery during the preceding calendar month; and

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

22 (2) The wholesaler or farm winery producer shall at the
23 time of the filing of the report pay to the commission the tax
24 due on alcoholic liquor, except beer, shipped to licensed retailers
25 inside this state at the rate fixed in accordance with section
26 53-160. The tax due on beer shall be paid by the wholesaler on beer
27 shipped from all manufacturers;

1 (3) The tax imposed pursuant to section 53-160 shall be

2 due on the date the report is due less a discount of one percent
3 of the tax on alcoholic liquor for submitting the report and paying
4 the tax in a timely manner. The discount shall be deducted from the
5 payment of the tax before remittance to the commission and shall be
6 shown in the report to the commission as required in this section.
7 If the tax is not paid within the time provided in this section,
8 the discount shall not be allowed and shall not be deducted from
9 the tax;

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

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

22 (6) In order to insure the payment of all state taxes
23 on alcoholic liquor, together with interest and penalties, persons
24 required to submit reports and payment of the tax shall, at
25 the time of application for a license under sections 53-124 and
26 53-124.01, enter into a surety bond with corporate surety, both the
27 bond form and surety to be approved by the commission. Subject to
1 the limitations specified in this subdivision, the amount of the
2 bond required of any taxpayer shall be fixed by the commission and
3 may be increased or decreased by the commission at any time. In
4 fixing the amount of the bond, the commission shall require a bond
5 equal to the amount of the taxpayer's estimated maximum monthly
6 excise tax ascertained in a manner as determined by the commission.
7 Nothing in this section shall prevent or prohibit the commission
8 from accepting and approving bonds which run for a term longer
9 than the license period. The amount of a bond required of any one

10 taxpayer shall not be less than one thousand dollars. The bonds
11 required by this section shall be filed with the commission; and
12 (7) When a manufacturer or wholesaler sells and delivers
13 alcoholic liquor upon which the tax has been paid to any
14 instrumentality of the armed forces of the United States engaged
15 in resale activities as provided in section 53-160.01, the
16 manufacturer or wholesaler shall be entitled to a credit in
17 the amount of the tax paid in the event no tax is due on such
18 alcoholic liquor as provided in such section. The amount of the
19 credit, if any, shall be deducted from the tax due on the following
20 monthly report and subsequent reports until liquidated.

21 Sec. 8. Original sections 53-103, 53-103.03, 53-103.38,
22 53-160, and 53-164.01, Reissue Revised Statutes of Nebraska, and
23 section 53-101, Revised Statutes Supplement, 2011, are repealed.

24 Sec. 9. Since an emergency exists, this act takes effect
25 when passed and approved according to law.

26 2. On page 1, strike lines 2 through 6 and insert
27 "sections 53-103, 53-103.03, 53-103.38, 53-160, and 53-164.01,
1 Reissue Revised Statutes of Nebraska, and section 53-101, Revised
2 Statutes Supplement, 2011; to define and redefine terms; to change
3 provisions relating to beer, spirits, the gallonage tax, and
4 reports involving the gallonage tax; to harmonize provisions; to
5 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 799. Placed on Select File with amendment.
ER215

1 1. On page 1, line 3, after the semicolon insert "to
2 define a term;"

(Signed) Tyson Larson, Chairperson

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB902:
AM2472

(Amendments to Final Reading copy)

1 1. On page 1, line 5, after the semicolon insert "to
2 require voter approval in order to qualify for exemptions as
3 prescribed;"

4 2. On page 2, line 16, after "thereunder" insert ". If
5 the property to be beneficially owned by a governmental subdivision
6 has a total acquisition cost that exceeds the threshold amount
7 or will be used as the site of a public building with a total
8 estimated construction cost that exceeds the threshold amount, then
9 such property shall qualify for an exemption under this section
10 only if the question of acquiring such property or constructing
11 such public building has been submitted at a primary, general, or
12 special election held within the governmental subdivision and has
13 been approved by the voters of the governmental subdivision. For
14 purposes of this subdivision, threshold amount means the greater of
15 fifty thousand dollars or four-tenths of one percent of the total
16 actual value of real and personal property of the governmental
17 subdivision that will beneficially own the property as of the end
18 of the governmental subdivision's prior fiscal year."

19 3. On page 7, line 16, after the period insert
20 "If a nonprofit corporation will be making purchases under a
21 lease-purchase agreement, financing lease, or other instrument
22 as part of a project with a total estimated cost that exceeds
1 the threshold amount, then such purchases shall qualify for an
2 exemption under this section only if the question of proceeding
3 with such project has been submitted at a primary, general, or
4 special election held within the governmental unit that will be a
5 party to the lease-purchase agreement, financing lease, or other

6 instrument and has been approved by the voters of such governmental
7 unit. For purposes of this subdivision, (i) project means the
8 acquisition of real property or the construction of a public
9 building and (ii) threshold amount means the greater of fifty
10 thousand dollars or four-tenths of one percent of the total actual
11 value of real and personal property of the governmental unit that
12 will be a party to the lease-purchase agreement, financing lease,
13 or other instrument as of the end of the governmental unit's prior
14 fiscal year.".

Senator Wightman filed the following amendment to LB996:
AM2389

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

15 of the child and (b) the child would be withdrawing due to
 16 either (i) financial hardships requiring the child to be employed
 17 to support the child's family or one or more dependents of the
 18 child or (ii) an illness of the child making attendance impossible
 19 or impracticable. The superintendent or superintendent's designee
 20 shall identify all known alternative educational opportunities,
 21 including vocational courses of study, that are available to the
 22 child in the school district and how withdrawing from school
 23 is likely to reduce potential future earnings for the child
 24 and increase the likelihood of the child being unemployed in
 25 the future. Any other relevant information may be presented and
 26 discussed by any of the parties in attendance.

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

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

20 (6) A child who has been withdrawn from school pursuant
 21 to this section may enroll in a school district at a later
 22 date as provided in section 79-215 or may enroll in a private,
 23 denominational, or parochial school or a school which elects
 24 pursuant to section 79-1601 not to meet accreditation or approval
 25 requirements. Any such enrollment shall void the withdrawal form
 26 previously entered, and the provisions of sections 79-201 through
 27 79-210 shall apply to the child.

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

9 2. On page 3, line 1, reinstate the stricken "(c)" and

- 10 insert "Has reached sixteen years of age and has been withdrawn
 11 from school pursuant to section 2 of this act;"; and in lines 4,
 12 13, and 24 strike the new matter and reinstate the stricken matter.
 13 3. Renumber the remaining sections accordingly.

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of

2009 Recommendations of the United States Public Health Service Food
 and Drug Administration Food Code

Coordinating Commission for Postsecondary Education, Nebraska

2012 Nebraska Higher Education Progress Report

Dairy Industry Licensing Board, Nebraska

Annual Report, July 1, 2010 - June 30, 2011

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 15, 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

Kissel/E&S Associates, LLC
 AmeriHealth Mercy

SELECT FILE

LEGISLATIVE BILL 131. ER210, found on page 934, was adopted.

Senator Flood withdrew his amendment, FA40, found on page 833.

Senator Flood renewed his amendment, AM2493, found on page 952.

SENATOR COASH PRESIDING

Senator Council offered the following amendment to the Flood amendment:
 FA53

Amend AM2493

On page 1, lines 1 and 3, strike "\$10,000,000" and insert "\$28,000,000" and
 on line 8 strike "ten" and insert "twenty-eight".

Pending.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB902:
AM2473

(Amendments to Final Reading copy)

- 1 1. On page 1, lines 5 and 6, strike "to state intent;".
- 2 2. On page 6, lines 9 through 11; and page 8, lines 13
- 3 through 15, strike the new matter.

RESOLUTIONS

LEGISLATIVE RESOLUTION 486. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the issues surrounding state procurement policies. This study shall include, but not be limited to:

- (1) A review of the current procurement procedures utilized by the Department of Administrative Services and other state agencies;
- (2) A review of domestic and local preference requirements in other states and at the federal level;
- (3) A review of existing state contracts' usage of services and products from outside of the United States; and
- (4) A review of the potential economic benefits to Nebraska businesses and taxpayers of adopting domestic and local preference requirements.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 487. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding restrictions on registered sex offender participation in state and federal holiday activities that are centered around children. This study shall include an examination of such restrictions in other states, as well as potential logistical, procedural, and constitutional barriers to such restrictions.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 488. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding the use of state settlement funds. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of whether state settlement funds should be treated as fines or penalties subject to Article VII, section 5, of the Constitution of Nebraska;

(2) An examination of past and present procedures used by the office of the Attorney General to allocate state settlement funds, including settlements under the Consumer Protection Act, supplemental environmental project settlements, and multistate settlements to which the State of Nebraska is a party;

(3) A review of the use of the State Settlement Cash Fund and the State Settlement Trust Fund, including the extent to which both funds have been utilized for settlements which do not fall under the Consumer Protection Act; and

(4) A review of the mechanisms used in other states to allocate state settlement funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Judiciary Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB1104:
AM2324

1 1. Insert the following new section:

2 Sec. 2. Section 85-1429, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-1429 On or before March 15 of each year, the

5 Coordinating Commission for Postsecondary Education shall provide a

6 report that evaluates progress toward attainment of the priorities

7 listed in subdivision (3) of section 85-1428. ~~The Education~~

8 ~~Committee of the Legislature shall review the report at a public~~

- 9 ~~hearing and report its findings to the Legislature.~~
 10 2. Renumber the remaining sections and amend the repealer
 11 accordingly.

SELECT FILE

LEGISLATIVE BILL 131.The Council amendment, FA53, found in this day's Journal, to the Flood amendment, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR COASH PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Council amendment lost with 6 ayes, 28 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator K. Haar offered the following amendment to the Flood amendment:

FA54

Amend AM2493

On page 1, lines 1 and 3, strike "\$10,000,000" and insert "\$5,000,000" and on line 8 strike "ten" and insert "five".

The K. Haar amendment lost with 3 ayes, 24 nays, 17 present and not voting, and 5 excused and not voting.

The Flood amendment, AM2493, found on page 952 and considered in this day's Journal, was renewed.

Senator Flood moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Christensen	Hadley	Lambert	Pirsch
Ashford	Coash	Howard	Langemeier	Schilz
Avery	Cornett	Janssen	Lautenbaugh	Smith
Bloomfield	Fischer	Karpisek	McCoy	Sullivan
Brasch	Flood	Krist	Pahls	Wallman

Voting in the negative, 16:

Conrad	Gloor	Louden	Nordquist
Cook	Hansen	McGill	Schumacher
Council	Harms	Mello	Seiler
Fulton	Heidemann	Nelson	Wightman

Present and not voting, 4:

Campbell	Dubas	Haar, K.	Lathrop
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Excused and not voting, 4:

Carlson	Harr, B.	Larson	Price
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The Flood amendment was adopted with 25 ayes, 16 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment:

FA55

On page 4, line 4, strike "eighty million" and insert "fifty million.".

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

SENATOR LANGEMEIER PRESIDING

LEGISLATIVE BILL 968. ER209, found on page 933, was adopted.

Senator Flood asked unanimous consent to withdraw his amendment, FA39, found on page 832, and replace it with his substitute amendment, AM2486. No objections. So ordered.

AM2486

(Amendments to Standing Committee amendments, AM2123)

- 1 1. Purpose: State aid for special education has not
- 2 been increased since FY2008-09. This amendment increases the
- 3 General Fund appropriation for state aid for special education
- 4 for FY2011-12 by \$1.0 million and for FY2012-13 by \$9.0 million.
- 5 Amendment:

6 a. On page 18, line 21, strike "1,006,042,169
 7 1,038,433,125" and insert "1,007,042,169 1,047,433,125"; in line
 8 25 strike "1,300,385,203 1,332,776,159" and insert "1,301,385,203
 9 1,341,776,159"; and in line 27 strike "\$1,006,042,169", show as
 10 stricken, and insert "\$1,007,042,169"; and

11 b. On page 19, line 4, strike "\$1,038,433,125" and
 12 insert "\$1,047,433,125"; in line 19, strike "\$184,893,842", show
 13 as stricken, and insert "\$185,893,842", and in line 21 strike
 14 "\$184,893,842", show as stricken, and insert "\$193,893,842".

15 2. Purpose: Laws 2011, LB 390, eliminated the Community
 16 Corrections Council and transferred community corrections
 17 appropriations from the Nebraska Commission on Law Enforcement and
 18 Criminal Justice to the Supreme Court beginning with the current
 19 2011-13 (FY2011-12 and FY2012-13) budget biennium. This amendment
 20 eliminates the remaining unobligated Nebraska Commission on Law
 21 Enforcement and Criminal Justice Community Corrections Council
 22 General Fund reappropriation of \$424,727 left from FY2010-11 which
 1 has no continuing purpose.

2 Amendment:

3 a. Insert the following new section:

4 Sec. 70. Laws 2011, LB390, section 34, is amended to
 5 read:

6 Sec. 34. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW
 7 ENFORCEMENT AND CRIMINAL JUSTICE

8 Program No. 220 - Community Corrections Council Office

	FY2011-12	FY2012-13
10 GENERAL FUND	281,298	285,298
11 CASH FUND	405,917	406,951
12 PROGRAM TOTAL	687,215	692,249
13 SALARY LIMIT	218,643	223,016

14 The unexpended General Fund appropriation balance
 15 existing on June 30, 2011, less \$424,727, is hereby reappropriated.

16 b. On page 72, line 10, strike "section 33" and insert
 17 "sections 33 and 34"; and

18 c. Renumber the remaining sections and correct internal
 19 references accordingly.

20 3. Purpose: The Department of Health and Human Services
 21 February 23, 2012, letter to the chairpersons of the Appropriations
 22 Committee and the Health and Human Services Committee requested a
 23 reallocation of \$20.0 million of current FY2011-12 appropriations,
 24 including \$3.7 million in General Fund appropriations from
 25 Behavioral Health Aid Program 38, to finance child welfare
 26 service changes and costs for the remainder of current FY2011-12.

27 An evaluation of year-to-date and estimated expenditures for
 1 behavioral health aid is less than current appropriations.

2 Appropriations Committee amendments, AM2123, includes this change
 3 for FY2011-12 as explained on pages 24-25 of the Committee report.

4 The department has also indicated that estimated expenditures will

5 continue to be less than the appropriation for Behavioral Health
6 Aid Program 38 in FY2012-13 by as much as \$3.7 million. This
7 amendment reduces the FY2012-13 General Fund appropriation for that
8 program by \$1,850,000, one-half of that estimate.

9 Amendment:

10 a. On page 28, line 4, strike "75,133,219" and
11 insert "73,283,219"; in line 8 strike "100,220,470" and insert
12 "98,370,470"; and in line 13 strike "\$75,133,219" and insert
13 "\$73,283,219".

14 4. Purpose: The Governor's mid-biennium recommendations
15 included a reduction of \$5 million in the General Fund
16 appropriations in both the FY2011-12 and FY2012-13 appropriation
17 for Medicaid Program 348 because an evaluation of year-to-date
18 and estimated expenditures is less than the current appropriation.
19 The Appropriations Committee amendments, AM2123, reduced these
20 appropriations by \$3 million for both fiscal years as explained on
21 pages 26 and 27 of the Committee report. This amendment reduces
22 the same appropriations by an additional \$2.0 million General Funds
23 in both FY2011-12 and FY2012-13.

24 Amendment:

25 a. On page 34, strike line 6 and insert "GENERAL FUND
26 580,313,492 644,573,194"; strike line 11 and insert "PROGRAM TOTAL
27 1,599,593,142 1,699,508,714"; in line 13 strike "\$582,313,492" and
1 insert "\$580,313,492"; and in line 17 strike "\$646,573,194" and
2 insert "\$644,573,194".

Senator Mello requested a division of the question on the Flood amendment.

The Chair sustained the division of the question.

The first Flood amendment is as follows:

AM2504

(Amendments to Standing Committee amendments, AM2123)

1 Purpose: The Governor's mid-biennium recommendations
2 included a reduction of \$5 million in the General Fund
3 appropriations in both the FY2011-12 and FY2012-13 appropriation
4 for Medicaid Program 348 because an evaluation of year-to-date
5 and estimated expenditures is less than the current appropriation.
6 The Appropriations Committee amendments, AM2123, reduced these
7 appropriations by \$3 million for both fiscal years as explained on
8 pages 26 and 27 of the Committee report. This amendment reduces
9 the same appropriations by an additional \$2.0 million General Funds
10 in both FY2011-12 and FY2012-13.

11 Amendment:

12 1. On page 34, strike line 6 and insert "GENERAL FUND
13 580,313,492 644,573,194"; strike line 11 and insert "PROGRAM TOTAL
14 1,599,593,142 1,699,508,714"; in line 13 strike "\$582,313,492" and
15 insert "\$580,313,492"; and in line 17 strike "\$646,573,194" and
16 insert "\$644,573,194".

The second Flood amendment is as follows:

AM2503

(Amendments to Standing Committee amendments, AM2123)

1 Purpose: The Department of Health and Human Services
 2 February 23, 2012, letter to the chairpersons of the Appropriations
 3 Committee and the Health and Human Services Committee requested a
 4 reallocation of \$20.0 million of current FY2011-12 appropriations,
 5 including \$3.7 million in General Fund appropriations from
 6 Behavioral Health Aid Program 38, to finance child welfare
 7 service changes and costs for the remainder of current FY2011-12.
 8 An evaluation of year-to-date and estimated expenditures for
 9 behavioral health aid is less than current appropriations.
 10 Appropriations Committee amendments, AM2123, includes this change
 11 for FY2011-12 as explained on pages 24-25 of the Committee report.
 12 The department has also indicated that estimated expenditures will
 13 continue to be less than the appropriation for Behavioral Health
 14 Aid Program 38 in FY2012-13 by as much as \$3.7 million. This
 15 amendment reduces the FY2012-13 General Fund appropriation for that
 16 program by \$1,850,000, one-half of that estimate.

17 Amendment:

18 1. On page 28, line 4, strike "75,133,219" and
 19 insert "73,283,219"; in line 8 strike "100,220,470" and insert
 20 "98,370,470"; and in line 13 strike "\$75,133,219" and insert
 21 "\$73,283,219".

The third Flood amendment is as follows:

AM2502

(Amendments to Standing Committee amendments, AM2123)

1 1. Purpose: State aid for special education has not
 2 been increased since FY2008-09. This amendment increases the
 3 General Fund appropriation for state aid for special education
 4 for FY2011-12 by \$1.0 million and for FY2012-13 by \$9.0 million.

5 Amendment:

6 a. On page 18, line 21, strike "1,006,042,169
 7 1,038,433,125" and insert "1,007,042,169 1,047,433,125"; in line
 8 25 strike "1,300,385,203 1,332,776,159" and insert "1,301,385,203
 9 1,341,776,159"; and in line 27 strike "\$1,006,042,169", show as
 10 stricken, and insert "\$1,007,042,169"; and

11 b. On page 19, line 4, strike "\$1,038,433,125" and
 12 insert "\$1,047,433,125"; in line 19, strike "\$184,893,842", show
 13 as stricken, and insert "\$185,893,842", and in line 21 strike
 14 "\$184,893,842", show as stricken, and insert "\$193,893,842".

15 2. Purpose: Laws 2011, LB 390, eliminated the Community
 16 Corrections Council and transferred community corrections
 17 appropriations from the Nebraska Commission on Law Enforcement and
 18 Criminal Justice to the Supreme Court beginning with the current
 19 2011-13 (FY2011-12 and FY2012-13) budget biennium. This amendment
 20 eliminates the remaining unobligated Nebraska Commission on Law
 21 Enforcement and Criminal Justice Community Corrections Council

22 General Fund reappropriation of \$424,727 left from FY2010-11 which
 1 has no continuing purpose.

2 Amendment:

3 a. Insert the following new section:

4 Sec. 70. Laws 2011, LB390, section 34, is amended to
 5 read:

6 Sec. 34. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW
 7 ENFORCEMENT AND CRIMINAL JUSTICE

8 Program No. 220 - Community Corrections Council Office

	FY2011-12	FY2012-13
10 GENERAL FUND	281,298	285,298
11 CASH FUND	405,917	406,951
12 PROGRAM TOTAL	687,215	692,249
13 SALARY LIMIT	218,643	223,016

14 The unexpended General Fund appropriation balance
 15 existing on June 30, 2011, less \$424,727, is hereby reappropriated.

16 b. On page 72, line 10, strike "section 33" and insert
 17 "sections 33 and 34"; and

18 c. Renumber the remaining sections and correct internal
 19 references accordingly.

The first Flood amendment, AM2504, found in this day's Journal, was renewed.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 1115. Placed on General File with amendment. AM2495 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

Judiciary

LEGISLATIVE BILL 804. Placed on General File with amendment. AM2268

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. Section 28-1416, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-1416 (1) In any prosecution based on conduct which is
 6 justifiable under sections 28-1406 to 28-1416, justification is an
 7 affirmative defense.

8 ~~(2) The fact that conduct is justifiable under sections~~
 9 ~~28-1406 to 28-1416 does not abolish or impair any remedy for such~~

10 ~~conduct which is available in any civil action.~~
 11 (2) The justification defenses provided for under
 12 sections 28-1406 to 28-1416 shall be available in any civil action
 13 for assault and battery or intentional wrongful death and, where
 14 applicable, shall be a bar to recovery.
 15 Sec. 2. Original section 28-1416, Reissue Revised
 16 Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB357:
 AM2494

1 1. On page 2, line 13, after the period insert "Any city
 2 of the metropolitan class that proposes to impose a municipal sales
 3 and use tax at a rate greater than one and one-half percent or
 4 increase a municipal sales and use tax to a rate greater than
 5 one and one-half percent shall use the proceeds from the first
 6 three-tenths percent of such tax rate or tax rate increase that
 7 is in excess of one and one-half percent for a municipal project
 8 to reduce overflows from a combined sewer system pursuant to a
 9 long-term control plan approved by the Department of Environmental
 10 Quality for a period of twenty-five years after imposition of the
 11 tax or increase or until the project is completed, whichever is
 12 earlier, and shall reduce other funding sources for the project by
 13 a similar amount for such period.".

Senator Howard filed the following amendment to LB968:
 AM2491

(Amendments to Standing Committee amendments, AM2123)
 1 1. On page 32, line 18, strike "266,818,578" and
 2 insert "260,818,578"; in line 22 strike "413,866,592" and insert
 3 "407,866,592"; and in line 24 strike "\$266,818,578" and insert
 4 "\$260,818,578".
 5 2. On page 33, after line 25 insert:
 6 "The appropriation included in this program for FY2011-12
 7 and FY2012-13 does not include funding for transition costs
 8 relating to the termination of the contract with KVC. It is
 9 the intent of the Legislature that these costs not be paid to
 10 KVC.".

Senator Ashford filed the following amendment to LB968:
 AM2498

(Amendments to Standing Committee amendments, AM2123)
 1 1. Insert the following new sections:
 2 Sec. 70. The Department of Health and Human Services
 3 is hereby authorized to renovate the second-floor sleeping areas
 4 of the Bryant/Creighton living unit at the Youth Rehabilitation

5 and Treatment Center-Kearney. The purpose of the renovation is
 6 to provide the youth with a more private, homelike environment
 7 and with a climate that is more conducive to treatment and
 8 rehabilitation programs provided at the facility, including the
 9 ability to provide space for the separation of juveniles exhibiting
 10 behavior that is a danger to themselves or others.

11 There is hereby appropriated \$906,773 from the General
 12 Fund for FY2012-13 to the Department of Health and Human Services,
 13 for Program 942, for the renovation of the Bryant/Creighton living
 14 unit at the Youth Rehabilitation and Treatment Center-Kearney. It
 15 is the intent of the Legislature that all statutory requirements
 16 of the state building division of the Department of Administrative
 17 Services be met for this project before work begins.

18 Sec. 71. The Department of Health and Human Services
 19 is hereby authorized to remodel the second-floor sleeping areas
 20 of the Lincoln/Washington living unit at the Youth Rehabilitation
 21 and Treatment Center-Kearney. The purpose of the renovation is
 22 to provide the youth with a more private, homelike environment
 1 and with a climate that is more conducive to treatment and
 2 rehabilitation programs provided at the facility, including the
 3 ability to provide space for the separation of juveniles exhibiting
 4 behavior that is a danger to themselves or others.

5 There is hereby appropriated \$906,773 from the
 6 General Fund for FY2013-14 to the Department of Health and
 7 Human Services, for Program 942, for the renovation of the
 8 Lincoln/Washington living unit at the Youth Rehabilitation and
 9 Treatment Center-Kearney. It is the intent of the Legislature
 10 that all statutory requirements of the state building division of
 11 the Department of Administrative Services be met for this project
 12 before work begins.

13 2. Renumber the remaining sections and correct internal
 14 references accordingly.

Senator Ashford filed the following amendment to LB968:
 AM2500

(Amendments to Standing Committee amendments, AM2123)

1 Purpose: To appropriate \$60,000 in cash funds to the
 2 Nebraska State Patrol to contract with the University of Nebraska
 3 to study sex offender recidivism data before and after the passage
 4 of Laws 2009, LB285, which changed the Nebraska sex offender
 5 classification system from an evaluation of risk assessment system
 6 to an offense-based assessment system in the attempt by the state
 7 to comply with federal requirements under the Adam Walsh Child
 8 Protection and Safety Act of 2006.

9 Amendment:

10 1. Insert the following new section:

11 Sec. 56. Laws 2011, LB374, section 181, is amended to
 12 read:

13	Sec. 181. AGENCY NO. 64 - NEBRASKA STATE PATROL		
14	Program No. 100 - Public Protection		
15		FY2011-12	FY2012-13
16	GENERAL FUND	51,473,222	52,031,516
17	CASH FUND	4,368,935	4,391,029
18	<u>CASH FUND</u>	<u>4,428,935</u>	<u>4,391,029</u>
19	FEDERAL FUND est.	126,483	157,150
20	PROGRAM TOTAL	55,968,640	56,579,695
1	<u>PROGRAM TOTAL</u>	<u>56,028,640</u>	<u>56,579,695</u>
2	SALARY LIMIT	33,648,596	34,287,851

3 The unexpended General Fund appropriation balance
4 existing on June 30, 2011, is hereby reappropriated.

5 The Department of Administrative Services shall monitor
6 the appropriations and expenditures for this program according to
7 the following program classifications:

- 8 No. 189 - Command and Support
- 9 No. 190 - Criminal Investigations
- 10 No. 195 - Road Operations

11 There is included in the appropriation to this program
12 for FY2011-12 \$150,000 General Funds and \$100,000 Federal Funds
13 from the Byrne Criminal History Improvement set-aside funds,
14 subject to available federal appropriation, which shall only be
15 expended for criminal justice information systems improvements.
16 There is included in the appropriation to this program for
17 FY2012-13 \$150,000 General Funds and \$100,000 Federal Funds from
18 the Byrne Criminal History Improvement set-aside funds, subject
19 to available federal appropriation, which shall only be expended
20 for criminal justice information systems improvements. Federal
21 Funds transferred to the Nebraska State Patrol pursuant to this
22 section shall be expended consistent with all applicable federal
23 laws, rules, and regulations pertaining to Byrne Criminal History
24 Improvement set-aside funds.

25 There is included in the appropriation to this program
26 for FY2011-12 \$485,979 Cash Funds and for FY2012-13 \$485,979
1 Cash Funds, which appropriation amounts shall only be expended
2 to provide law enforcement coverage along state road construction
3 zones. The Department of Roads shall contract with the Nebraska
4 State Patrol for such law enforcement coverage and shall pay for
5 such services from the Roads Operations Cash Fund to the Nebraska
6 State Patrol Cash Fund in four equal quarterly amounts to be
7 transferred by the State Treasurer on or before July 15, October
8 15, January 15, and April 15, for both FY2011-12 and FY2012-13.

9 2. On page 72, line 8, after "132," insert "181,".

10 3. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Lautenbaugh filed the following amendment to LB968:
AM2523

(Amendments to Standing Committee amendments, AM2123)

1 1. On page 34, line 6, strike "646,573,194" and insert
 2 "636,913,051"; in line 10 strike "1,030,591,108" and insert
 3 "1,018,118,684"; in line 11 strike "1,701,508,714" and insert
 4 "1,679,376,147"; in line 17 strike "\$646,573,194" and insert
 5 "\$636,913,051"; and in line 18 strike "\$1,030,591,108" and insert
 6 "\$1,018,118,684".

Senator Langemeier filed the following amendment to LB968:
 AM2527

(Amendments to Standing Committee amendments, AM2123)

1 Purpose: AM2123 contains an appropriation of \$5,000,000
 2 in the Governor's Emergency Program as a reserve for future
 3 disasters. This amendment would reduce this reserve to \$2,000,000.

4 Amendment:

5 a. On page 44, line 26, strike "9,400,000" and insert
 6 "6,400,000".

7 b. On page 45, line 2, strike "13,900,000" and insert
 8 "10,900,000"; and in line 7 strike "\$9,400,000" and insert
 9 "\$6,400,000".

Senator Lautenbaugh filed the following amendment to LB969:
 AM2497

(Amendments to Standing Committee amendments, AM2068)

1 1. Insert the following new sections:

2 Section 1. Laws 2011, LB374, section 209, is amended to
 3 read:

4 Sec. 209. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE
 5 SERVICES

6 Program No. 685 - Office of the Nebraska Capitol
 7 Commission

	FY2011-12	FY2012-13
9 GENERAL FUND	3,567,941	3,592,277
10 CASH FUND	35,387	35,387
11 REVOLVING FUND	4,750	4,750
12 PROGRAM TOTAL	3,608,078	3,632,414
13 SALARY LIMIT	1,149,602	1,171,623
14 <u>GENERAL FUND</u>	<u>3,567,941</u>	<u>-0-</u>
15 <u>CASH FUND</u>	<u>35,387</u>	<u>-0-</u>
16 <u>REVOLVING FUND</u>	<u>4,750</u>	<u>-0-</u>
17 <u>PROGRAM TOTAL</u>	<u>3,608,078</u>	<u>-0-</u>
18 <u>SALARY LIMIT</u>	<u>1,149,602</u>	<u>-0-</u>

19 ~~The unexpended General Fund appropriation balance~~
 20 ~~existing on June 30, 2011, is hereby reappropriated. It is the~~
 21 ~~intent of the Legislature that any reappropriated balance be used~~
 22 ~~for unexpected increases in utility expenses.~~

1 Sec. 2. There is hereby appropriated \$3,592,277 from the
 2 General Fund for FY2012-13 to the Attorney General to provide for
 3 investigation and enforcement of remedies that provide for the
 4 equitable treatment of tobacco users.

5 2. Renumber the remaining sections and correct internal
6 references and the repealer accordingly with the sections added by
7 this amendment to become operative on the effective date of this
8 act.

Senator Cornett filed the following amendment to LB1050:
AM2181

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 77-2701, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
6 77-27,236 and section 2 of this act shall be known and may be cited
7 as the Nebraska Revenue Act of 1967.

8 Sec. 2. (1) It is the intent of the Legislature that
9 the incentive created by this section be used solely to induce
10 procurement processing companies to locate in this state, resulting
11 in significant new sales tax revenue generated for this state.

12 (2) For purposes of this section:

13 (a) Affiliated entity means a person who directly,
14 or indirectly through one or more intermediaries, controls, is
15 controlled by, or is under common control with another person;

16 (b) Department means the Department of Revenue;

17 (c) New taxable sales means the sales of property and
18 services upon which sales and use taxes are paid under the Nebraska
19 Revenue Act of 1967 and which occur in this state as a result of
20 the operation in this state of a procurement processing company;

21 (d) Procurement processing company means a person engaged
22 in managing the activities of unrelated purchasing companies; and

23 (e) Purchasing company means a person engaged in the
1 activity of selling property and services to affiliated entities.

2 (3) The Tax Commissioner may enter into a contract with
3 a procurement processing company in which such company agrees
4 to locate its business operations in this state in return for
5 the incentive provided in subsection (4) of this section if the
6 Governor determines the contract to be in the best interest of this
7 state. The Governor's determination shall be based on (a) the new
8 taxable sales that would be generated as a result of the contract
9 and (b) the department's certification to the Governor that the
10 contract does not result in a reduction of net sales tax revenue.

11 (4)(a) A contract entered into under this section may
12 include as an incentive to the procurement processing company a
13 rebate of sales and use taxes paid under the Nebraska Revenue Act
14 of 1967 by purchasing companies that are managed by the procurement
15 processing company.

16 (b) The department may withhold up to ten percent of any
17 incentive due under this subsection and hold such funds in escrow
18 for a period not to exceed thirty-six months from the earlier of
19 the date the sales tax was remitted to the state or the date

20 the sales tax became legally due. Any funds held in escrow under
 21 this subsection shall be maintained in the escrow account for the
 22 purpose set forth in subsection (5) of this section.

23 (5) If an incentive paid under this section is
 24 subsequently determined to have been paid in error, any remaining
 25 incentives shall be reduced by the amount of the incentive paid in
 26 error. If remaining incentives are insufficient to cover an amount
 27 paid in error, the difference shall be paid from the escrow account
 1 authorized in subdivision (4)(b) of this section.

2 (6) For determining the amount of sales tax on new
 3 taxable sales credited to the State Highway Capital Improvement
 4 Fund and the Highway Allocation Fund as a result of this section,
 5 the net proceeds of the sales and use taxes collected on new
 6 taxable sales, after deducting applicable rebates under this
 7 section, shall be the amount used to determine the allocation
 8 under subdivision (2)(b) of section 77-27,132.

9 (7) A contract entered into under this section may not
 10 exceed an initial term of twenty years.

11 (8) A contract entered into under this section is exempt
 12 from the requirements of sections 73-201 to 73-204 and 73-501 to
 13 73-509.

14 (9) Purchasing companies shall be subject to the
 15 reporting, audit, enforcement, and confidentiality provisions of
 16 the Nebraska Revenue Act of 1967 that are applicable to other
 17 sellers in this state. The state may not contractually waive this
 18 requirement.

19 (10) On or before July 15 each year, the Tax Commissioner
 20 shall submit a report to the Legislature regarding any contract
 21 entered into under this section. The report shall include total
 22 sales occurring in this state as a result of this section and total
 23 sales tax revenue generated on those sales for this state.

24 Sec. 3. Original section 77-2701, Reissue Revised
 25 Statutes of Nebraska, is repealed.

Senator Cornett filed the following amendment to LB1080:
 AM1826

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. Section 77-202, Revised Statutes Supplement,
 4 2011, is amended to read:

5 77-202 (1) The following property shall be exempt from
 6 property taxes:

7 (a) Property of the state and its governmental
 8 subdivisions to the extent used or being developed for use by
 9 the state or governmental subdivision for a public purpose. For
 10 purposes of this subdivision, public purpose means use of the
 11 property (i) to provide public services with or without cost to the
 12 recipient, including the general operation of government, public
 13 education, public safety, transportation, public works, civil and

14 criminal justice, public health and welfare, developments by a
15 public housing authority, parks, culture, recreation, community
16 development, and cemetery purposes, or (ii) to carry out the
17 duties and responsibilities conferred by law with or without
18 consideration. Public purpose does not include leasing of property
19 to a private party unless the lease of the property is at fair
20 market value for a public purpose. Leases of property by a public
21 housing authority to low-income individuals as a place of residence
22 are for the authority's public purpose;

23 (b) Unleased property of the state or its governmental
1 subdivisions which is not being used or developed for use for
2 a public purpose but upon which a payment in lieu of taxes is
3 paid for public safety, rescue, and emergency services and road
4 or street construction or maintenance services to all governmental
5 units providing such services to the property. Except as provided
6 in Article VIII, section 11, of the Constitution of Nebraska,
7 the payment in lieu of taxes shall be based on the proportionate
8 share of the cost of providing public safety, rescue, or emergency
9 services and road or street construction or maintenance services
10 unless a general policy is adopted by the governing body of the
11 governmental subdivision providing such services which provides for
12 a different method of determining the amount of the payment in
13 lieu of taxes. The governing body may adopt a general policy by
14 ordinance or resolution for determining the amount of payment in
15 lieu of taxes by majority vote after a hearing on the ordinance
16 or resolution. Such ordinance or resolution shall nevertheless
17 result in an equitable contribution for the cost of providing such
18 services to the exempt property;

19 (c) Property owned by and used exclusively for
20 agricultural and horticultural societies;

21 (d) Property owned by educational, religious, charitable,
22 or cemetery organizations, or any organization for the exclusive
23 benefit of any such educational, religious, charitable, or cemetery
24 organization, and used exclusively for educational, religious,
25 charitable, or cemetery purposes, when such property is not

26 (i) owned or used for financial gain or profit to either the
27 owner or user, (ii) used for the sale of alcoholic liquors for
1 more than twenty hours per week, or (iii) owned or used by
2 an organization which discriminates in membership or employment
3 based on race, color, or national origin. For purposes of this
4 subdivision, educational organization means (A) an institution
5 operated exclusively for the purpose of offering regular courses
6 with systematic instruction in academic, vocational, or technical
7 subjects or assisting students through services relating to the
8 origination, processing, or guarantying of federally reinsured
9 student loans for higher education or (B) a museum or historical
10 society operated exclusively for the benefit and education of the
11 public. For purposes of this subdivision, charitable organization
12 means an organization operated exclusively for the purpose of the

13 mental, social, or physical benefit of the public or an indefinite
14 number of persons; and

15 (e) Household goods and personal effects not owned or
16 used for financial gain or profit to either the owner or user.

17 (2) The increased value of land by reason of shade and
18 ornamental trees planted along the highway shall not be taken into
19 account in the valuation of land.

20 (3) Tangible personal property which is not depreciable
21 tangible personal property as defined in section 77-119 shall be
22 exempt from property tax.

23 (4) Motor vehicles required to be registered for
24 operation on the highways of this state shall be exempt from
25 payment of property taxes.

26 (5) Business and agricultural inventory shall be exempt
27 from the personal property tax. For purposes of this subsection,
1 business inventory includes personal property owned for purposes
2 of leasing or renting such property to others for financial gain
3 only if the personal property is of a type which in the ordinary
4 course of business is leased or rented thirty days or less and
5 may be returned at the option of the lessee or renter at any time
6 and the personal property is of a type which would be considered
7 household goods or personal effects if owned by an individual. All
8 other personal property owned for purposes of leasing or renting
9 such property to others for financial gain shall not be considered
10 business inventory.

11 (6) Any personal property exempt pursuant to subsection
12 (2) of section 77-4105 or section 77-5209.02 shall be exempt from
13 the personal property tax.

14 (7) Livestock shall be exempt from the personal property
15 tax.

16 (8) Any personal property exempt pursuant to the Nebraska
17 Advantage Act shall be exempt from the personal property tax.

18 (9) Any depreciable tangible personal property used
19 directly in the generation of electricity using wind as the fuel
20 source shall be exempt from the property tax levied on depreciable
21 tangible personal property. Depreciable tangible personal property
22 used directly in the generation of electricity using wind as the
23 fuel source includes, but is not limited to, wind turbines, rotors
24 and blades, towers, trackers, generating equipment, transmission
25 components, substations, supporting structures or racks, inverters,
26 and other system components such as wiring, control systems,
27 switchgears, and generator step-up transformers.

1 (10) Any tangible personal property that is acquired by
2 a person operating a data center located in this state, that is
3 assembled, engineered, processed, fabricated, manufactured into,
4 attached to, or incorporated into other tangible personal property,
5 both in component form or that of an assembled product, for
6 the purpose of subsequent use at a physical location outside
7 this state by the person operating a data center shall be

8 exempt from the personal property tax. Such exemption extends
9 to keeping, retaining, or exercising any right or power over
10 tangible personal property in this state for the purpose of
11 subsequently transporting it outside this state for use thereafter
12 outside this state. For purposes of this subsection, data center
13 means computers, supporting equipment, and other organized assembly
14 of hardware or software that are designed to centralize the
15 storage, management, or dissemination of data and information,
16 environmentally controlled structures or facilities or interrelated
17 structures or facilities that provide the infrastructure for
18 housing the equipment, such as raised flooring, electricity supply,
19 communication and data lines, Internet access, cooling, security,
20 and fire suppression, and any building housing the foregoing.

21 Sec. 2. Section 77-2701, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
24 77-27,236 and sections 4 and 5 of this act shall be known and may
25 be cited as the Nebraska Revenue Act of 1967.

26 Sec. 3. Section 77-2701.04, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 77-2701.04 For purposes of sections 77-2701.04 to
2 77-2713 and sections 4 and 5 of this act, unless the context
3 otherwise requires, the definitions found in sections 77-2701.05 to
4 77-2701.53 and section 4 of this act shall be used.

5 Sec. 4. Data center means computers, supporting
6 equipment, and other organized assembly of hardware or software
7 that are designed to centralize the storage, management, or
8 dissemination of data and information, environmentally controlled
9 structures or facilities or interrelated structures or facilities
10 that provide the infrastructure for housing the equipment, such as
11 raised flooring, electricity supply, communication and data lines,
12 Internet access, cooling, security, and fire suppression, and any
13 building housing the foregoing.

14 Sec. 5. Sales and use taxes shall not be imposed on the
15 gross receipts from the sale, lease, or rental of and the storage,
16 use, or other consumption in this state of tangible personal
17 property and services acquired by a person operating a data center
18 located in this state that are assembled, engineered, processed,
19 fabricated, manufactured into, attached to, or incorporated into
20 other tangible personal property for the purpose of subsequent use
21 at a physical location outside this state. Such exemption extends
22 to keeping, retaining, or exercising any right or power over
23 such tangible personal property in this state for the purpose of
24 subsequently transporting it outside this state for use thereafter
25 outside this state.

26 Sec. 6. Sections 2, 3, 4, 5, and 7 of this act become
27 operative on July 1, 2012. The other sections of this act become
1 operative on their effective date.

2 Sec. 7. Original sections 77-2701 and 77-2701.04, Reissue

- 3 Revised Statutes of Nebraska, are repealed.
 4 Sec. 8. Original section 77-202, Revised Statutes
 5 Supplement, 2011, is repealed.
 6 Sec. 9. Since an emergency exists, this act takes effect
 7 when passed and approved according to law.

Senator Schilz filed the following amendment to LB670:
 AM2496 is available in the Bill Room.

Senator McCoy filed the following amendment to LB782:
 AM2392

- 1 1. Strike original sections 77, 204, 218, 220, 233, 238,
 2 239, 240, and 241 and insert the following new section:
 3 Sec. 211. Section 81-2022, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 81-2022 Any funds of the Nebraska State Patrol Retirement
 6 System available for investment shall be invested by the Nebraska
 7 Investment Council pursuant to the Nebraska Capital Expansion Act
 8 and the Nebraska State Funds Investment Act. Payment for investment
 9 services by the council shall be charged directly against the gross
 10 investment returns of the funds. Charges so incurred shall not
 11 be a part of the board's annual budget request. The amounts of
 12 payment for such services, as of December 31 of each year, shall
 13 be reported not later than March 31 of the following year to the
 14 council, the board, and the Nebraska Retirement Systems Committee
 15 of the Legislature. The report submitted to the committee shall be
 16 submitted electronically.
 17 The state investment officer shall sell any securities
 18 upon request from the director so as to provide money for the
 19 payment of benefits or annuities.
 20 2. On page 31, line 3, after "Committee" insert "of
 21 the Legislature. The report submitted to the committee shall be
 22 submitted electronically".
 23 3. On page 52, lines 10 through 12 and 15 through 17,
 1 reinstate the stricken matter.
 2 4. On page 112, line 7, after the period insert "The
 3 notification submitted to the Clerk of the Legislature shall be
 4 submitted electronically".
 5 5. On page 153, line 6, after the period insert "The
 6 notification submitted to the Legislature shall be submitted
 7 electronically".
 8 6. On page 181, line 16, strike the first occurrence of
 9 "a", show as stricken, and insert "an electronic".
 10 7. On page 236, line 3, after "submit" insert
 11 "electronically".
 12 8. On page 239, line 14, after "provide" insert
 13 "electronically".
 14 9. On page 245, line 7, after "approval" insert "by the
 15 Legislature".

- 16 10. On page 252, line 2, strike the new matter.
 17 11. On page 262, line 20, strike "a subsequent
 18 Legislature for", show as stricken, and insert "the Legislature
 19 which shall render".
 20 12. On page 270, line 22, after "plans" insert "and any
 21 updates or revisions".
 22 13. On page 290, strike lines 9-10.
 23 14. On page 291, after line 19 insert the following new
 24 paragraph:
 25 "The reports and summaries submitted to the Clerk of the
 26 Legislature shall be submitted electronically.".
 27 15. On page 302, line 10, after "report" insert
 1 "electronically".
 2 16. On page 304, strike lines 22 through 24.
 3 17. On page 360, line 17, after "report" insert
 4 "electronically".
 5 18. On page 374, line 20, strike "electronically"; and in
 6 line 23 strike "may", show as stricken, and insert "shall".
 7 19. On page 381, line 9, strike "50-414,"; in line 23
 8 strike "81-15,101,"; in line 24 after the second comma insert
 9 "81-2022,"; and in line 25 strike "83-111," and "83-908,".
 10 20. On page 382, line 1, strike "84-1205.03"; in line 2
 11 strike "85-414, 85-417, 85-424,"; in line 6 strike "85-421,"; in
 12 line 17 strike "43-4002, 43-4003,"; and in lines 19 and 20, strike
 13 "sections 46-2,140 and" and insert "section".
 14 21. Renumber the remaining sections and correct internal
 15 references accordingly.

Senator Adams filed the following amendment to LB870:
 AM2512

(Amendments to E & R amendments, ER212)

- 1 1. On page 1, line 11, strike "beginning with school year
 2 2012-13"; in line 14 strike "assessments" and insert "assessment
 3 instruments"; in line 19 strike "shall" and insert "may"; in
 4 line 21 before the period insert "beginning with school year
 5 2013-14"; in line 22 after "report" insert "any performance levels
 6 established by the board regarding"; and in lines 22 and 23 strike
 7 "level of".
 8 2. On page 2, line 1, strike "on" through "system".
 9 3. On page 3, line 10, strike "the" and insert "a";
 10 in line 11 strike "holistic" through "find" and insert "students
 11 with"; in line 12 strike "alternative" through "educational"; in
 12 line 23 after the semicolon insert "and"; strike beginning with
 13 line 24 through "technology" in line 26 and insert:
 14 "(c) Provide a rigorous academic curriculum"; and in line
 15 27 strike "youth" and insert "students".
 16 4. On page 4, strike lines 2 through 5; in line 6 strike
 17 "(4)" and insert "(3)"; in line 9 strike "(5)" and insert "(4)";
 18 after the comma in line 13 insert "including, but not limited to,

- 19 the number of students enrolled in a career academy and their grade
20 levels,"; and in line 16 after the period insert:
21 "(5) The State Board of Education may adopt and
22 promulgate rules and regulations to carry out this section.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add his name as cointroducer to LB804. No objections. So ordered.

Senators Brasch, Janssen, Lambert, Larson, Price, and Schilz asked unanimous consent to add their names as cointroducers to LB970. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Larson withdrew his name as cointroducer to LR358CA.

VISITORS

Visitors to the Chamber were Elsa and Luke McGrain, Omaha; 33 fifth-grade students and teachers from Meadows Elementary, Omaha; 40 fourth-grade students, teachers, and sponsors from Jackson Elementary, Omaha; 40 eleventh- and twelfth-grade students and teachers from Elwood High; and 12 fourth-grade students and teacher from Omaha Christian School.

The Doctor of the Day was Dr. Ronald Morse from Creighton.

ADJOURNMENT

At 3:02 p.m., on a motion by Senator Cornett, the Legislature adjourned until 10:00 a.m., Monday, March 19, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 19, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 19, 2012

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen, Coash, Conrad, Flood, Fulton, B. Harr, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1104. Placed on Select File with amendment.
ER216

1 1. On page 1, strike beginning with "the" in line 1
2 through line 8 and insert "postsecondary education; to amend
3 sections 85-1806, 85-1809, 85-1810, 85-1812, and 85-1814, Reissue
4 Revised Statutes of Nebraska, sections 85-1801, 85-1802, 85-1804,
5 85-1807, and 85-1808, Revised Statutes Cumulative Supplement,
6 2010, sections 85-2403, 85-2405, 85-2406, 85-2408, 85-2412,
7 85-2413, 85-2414, 85-2415, 85-2416, and 85-2417, Revised Statutes
8 Supplement, 2011, and sections 77-3442 and 85-1517, Revised
9 Statutes Supplement, 2011, as amended by sections 10 and 18,
10 respectively, Legislative Bill 946, One Hundred Second Legislature,
11 Second Session, 2012; to change provisions relating to property tax
12 levies for community college areas and the Nebraska educational
13 savings plan program; to provide for recurrent authorization to
14 operate under the Postsecondary Institution Act; to eliminate
15 expired provisions; to harmonize provisions; to repeal the original

16 sections; and to outright repeal sections 85-2410 and 85-2411, 17 Revised Statutes Supplement, 2011.".

LEGISLATIVE BILL 845. Placed on Select File.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB998: AM2522 is available in the Bill Room.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1128A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1128, One Hundred Second Legislature, Second Session, 2012.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 131. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 489. Introduced by Adams, 24.

PURPOSE: To study the provision of early childhood education programs in Nebraska. The study shall include a determination of the appropriate goals for the provision of publicly funded early childhood education programs and an examination of progress toward such goals. The study shall also include, as part of the examination of progress, an analysis of measurement instruments for assessing the skills of children who are entering kindergarten and who attended a publicly funded early childhood education program, who attended a privately funded early childhood education program, and who did not attend an early childhood education program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 490. Introduced by Adams, 24.

PURPOSE: To study the system for funding educational service units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 491. Introduced by Adams, 24.

PURPOSE: The purpose of this resolution is to study:

(1) The efficiency and effectiveness of the current systems for seeking medicaid reimbursements from the federal government for physical therapy, occupational therapy, speech therapy, and administrative claims; and

(2) The feasibility of expanding the special education services for which medicaid reimbursements from the federal government are sought.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 492. Introduced by Adams, 24.

PURPOSE: To study the system of financing public education in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 493. Introduced by Dubas, 34; Sullivan, 41.

PURPOSE: The purpose of this resolution is to examine the use of the Civic and Community Center Financing Fund and to make recommendations on future use. The Civic and Community Center Financing Fund is a cash fund in the Department of Economic Development that was established in 1999. The fund is intended to support the development of civic and community centers throughout Nebraska and to support projects that foster the maintenance and growth of communities. It is projected that the income received into the fund will increase in future fiscal years, so the opportunity now exists to examine the current use of the fund and to explore statutory revisions that will maximize the future use of the fund, especially to enhance the growth of communities in rural areas of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 494. Introduced by Dubas, 34.

PURPOSE: To study uninsured and unlicensed drivers and associated penalties and make recommendations on potential changes to Nebraska law.

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.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 458, 459, 460, and 461 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 458, 459, 460, and 461.

MOTION - Approve Appointment

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 903:

Public Employees Retirement Board
Ron Ecklund

Voting in the affirmative, 37:

Adams	Council	Howard	McCoy	Seiler
Ashford	Dubas	Janssen	McGill	Smith
Avery	Fischer	Krist	Mello	Sullivan
Bloomfield	Gloor	Lambert	Nordquist	Wallman
Brasch	Haar, K.	Langemeier	Pirsch	Wightman
Campbell	Hadley	Larson	Price	
Carlson	Harms	Lathrop	Schilz	
Cook	Heidemann	Louden	Schumacher	

Voting in the negative, 0.

Present and not voting, 5:

Cornett	Hansen	Karpisek	Nelson	Pahls
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Excused and not voting, 7:

Christensen	Conrad	Fulton	Lautenbaugh
Coash	Flood	Harr, B.	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 541A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 985A. ER189, found on page 675, was adopted.

Senator Harms renewed his amendment, AM2366, found on page 886.

The Harms amendment was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Ashford renewed his amendment, AM2371, found on page 898.

The Ashford amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 473. Read. Considered.

LR473 was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR473.

RESOLUTIONS

LEGISLATIVE RESOLUTION 495. Introduced by Mello, 5.

PURPOSE: To study the flood control needs of Omaha and the greater Omaha metropolitan area and examine the resources that are available or that may be utilized to meet such needs, including compliance with various federal regulatory requirements. The study should examine the role that a natural resources district may play to meet such needs and accompanying federal regulatory requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 496. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the issues surrounding the adoption and promulgation of rules and regulations. This study shall include, but not be limited to:

(1) A review of the current procedures for the adoption and promulgation of rules and regulations in the Administrative Procedure Act (APA);

(2) A review of policy changes that have been made by state agencies outside of the APA process;

(3) An examination of the enforcement of rules and regulations by state agencies, including whether agencies are enforcing rules and regulations prior to completion of the APA process;

(4) A review of possible statutory changes to the APA which would ensure that any policy changes made by state agencies occur within the rule and regulation adoption and promulgation process;

(5) An examination of administrative procedure policies at the federal and state levels, including methods used to monitor and prevent the enforcement of unpromulgated rules, regulations, policies, or directives, and whether such policies should be incorporated into the APA process; and

(6) An examination of regulatory flexibility policies at the federal and state levels and whether such policies should be incorporated into the APA process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 497. Introduced by Larson, 40.

WHEREAS, Joyce Stevens of Crofton is a dedicated mother of three and has been selected as the 2012 Nebraska Mother of the Year; and

WHEREAS, Mrs. Stevens was born one of eight children in a little house in rural Nebraska in 1955. She attended a country school until fourth grade, when her family enrolled her in St. Frances Catholic School in Randolph. In high school, Joyce met Doyle Stevens, who would later become her husband in September of 1974; and

WHEREAS, Joyce worked as a certified pharmacy technician, left her job to raise her three children, and later returned to the pharmacy to work at the management level. After twenty-seven years with the pharmacy, Joyce retired to assist her son and husband with the family business, as well as to spend quality time with her eight grandchildren; and

WHEREAS, during thirty-seven years as a wife and mother, Joyce was active in many organizations, including as a leader for a local 4-H club, an adviser for cheerleading, a church committee member, the director of a youth choir, a confirmation teacher, a member of Relay for Life, the president of the chamber/community club, and a participant in the community theater.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Joyce Stevens on her selection as the 2012 Nebraska Mother of the Year.

2. That a copy of this resolution be presented to Mrs. Stevens at the 2012 Nebraska Mother of the Year Recognition Ceremony on March 23, 2012, in the Warner Chamber of the State Capitol.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1097. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 867. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Committee AM2117, found on page 666, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cornett asked unanimous consent to add her name as cointroducer to LB745. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 twelfth-grade students and teacher from Wilcox-Hildreth, Wilcox; 18 National Honor Society students and teacher from Fremont; 21 fourth-grade students and teacher from St. Philip Neri School, Omaha; 25 members of the Boys and Girls Club from across the state; 32 fourth-grade students from Cody Elementary, Omaha; and 15

twelfth-grade students, teacher, and sponsor from Bertrand.

RECESS

At 11:58 a.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Avery, Council, and Lautenbaugh who were excused until they arrive.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 541A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Wallman filed the following amendment to LB1090:
AM2487

(Amendments to E & R amendments, ER205)

- 1 1. On page 1, line 6, strike "Service institution" and
- 2 insert "Sponsor"; and strike beginning with "develops" in line 10
- 3 through "providing" in line 11 and insert "provides".
- 4 2. On page 2, line 2, strike "schools" and insert
- 5 "sponsors"; strike beginning with "per" in line 4 through "site"
- 6 in line 5; in line 5 strike "service institutions" and insert
- 7 "sponsors"; in line 14 strike "schools" and insert "sites";
- 8 in lines 20 and 26 strike "Service institutions" and insert
- 9 "Sponsors"; and in line 26, strike "and" and insert "or".
- 10 3. On page 3, line 1, strike beginning with "Service"
- 11 through "currently" and insert "Sponsors that"; in line 2 after
- 12 "Program" insert "at the time of grant application"; in line
- 13 3 strike "Service institutions" and insert "Sponsors"; strike
- 14 beginning with the second "the" in line 10 through "Program" in
- 15 line 11 and insert "other child nutrition programs administered"
- 16 by the department"; and in line 14 strike beginning with "sites"
- 17 through "institutions" and insert "sponsors, the number of sites
- 18 utilized by sponsors".

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Tuesday, March 27, 2012 1:00 p.m.

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

(Signed) Kathy Campbell, Chairperson

SELECT FILE

LEGISLATIVE BILL 968. The first Flood amendment, AM2504, found on page 969 and considered on page 971, was renewed.

Senator Flood moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Adams	Campbell	Hadley	Lautenbaugh	Seiler
Ashford	Carlson	Janssen	McCoy	Smith
Avery	Christensen	Krist	Pirsch	Sullivan
Bloomfield	Cornett	Lambert	Price	
Brasch	Fischer	Langemeier	Schilz	

Voting in the negative, 21:

Coash	Fulton	Howard	Mello	Wightman
Conrad	Haar, K.	Karpisek	Nelson	
Cook	Hansen	Lathrop	Nordquist	
Council	Harms	Louden	Schumacher	
Dubas	Heidemann	McGill	Wallman	

Present and not voting, 5:

Flood	Gloor	Harr, B.	Larson	Pahls
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The first Flood amendment lost with 23 ayes, 21 nays, and 5 present and not voting.

The Chair declared the call raised.

Senator Flood offered the following motion:

MO83

Reconsider the vote taken on AM2504.

SENATOR CARLSON PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 10 nays, and 11 not voting.

Senator Flood moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Flood requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 29:

Adams	Carlson	Gloor	Larson	Schilz
Ashford	Christensen	Hadley	Lautenbaugh	Schumacher
Avery	Coash	Janssen	McCoy	Seiler
Bloomfield	Cornett	Krist	Pahls	Smith
Brasch	Fischer	Lambert	Pirsch	Sullivan
Campbell	Flood	Langemeier	Price	

Voting in the negative, 19:

Conrad	Fulton	Harr, B.	Lathrop	Nordquist
Cook	Haar, K.	Heidemann	Louden	Wallman
Council	Hansen	Howard	McGill	Wightman
Dubas	Harms	Karpisek	Nelson	

Excused and not voting, 1:

Mello

The Flood motion to reconsider prevailed with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

The first Flood amendment, AM2504, found on page 969 and considered on page 971 and in this day's Journal, was reconsidered.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed

with 30 ayes, 1 nay, and 18 not voting.

The motion to cease debate prevailed with 25 ayes, 13 nays, and 11 not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Adams	Carlson	Hadley	Lautenbaugh	Schumacher
Ashford	Christensen	Janssen	McCoy	Seiler
Avery	Cornett	Krist	Pahls	Smith
Bloomfield	Fischer	Lambert	Pirsch	Sullivan
Brasch	Flood	Langemeier	Price	
Campbell	Gloor	Larson	Schilz	

Voting in the negative, 19:

Coash	Dubas	Harms	Lathrop	Nordquist
Conrad	Fulton	Heidemann	McGill	Wallman
Cook	Haar, K.	Howard	Mello	Wightman
Council	Hansen	Karpisek	Nelson	

Present and not voting, 2:

Harr, B. Louden

The first Flood amendment was adopted with 28 ayes, 19 nays, and 2 present and not voting.

The Chair declared the call raised.

The second Flood amendment, AM2503, found on page 970, was renewed.

The second Flood amendment lost with 0 ayes, 34 nays, 14 present and not voting, and 1 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 498. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is 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, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 985A. Placed on Final Reading.
ST71

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "; to provide for a transfer of funds" has been inserted after "2012".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1097. Placed on Select File with amendment.
ER217

1 1. On page 1, line 3, strike "of" and insert "by".

LEGISLATIVE BILL 867. Placed on Select File with amendment.
ER218

1 1. On page 1, line 4, after the first semicolon insert
2 "to change provisions relating to the population of affected
3 counties and reporting requirements;".

(Signed) Tyson Larson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 209A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, One Hundred Second Legislature, Second Session, 2012.

SELECT FILE

LEGISLATIVE BILL 968. The third Flood amendment, AM2502, found on page 970, was renewed.

The third Flood amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Senator Ashford asked unanimous consent to withdraw his amendment, AM2476, found on page 949, and replace it with his substitute amendment, AM2498, found on page 972. No objections. So ordered.

SENATOR GLOOR PRESIDING

Senator Ashford moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Ashford amendment lost with 20 ayes, 20 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Heidemann renewed his amendment, AM2449, found on page 950.

The Heidemann amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator Flood withdrew his amendment, AM2481, found on page 953.

Pending.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 1001. Placed on General File with amendment. AM2528

- 1 1. Strike original section 1 and renumber the remaining
- 2 sections accordingly.

(Signed) Amanda McGill, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 499. Introduced by Krist, 10.

WHEREAS, tobacco cessation programs are available to persons desiring to quit smoking cigarettes. However, many persons addicted to cigarette smoking are unable to quit; and

WHEREAS, cigarette smoking is a leading cause of preventable deaths in the United States, but studies show that smokeless tobacco presents a fraction of the health risk of smoking cigarettes; and

WHEREAS, tobacco harm reduction strategies aim to enable smokers who won't quit smoking cigarettes to switch to smokeless tobacco products. Tobacco control policies that facilitate the migration of smokers to less risky smokeless products may be more effective at reducing the deaths, diseases, and expenses associated with smoking than policies that rely solely on the abstinence-only approach; and

WHEREAS, while tobacco harm reduction strategies are not widely used, a growing body of public health advocates, academics, and tobacco manufacturers recognize the potential societal benefits of such strategies; and

WHEREAS, several public health organizations have publicly acknowledged the substantial reductions in disease risks associated with smokeless tobacco use compared to the use of cigarettes, which is referred to as the risk continuum for tobacco products, and some such organizations have endorsed tobacco harm reduction strategies to encourage smokers to switch to smokeless tobacco.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of tobacco harm reduction strategies as an additional policy choice to assist cigarette smokers in quitting.

Laid over.

LEGISLATIVE RESOLUTION 500. Introduced by Lautenbaugh, 18.

PURPOSE: To study purchasing policies and practices of school districts and educational service units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB1158:
AM2521

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:

3 Section 1. Section 68-908, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 68-908 (1) The department shall administer the medical
6 assistance program.

7 (2) The department may (a) enter into contracts
8 and interagency agreements, (b) adopt and promulgate rules
9 and regulations, (c) adopt fee schedules, (d) apply for and
10 implement waivers and managed care plans for services for eligible
11 recipients, including services under the Nebraska Behavioral
12 Health Services Act, and (e) perform such other activities as
13 necessary and appropriate to carry out its duties under the
14 Medical Assistance Act. A covered item or service as described
15 in section 68-911 that is furnished through a school-based health
16 center, furnished by a provider, and furnished under a managed
17 care plan pursuant to a waiver does not require prior consultation
18 or referral by a patient's primary care physician to be covered.
19 Any federally qualified health center providing services as a
20 sponsoring facility of a school-based health center shall be
21 reimbursed for such services provided at a school-based health
22 center at the federally qualified health center reimbursement rate.

23 (3) The department shall maintain the confidentiality
1 of information regarding applicants for or recipients of medical
2 assistance and such information shall only be used for purposes
3 related to administration of the medical assistance program and the
4 provision of such assistance or as otherwise permitted by federal
5 law.

6 (4)(a) The department shall prepare an annual summary
7 and analysis of the medical assistance program for legislative
8 and public review, including, but not limited to, a description
9 of eligible recipients, covered services, provider reimbursement,
10 program trends and projections, program budget and expenditures,
11 the status of implementation of the Medicaid Reform Plan, and
12 recommendations for program changes.

13 (b) The department shall provide a draft report of such
14 summary and analysis to the Medicaid Reform Council no later than
15 September 15 of each year. The council shall conduct a public
16 meeting no later than October 1 of each year to discuss and receive
17 public comment regarding such report. The council shall provide
18 any comments and recommendations regarding such report in writing
19 to the department no later than November 1 of each year. The
20 department shall submit a final report of such summary and analysis
21 to the Governor, the Legislature, and the council no later than
22 December 1 of each year. Such final report shall include a response
23 to each written recommendation provided by the council.

24 Sec. 2. All contracts and agreements relating to the
25 medical assistance program governing at-risk managed care service
26 delivery for behavioral health services entered into by the
27 department on or after July 1, 2012, shall:

1 (1) Provide a definition and cap on administrative

2 spending that (a) shall not exceed seven percent unless the
3 implementing department includes detailed requirements for
4 tracking administrative spending to ensure (i) that administrative
5 expenditures do not include additional profit and (ii) that any
6 administrative spending is necessary to improve the health status
7 of the population to be served and (b) shall not under any
8 circumstances exceed ten percent;

9 (2) Provide a definition of annual contractor profits and
10 losses and restrict such profits and losses under the contract so
11 that (a) profit shall not exceed three percent per year and (b)
12 losses shall not exceed three percent per year, as a percentage of
13 the aggregate of all income and revenue earned by the contractor
14 and related parties, including parent and subsidiary companies and
15 risk-bearing partners, under the contract;

16 (3) Provide for reinvestment of at least one and one-half
17 percent of the aggregate of all income and revenue each year
18 including (a) any profits in excess of the contracted amount,
19 (b) performance contingencies imposed by the department, and (c)
20 any unearned incentive funds, to fund additional behavioral health
21 services for children, families, and adults according to a plan
22 developed with stakeholder and regional behavioral health authority
23 input and approved by the department. Such plan shall address the
24 behavioral health needs of adults and children, including filling
25 service gaps and providing system improvements;

26 (4) Provide for a minimum medical loss ratio of
27 eighty-five percent of the aggregate of all income and revenue
1 earned by the contractor and related parties under the contract;

2 (5) Provide that contractor incentives, in addition to
3 potential profit, be at least one and one-half percent of the
4 aggregate of all income and revenue earned by the contractor and
5 related parties under the contract;

6 (6) Provide that a minimum of one-quarter percent of the
7 aggregate of all income and revenue earned by the contractor and
8 related parties under the contract be at risk as a penalty if the
9 contractor fails to meet the minimum performance metrics defined in
10 the contract, and such penalties, if charged, shall be accounted
11 for in a manner that shall not reduce or diminish service delivery
12 in any way; and

13 (7) Be reviewed and awarded competitively and in full
14 compliance with the procurement requirements of the State of
15 Nebraska.

16 Sec. 3. Section 71-801, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-801 Sections 71-801 to 71-830 and section 2 of this
19 act shall be known and may be cited as the Nebraska Behavioral
20 Health Services Act.

21 Sec. 4. Original sections 71-801, Reissue Revised
22 Statutes of Nebraska, and section 68-908, Revised Statutes
23 Cumulative Supplement, 2010, are repealed.

24 Sec. 5. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

Senator Hadley filed the following amendment to LB1158:
 AM2551

(Amendments to AM2521)

- 1 1. On page 3, strike beginning with "at" in line 16
- 2 through "including" in line 18.

SELECT FILE

LEGISLATIVE BILL 968. Senator Howard renewed her amendment,
 AM2491, found on page 972.

Senator Howard moved for a call of the house. The motion prevailed with
 29 ayes, 0 nays, and 20 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Christensen	Howard	Janssen	Wallman
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Voting in the negative, 32:

Adams	Dubas	Harms	Lathrop	Schilz
Bloomfield	Flood	Harr, B.	Lautenbaugh	Schumacher
Brasch	Fulton	Heidemann	McCoy	Seiler
Carlson	Gloor	Karpisek	McGill	Wightman
Coash	Haar, K.	Krist	Nelson	
Conrad	Hadley	Lambert	Nordquist	
Cook	Hansen	Langemeier	Price	

Present and not voting, 11:

Ashford	Cornett	Louden	Smith
Avery	Council	Pahls	Sullivan
Campbell	Fischer	Pirsch	

Excused and not voting, 2:

Larson	Mello
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The Howard amendment lost with 4 ayes, 32 nays, 11 present and not
 voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 501.** Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine intergovernmental relations between municipal and state governments in Nebraska. This study shall include, but not be limited to:

(1) A review of incentives and disincentives to municipal economic development, including economic development tools made available to Nebraska municipalities;

(2) A review of past and present funding levels for federal and state aid to Nebraska municipalities;

(3) A review of possible strategies to address housing, mass transportation, infrastructure, environmental, and workforce challenges facing Nebraska municipalities;

(4) A review of services provided by Nebraska municipalities and possible strategies to consolidate, streamline, and otherwise achieve greater efficiencies; and

(5) An examination of strategies for collaboration and partnership between the state and its municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 502. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the issues surrounding government transparency. This study shall include, but not be limited to:

(1) An examination of the implementation and effectiveness of the Taxpayer Transparency Act in providing Nebraskans with information about state government spending;

(2) A review of transparency efforts at the local level in Nebraska, with an emphasis on city and county governments and public power districts; and

(3) An examination of whether local governments should be subjected to requirements similar to those in the Taxpayer Transparency Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB357:
AM2538

(Amendments to AM2447)

- 1 1. On page 3, after line 27, insert the following new
2 subsection:
3 "(4) No sales and use tax shall be imposed at a rate
4 greater than one and one-half percent or increased to a rate
5 greater than one and one-half percent in a city of the metropolitan
6 class unless (a) the proceeds from the first three-tenths percent
7 of such tax rate or tax rate increase that is in excess of one
8 and one-half percent will be used for a municipal project to reduce
9 overflows from a combined sewer system pursuant to a long-term
10 control plan approved by the Department of Environmental Quality
11 for a period of twenty-five years after imposition of the tax or
12 increase, until the project is completed, or until termination of
13 the tax, whichever is earlier, and (b) other funding sources for
14 the project will be reduced by a similar amount for such period."
15 2. On page 4, line 1, strike "(4)" and insert "(5)" and
16 strike "and (3)" and insert "to (4)"; and in line 4 strike "(5)"
17 and insert "(6)".

Senator Mello filed the following amendment to LB731:
AM2534 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 968. Senator Ashford renewed his amendment, AM2500, found on page 973.

PRESIDENT SHEEHY PRESIDING

Senator Ashford moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Ashford amendment was adopted with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh withdrew his amendment, AM2523, found on page 974.

Senator Langemeier withdrew his amendment, AM2527, found on page 975.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 969. ER211, found on page 934, was adopted.

Senator Ashford renewed his amendment, AM2453, found on page 943.

The Ashford amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Senator Dubas renewed her amendment, AM2452, found on page 944.

Senator Dubas moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Dubas requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 20:

Ashford	Dubas	Janssen	Louden	Price
Campbell	Gloor	Karpisek	McGill	Schumacher
Coash	Haar, K.	Krist	Pahls	Sullivan
Cook	Howard	Lathrop	Pirsch	Wallman

Voting in the negative, 22:

Adams	Christensen	Hansen	Mello	Smith
Avery	Fischer	Harms	Nelson	Wightman
Bloomfield	Flood	Heidemann	Nordquist	
Brasch	Fulton	Langemeier	Schilz	
Carlson	Hadley	McCoy	Seiler	

Present and not voting, 3:

Cornett	Council	Harr, B.
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Excused and not voting, 4:

Conrad	Lambert	Larson	Lautenbaugh
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The Dubas amendment lost with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Flood renewed his amendment, AM2470, found on page 952.

The Flood amendment was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh withdrew his amendment, AM2497, found on page 975.

Senator Dubas offered the following amendment:
AM2542

(Amendments to Standing Committee amendments, AM2068)

- 1 1. On page 1, strike line 18.
- 2 2. On page 2, line 18, after the period insert "For
- 3 FY2012-13 and FY2013-14, the fund may only be used to fund projects
- 4 of municipalities."; and strike the new matter in lines 21 and 22.
- 5 3. On page 3, strike lines 1 through 7.

Senator Dubas moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Dubas requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Adams	Cook	Haar, K.	Louden	Schumacher
Ashford	Cornett	Harr, B.	McGill	Sullivan
Campbell	Dubas	Karpisek	Pahls	Wallman
Coash	Gloor	Lathrop	Pirsch	

Voting in the negative, 22:

Avery	Fischer	Harms	Langemeier	Seiler
Bloomfield	Flood	Heidemann	McCoy	Wightman
Brasch	Fulton	Howard	Mello	
Carlson	Hadley	Janssen	Nelson	
Christensen	Hansen	Krist	Nordquist	

Present and not voting, 4:

Council	Price	Schilz	Smith
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Excused and not voting, 4:

Conrad	Lambert	Larson	Lautenbaugh
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The Dubas amendment lost with 19 ayes, 22 nays, 4 present and not voting,

and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1072. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 959. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM2010, found on page 797, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB1091:
AM2559

- 1 1. Strike section 8 and insert the following new
- 2 sections:
- 3 Sec. 7. Section 86-435, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-435 (1) A governing body may incur any nonrecurring or
- 6 recurring charges for the installation, maintenance, and operation
- 7 of 911 service and shall pay such costs out of general funds which
- 8 may be supplemented by funds from the imposition of a service
- 9 surcharge. A governing body incurring costs for 911 service may
- 10 impose a uniform service surcharge of up to fifty cents per month
- 11 on each telephone number or functional equivalent of service users
- 12 whose primary place of use is within the governing body's 911
- 13 service area, except for those service users served by wireless
- 14 carriers as defined in section 86-456 and those service users who
- 15 have no access to 911 service. The initial service surcharge may be
- 16 imposed at any time subsequent to the execution of an agreement for
- 17 911 service with a service supplier.
- 18 (2) ~~Except in a county containing a city of the~~
- 19 ~~metropolitan class, such-~~The uniform service surcharge in
- 20 subsection (1) of this section may be increased by an additional
- 21 amount not to exceed fifty cents per month. Such additional
- 22 increase shall be made only after:
- 23 (a) Publication of notices for a public hearing. Such
- 1 notices shall:

2 (i) Be published at least once a week for three
3 consecutive weeks in a legal newspaper published or of general
4 circulation in the areas affected;

5 (ii) Set forth the time, place, and date of such public
6 hearing; and

7 (iii) Set forth the purpose of the public hearing and the
8 purpose of the increase; and

9 (b) A public hearing is held pursuant to such notices.

10 (3) If 911 service is to be provided for a territory
11 which is included in whole or in part in the jurisdiction of
12 two or more governing bodies, the agreement for such service
13 shall be entered into by each such governing body unless any
14 such governing body expressly excludes itself from the agreement.
15 Such an agreement shall provide that each governing body which
16 is a customer of 911 service will pay for its portion of the
17 service. Nothing in this subsection shall be construed to prevent
18 two or more governing bodies from entering into a contract which
19 establishes a separate legal entity for the purpose of entering
20 into such an agreement as the customer of the service supplier or
21 any supplier of equipment for 911 service.

22 (4) If a governing body's 911 service area includes
23 a local exchange area which intersects governmental boundary
24 lines, the affected governmental units may cooperate to provide
25 911 service through an agreement as provided in the Interlocal
26 Cooperation Act or the Joint Public Agency Act. The agreement shall
27 provide for the assessment of a uniform service surcharge within a
1 governing body's 911 service area. The service surcharge on each
2 telephone number or functional equivalent of service users whose
3 primary place of use is within the governing body's 911 service
4 area, except for those service users served by wireless carriers
5 as defined in section 86-456 and those service users who have no
6 access to 911 service, shall be the same as the amount allowed in
7 subsections (1) and (2) of this section.

8 (5) Funds generated by the service surcharge
9 shall be expended only for the purchase, installation,
10 maintenance, and operation of telecommunications equipment and
11 telecommunications-related services required for the provision of
12 911 service.

13 Sec. 9. Section 86-457, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 86-457 (1) Each wireless carrier shall collect ~~(a) A a~~
16 surcharge of up to seventy cents, ~~except as provided in subdivision~~
17 ~~(1)(b) of this subsection and as otherwise provided in this~~
18 ~~section with respect to prepaid wireless service,~~ on all active
19 telephone numbers or functional equivalents every month from users
20 of wireless service and shall remit the surcharge in accordance
21 with section 86-459. ~~2~~

22 (b) A surcharge of up to fifty cents, ~~except as otherwise~~
23 ~~provided in this section with respect to prepaid wireless service,~~

24 ~~on all active telephone numbers or functional equivalents every~~
 25 ~~month from users of wireless service whose primary place of use is~~
 26 ~~in a county containing a city of the metropolitan class and shall~~
 27 ~~remit the surcharge in accordance with section 86-459.~~

1 The wireless carrier is not liable for any surcharge not
 2 paid by a customer.

3 (2) Except as otherwise provided in this section, the
 4 wireless carrier shall add the surcharge to each user's billing
 5 statement. The surcharge shall appear as a separate line-item
 6 charge on the user's billing statement and shall be labeled as
 7 "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of
 8 such phrase.

9 (3) If a wireless carrier, except as otherwise provided
 10 in this section, resells its service through other entities, each
 11 reseller shall collect the surcharge from its customers and shall
 12 remit the surcharge in accordance with section 86-459.

13 ~~(4) It is the intent of the Legislature that, effective~~
 14 ~~July 1, 2007, all users of prepaid wireless services pay an amount~~
 15 ~~comparable to the amount paid by users of wireless services that~~
 16 ~~are not prepaid in support of statewide wireless enhanced 911~~
 17 ~~service. It is also the intent of the Legislature that whenever~~
 18 ~~possible such amounts be collected from the users of such prepaid~~
 19 ~~wireless services.~~

20 ~~(5) The commission shall establish surcharges comparable~~
 21 ~~to the surcharge assessed on other users of wireless services~~
 22 ~~and shall develop methods for collection and remittance of~~
 23 ~~such surcharges from wireless carriers offering prepaid wireless~~
 24 ~~services.~~

25 ~~(6) The duty to remit any surcharges established pursuant~~
 26 ~~to subsection (5) of this section is the responsibility of the~~
 27 ~~wireless carrier.~~

1 (4) The surcharge authorized by this section shall not
 2 apply to prepaid wireless telecommunications service as defined in
 3 section 2 of this act.

4 ~~(7)(5)~~ This section shall not apply to users who have no
 5 911 service.

6 2. On page 3, line 11, strike "subdivision (1)(b)" and
 7 insert "subsection (1)".

8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

10 4. Correct the operative date and repealer sections so
 11 that the sections added by this amendment become operative on
 12 January 1, 2013.

Senator Cook filed the following amendment to LB1063:
 AM2540

(Amendments to Standing Committee amendments, AM2044)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:

3 1. Strike the original sections and all amendments
4 thereto and insert the following new sections:
5 Section 1. Sections 1 to 7 of this act shall be known and
6 may be cited as the Children's Health and Treatment Act.
7 Sec. 2. The purposes of the Children's Health and
8 Treatment Act are to:
9 (1) Clarify the meaning of the term medically necessary
10 for purposes of the medical assistance program for children under
11 nineteen years of age, to ensure children obtain needed services;
12 (2) Prohibit certain diagnosis-based exclusions;
13 (3) Preserve family unity by ensuring that children
14 eligible for the medical assistance program receive necessary
15 health care services and treatment; and.
16 (4) Require that the guidelines and criteria that the
17 Department of Health and Human Services utilizes to determine
18 medical necessity for services under the medical assistance program
19 be adopted and promulgated as rules and regulations pursuant to the
20 Administrative Procedure Act which provides for notice and public
21 comment.
22 Sec. 3. For purposes of the Children's Health and
1 Treatment Act:
2 (1) Department means the Department of Health and Human
3 Services;
4 (2) Medical assistance program means the program
5 established pursuant to section 68-903; and
6 (3) Medically necessary means necessary for children
7 under nineteen years of age to correct or ameliorate defects or
8 physical or mental illnesses or conditions in accordance with 42
9 U.S.C. 1396d(r)(5), as such section existed on January 1, 2012.
10 Sec. 4. (1) In accordance with 42 U.S.C. 1396a(a)(43)
11 and 42 U.S.C. 1396d(r), as such sections existed on January 1,
12 2012, the department shall provide early and periodic screening,
13 diagnostic, and treatment services to all children under nineteen
14 years of age who are eligible for coverage under the medical
15 assistance program.
16 (2) In accordance with 42 U.S.C. 1396d(r)(5), as such
17 section existed on January 1, 2012, for children under nineteen
18 years of age, the department shall provide or arrange for
19 the provision of necessary health care diagnostic and treatment
20 screening and other measures described in 42 U.S.C. 1396d(a), as
21 such section existed on January 1, 2012, to correct or ameliorate
22 defects or physical or mental illnesses or conditions discovered
23 by the screening process regardless of whether such health care
24 diagnostic and treatment screening and other measures described in
25 42 U.S.C. 1396d(a), as such section existed on January 1, 2012, are
26 covered services under the medicaid state plan. All such services
27 and other measures shall be provided or authorized when they are
1 determined to be medically necessary. Medical necessity shall be
2 determined on an individualized, case-by-case basis for each child.

3 Sec. 5. (1) The Children's Health and Treatment Act
4 does not limit the authority of the department or a department
5 contractor to (a) limit coverage of treatments or services that
6 are unsafe, experimental, or not generally accepted as treatment
7 within the medical community, (b) use utilization controls or prior
8 authorization for services, or (c) perform utilization reviews.

9 (2) The department shall report to the Health and Human
10 Services Committee of the Legislature on utilization controls,
11 including, but not limited to, the rates of initial service
12 authorizations, reauthorizations subsequent to initial service
13 authorizations, and denials for behavioral health services for
14 children. The first report shall be due on October 1, 2012,
15 and shall contain such rates of initial service authorizations,
16 reauthorizations subsequent to initial service authorizations, and
17 denials for behavioral health services for children for the first
18 three quarters of 2012. Thereafter, on January 1, April 1, and
19 July 1 of each year, the department shall report such rates
20 of initial service authorizations, reauthorizations subsequent to
21 initial service authorizations, and denials for behavioral health
22 services for children for the previous calendar quarter.

23 Sec. 6. Pursuant to 42 C.F.R. 440.230(c), the department
24 may not arbitrarily deny or reduce the amount, duration, or scope
25 of a required service to an otherwise eligible recipient solely
26 because of the diagnosis, type of illness, or condition.

27 Sec. 7. (1) The department shall adopt and promulgate
1 rules and regulations to carry out the Children's Health and
2 Treatment Act. On and after January 1, 2013, the department
3 shall not apply clinical criteria or guidelines, medical necessity
4 criteria, or other similar criteria to determine medical necessity
5 for children under nineteen years of age that have not been adopted
6 and promulgated pursuant to the Administrative Procedure Act.

7 (2) The clinical criteria or guidelines, medical
8 necessity criteria, or other similar criteria described in
9 subsection (1) of this section shall be consistent with the
10 requirements of the early and periodic screening, diagnostic,
11 and treatment services under 42 U.S.C. 1396(a)(43) and 42 U.S.C.
12 1396(r), as such sections existed on January 1, 2012.

13 Sec. 8. Section 68-901, Revised Statutes Supplement,
14 2011, is amended to read:

15 68-901 Sections 68-901 to 68-971 and sections 1 to 7 of
16 this act shall be known and may be cited as the Medical Assistance
17 Act.

18 Sec. 9. Section 68-912, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 68-912 (1) Except as otherwise provided in the Children's
21 Health and Treatment Act:

22 (a) The department may establish ~~(a)~~(i) premiums,
23 copayments, and deductibles for goods and services provided under
24 the medical assistance program, ~~(b)~~(ii) limits on the amount,

25 duration, and scope of goods and services that recipients may
26 receive under the medical assistance program, and ~~(e)-(iii)~~
27 requirements for recipients of medical assistance as a necessary
1 condition for the continued receipt of such assistance, including,
2 but not limited to, active participation in care coordination and
3 appropriate disease management programs and activities;-
4 ~~(2)-(b)~~ In establishing and limiting coverage for
5 services under the medical assistance program, the department shall
6 consider ~~(a)-(i)~~ the effect of such coverage and limitations
7 on recipients of medical assistance and medical assistance
8 expenditures, ~~(b)-(ii)~~ the public policy in section 68-905, ~~(e)~~
9 ~~(iii)~~ the experience and outcomes of other states, ~~(d)-(iv)~~ the
10 nature and scope of benchmark or benchmark-equivalent health
11 insurance coverage as recognized under federal law, and ~~(e)-(v)~~
12 other relevant factors as determined by the department; and-
13 ~~(3)-(c)~~ Coverage for mandatory and optional services and
14 limitations on covered services as established by the department
15 prior to July 1, 2006, shall remain in effect until revised,
16 amended, repealed, or nullified pursuant to law. Any proposed
17 reduction or expansion of services or limitation of covered
18 services by the department under this section shall be subject
19 to the reporting and review requirements of section 68-909.
20 ~~(4)-(2)~~ Except as otherwise provided in this subsection,
21 proposed rules and regulations under this section relating to the
22 establishment of premiums, copayments, or deductibles for eligible
23 recipients or limits on the amount, duration, or scope of covered
24 services for eligible recipients shall not become effective until
25 the conclusion of the earliest regular session of the Legislature
26 in which there has been a reasonable opportunity for legislative
27 consideration of such rules and regulations. This subsection does
1 not apply to rules and regulations that are (a) required by
2 federal or state law, (b) related to a waiver in which recipient
3 participation is voluntary, or (c) proposed due to a loss of
4 federal matching funds relating to a particular covered service
5 or eligibility category. Legislative consideration includes, but
6 is not limited to, the introduction of a legislative bill, a
7 legislative resolution, or an amendment to pending legislation
8 relating to such rules and regulations.
9 Sec. 10. If any section in this act or any part of any
10 section is declared invalid or unconstitutional, the declaration
11 shall not affect the validity or constitutionality of the remaining
12 portions.
13 Sec. 11. Original section 68-912, Reissue Revised
14 Statutes of Nebraska, and section 68-901, Revised Statutes
15 Supplement, 2011, are repealed.

UNANIMOUS CONSENT - Add Cointroducer

Senator Hadley asked unanimous consent to add his name as cointroducer to LB1091. No objections. So ordered.

VISITORS

Visitors to the Chamber were 4 students and teacher from Boone Center, Albion.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 8:34 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 20, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 2012

PRAYER

The prayer was offered by Pastor Jim Berry, Christ Church, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators McGill and Seiler who were excused; and Senators Ashford, Conrad, Lautenbaugh, and Pahls who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 858. Placed on Select File with amendment. ER219 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 711. Title read. Considered.

Committee AM2214, found on page 834, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1063. Title read. Considered.

Committee AM2044, found on page 597, was considered.

Senator Cook renewed her amendment, AM2540, found on page 1009, to the committee amendment.

Senator Cook moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Cook requested a roll call vote on her amendment.

Voting in the affirmative, 35:

Adams	Christensen	Fulton	Howard	Mello
Ashford	Coash	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Pirsch
Bloomfield	Council	Hadley	Langemeier	Schumacher
Brasch	Dubas	Hansen	Lathrop	Sullivan
Campbell	Fischer	Harms	Lautenbaugh	Wallman
Carlson	Flood	Harr, B.	McCoy	Wightman

Voting in the negative, 0.

Present and not voting, 9:

Cornett	Janssen	Larson	Nelson	Smith
Heidemann	Lambert	Louden	Schilz	

Excused and not voting, 5:

Conrad	McGill	Pahls	Price	Seiler
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The Cook amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB970:
 FA57
 Strike Section 1.

RESOLUTIONS**LEGISLATIVE RESOLUTION 503.** Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding project labor agreements. This study shall include an examination of the benefits and cost savings of using project labor agreements to political subdivisions and Nebraska taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 504. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study Nebraska's statutes and regulations on hydraulic fracturing, also known as "fracking." This process could be used in Nebraska, and a comprehensive examination of Nebraska's laws, rules, and regulations should be undertaken. This study should assure that adequate protections are in place and that Nebraska's laws are in accordance with best practices and should address other relevant concerns. The committee should seek and consider input from the Nebraska Oil and Gas Conservation Commission and other interested persons and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PROPOSED RULES CHANGE

Senator Flood offered the following proposed rules change:

Rule 3, Sec. 2. Appointment of Committees. (a) At the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number ~~1, 2, 15, 21 through 30, 32, 34, and 46~~ 2, 3, 15, 16, 19, 21 through 29, 45, and 46; four from Districts Number ~~3 through 14, 18, 20, 31, 39, and 45~~ 4 through 14, 18, 20, 31, 39, and 49; and four from Districts Number ~~16, 17, 19, 33, 35 through 38, 40 through 44, and 47 through 49~~ 1, 17, 30, 32 through 38, 40 through 44, 47, and 48.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the Committee for further action.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 1114. Title read. Considered.

Committee AM2118, found on page 732, was considered.

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 1053. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Senator Cornett renewed her amendment, AM1826, found on page 977.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 505. Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is 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 as prescribed by the federal Centers for Disease Control and Prevention of the United States Public Health Service of the United States Department of Health and Human Services. The committee shall conduct a study that includes, but is not limited to:

(1) An examination of the availability of educational opportunities, licensing requirements, and any other method of ensuring safe injection practices currently being utilized in Nebraska;

(2) An examination of how other states ensure medical professionals are using safe injection practices; and

(3) Recommendations for legislative or administrative actions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 37 members of Buffalo County Youth Advisory Board and Buffalo County Community Partners; over 100 members and sponsors of the Attorney General's Youth Advisory Council from across the state; 60 members of Creighton School of Nursing, Omaha and Hastings; members of the Alpha Kappa Alpha Sorority, Inc. and Delta Sigma Theta Sorority, Inc. from across the state; 11 fourth-grade students and teachers from Lyons-Decatur Northeast, Lyons; 20 fourth-grade students and teacher from St. Michael's, Lincoln; and 11 fourth-grade students and teacher from West Point.

RECESS

At 11:56 a.m., on a motion by Senator Coash, 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 Senators McGill and Seiler who were excused; and Senators Conrad, Dubas, Flood, Harms, Heidemann, Janssen, Lautenbaugh, Louden, Pahls, Sullivan, and Wightman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1080. The Cornett amendment, AM1826, found on page 977 and considered in this day's Journal, was renewed.

The Cornett amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1128. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1128A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 506.** Introduced by Sullivan, 41.

PURPOSE: The purpose of this interim study is to examine issues surrounding the moratorium on long-term care beds found in section 71-5829.04.

This study shall include, but not be limited to:

(1) A review of the statutory process utilized by the Department of Health and Human Services to determine whether new long-term care beds are needed;

(2) A review of long-term care beds sold or transferred since LB 195 became law in 2009;

(3) A review of long-term care facility closures since LB 195 became law in 2009;

(4) A review of the economic impact of long-term care facility closures or potential closures on communities, families, and the Department of Health and Human Services; and

(5) A review of the issues raised during the public hearing on LB 1002, introduced in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 507. Introduced by Sullivan, 41.

PURPOSE: The purpose of this interim study is to examine the possibility of establishing a statewide Farm to School initiative in Nebraska similar to the Oklahoma Farm to School Program enacted in 2006, to encourage partnerships between Nebraska farmers and school districts to increase fresh local food availability in schools, and to provide students with hands-on agricultural learning opportunities. This study shall include, but not be limited to:

(1) A review of the Oklahoma Farm to School Program Act to determine the feasibility of a similar program in Nebraska;

(2) A review of Farm to School projects and programs in other states;

(3) A survey of Nebraska's school district food service directors to determine interest in purchasing locally produced food for use in school breakfast and lunch menus;

(4) A review of potential public and private agencies to partner and collaborate in developing a statewide Farm to School program that builds upon the pilot projects sponsored by the University of Nebraska Rural Initiative and the Nebraska Sustainable Agriculture Society;

(5) A review of potential hands-on agricultural learning opportunities for students, which could include farm visits, school gardens, indoor learning labs, and tasting and cooking demonstrations combined with educational and nutritional curriculum; and

(6) A review of the potential fiscal cost and impact of such a program at the state and local level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB902:
AM2563

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following new
- 2 sections:
- 3 Sec. 3. Sections 2 and 5 of this act become operative on
- 4 April 1, 2012. The other sections of this act become operative on
- 5 their effective date.
- 6 Sec. 4. Original section 77-202, Revised Statutes
- 7 Supplement, 2011, is repealed.
- 8 Sec. 5. Original section 77-2704.15, Revised Statutes
- 9 Supplement, 2011, is repealed.
- 10 2. On page 1, lines 5 and 6, strike "to state intent" and
- 11 insert "to provide operative dates".
- 12 3. On page 6, lines 9 through 11; and page 8, lines 13
- 13 through 15, strike the new matter.
- 14 4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 750. Title read. Considered.

Committee AM2183, found on page 730, was considered.

Senator Cornett offered the following amendment to the committee amendment:

AM2573

(Amendments to Standing Committee amendments, AM2183)

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 77-1359, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-1359 The Legislature finds and declares that
6 agricultural land and horticultural land shall be a separate and
7 distinct class of real property for purposes of assessment. The
8 assessed value of agricultural land and horticultural land shall
9 not be uniform and proportionate with all other real property, but
10 the assessed value shall be uniform and proportionate within the
11 class of agricultural land and horticultural land.

12 For purposes of sections 77-1359 ~~to~~ and 77-1363:

13 (1) Agricultural land and horticultural land means a
14 parcel of land, excluding ~~any building or enclosed structure and~~
15 ~~the~~ land associated with ~~such a~~ building or enclosed structure
16 located on the parcel, which is primarily used for agricultural or
17 horticultural purposes, including wasteland lying in or adjacent to
18 and in common ownership or management with other agricultural land
19 and horticultural land;

20 (2) Agricultural or horticultural purposes means used for
21 the commercial production of any plant or animal product in a
22 raw or unprocessed state that is derived from the science and
1 art of agriculture, aquaculture, or horticulture. Agricultural or
2 horticultural purposes includes the following uses of land:

3 (a) Land retained or protected for future agricultural or
4 horticultural purposes under a conservation easement as provided
5 in the Conservation and Preservation Easements Act except when the
6 parcel or a portion thereof is being used for purposes other than
7 agricultural or horticultural purposes; and

8 (b) Land enrolled in a federal or state program in which
9 payments are received for removing such land from agricultural or
10 horticultural production;

11 (3) Farm home site ~~means not more than one acre of~~
12 ~~land contiguous to a farm site which includes an inhabitable~~
13 ~~residence and improvements used for residential purposes, and such~~
14 ~~improvements include utility connections, water and sewer systems,~~
15 ~~and improved access to a public road; and or rural residential site~~
16 means land contiguous to a farm site which includes an inhabitable
17 residence and improvements used for residential purposes and which
18 is located outside of urban areas or outside a platted and zoned
19 subdivision; and

20 (4) Farm site means the portion of land contiguous to
21 land actively devoted to agriculture which includes improvements
22 that are agricultural or horticultural in nature, including any
23 uninhabitable or unimproved farm home site or uninhabitable or

24 unimproved rural residential site.

25 Sec. 2. Section 77-1371, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 77-1371 Comparable sales are recent sales of properties
1 that are similar to the property being assessed in significant
2 physical, functional, and location characteristics and in their
3 contribution to value. When using comparable sales in determining
4 actual value of an individual property under the sales comparison
5 approach provided in section 77-112, the following guidelines shall
6 be considered in determining what constitutes a comparable sale:

7 (1) Whether the sale was financed by the seller and
8 included any special financing considerations or the value of
9 improvements;

10 (2) Whether zoning affected the sale price of the
11 property;

12 (3) For sales of agricultural land or horticultural land
13 as defined in section 77-1359, whether a premium was paid to
14 acquire ~~nearby property. Land within one mile of currently owned~~
15 ~~property shall be considered nearby property. A premium may be paid~~
16 when proximity or tax consequences cause the buyer to pay more than
17 actual value for agricultural land or horticultural land;

18 (4) Whether sales or transfers made in connection with
19 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,
20 or in consideration of other legal actions should be excluded from
21 comparable sales analysis as not reflecting current market value;

22 (5) Whether sales between family members within the third
23 degree of consanguinity include considerations that fail to reflect
24 current market value;

25 (6) Whether sales to or from federal or state agencies or
26 local political subdivisions reflect current market value;

27 (7) Whether sales of undivided interests in real property
1 or parcels less than forty acres or sales conveying only a portion
2 of the unit assessed reflect current market value;

3 (8) Whether sales or transfers of property in exchange
4 for other real estate, stocks, bonds, or other personal property
5 reflect current market value;

6 (9) Whether deeds recorded for transfers of convenience,
7 transfers of title to cemetery lots, mineral rights, and rights of
8 easement reflect current market value;

9 (10) Whether sales or transfers of property involving
10 railroads or other public utility corporations reflect current
11 market value;

12 (11) Whether sales of property substantially improved
13 subsequent to assessment and prior to sale should be adjusted to
14 reflect current market value or eliminated from such analysis; ~~and~~

15 (12) For agricultural land or horticultural land as
16 defined in section 77-1359 which is or has been receiving the
17 special valuation pursuant to sections 77-1343 to 77-1347.01,
18 whether the sale price reflects a value which the land has for

19 purposes or uses other than as agricultural land or horticultural
 20 land and therefor does not reflect current market value of other
 21 agricultural land or horticultural land; ~~and-~~

22 (13) Whether sales or transfers of property are in
 23 a similar market area and have similar characteristics to the
 24 property being assessed.

25 The Property Tax Administrator may issue guidelines for
 26 assessing officials for use in determining what constitutes a
 27 comparable sale. Guidelines shall take into account the factors
 1 listed in this section and other relevant factors as prescribed by
 2 the Property Tax Administrator.

3 Sec. 3. Original sections 77-1359 and 77-1371, Reissue
 4 Revised Statutes of Nebraska, are repealed.

The Cornett amendment was adopted with 29 ayes, 0 nays, 16 present and
 not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays,
 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present
 and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1161:
 AM2530

(Amendments to Standing Committee amendments, AM2381)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 57-1101, Reissue Revised Statutes of
 4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
 5 Second Legislature, First Special Session, 2011, is amended to
 6 read:
 7 57-1101 Any person engaged in, and any company,
 8 corporation, or association formed or created for the purpose of,
 9 transporting or conveying crude oil, petroleum, gases, or other
 10 products thereof in interstate commerce through or across the
 11 State of Nebraska or intrastate within the State of Nebraska, and
 12 desiring or requiring a right-of-way or other interest in real
 13 estate and being unable to agree with the owner or lessee of
 14 any land, lot, right-of-way, or other property for the amount of
 15 compensation for the use and occupancy of so much of any lot, land,
 16 real estate, right-of-way, or other property as may be reasonably
 17 necessary for the laying, relaying, operation, and maintenance
 18 of any such pipeline or the location of any plant or equipment
 19 necessary to operate such pipeline, shall have the right to acquire
 20 the same for such purpose through the exercise of the power of
 21 eminent domain, except that for any major oil pipeline as defined

22 in section 5 of this act to be placed in operation in the State of
 1 Nebraska after the effective date of this act, any such person,
 2 company, corporation, or association shall comply with section 3,
 3 Legislative Bill 4, One Hundred Second Legislature, First Special
 4 Session, 2011, and receive the approval of the Governor for the
 5 route of the pipeline under such section, or beginning January
 6 1, 2013, shall apply for and receive an order approving the
 7 application under the Major Oil Pipeline Siting Act, prior to
 8 having the rights provided under this section. The procedure to
 9 condemn property shall be exercised in the manner set forth in
 10 sections 76-704 to 76-724.

11 Sec. 2. Section 3, Legislative Bill 1, One Hundred Second
 12 Legislature, First Special Session, 2011, is amended to read:

13 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
 14 Act are to:

15 (a) Ensure the welfare of Nebraskans, including
 16 protection of property rights, aesthetic values, and economic
 17 interests;

18 (b) Consider the lawful protection of Nebraska's natural
 19 resources in determining the location of routes of major oil
 20 pipelines within Nebraska;

21 (c) Ensure that a major oil pipeline is not constructed
 22 within Nebraska without receiving the approval of the commission
 23 under section 9 of this act;

24 (d) Ensure that the location of routes for major oil
 25 pipelines is in compliance with Nebraska law; and

26 (e) Ensure that a coordinated and efficient method for
 27 the authorization of such construction is provided.

1 (2) Nothing in the Major Oil Pipeline Siting Act shall be
 2 construed to regulate any safety issue with respect to any aspect
 3 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
 4 is intended to deal solely with the issue of siting or choosing the
 5 location of the route aside and apart from safety considerations.
 6 The Legislature acknowledges and respects the exclusive federal
 7 authority over safety issues established by the federal law, the
 8 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
 9 express preemption provision stated in that act. The Major Oil
 10 Pipeline Siting Act is intended to exercise only the remaining
 11 sovereign powers and purposes of Nebraska which are not included in
 12 the category of safety regulation.

13 (3) ~~The Major Oil Pipeline Siting Act shall not apply to~~
 14 ~~any major oil pipeline that has submitted an application to the~~
 15 ~~United States Department of State pursuant to Executive Order 13337~~
 16 ~~prior to the effective date of this act. The Major Oil Pipeline~~
 17 ~~Siting Act shall not apply to any major oil pipeline that, prior to~~
 18 ~~January 1, 2013, has submitted an application to the United States~~
 19 ~~Department of State pursuant to Executive Order 13337 or, prior to~~
 20 ~~January 1, 2013, has applied for or is granted international border~~
 21 ~~crossing authority pursuant to federal law.~~

22 Sec. 3. Section 3, Legislative Bill 4, One Hundred Second
23 Legislature, First Special Session, 2011, is amended to read:

24 Sec. 3. (1)(a) The department may
25 ~~collaborate~~ (i) Collaborate with a federal agency or
26 agencies in a review under the National Environmental Policy Act
27 involving a supplemental environmental impact statement for oil
1 pipeline projects within, through, or across the state. Prior
2 to entering into such shared jurisdiction and authority, the
3 department shall collaborate with such agencies to set forth
4 responsibilities and schedules for an effective and timely review
5 process; or

6 (ii) Evaluate any route for an oil pipeline within,
7 through, or across the state and submitted by a pipeline carrier
8 for the stated purpose of being included in a federal agency's
9 or agencies' National Environmental Policy Act review process. Any
10 such evaluation shall provide opportunities for public review and
11 comment and shall include, but not be limited to, an analysis of
12 the environmental, economic, social, and other impacts associated
13 with the proposed route and route alternatives in Nebraska. The
14 department may collaborate with a federal agency or agencies and
15 set forth the responsibilities and schedules that will lead to an
16 effective and timely evaluation.

17 ~~Prior to entering into such shared jurisdiction and~~
18 ~~authority with a federal agency or agencies, the department shall~~
19 ~~enter into a memorandum of understanding with such federal agency~~
20 ~~or agencies that sets forth the responsibilities and schedules that~~
21 ~~will lead to an effective and timely review under the National~~
22 ~~Environmental Policy Act involving a supplemental environmental~~
23 ~~impact statement.~~

24 (b) If a pipeline carrier does not file for a federal
25 permit that may be required under federal law for an oil pipeline
26 project or does not use the department's review or evaluation under
27 subdivision (1)(a)(ii) of this section, the pipeline carrier shall
1 reimburse the department for the cost of the evaluation or review
2 within sixty days after notification from the department of the
3 cost.

4 (2) Since the objectives of the process are to ensure
5 adequate information gathering, full and careful agency and public
6 review, objective preparation of a supplemental environmental
7 impact statement, adherence to a defined schedule, and an
8 appropriate role for a pipeline carrier which avoids the appearance
9 of conflicts of interest, it is the intent of the Legislature that
10 the state fully fund the process of preparation of a supplemental
11 environmental impact statement or an evaluation conducted under
12 subdivision (1)(a)(ii) of this section and that no fees will
13 be required of an applicant. The department may contract with
14 outside vendors in the process of preparation of a supplemental
15 environmental impact statement or an evaluation conducted under
16 subdivision (1)(a)(ii) of this section. The department shall make

17 every reasonable effort to ensure that each vendor has no conflict
 18 of interest or relationship to any pipeline carrier that applies
 19 for an oil pipeline permit.

20 (3) In order for the process to be efficient and
 21 expeditious, the department's contracts with vendors pursuant to
 22 this section for a supplemental environmental impact statement
 23 or an evaluation conducted under subdivision (1)(a)(ii) of
 24 this section shall not be subject to the Nebraska Consultants'
 25 Competitive Negotiation Act or sections 73-301 to 73-306 or 73-501
 26 to 73-509.

27 (4) After the supplemental environmental impact statement
 1 or the evaluation conducted under subdivision (1)(a)(ii) of this
 2 section is prepared, the department shall submit it to the
 3 Governor. Within thirty days after receipt of the supplemental
 4 environmental impact statement or the evaluation conducted under
 5 subdivision (1)(a)(ii) of this section from the department, the
 6 Governor shall indicate, in writing, to the federal agency or
 7 agencies involved in the review or any other appropriate federal
 8 agency or body as to whether he or she approves any of the routes
 9 reviewed in the supplemental environmental impact statement or the
 10 evaluation conducted under subdivision (1)(a)(ii) of this section.

11 Sec. 4. Original section 57-1101, Reissue Revised
 12 Statutes of Nebraska, as amended by section 1, Legislative Bill
 13 1, One Hundred Second Legislature, First Special Session, 2011,
 14 section 3, Legislative Bill 1, One Hundred Second Legislature,
 15 First Special Session, 2011, and section 3, Legislative Bill 4,
 16 One Hundred Second Legislature, First Special Session, 2011, are
 17 repealed.

18 Sec. 5. Since an emergency exists, this act takes effect
 19 when passed and approved according to law.

Senator Langemeier filed the following amendment to LB1161:

FA58

Amend AM2530

Strike Section 5.

GENERAL FILE

LEGISLATIVE BILL 970. Title read. Considered.

Committee AM2391, found on page 903, was considered.

Senator Cornett asked unanimous consent to withdraw her amendment, FA50, found on page 918, and replace it with her substitute amendment, AM2572, to the committee amendment. No objections. So ordered.
 AM2572

(Amendments to Standing Committee amendments, AM2391)

- 1 1. On page 6, line 18, strike "2.45%" and insert "2.46%";
- 2 in line 20 strike "3.50%" and insert "3.51%"; in line 22 strike

3 "5.00%" and insert "5.01%"; and in line 26 strike "and before
 4 January 1, 2015,".
 5 2. On page 7, strike lines 5 through 25; and insert:
 6 1 \$0-2,999 \$0-5,999 \$0-5,599 \$0-2,999 \$0-499 2.46%
 7 2 \$3,000- \$6,000- \$5,600- \$3,000- \$500-
 8 17,999 35,999 \$28,799 17,999 4,699 3.51%
 9 3 \$18,000- \$36,000- \$28,800- \$18,000- \$4,700
 10 28,999 57,999 42,999 28,999 15,149 5.01%
 11 4 \$29,000 \$58,000 \$43,000 \$29,000 \$15,150
 12 and Over and Over and Over and Over and Over 6.84%;
 13 and in line 26 strike "(4)" and insert "(3)".
 14 3. On page 8, line 2, strike "(5)" and insert "(4)", in
 15 line 11 strike "(6)" and insert "(5)"; and in line 15 strike "(7)"
 16 and insert "(6)".

SENATOR COASH PRESIDING

Senator Cornett moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Cornett requested a roll call vote on her amendment.

Voting in the affirmative, 40:

Adams	Coash	Hadley	Krist	Nelson
Ashford	Cornett	Hansen	Lambert	Nordquist
Avery	Dubas	Harms	Langemeier	Pirsch
Bloomfield	Fischer	Harr, B.	Lathrop	Price
Brasch	Flood	Heidemann	Lautenbaugh	Schumacher
Campbell	Fulton	Howard	Louden	Smith
Carlson	Gloor	Janssen	McCoy	Sullivan
Christensen	Haar, K.	Karpisek	Mello	Wightman

Voting in the negative, 3:

Conrad	Cook	Council
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Present and not voting, 1:

Wallman

Excused and not voting, 5:

Larson	McGill	Pahls	Schilz	Seiler
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The Cornett amendment was adopted with 40 ayes, 3 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SENATOR LANGEMEIER PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 508. Introduced by Gloor, 35; Campbell, 25.

PURPOSE: The purpose of this resolution is to review, assess, and provide recommendations relating to the implementation and sustainability of the Nebraska Health Care Funding Act. The issues addressed by the study shall include, but not be limited to:

(1) The distribution of funding under the act and the priority of such funding;

(2) The outcomes achieved from such funding in fulfilling the purpose of the act, which is to provide for the use of dedicated revenue for health-care-related expenditures; and

(3) The future sustainability of the Nebraska Health Care Cash Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 509. Introduced by Lautenbaugh, 18.

PURPOSE: To conduct a comprehensive study of the feasibility of a hydroelectric dam on the Platte River near Interstate 80. This study would address the various recreation and tourism benefits for constructing a lake in the Platte River valley. The study would also address the benefit of a hydroelectric dam in retaining the state's surface water and to the state's tax revenue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB1115:
AM2546

(Amendments to Standing Committee amendments, AM2495)

- 1 1. On page 6, lines 7 through 9; page 8, lines 5 through
- 2 7 and 22 and 23; and page 9, lines 6 through 8, strike beginning
- 3 with "proposed" through "cities" and insert "agreement negotiated
- 4 pursuant to subsection (2) of this section".
- 5 2. On page 6, line 21; and page 7, line 7, strike "4" and
- 6 insert "5".
- 7 3. On page 6, line 26, after "The" insert "electing city
- 8 or cities; the".

GENERAL FILE

LEGISLATIVE BILL 970. Senator Wallman offered the following amendment to the committee amendment:
AM2588

(Amendments to AM2391)

- 1 1. On page 1, lines 17 and 21; page 2, line 7; page 4,
- 2 line 10; page 5, lines 5 and 22; page 6, line 11; page 8, line 12;
- 3 page 11, line 26; page 12, line 5; page 14, lines 10 and 16; page
- 4 17, line 25; page 18, line 6; page 19, line 20; and page 20, line
- 5 1, strike "2013" and insert "2014".
- 6 2. On page 6, lines 11 and 26, strike "2014" and insert
- 7 "2015".

The Wallman amendment lost with 5 ayes, 23 nays, 16 present and not voting, and 5 excused and not voting.

Committee AM2391, found on page 903 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 4 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 6 nays, 2 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 745. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM2073, found on page 638, was considered.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 949A. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 101; to appropriate funds to aid in carrying out the provisions of Legislative Bill 949, One Hundred Second Legislature, Second Session, 2012; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 599A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 599, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 510. Introduced by Nordquist, 7; Campbell, 25; Conrad, 46; Council, 11; Harms, 48; Howard, 9; Mello, 5.

PURPOSE: Over forty-seven thousand Nebraska children five years of age and younger are subject to risk factors that threaten their ability to succeed in school and beyond. These children can be found in every county throughout the state and are growing at a faster rate in rural areas. Science shows that meeting a child's cognitive, emotional, and social needs in their first five years, during the period of rapid brain growth, is imperative for the success of the child and provides for the state a greater return on investment than investments at any other time in a person's life.

The purpose of this interim study is for a select committee to gather information and provide recommendations for an early learning and development reform agenda and to develop a preliminary budget to implement and sustain the agenda. The committee should examine the early learning and development system across the state to determine how to make the current system more effective in preparing children to succeed in school and later in life.

This study shall be conducted by a select committee consisting of three members of the Appropriations Committee of the Legislature appointed by the chairperson of the committee, three members of the Education Committee of the Legislature appointed by the chairperson of the committee, and three members of the Health and Human Services Committee of the Legislature appointed by the chairperson of the committee. The chairperson of the select committee shall be selected by the members of the committee.

In conducting the study, the select committee shall consult with licensed and license-exempt child care practitioners, parents, early childhood professionals, business leaders, the Department of Health and Human

Services, the State Department of Education, members of higher education, and other interested parties.

Issues considered by the select committee may include, but shall not be limited to:

(1) Developing shared decisionmaking processes between the Department of Health and Human Services and the State Department of Education regarding early childhood;

(2) Aligning and coordinating early learning and development standards and practices across the state;

(3) Developing, promoting, rating, monitoring, and increasing access to high-quality, accountable programs;

(4) Reviewing barriers posed by family income and geography to the accessibility of high-quality early childhood care and learning opportunities;

(5) Addressing, supporting, and promoting early learning and development outcomes for children;

(6) Supporting and incentivizing the early childhood workforce in the development of their knowledge, skills, and abilities;

(7) Developing standards for early childhood provider education and staff development;

(8) Measuring outcomes and progress to improve instruction, practices, services, and policies; and

(9) Developing innovative funding strategies to maximize early childhood outcomes for children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the select committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB745:
AM2566

- 1 1. On page 3, after line 22 insert the following new
- 2 subsection:
- 3 "(6) The provisions of this section only apply to an
- 4 occupation tax or rate increase that is estimated to generate
- 5 annual revenue in excess of one million dollars or twenty-five
- 6 percent of the municipality's local option sales tax revenue in the
- 7 prior fiscal year, whichever is greater.".

Senator Adams filed the following amendment to LB745:
AM2575

- 1 1. Strike original section 1 and all amendments thereto
2 and insert the following new section:
3 Section 1. (1) After the effective date of this act,
4 a municipality may impose a new occupation tax or increase the
5 rate of an existing occupation tax, which new occupation tax
6 or increased rate of an existing occupation tax is projected to
7 generate occupation tax revenue in excess of the applicable amount
8 listed in subsection (2) of this section, pursuant to section
9 14-109, 15-202, 15-203, 16-205, or 17-525 if the question of
10 whether to impose the tax has been submitted at a primary or
11 general election at which members of the governing body of the
12 municipality are nominated or elected or at a special election
13 held within the municipality and in which all registered voters
14 shall be entitled to vote on the question. The officials of
15 the municipality shall order the submission of the question by
16 submitting a certified copy of the resolution proposing the tax
17 to the election commissioner or county clerk at least fifty days
18 before the election. The election shall be conducted in accordance
19 with the Election Act. If a majority of the votes cast upon
20 the question are in favor of the new tax or increased rate
21 of an existing occupation tax, then the governing body of such
22 municipality shall be empowered to impose the new tax or to impose
23 the increased tax rate. If a majority of those voting on the
1 question are opposed to the new tax or increased rate, then the
2 governing body of the municipality shall not impose the new tax or
3 increased rate but shall maintain any existing occupation tax at
4 its current rate.
5 (2) The applicable occupation tax revenue for purposes of
6 subsection (1) of this section is:
7 (a) For cities of the metropolitan class, one million
8 dollars;
9 (b) For cities of the primary class, seven hundred fifty
10 thousand dollars;
11 (c) For cities of the first class, two hundred fifty
12 thousand dollars; and
13 (d) For cities of the second class and villages, one
14 hundred thousand dollars.
15 (3) After the effective date of this act, a municipality
16 shall not be required to submit the following questions to the
17 registered voters:
18 (a) Whether to change the rate of an occupation tax
19 imposed for a specific project which does not provide for deposit
20 of the tax proceeds in the municipality's general fund; or
21 (b) Whether to terminate an occupation tax earlier than
22 the determinable termination date under the original question
23 submitted to the registered voters.
24 This subsection applies to occupation taxes imposed prior

25 to, on, or after the effective date of this act.
26 (4) The provisions of this section do not apply to an
27 occupation tax subject to section 86-704.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB970. No objections. So ordered.

Senator Price asked unanimous consent to add his name as cointroducer to LB750. No objections. So ordered.

VISITORS

Visitors to the Chamber were 13 students and teachers of the Student Senator Program from District 47; Senator Schilz's son, Jake Schilz, from Ogallala; and 54 fourth-grade students and teachers from Cottonwood Elementary, Omaha.

The Doctor of the Day was Dr. Wade Fornander from Lincoln.

ADJOURNMENT

At 7:52 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 21, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 2012

PRAYER

The prayer was offered by Senator Harms.

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 Adams, Ashford, Conrad, Cook, Lautenbaugh, Loudon, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 959. Placed on Select File.

LEGISLATIVE BILL 711. Placed on Select File.

LEGISLATIVE BILL 1063. Placed on Select File with amendment.
ER220

- 1 1. In the Cook amendment, AM2540:
- 2 a. On page 1, line 15, strike the period; and
- 3 b. On page 4, line 11, strike "1396(a)(43)" and insert
- 4 "1396a(a)(43)"; and in line 12 strike "1396(r)" and insert
- 5 "1396d(r)".

LEGISLATIVE BILL 1114. Placed on Select File with amendment.
ER221

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through line 9 and insert "section 77-27,139.03, Revised Statutes
- 3 Supplement, 2011; to change state aid distribution from the

- 4 Municipal Equalization Fund; to provide an operative date; to
- 5 repeal the original section; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 511. Introduced by Sullivan, 41.

PURPOSE: To study Nebraska's kindergarten through twelfth grade (K-12) education standards and curricula to determine whether agriculture is incorporated as an essential component at all grade levels in a consistent and thorough manner to provide students with agricultural literacy. For purposes of this study, agricultural literacy means a basic understanding and knowledge of agriculture and agricultural industries, social and environmental aspects of agriculture, agriculture's contributions to the health, safety, and welfare of Nebraska citizens, and the economic impact of agriculture on the state economy.

The study shall include, but not be limited to:

- (1) An examination of existing statutes relating to education standards and curricula;
- (2) An examination of education standards and curricula for K-12 students, including an analysis of the process, resources, research, technical data, and studies used by the State Department of Education to develop K-12 standards and curricula;
- (3) An examination of K-12 education standards and curricula in surrounding states to determine whether the standards and curricula incorporate agriculture in a substantive manner; and
- (4) The development of policy recommendations designed to direct and assist the State Department of Education with the incorporation of agriculture in future K-12 education standards and curricula.

The study shall be conducted by a joint committee consisting of the Agriculture and Education Committees of the Legislature. The chairpersons of the joint committee shall be the chairperson of the Agriculture Committee of the Legislature or a member of the Agriculture Committee selected by the chairperson of the Agriculture Committee and the chairperson of the Education Committee or a member of the Education Committee selected by the chairperson of the Education Committee.

In conducting the study, the joint committee shall consult with the State Department of Education, the Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources, the Nebraska Agriculture in the Classroom Program, representatives from agricultural groups, including commodity boards, representatives from education groups, including educators, administrators, and local school board members, and any other groups the joint committee deems appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the joint committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2012.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

March 21, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Division of Children and Family Services for the Department of Health and Human Services:

Thomas Pristow
Division of Children and Family Services
Department of Health and Human Services
State Office Building
Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 209A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 540A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 949A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 541A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE**LEGISLATIVE BILL 1145.** Title read. Considered.

Committee AM2387, found on page 924, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Wednesday, March 28, 2012 1:15 p.m.

Timothy Hart - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 512.** Introduced by Avery, 28.

PURPOSE: The purpose of this study is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature that may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 715. Title read. Considered.

Committee AM2000, found on page 551, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Schumacher offered the following motion:

MO84

Reconsider the vote taken on AM2000.

Senator Schumacher asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Schumacher offered the following amendment:

FA59

Page 2, line 13 strike "switched,".

The Schumacher amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Schumacher offered the following amendment:

FA60

On page 4, strike from after "equitable" on line 8 to after "property" on line 10. Strike from "." in line 11 through "." in line 14 and insert "The cost of construction and other costs associated with providing service to the applicant shall first be paid from the Nebraska universal service fund. If there is insufficient funds in the NUSF such costs may be negotiated between the applicant and the telephone company proposing to provide the service.".

SPEAKER FLOOD PRESIDING

Pending.

COMMITTEE REPORTS**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.

Steven Manning - Commission for the Deaf and Hard of Hearing
Diane Muelleman - Commission for the Deaf and Hard of Hearing

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Linda Jensen - Board of Emergency Medical Services
Scott Wiebe - Board of Emergency Medical Services

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB715:

FA61

On page 2, line 20, strike the words "in the local" through the end of line 22.

VISITORS

Visitors to the Chamber were 50 eleventh- and twelfth-grade students and teachers from Elkhorn; 23 fourth- through eighth-grade students, teachers, and sponsor from Keystone Christian Academy, Norfolk; Senator Smith's wife, Ruth, from Papillion; Nancy Wolf from Omaha; and 10 fourth-grade students and teacher from St. Stanislaus, Omaha.

CEREMONIES

Upon recess the Speaker introduced a group from the Nebraska Association of Former State Legislators.

RECESS

At 11:30 a.m., on a motion by Senator Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Carlson, Conrad, Janssen, Langemeier, and McGill who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 731A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, One Hundred Second Legislature, Second Session, 2012.

GENERAL FILE

LEGISLATIVE BILL 806. Senator Fulton renewed his motion, MO81, found on page 841, to indefinitely postpone.

SENATOR CARLSON PRESIDING

Senator Gloor moved the previous question. The question is, "Shall the debate now close?"

Senator Gloor moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Senator Fulton requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

Avery	Carlson	Fulton	Lambert	Pirsch
Brasch	Christensen	Hansen	McCoy	Price
Campbell	Coash	Harms	Nelson	

Voting in the negative, 28:

Adams	Flood	Howard	Lathrop	Schilz
Conrad	Gloor	Janssen	Lautenbaugh	Schumacher
Cook	Haar, K.	Karpisek	Louden	Smith
Cornett	Hadley	Krist	Mello	Wallman
Council	Harr, B.	Langemeier	Nordquist	
Dubas	Heidemann	Larson	Pahls	

Present and not voting, 2:

Bloomfield Wightman

Excused and not voting, 5:

Ashford Fischer McGill Seiler Sullivan

The Fulton motion to indefinitely postpone failed with 14 ayes, 28 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 541A. Placed on Final Reading.

LEGISLATIVE BILL 968. Placed on Final Reading.

ST72

The following changes, required to be reported for publication in the Journal, have been made:

1. In the committee amendment, AM2123:
 - a. On page 2, line 13, "70" has been struck and "72" inserted;
 - b. On page 18, line 21, "1,038,433,125" and all amendments thereto have been struck and "1,047,220,167" inserted; and in line 25 "1,332,776,159" and all amendments thereto have been struck and "1,341,563,201" inserted; and
 - c. On page 19, line 4, "\$1,038,433,125" and all amendments thereto have been struck and "\$1,047,220,167" inserted.
2. In the E & R amendments, ER209:
 - a. On page 1, line 22, "181," has been inserted after the first comma; and
 - b. On page 2, line 1, "section 33" has been struck and "sections 33 and 34" inserted.

LEGISLATIVE BILL 969. Placed on Final Reading.

ST74

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER211, on page 1, line 11, "29-3921," has been inserted after "13-2704,"; and in line 15 "to provide for a study;" has been inserted after the second semicolon.

2. In the Standing Committee amendment, AM2068:

a. On page 1, line 22, the first "fund" has been struck and "State Colleges Sport Facilities Cash Fund" inserted;

b. On page 13, line 27, "7, 8, 9, and 15" has been struck and "8, 9, 10, and 16" inserted; and

c. On page 14, line 4, "29-3921," has been inserted after "13-2704,".

LEGISLATIVE BILL 1072. Placed on Final Reading.

ST73

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM2358, on page 5, line 8, an underscored comma has been inserted after "Lafayette".

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Pristow, Thomas-Director, Division of Children and Family Services-Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 513. Introduced by Wightman, 36; Gloor, 35.

PURPOSE: The purpose of this resolution is to study ways in which health benefit policies and contracts could provide coverage for patient-centered medical homes. A patient-centered medical home means a team-based way to care for a patient led by a personal primary care physician who provides coordinated preventative care throughout the patient's life. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons and organizations, including physicians, nurse practitioners, hospitals, and insurance carriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 514. Introduced by Wightman, 36.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review and revision of the laws governing the process for sales of real property for delinquent real property taxes, including procedures for issuing tax sale certificates, bidding down interests in tax-delinquent parcels, and treatment of parcels not sold for want of bidders at foreclosure. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons and organizations, including, but not limited to, county treasurers, county attorneys, lienholders, and purchasers of tax sale certificates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 806. Senator Smith withdrew his amendment AM2224, found on page 743.

Senator Harms reoffered his amendment, AM2230, found on page 742 and considered on page 840.

SENATOR GLOOR PRESIDING

SPEAKER FLOOD PRESIDING

The Harms amendment lost with 8 ayes, 14 nays, 25 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following motion:

MO85

Invoke cloture pursuant to Rule 7, Section 10.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Lautenbaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Adams	Gloor	Karpisek	Louden	Schumacher
Ashford	Haar, K.	Krist	McGill	Smith
Conrad	Hadley	Lambert	Mello	Sullivan
Cook	Hansen	Langemeier	Nordquist	Wallman
Cornett	Harr, B.	Larson	Pahls	Wightman
Council	Howard	Lathrop	Price	
Dubas	Janssen	Lautenbaugh	Schilz	

Voting in the negative, 11:

Avery	Campbell	Coash	McCoy
Bloomfield	Carlson	Fulton	Nelson
Brasch	Christensen	Harms	

Present and not voting, 3:

Flood	Heidemann	Pirsch
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Excused and not voting, 2:

Fischer	Seiler
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The Lautenbaugh motion to invoke cloture prevailed with 33 ayes, 11 nays, 3 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Adams	Gloor	Krist	McGill	Sullivan
Conrad	Haar, K.	Langemeier	Mello	Wallman
Cook	Hadley	Larson	Nordquist	
Cornett	Harr, B.	Lathrop	Pahls	
Council	Howard	Lautenbaugh	Schilz	
Dubas	Karpisek	Louden	Schumacher	

Voting in the negative, 18:

Avery	Christensen	Hansen	McCoy	Smith
Brasch	Coash	Harms	Nelson	Wightman
Campbell	Flood	Heidemann	Pirsch	
Carlson	Fulton	Lambert	Price	

Present and not voting, 3:

Ashford Bloomfield Janssen

Excused and not voting, 2:

Fischer Seiler

Advanced to Enrollment and Review Initial with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 806A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 9 nays, 7 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 515. Introduced by Nordquist, 7; Conrad, 46; Mello, 5.

PURPOSE: The purpose of this interim study is 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. This study shall identify and evaluate service delivery initiatives and payment strategies for medicaid eligibles with high needs and high costs. The study shall consider the implementation of preventive measures and identify efficiencies in the medicaid program. The study shall also evaluate measures to improve program integrity through new options and resources to prevent and detect medicaid fraud. The study shall examine innovative policies and programs which have been proven to improve the quality of care and the health of Nebraskans, while also generating efficiencies or reducing the cost of the medicaid program to the state.

The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of innovative policies and programs proposed or implemented by other states;

(2) A review of policies, programs, and new funding opportunities made available by the federal government for innovative medicaid initiatives; and

(3) Input from various categories of medicaid providers as to how to improve the quality of care and the health of Nebraskans and lower the costs to the medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 516. Introduced by Nordquist, 7; Howard, 9; Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding the crime of destruction of property through the use of graffiti and to develop recommendations to prevent, combat, and abate graffiti in communities throughout the state.

The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the impact of graffiti-related crimes throughout the state;

(2) A review of the effectiveness of current tools and potential programs available to Nebraska municipalities to address graffiti-related crimes, destruction of property, and graffiti abatement;

(3) An assessment of the impact of enhanced penalties for graffiti and property defacement and other graffiti-related provisions as enacted by the passage of LB 63 (2009);

(4) Recommendations for changes to current penalties for graffiti, vandalism, the sale of spray paint or markers, and destruction of property, including:

(a) Possible enhanced penalties for graffiti-related crimes;

(b) Possible enhanced penalties for gang-related graffiti; and

(c) Possible parental responsibility for crime prevention and restitution;

(5) An evaluation of the needs of law enforcement to combat graffiti-related crimes; and

(6) A survey of current programs and recommendations to implement best practices to prevent youth from engaging in graffiti-related crimes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 517. Introduced by Nelson, 6.

PURPOSE: The purpose of this interim study is to examine the benefits of adult day service programs currently provided to Nebraska seniors. This study shall include, but not be limited to:

(1) A review of the nature and extent of adult day service programs across the State of Nebraska;

(2) The nature of the adult day services provided to participants in such programs;

(3) The extent to which adult day service programs constitute a viable alternative to nursing home placement for older Nebraskans;

(4) How adult day service programs might serve as an effective service and care alternative for small rural communities facing the closure of a nursing home; and

(5) The typical costs of adult day service programs and a projection of the anticipated savings, if any, in seeking to utilize adult day service programs as an alternative to nursing home care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 518. Introduced by Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine issues surrounding investment of state funds. This study shall include an examination of whether section 72-1239.01 should be amended to allow the Nebraska Investment Council to invest or reinvest assets of Nebraska's retirement systems or the Nebraska educational savings plan trust into economic development within the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 519. Introduced by Mello, 5; Conrad, 46; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine wage subsidy programs. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the potential benefits of wage subsidy programs to Nebraska businesses, taxpayers, and program participants;

(2) An examination of the current use of funds in the Temporary Assistance for Needy Families rainy day fund and potential use of the funds to support wage subsidy programs; and

(3) A review of other potential funding sources for wage subsidy programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 520. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues related to land banking. This study shall include, but not be limited to:

(1) A review of the effects that vacant, abandoned, and tax-foreclosed properties have on Nebraska municipalities, and the role that land banks could play in addressing these effects;

(2) A review of land banks and land bank legislation in other states, with an emphasis on the third generation of land bank legislation;

(3) A review of potential funding sources for municipally created land banks, including ongoing funding streams which would allow land banks to be internally financed;

(4) An examination of land reutilization commissions created pursuant to section 77-3203 and the differences between land reutilization commissions and land banks; and

(5) An examination of the tax foreclosure system in Nebraska and the potential role that land banks could play in speeding up the conversion of tax-foreclosed properties into productive use.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue and Urban Affairs Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 715. Senator Schumacher renewed his amendment, FA60, found in this day's Journal.

SENATOR GLOOR PRESIDING

Senator Schumacher withdrew his amendment.

Senator Schumacher withdrew his amendment, FA61, found in this day's Journal.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 905. Title read. Considered.

Committee AM2197, found on page 737, was considered.

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The committee amendment was adopted with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 905A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1057. Title read. Considered.

Committee AM2170, found on page 730, was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1057A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB806:

AM2359

1 1. On page 3, line 4, after the period insert "All
 2 licenses issued pursuant to this subdivision and the authorization
 3 to license and regulate under this subdivision terminate on January
 4 1, 2020, unless the commission determines that (a) a racetrack
 5 enclosure is constructed in a county which contains a city of
 6 the primary class and (b) racetrack enclosures at which historic
 7 horseracing machines are in use during 2019 have (i) an increase
 8 in the number of days of live race meets compared to the number of
 9 days of live race meets in 2011 or (ii) a XXX percent increase in
 10 the purse at the racetrack enclosure compared to the purse at the
 11 racetrack enclosure in 2011.".

Senator Lathrop filed the following amendment to LB899:

AM2393

1 1. Insert the following new section:
 2 Sec. 3. Section 43-2935, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 43-2935 (1) After a hearing on the record, the court
 5 shall determine whether the submitted parenting plan meets all of
 6 the requirements of the Parenting Act and is in the best interests
 7 of the child. If the parenting plan lacks any of the elements
 8 required by the act or is not in the child's best interests, the
 9 court shall modify and approve the parenting plan as modified,
 10 reject the parenting plan and order the parties to develop a new
 11 parenting plan, or reject the parenting plan and create a parenting
 12 plan that meets all the required elements and is in the best
 13 interests of the child. The court may include in the parenting
 14 plan:
 15 (†)(a) A provision for resolution of disputes that arise
 16 under the parenting plan, including provisions for suspension of
 17 parenting time, visitation, and other access when new findings of
 18 child abuse or neglect, domestic intimate partner abuse, criminal
 19 activity affecting the best interests of a child, or the violation
 20 of a protection order, restraining order, or criminal no-contact
 21 order occur, until a modified custody order or parenting plan with
 22 provisions for safety or a transition plan, or both, is in place;
 23 and

1 ~~(2)~~(b) Consequences for failure to follow parenting plan
2 provisions.

3 (2) A hearing is not required under this section if both
4 parties have waived the requirement for a hearing under section
5 42-361 or section 2 of this act.

6 2. On page 4, line 13, strike "section 42-353" and insert
7 "sections 42-353 and 43-2935"; and in line 14 strike "is" and
8 insert "are".

9 3. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB727:

AM2600

(Amendments to E & R amendments, ER200)

1 1. Insert the following new section:

2 Sec. 39. Sales and use taxes shall not be imposed on
3 the gross receipts from the sale, lease, or rental of and the
4 storage, use, or other consumption in this state of building
5 materials purchased by contractors and subcontractors for use in
6 the building, erection, alteration, or repair of structures and
7 other public works owned and used by the United States Department
8 of Defense or the United States Department of Veterans Affairs.

9 2. On page 65, line 27; and page 66, line 5, strike "and
10 37" and insert ", 37, and 39".

11 3. Renumber the remaining sections and correct internal
12 references and the operative date section so that the new section
13 added by this amendment becomes operative on July 1, 2012.

Senator Bloomfield filed the following amendment to LB1158:

AM2590

(Amendments to AM2521)

1 1. On page 3, line 22, strike "stakeholder and" and
2 insert "input from stakeholders, including consumers and their
3 family members, the office of consumer affairs within the division,
4 and the".

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1053. Placed on Select File with amendment.

ER227

1 1. On page 1, line 2, strike "81-1201.22,"; in line 6
2 strike "and 81-1201.04" and insert ", 81-1201.04, and 81-1201.22";
3 and in line 12 after the semicolon insert "to change membership
4 provisions for the Economic Development Commission; to change the
5 sources and uses of the Administrative Cash Fund;".

6 2. On page 6, line 22, strike the semicolon and insert an
7 underscored period; and in lines 23 and 24 strike "the Department
8 of Labor and".

9 3. On page 7, line 1, strike the semicolon and insert an

- 10 underscored period; and in line 8 strike "departments" and insert
 11 "division" and strike "; and" and insert an underscored period.
 12 4. On page 11, line 21, strike "14" and insert "15".
 13 5. On page 13, line 22; and page 14, line 24, strike "16"
 14 and insert "17".
 15 6. On page 30, line 22, strike "81-1201.22,".
 16 7. On page 31, line 1, strike "and 81-1201.04" and insert
 17 ", 81-1201.04, and 81-1201.22".

LEGISLATIVE BILL 1080. Placed on Select File with amendment.
 ER222

- 1 1. On page 1, strike beginning with "an" in line 6
 2 through line 7, and insert "operative dates; to repeal the original
 3 sections; and to declare an emergency."

LEGISLATIVE BILL 1128. Placed on Select File with amendment.
 ER225

- 1 1. On page 7, line 5, strike "entity" and insert
 2 "equity".
 3 2. On page 12, line 6, strike "(i)".

LEGISLATIVE BILL 1128A. Placed on Select File.

LEGISLATIVE BILL 750. Placed on Select File with amendment.
 ER223

- 1 1. On page 1, strike beginning with "section" in line
 2 1 through line 4 and insert "sections 77-1359 and 77-1371,
 3 Reissue Revised Statutes of Nebraska; to redefine terms related
 4 to assessment of agricultural land and horticultural land; to
 5 change provisions relating to comparable sales for assessment of
 6 real property; and to repeal the original sections."

LEGISLATIVE BILL 970. Placed on Select File with amendment.
 ER224 is available in the Bill Room.

LEGISLATIVE BILL 209A. Placed on Select File.

LEGISLATIVE BILL 540A. Placed on Select File.

LEGISLATIVE BILL 949A. Placed on Select File with amendment.
 ER226

- 1 1. On page 1, line 4, after the semicolon insert "to
 2 provide for transfers of funds; to provide for a reduction of
 3 appropriations as prescribed;".
 4 2. On page 2, line 4, after "354" insert an underscored
 5 comma.

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 521. Introduced by Larson, 40.

PURPOSE: The purpose of this study is to evaluate whether the courts are utilizing the specific provision in section 43-290 that provides that a court may order a parent to pay a reasonable sum to cover in whole or in part the support, study, and treatment of a juvenile in the custody of the Department of Health and Human Services to promote parental responsibility and provide the most equitable use and availability of public money. This study shall determine whether the purposes of the statute are in fact being promoted by the courts with regard to ordering parents to provide financial support. Given the fiscal concerns regarding the child welfare system, it is important to look at the available options for funding adequate care of juveniles in the custody of the department. This study shall also evaluate whether sums ordered to be paid by a parent under this section are collected at an acceptable rate or if changes are necessary to provide the authority for garnishment of ordered support payments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 1058. Placed on General File with amendment. AM2599

1 1. On page 3, line 25, strike "seven" and insert "ten".

(Signed) Steve Lathrop, Chairperson

VISITORS

Visitors to the Chamber were 80 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; 35 fourth-grade students and teachers from Yutan; Senator Bloomfield's wife, Ruth, from Hoskins, and his niece, Jennifer Eddie, from Norfolk; and Sara Theoharis from Hastings.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 5:55 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 8:00 a.m., Thursday, March 22, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 22, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 2012

PRAYER

The prayer was offered by Pastor Mary Ellen Gaither, First Presbyterian Church, Humboldt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 8:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Mello, Nordquist, and Seiler who were excused; and Senators Coash, Conrad, Fulton, and B. Harr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1053:
AM2589

- 1 1. Insert the following new sections:
- 2 Sec. 29. This act becomes operative on July 1, 2012.
- 3 Sec. 31. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. On page 4, line 14, after "Guide" insert "as the guide
- 6 existed on January 1, 2012".
- 7 3. On page 6, lines 11 and 25; and page 7, lines 3 and 9,
- 8 strike "effective date" and insert "operative date".
- 9 4. Renumber the remaining section accordingly.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 21, 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

Plucker, Julia
Kelley and Jerram, P.C.

GENERAL FILE

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 779. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Committee AM1842, found on page 441, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1035. Title read. Considered.

Committee AM1900, found on page 470, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

Senator Fischer offered the following amendment:

AM2602

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Fischer amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 898. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 772. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 823. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 761. Title read. Considered.

Committee AM1883, found on page 500, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Committee AM1825, found on page 520, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Committee AM1934, found on page 537, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1049. Title read. Considered.

Senator Cornett renewed her amendment, AM1886, found on page 615.

The Cornett amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Committee AM1789, found on page 572, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1101. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1042. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 788. Title read. Considered.

Committee AM1839, found on page 593, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1062. Title read. Considered.

Committee AM1956, found on page 595, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced March 21 was Senator McGill's birthday.

GENERAL FILE

LEGISLATIVE BILL 1030. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 795. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 880. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 999. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1116. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1141. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Committee AM1999, found on page 663, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 869. Title read. Considered.

Committee AM2122, found on page 667, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1122. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1077. Title read. Considered.

Committee AM1960, found on page 671, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1083. Title read. Considered.

Committee AM1991, found on page 671, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 737. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 768. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 941. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1148. Title read. Considered.

Committee AM2119, found on page 735, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 740. Title read. Considered.

Committee AM2212, found on page 775, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 851. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1106. Title read. Considered.

Committee AM2239, found on page 782, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1026. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1140. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present

and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 936. Title read. Considered.

Committee AM2303, found on page 784, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 897. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 822. Title read. Considered.

Committee AM2313, found on page 787, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1038. Title read. Considered.

Committee AM2256, found on page 795, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1005. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.

Committee AM1885, found on page 798, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Senator Lathrop renewed his amendment, AM2393, found on page 1053.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 9 present and

not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

EASE

The Legislature was at ease from 11:45 a.m. until 12:00 p.m.

GENERAL FILE

LEGISLATIVE BILL 722. Title read. Considered.

Committee AM2327, found on page 815, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Committee AM2305, found on page 816, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1051. Title read. Considered.

Committee AM2314, found on page 818, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1121. Title read. Considered.

Committee AM1872, found on page 839, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1126. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM1990, found on page 842, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1087. Title read. Considered.

Committee AM2364, found on page 876, 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 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1054. Title read. Considered.

Committee AM2369, found on page 891, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 330. Placed on General File with amendment.
AM2479

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 38-1130, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-1130 (1) Except as otherwise provided in this section,
- 6 a licensed dental hygienist shall perform the dental hygiene
- 7 functions listed in section 38-1131 only when authorized to do so
- 8 by a licensed dentist who shall be responsible for the total oral
- 9 health care of the patient.
- 10 (2) The department may authorize a licensed dental
- 11 hygienist to perform the following functions in the conduct of
- 12 public health-related services in a public health setting or
- 13 in a health care or related facility: Preliminary charting and
- 14 screening examinations; oral health education, including workshops
- 15 and inservice training sessions on dental health; and all of the
- 16 duties that any dental assistant is authorized to perform.
- 17 (3)(a) The department may authorize a licensed dental
- 18 hygienist with ~~three thousand hours of clinical experience in~~
- 19 ~~at least four of the preceding five calendar years~~ to perform

20 the following functions in the conduct of public health-related
21 services to children in a public health setting or in a health
22 care or related facility: Oral prophylaxis to healthy children who
23 do not require antibiotic premedication; pulp vitality testing;
1 and preventive measures, including the application of fluorides,
2 sealants, and other recognized topical agents for the prevention of
3 oral disease.

4 (b) Authorization shall be granted by the department
5 under this subsection upon (i) filing an application with the
6 department; and (ii) providing evidence of current licensure and
7 professional liability insurance coverage, ~~and (iii) providing~~
8 ~~evidence of clinical experience as required under subdivision (a)~~
9 ~~of this subsection.~~ Authorization may be limited by the department
10 as necessary to protect the public health and safety upon good
11 cause shown and may be renewed in connection with renewal of the
12 dental hygienist's license.

13 (c) A licensed dental hygienist performing dental hygiene
14 functions as authorized under this subsection shall (i) report
15 authorized functions performed by him or her to the department on
16 a form developed and provided by the department and (ii) advise
17 the patient or recipient of services or his or her authorized
18 representative that such services are preventive in nature and do
19 not constitute a comprehensive dental diagnosis and care.

20 (4)(a) The department may authorize a licensed dental
21 hygienist who has completed three thousand hours of clinical
22 experience to perform the following functions in the conduct
23 of public health-related services to adults in a public health
24 setting or in a health care or related facility: Oral prophylaxis;
25 pulp vitality testing; and preventive measures, including the
26 application of fluorides, sealants, and other recognized topical
27 agents for the prevention of oral disease.

1 (b) Authorization shall be granted by the department
2 under this subsection upon (i) filing an application with the
3 department, (ii) providing evidence of current licensure and
4 professional liability insurance coverage, and (iii) providing
5 evidence of three thousand hours of clinical experience.
6 Authorization may be limited by the department as necessary to
7 protect the public health and safety upon good cause shown and may
8 be renewed in connection with renewal of the dental hygienist's
9 license.

10 (c) A licensed dental hygienist performing dental hygiene
11 functions as authorized under this subsection shall (i) report
12 on a form developed and provided by the department authorized
13 functions performed by him or her to the department and (ii) advise
14 the patient or recipient of services or his or her authorized
15 representative that such services are preventive in nature and do
16 not constitute a comprehensive dental diagnosis and care.

17 (5) The department shall compile the data from the
18 reports provided under subdivisions (3)(c)(i) and (4)(c)(i) of this

19 section and provide an annual report to the Board of Dentistry and
 20 the State Board of Health.

21 ~~(4)~~(6) For purposes of this section:

22 (a) Health care or related facility means a hospital,
 23 a nursing facility, an assisted-living facility, a correctional
 24 facility, a tribal clinic, or a school-based preventive health
 25 program; and

26 (b) Public health setting means a federal, state, or
 27 local public health department or clinic, community health center,
 1 rural health clinic, or other similar program or agency that serves
 2 primarily public health care program recipients.

3 (7) Within five years after the effective date of this
 4 act, the Health and Human Services Committee of the Legislature
 5 shall evaluate the services provided by dental hygienists pursuant
 6 to this section to ascertain the effectiveness of such services in
 7 the delivery of oral health care and shall provide a report on such
 8 evaluation to the Legislature.

9 Sec. 2. Original section 38-1130, Reissue Revised
 10 Statutes of Nebraska, is repealed.

(Signed) Kathy Campbell, Chairperson

Judiciary

LEGISLATIVE BILL 1113. Placed on General File.

LEGISLATIVE BILL 972. Placed on General File with amendment.
 AM2598

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. Section 43-251.01, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 43-251.01 All placements and commitments of juveniles for
 6 evaluations or as temporary or final dispositions are subject to
 7 the following:

8 (1) No juvenile shall be confined in an adult
 9 correctional facility as a disposition of the court;

10 (2) A juvenile who is found to be a juvenile as described
 11 in subdivision (3) of section 43-247 shall not be placed in an
 12 adult correctional facility, the secure youth confinement facility
 13 operated by the Department of Correctional Services, or a youth
 14 rehabilitation and treatment center or committed to the Office of
 15 Juvenile Services;

16 (3) A juvenile who is found to be a juvenile as described
 17 in subdivision (1), (2), or (4) of section 43-247 shall not be
 18 assigned or transferred to an adult correctional facility or the
 19 secure youth confinement facility operated by the Department of
 20 Correctional Services; and

21 (4) A juvenile under the age of ~~twelve~~ fourteen years

22 shall not be placed with or committed to a youth rehabilitation and
23 treatment center except as provided in section 43-286.

1 Sec. 2. Section 43-276, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 43-276 In cases coming within subdivision (1) of section
4 43-247, when there is concurrent jurisdiction, or subdivision
5 (2) or (4) of section 43-247, when the juvenile is under the
6 age of sixteen years, the county attorney shall, in making
7 the determination whether to file a criminal charge, file a
8 juvenile court petition, offer juvenile pretrial diversion, or
9 offer mediation, consider: (1) The type of treatment such juvenile
10 would most likely be amenable to; (2) whether there is evidence
11 that the alleged offense included violence or was committed in
12 an aggressive and premeditated manner; (3) the motivation for the
13 commission of the offense; (4) the age of the juvenile and the ages
14 and circumstances of any others involved in the offense; (5) the
15 previous history of the juvenile, including whether he or she had
16 been convicted of any previous offenses or adjudicated in juvenile
17 court, and, if so, whether such offenses were crimes against the
18 person or relating to property, and other previous history of
19 antisocial behavior, if any, including any patterns of physical
20 violence; (6) the sophistication and maturity of the juvenile as
21 determined by consideration of his or her home, school activities,
22 emotional attitude and desire to be treated as an adult, pattern
23 of living, and whether he or she has had previous contact with law
24 enforcement agencies and courts and the nature thereof; (7) whether
25 there are facilities particularly available to the juvenile court
26 for treatment and rehabilitation of the juvenile; (8) whether the
27 best interests of the juvenile and the security of the public may
1 require that the juvenile continue in secure detention or under
2 supervision for a period extending beyond his or her minority and,
3 if so, the available alternatives best suited to this purpose;
4 (9) whether the victim agrees to participate in mediation; (10)
5 whether there is a juvenile pretrial diversion program established
6 pursuant to sections 43-260.02 to 43-260.07; (11) whether the
7 juvenile has been convicted of or has acknowledged unauthorized use
8 or possession of a firearm; (12) whether a juvenile court order
9 has been issued for the juvenile pursuant to section 43-2,106.03;
10 (13) whether the juvenile is a criminal street gang member; (14)
11 whether the juvenile has been previously committed to a youth
12 rehabilitation and treatment center; and ~~(14)-(15)~~ such other
13 matters as the county attorney deems relevant to his or her
14 decision.

15 Sec. 3. Section 43-286, Revised Statutes Supplement,
16 2011, is amended to read:

17 43-286 (1) When any juvenile is adjudicated to be a
18 juvenile described in subdivision (1), (2), or (4) of section
19 43-247:

20 (a) The court may continue the dispositional portion of

21 the hearing, from time to time upon such terms and conditions as
 22 the court may prescribe, including an order of restitution of any
 23 property stolen or damaged or an order requiring the juvenile to
 24 participate in community service programs, if such order is in
 25 the interest of the juvenile's reformation or rehabilitation, and,
 26 subject to the further order of the court, may:

27 (i) Place the juvenile on probation subject to the
 1 supervision of a probation officer;

2 (ii) Permit the juvenile to remain in his or her own home
 3 or be placed in a suitable family home, subject to the supervision
 4 of the probation officer; or

5 (iii) Cause the juvenile to be placed in a suitable
 6 family home or institution, subject to the supervision of the
 7 probation officer. If the court has committed the juvenile to the
 8 care and custody of the Department of Health and Human Services,
 9 the department shall pay the costs of the suitable family home or
 10 institution which are not otherwise paid by the juvenile's parents.

11 Under subdivision (1)(a) of this section, upon a
 12 determination by the court that there are no parental, private, or
 13 other public funds available for the care, custody, and maintenance
 14 of a juvenile, the court may order a reasonable sum for the care,
 15 custody, and maintenance of the juvenile to be paid out of a
 16 fund which shall be appropriated annually by the county where the
 17 petition is filed until a suitable provision may be made for the
 18 juvenile without such payment; or

19 (b) The court may commit such juvenile to the Office
 20 of Juvenile Services, but a juvenile under the age of ~~twelve~~
 21 fourteen years shall not be placed at the Youth Rehabilitation and
 22 Treatment Center-Geneva or the Youth Rehabilitation and Treatment
 23 Center-Kearney unless he or she has violated the terms of probation
 24 or has committed an additional offense and the court finds that the
 25 interests of the juvenile and the welfare of the community demand
 26 his or her commitment. This minimum age provision shall not apply
 27 if the act in question is murder or manslaughter.

1 (2) When any juvenile is found by the court to be a
 2 juvenile described in subdivision (3)(b) of section 43-247, the
 3 court may enter such order as it is empowered to enter under
 4 subdivision (1)(a) of this section or enter an order committing or
 5 placing the juvenile to the care and custody of the Department of
 6 Health and Human Services.

7 (3) When any juvenile is adjudicated to be a juvenile
 8 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
 9 because of a nonviolent act or acts and the juvenile has not
 10 previously been adjudicated to be such a juvenile because of a
 11 violent act or acts, the court may, with the agreement of the
 12 victim, order the juvenile to attend juvenile offender and victim
 13 mediation with a mediator or at an approved center selected from
 14 the roster made available pursuant to section 25-2908.

15 (4) When a juvenile is placed on probation and a

16 probation officer has reasonable cause to believe that such
17 juvenile has committed or is about to commit a substance abuse
18 violation, a noncriminal violation, or a violation of a condition
19 of his or her probation, the probation officer shall take
20 appropriate measures as provided in section 43-286.01.

21 (5)(a) When a juvenile is placed on probation or under
22 the supervision of the court and it is alleged that the juvenile is
23 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
24 of section 43-247, a petition may be filed and the same procedure
25 followed and rights given at a hearing on the original petition. If
26 an adjudication is made that the allegations of the petition are
27 true, the court may make any disposition authorized by this section
1 for such adjudications.

2 (b) When a juvenile is placed on probation or under
3 the supervision of the court for conduct under subdivision (1),
4 (2), (3)(b), or (4) of section 43-247 and it is alleged that the
5 juvenile has violated a term of probation or supervision or that
6 the juvenile has violated an order of the court, a motion to revoke
7 probation or supervision or to change the disposition may be filed
8 and proceedings held as follows:

9 (i) The motion shall set forth specific factual
10 allegations of the alleged violations and a copy of such motion
11 shall be served on all persons required to be served by sections
12 43-262 to 43-267;

13 (ii) The juvenile shall be entitled to a hearing before
14 the court to determine the validity of the allegations. At such
15 hearing the juvenile shall be entitled to those rights relating
16 to counsel provided by section 43-272 and those rights relating
17 to detention provided by sections 43-254 to 43-256. The juvenile
18 shall also be entitled to speak and present documents, witnesses,
19 or other evidence on his or her own behalf. He or she may confront
20 persons who have given adverse information concerning the alleged
21 violations, may cross-examine such persons, and may show that he
22 or she did not violate the conditions of his or her probation
23 or supervision or an order of the court or, if he or she did,
24 that mitigating circumstances suggest that the violation does not
25 warrant revocation of probation or supervision or a change of
26 disposition. The hearing shall be held within a reasonable time
27 after the juvenile is taken into custody;

1 (iii) The hearing shall be conducted in an informal
2 manner and shall be flexible enough to consider evidence, including
3 letters, affidavits, and other material, that would not be
4 admissible in an adversarial criminal trial;

5 (iv) The juvenile shall be given a preliminary hearing
6 in all cases when the juvenile is confined, detained, or otherwise
7 significantly deprived of his or her liberty as a result of his
8 or her alleged violation of probation, supervision, or court order.
9 Such preliminary hearing shall be held before an impartial person
10 other than his or her probation officer or any person directly

11 involved with the case. If, as a result of such preliminary
 12 hearing, probable cause is found to exist, the juvenile shall be
 13 entitled to a hearing before the court in accordance with this
 14 subsection;

15 (v) If the juvenile is found by the court to have
 16 violated the terms of his or her probation or supervision or an
 17 order of the court, the court may modify the terms and conditions
 18 of the probation, supervision, or other court order, extend the
 19 period of probation, supervision, or other court order, or enter
 20 any order of disposition that could have been made at the time the
 21 original order was entered; and

22 (vi) In cases when the court revokes probation,
 23 supervision, or other court order, it shall enter a written
 24 statement as to the evidence relied on and the reasons for
 25 revocation.

26 Sec. 4. Section 43-401, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 43-401 Sections 43-401 to 43-423 and section 6 of this
 2 act shall be known and may be cited as the Health and Human
 3 Services, Office of Juvenile Services Act.

4 Sec. 5. Section 43-405, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 43-405 The administrative duties of the Office of
 7 Juvenile Services are to:

8 (1) Manage, establish policies for, and administer the
 9 office, including all facilities and programs operated by the
 10 office or provided through the office by contract with a provider;

11 (2) Supervise employees of the office, including
 12 employees of the facilities and programs operated by the office;

13 (3) Have separate budgeting procedures and develop and
 14 report budget information separately from the Department of Health
 15 and Human Services;

16 (4) Adopt and promulgate rules and regulations for
 17 the levels of treatment and for management, control, screening,
 18 evaluation, treatment, rehabilitation, parole, transfer, and
 19 discharge of juveniles placed with or committed to the Office of
 20 Juvenile Services;

21 (5) Ensure that statistical information concerning
 22 juveniles placed with or committed to facilities or programs of
 23 the office is collected, developed, and maintained for purposes of
 24 research and the development of treatment programs;

25 (6) Monitor commitments, placements, and evaluations at
 26 facilities and programs operated by the office or through contracts
 27 with providers and report its findings annually to the Legislature.

1 The report shall include an assessment of the administrative costs
 2 of operating the facilities, the cost of programming, ~~and~~ the
 3 savings realized through reductions in commitments, placements, and
 4 evaluations, and information regarding the collaboration required
 5 by section 7 of this act;

6 (7) Coordinate the programs and services of the juvenile
7 justice system with other governmental agencies and political
8 subdivisions;

9 (8) Coordinate educational, vocational, and social
10 counseling;

11 (9) Coordinate community-based services for juveniles and
12 their families;

13 (10) Supervise and coordinate juvenile parole and
14 aftercare services; and

15 (11) Exercise all powers and perform all duties necessary
16 to carry out its responsibilities under the Health and Human
17 Services, Office of Juvenile Services Act.

18 Sec. 6. If a juvenile assaults an employee of a youth
19 rehabilitation and treatment center or another juvenile who has
20 been committed to the youth rehabilitation and treatment center
21 or escapes or attempts to escape from a youth rehabilitation
22 and treatment center, the chief executive officer of the youth
23 rehabilitation and treatment center shall document the assault,
24 escape, or attempt to escape and send a copy of such documentation
25 to the committing court and the county attorney of the county in
26 which the committing court is located as soon as possible after the
27 determination that such assault, escape, or attempt to escape has
1 occurred. Such documentation may be offered as evidence presented
2 at any hearing conducted pursuant to section 43-2,106.03.

3 Sec. 7. The Office of Juvenile Services shall collaborate
4 with the Department of Correctional Services regarding the training
5 of all employees and the safety and security of the youth
6 rehabilitation and treatment centers. The office shall include
7 information regarding such collaboration in the annual report
8 required by subdivision (6) of section 43-405.

9 Sec. 8. The Revisor of Statutes shall assign section 7 of
10 this act to Chapter 83, article 1.

11 Sec. 9. Original sections 43-251.01, 43-401, and 43-405,
12 Reissue Revised Statutes of Nebraska, sections 29-1816 and 43-276,
13 Revised Statutes Cumulative Supplement, 2010, and section 43-286,
14 Revised Statutes Supplement, 2011, are repealed.

(Signed) Brad Ashford, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1053A. Introduced by Loudon, 49.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 222; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1053, One Hundred Second Legislature, Second Session, 2012; and to repeal the original section.

RESOLUTIONS**LEGISLATIVE RESOLUTION 522.** Introduced by Fischer, 43.

WHEREAS, Nathan Thomas Luchsinger, of Troop 288, Valentine, Nebraska, 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, Nathan 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. Nathan earned 36 merit badges, and for his community service project he completed a groundwork project at Our Savior Lutheran Church, Valentine, Nebraska, which included removing sod from the east side of the church, moving dirt, and shaping the ground to direct rain and irrigation water away from the building to prevent water seepage; and

WHEREAS, Nathan also served his troop in a variety of leadership roles, including senior patrol leader, patrol leader, and librarian; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nathan, 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 Nathan Thomas Luchsinger on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nathan Thomas Luchsinger.

Laid over.

LEGISLATIVE RESOLUTION 523. Introduced by Fischer, 43.

WHEREAS, Caden Tim Billings, of Troop 288, Valentine, Nebraska, 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, Caden 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. Caden earned 34 merit badges, and for his community service project he improved the Cherry County Fairgrounds by staining and painting the front entry sign, repairing and painting the ticket office, and painting the south restrooms; and

WHEREAS, Caden also served his troop in a variety of leadership roles, including senior patrol leader and assistant patrol leader; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Caden, 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 Caden Tim Billings on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Caden Tim Billings.

Laid over.

LEGISLATIVE RESOLUTION 524. Introduced by Fischer, 43.

WHEREAS, Ethan Aaron Osnes, of Troop 288, Valentine, Nebraska, 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, Ethan 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. Ethan earned 26 merit badges, and for his community service project he made improvements at the Valentine Dog Pound, which included cleaning the dog runs, painting the dog shelter and storage building, making repairs, and conducting maintenance of the facilities; and

WHEREAS, Ethan also served his troop in a variety of leadership roles, including patrol leader, assistant senior patrol leader, and instructor; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ethan, 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 Ethan Aaron Osnes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ethan Aaron Osnes.

Laid over.

LEGISLATIVE RESOLUTION 525. Introduced by Coash, 27.

PURPOSE: The purpose of this resolution is to investigate how Nebraska's current system for screening, assessing, and investigating reports of child abuse and neglect contributes to Nebraska's rates of out-of-home care that are twice that of the national average and to study how a differential response system to reports of child abuse and neglect could be implemented in Nebraska to safely reduce the number of children in out-of-home care and fulfill the family policy objectives prescribed in sections 43-532 to 43-534. The study may include, but is not limited to, an examination of the following:

(1) The core elements essential to a successful differential response system, including the steps taken by other states to successfully implement differential response systems and barriers overcome by such states;

(2) How other states have identified and engaged necessary stakeholders, worked out timelines of implementation, used pilot projects, partnered with service providers and the larger community, and coordinated differential response systems with law enforcement and juvenile or family courts;

(3) The number and type of differential responses or tracks used and the services offered to families and children in each of the tracks in other states;

(4) Information on how other states have examined outcomes and outcome measures, continuously monitor quality of differential response system services, and conduct ongoing evaluation and oversight; and

(5) Nebraska's current model of child abuse and neglect reporting, screening, and investigation, including coordination with law enforcement and the use of structured decisionmaking, and data on how many reports are received, investigated, and assessed and the types of services offered to children and families and how the services are funded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 526. Introduced by Howard, 9.

WHEREAS, in April of 2012, Dr. Ann Coyne will receive the National Association of Social Workers Lifetime Achievement Award; and

WHEREAS, Dr. Coyne has fostered an essential relationship between the University of Nebraska at Omaha Grace Abbott School of Social Work and the University of Nicaragua at Leon; and

WHEREAS, Dr. Coyne has worked tirelessly to improve the lives of individuals in Nicaragua, including by building houses for low income individuals, establishing a clinic for mothers and children, and establishing a school for deaf children; and

WHEREAS, Dr. Coyne has been essential to the sharing of knowledge, culture, and social work practices through student trips, faculty exchanges, donation of necessary supplies, and creation of educational programs; and

WHEREAS, Dr. Coyne has given countless hours to associations, task forces, and advisory committees for the betterment of child welfare in Nebraska; and

WHEREAS, this prestigious award recognizes Dr. Coyne's lifetime of selfless service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dr. Ann Coyne on her receipt of the National Association of Social Workers Lifetime Achievement Award and thanks her for her service to Nebraska.

2. That a copy of this resolution be sent to Dr. Coyne.

Laid over.

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB817:
AM2603

- 1 1. Insert the following new section:
- 2 Section 1. Section 29-2264, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 29-2264 (1) Whenever any person is placed on probation
- 5 by a court and satisfactorily completes the conditions of his or
- 6 her probation for the entire period or is discharged from probation
- 7 prior to the termination of the period of probation, the sentencing
- 8 court shall issue an order releasing the offender from probation.
- 9 Such order in all felony cases shall provide notice that the
- 10 person's voting rights are restored two years after completion of

11 probation. The order shall include information on restoring other
12 civil rights through the pardon process, including application to
13 and hearing by the Board of Pardons.

14 (2) Whenever any person is convicted of a misdemeanor or
15 felony and is placed on probation by the court or is sentenced to
16 a fine only, he or she may, after satisfactory fulfillment of the
17 conditions of probation for the entire period or after discharge
18 from probation prior to the termination of the period of probation
19 and after payment of any fine, petition the sentencing court to set
20 aside the conviction.

21 (3) In determining whether to set aside the conviction,
22 the court shall consider:

23 (a) The behavior of the offender after sentencing;

1 (b) The likelihood that the offender will not engage in
2 further criminal activity; and

3 (c) Any other information the court considers relevant.

4 (4) The court may grant the offender's petition and issue
5 an order setting aside the conviction when in the opinion of the
6 court the order will be in the best interest of the offender and
7 consistent with the public welfare. The order shall:

8 (a) Nullify the conviction; and

9 (b) Remove all civil disabilities and disqualifications
10 imposed as a result of the conviction.

11 (5) The setting aside of a conviction in accordance with
12 the Nebraska Probation Administration Act shall not:

13 (a) Require the reinstatement of any office, employment,
14 or position which was previously held and lost or forfeited as a
15 result of the conviction;

16 (b) Preclude proof of a plea of guilty whenever such plea
17 is relevant to the determination of an issue involving the rights
18 or liabilities of someone other than the offender;

19 (c) Preclude proof of the conviction as evidence of the
20 commission of the misdemeanor or felony whenever the fact of its
21 commission is relevant for the purpose of impeaching the offender
22 as a witness, except that the order setting aside the conviction
23 may be introduced in evidence;

24 (d) Preclude use of the conviction for the purpose of
25 determining sentence on any subsequent conviction of a criminal
26 offense;

27 (e) Preclude the proof of the conviction as evidence
1 of the commission of the misdemeanor or felony in the event an
2 offender is charged with a subsequent offense and the penalty
3 provided by law is increased if the prior conviction is proved;

4 (f) Preclude the proof of the conviction to determine
5 whether an offender is eligible to have a subsequent conviction set
6 aside in accordance with the Nebraska Probation Administration Act;

7 (g) Preclude use of the conviction as evidence of
8 commission of the misdemeanor or felony for purposes of determining
9 whether an application filed or a license issued under sections

10 71-1901 to 71-1906.01 or the Child Care Licensing Act or a
 11 certificate issued under sections 79-806 to 79-815 should be
 12 denied, suspended, or revoked;

13 (h) Preclude use of the conviction as evidence of
 14 incompetence, neglect of duty, physical, mental, or emotional
 15 incapacity, or final conviction of or pleading guilty or nolo
 16 contendere to a felony for purposes of determining whether an
 17 application filed or a certificate issued under sections 81-1401 to
 18 81-1414 should be denied, suspended, or revoked;

19 ~~(h)~~(i) Preclude proof of the conviction as evidence
 20 whenever the fact of the conviction is relevant to a determination
 21 of the registration period under section 29-4005; or

22 ~~(i)~~(j) Relieve a person who is convicted of an
 23 offense for which registration is required under the Sex Offender
 24 Registration Act of the duty to register and to comply with the
 25 terms of the act.

26 (6) Except as otherwise provided for the notice in
 27 subsection (1) of this section, changes made to this section by
 1 Laws 2005, LB 713, shall be retroactive in application and shall
 2 apply to all persons, otherwise eligible in accordance with the
 3 provisions of this section, whether convicted prior to, on, or
 4 subsequent to September 4, 2005.

5 2. On page 6, line 9, after "Original" insert "section
 6 29-2264, Revised Statutes Cumulative Supplement, 2010, and".

7 3. Renumber the remaining sections accordingly.

Senator Harms filed the following amendment to LB949A:
 AM2608

1 1. On page 2, strike line 22 and insert "GENERAL FUND
 2 239,522,936 87,406,459".

3 2. On page 3, line 4, strike "413,866,592" and insert
 4 "386,570,950"; and in line 6 strike the new matter and reinstate
 5 the stricken matter.

6 3. On page 4, line 8, after the fourth comma insert
 7 "shall not be made in Program 347 but".

Senator Ashford filed the following amendment to LB727:
 AM2612

(Amendments to E & R amendments, ER200)

1 1. Insert the following new sections:

2 Sec. 41. Section 77-2715.08, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 77-2715.08 For purposes of this section and section
 5 77-2715.09, unless the context otherwise requires:

6 (1) Capital stock means common or preferred stock, either
 7 voting or nonvoting. Capital stock does not include stock rights,
 8 stock warrants, stock options, or debt securities;

9 (2)(a) Corporation means any corporation which, at the
 10 time of the first sale or exchange for which the election is made,

11 has been in existence and actively doing business in this state for
12 at least three years.

13 (b) Corporation also includes:

14 (i) Any corporation which is a member of a unitary group
15 of corporations, as defined in section 77-2734.04, which includes a
16 corporation defined in subdivision (2)(a) of this section; and

17 (ii) Any predecessor or successor corporation of a
18 corporation defined in subdivision (2)(a) of this section.

19 (c) All corporations issuing capital stock for which an
20 election under section 77-2715.09 is made shall, at the time of the
21 first sale or exchange for which the election is made, have (i)

22 at least five shareholders and (ii) at least two shareholders or
1 groups of shareholders who are not related to each other and each
2 of which owns at least ten percent of the capital stock.

3 For purposes of this subdivision, each participant in an
4 employee stock ownership trust qualified under section 401(a) of
5 the Internal Revenue Code of 1986 is a shareholder.

6 For purposes of this subdivision, two persons shall
7 be considered to be related when, under section 318 of the
8 Internal Revenue Code of 1986, one is a person who owns, directly
9 or indirectly, capital stock that if directly owned would be
10 attributed to the other person or is the brother, sister, aunt,
11 uncle, cousin, niece, or nephew of the other person who owns
12 capital stock either directly or indirectly;

13 (3) Extraordinary dividend means any dividend exceeding
14 twenty percent of the fair market value of the stock on which it is
15 paid as of the date the dividend is declared; and

16 (4) Predecessor or successor corporation means a
17 corporation that was a party to a reorganization that was entirely
18 or substantially tax free and that occurred during or after the
19 employment of the individual making an election under section
20 77-2715.09.

21 Sec. 59. Original section 77-2715.08, Reissue Revised
22 Statutes of Nebraska, is repealed.

23 2. Renumber the remaining sections and correct internal
24 references and the operative date section so that the sections
25 added by this amendment become operative for all taxable years
26 beginning or deemed to begin on or after January 1, 2012, under the
27 Internal Revenue Code of 1986, as amended.

VISITORS

Visitors to the Chamber were 41 fourth-grade students and teachers from Louisville; 14 fourth-grade students and teacher from Cornerstone Elementary, Bellevue; Amy Dummer, Brook Curtiss, Michael Holton, and Joe Grof from Plainview; and 15 members of Sarpy County Leadership Group.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 12:34 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 10:00 a.m., Tuesday, March 27, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 27, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 2012

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Seiler who was excused; and Senators Conrad and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1145. Placed on Select File with amendment.
ER228

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 10 and insert "section 28-802, Reissue Revised
- 3 Statutes of Nebraska; to change the penalty for pandering; to
- 4 create a task force relating to human trafficking; to provide
- 5 powers and duties; to require the placement of posters and the
- 6 training of certain officials regarding human trafficking; and to
- 7 repeal the original section."

LEGISLATIVE BILL 806. Placed on Select File with amendment.
ER229

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-1203.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1203.01 The State Racing Commission shall:

6 (1) Enforce all state laws covering horseracing as
 7 required by sections 2-1201 to 2-1242 and enforce rules and
 8 regulations adopted and promulgated by the commission under the
 9 authority of section 2-1203;

10 (2) License racing industry participants, race officials,
 11 mutuel employees, telercing facility employees, telephone deposit
 12 center employees, concessionaires, and such other persons as deemed
 13 necessary by the commission and approve and license telercing
 14 facilities and telephonic wagering if the license applicants meet
 15 eligibility standards established by the commission;

16 (3) Prescribe and enforce security provisions, including,
 17 but not limited to, the restricted access to areas within track
 18 enclosures, backstretch areas, and telercing facilities, and
 19 prohibitions against misconduct or corrupt practices;

20 (4) Determine or cause to be determined by chemical
 21 testing and analysis of body fluids whether or not any prohibited
 22 substance has been administered to the winning horse of each race
 23 and any other horse selected by the board of stewards;

1 (5) Verify the certification of horses registered as
 2 being Nebraska-bred under section 2-1213; ~~and~~

3 (6) Collect and verify the amount of revenue received by
 4 the commission under section 2-1208; ~~and~~.

5 (7) Be authorized to license and regulate parimutuel
 6 wagering on historic horseraces as defined in section 2 of this act
 7 within a licensed racetrack enclosure as provided in sections 2 to
 8 4 of this act.

9 Sec. 2. (1) For purposes of licensure and regulation
 10 pursuant to subdivision (7) of section 2-1203.01, historic
 11 horserace means a form of horserace that creates a parimutuel pool
 12 from wagers placed on a horserace previously held.

13 (2) The commission may adopt and promulgate rules and
 14 regulations to implement subdivision (7) of section 2-1203.01.

15 (3) As part of the regulation under subdivision (7)
 16 of section 2-1203.01, the commission shall require enough of the
 17 historic horserace to be televised so as to maintain the integrity
 18 of such horserace before another wager takes place or before
 19 beginning another historic horserace.

20 (4) As part of the regulation under subdivision (7) of
 21 section 2-1203.01, the commission shall impose an initial, one-time
 22 licensing fee of one thousand dollars for each machine used for
 23 parimutuel wagering on historic horseraces. The commission shall
 24 remit the fees to the State Treasurer for credit to the Historic
 25 Horseracing Distribution Fund.

26 Sec. 3. (1) In lieu of any other tax imposed under
 27 sections 2-1201 to 2-1242 on a licensed racetrack enclosure and in
 1 lieu of any other tax otherwise applicable to parimutuel wagering,
 2 (a) there is hereby imposed a tax on the gross sum wagered by the
 3 parimutuel method at each licensed racetrack enclosure on historic
 4 horseraces at a rate of one percent of the first one hundred

5 million dollars collected from wagering on historic horseraces
 6 at the licensed racetrack enclosure, one and one-half percent of
 7 the second one hundred million dollars collected from wagering
 8 on historic horseraces at the licensed racetrack enclosure, and
 9 two percent on all additional money collected from wagering on
 10 historic horseraces and (b)(i) if the racetrack enclosure is not
 11 located within the corporate limits of a city, the licensee of the
 12 racetrack enclosure shall remit one-tenth of one percent of the
 13 gross sum wagered under this section to the county treasurer of
 14 the county in which the racetrack enclosure is located for credit
 15 to the county general fund, and (ii) if the racetrack enclosure
 16 is located within the corporate limits of a city, the licensee of
 17 the racetrack enclosure shall remit five-hundredths of one percent
 18 of the gross sum wagered to such county treasurer for credit to
 19 the county general fund and five-hundredths of one percent of the
 20 gross sum wagered to the city treasurer of the city in which the
 21 racetrack enclosure is located for credit to the city general fund.

22 (2) A return as required by the Tax Commissioner shall
 23 be filed for a racetrack enclosure for each month during which
 24 wagers on historic horseraces are accepted at the enclosure. The
 25 return shall be filed with and the tax due pursuant to subdivision
 26 (1)(a) of this section shall be paid to the Department of Revenue
 27 on the tenth day of the month following receipt of the tax. The Tax
 1 Commissioner shall remit all revenue collected or received from the
 2 tax imposed under subdivision (1)(a) of this section to the State
 3 Treasurer for credit to the Historic Horseracing Distribution Fund.

4 Sec. 4. (1) The Historic Horseracing Distribution Fund
 5 is hereby created in the Department of Revenue. All costs for
 6 administration of the fund shall be paid from such fund.

7 (2) All receipts in the Historic Horseracing Distribution
 8 Fund in excess of the amounts sufficient to cover the costs of
 9 administration shall be distributed as follows:

10 (a) One-half of all such receipts shall be credited to
 11 the Racing Commission's Cash Fund to be used by the State Racing
 12 Commission for equitable treatment of equine species; and

13 (b) One-half of all such receipts shall be credited to
 14 the Compulsive Gamblers Assistance Fund.

15 (3) Any money in the Historic Horseracing Distribution
 16 Fund available for investment shall be invested by the state
 17 investment officer pursuant to the Nebraska Capital Expansion Act
 18 and the Nebraska State Funds Investment Act.

19 Sec. 5. Section 2-1215, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 2-1215 (1) Except as otherwise provided in subsection (2)
 22 of this section, it shall be a Class I misdemeanor for:

23 (a) Any person, corporation, or association ~~holding or~~
 24 ~~conducting to hold or conduct~~ any horserace or horserace meeting,
 25 in connection with which the ~~said~~-parimutuel system of wagering is
 26 used or to be used, without a license duly issued by the State

27 Racing Commission; ~~or any~~

1 (b) Any person, corporation, or association holding or
 2 conducting to hold or conduct horseraces or horserace meetings, in
 3 connection with which any wagering is permitted, in a otherwise
 4 than in the manner hereinbefore specified not authorized by law; or
 5 any

6 (c) Any person, corporation, or association violating to
 7 violate any of the provisions of sections 2-1201 to 2-1218 or any
 8 of the rules and regulations prescribed by the commission, shall
 9 be guilty of a Class I misdemeanor.

10 (2) It shall be a Class III misdemeanor to use a device
 11 for parimutuel wagering on historic horseraces as defined in
 12 section 2 of this act outside the premises of a licensed racetrack
 13 enclosure.

14 Sec. 6. Section 2-1222, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 2-1222 (1) There is hereby created the Racing
 17 Commission's Cash Fund from which shall be appropriated such
 18 amounts as are available therefrom and as shall be considered
 19 incident to the administration of the State Racing Commission's
 20 office and for purposes of equitable treatment of equine species as
 21 provided in subsection (3) of this section.

22 (2) The fund shall contain all license fees and gross
 23 receipt taxes collected by the commission as provided under
 24 sections 2-1203, 2-1203.01, 2-1208, and 2-1242 but shall not
 25 include taxes collected pursuant to section 2-1208.01, and such
 26 fees and taxes collected shall be remitted to the State Treasurer
 27 for credit to the Racing Commission's Cash Fund.

1 (3) The amount transferred to the fund under section 4 of
 2 this act shall be used by the State Racing Commission for equitable
 3 treatment of equine species.

4 (4) Any money in the fund available for investment
 5 shall be invested by the state investment officer pursuant to
 6 the Nebraska Capital Expansion Act and the Nebraska State Funds
 7 Investment Act.

8 Sec. 7. Original sections 2-1203.01, 2-1215, and 2-1222,
 9 Reissue Revised Statutes of Nebraska, are repealed.

10 2. On page 1, line 1, strike "and" and insert a comma;
 11 in line 2 after the comma insert "and 2-1222,"; and in line 5
 12 after the last semicolon insert "to change penalty provisions; to
 13 change provisions relating to the source and use of the Racing
 14 Commission's Cash Fund;"

LEGISLATIVE BILL 806A. Placed on Select File.

LEGISLATIVE BILL 715. Placed on Select File with amendment.
 ER230

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 Section 1. Section 86-101, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 86-101 Sections 86-101 to ~~86-163 and section 86-165 and~~
6 section 3 of this act shall be known and may be cited as the
7 Nebraska Telecommunications Regulation Act.

8 Sec. 2. Section 86-103, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-103 For purposes of the Nebraska Telecommunications
11 Regulation Act, unless the context otherwise requires, the
12 definitions found in sections 86-104 to 86-121 and section 3 of
13 this act apply.

14 Sec. 3. Advanced telecommunications capability service
15 means high-speed, broadband telecommunications capability provided
16 by a local exchange carrier that enables users to originate
17 and receive high-quality voice, data, graphics, and video
18 communications using any technology.

19 Sec. 4. Section 86-135, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 86-135 (1) Any person may file an application with the
22 commission to obtain ~~the advanced telecommunications capability~~
23 service furnished by a telecommunications company in the local
1 exchange service-area adjacent to the territory-local exchange area
2 in which the applicant resides, or operates.

3 (2) The commission shall serve upon each
4 telecommunications company directly affected a copy of the
5 application and notice of the hearing at least thirty days prior
6 to the hearing on the application, which shall be held if all
7 of the telecommunications companies involved do not consent to
8 the application.

9 (3) If an application for the revision of an exchange
10 service area includes more than one customer in a particular
11 exchange, the commission shall consider the circumstances of
12 each customer and the impact to the obligations of any affected
13 telecommunications company which has not consented to the
14 application.

15 Sec. 5. Section 86-136, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 86-136 Upon the completion of the hearing on such an
18 application made pursuant to section 86-135, if a hearing is
19 required, the commission may grant the application, in whole or in
20 part, if the evidence establishes ~~all of the following~~:

21 (1) That such applicant is not receiving, and will not
22 within a reasonable time receive, ~~reasonably adequate exchange~~
23 telephone-reasonable advanced telecommunications capability
24 service from the telecommunications company which furnishes such
25 telecommunications service in the local exchange service-area
26 in which the applicant resides; or operates. The fact that an
27 applicant is required to pay toll charges for long distance
1 telephone calls to an exchange service area adjacent to the

2 territory in which the applicant resides or operates shall not be
 3 deemed to constitute inadequate exchange telephone service from the
 4 telecommunications company which furnishes such service;

5 (2) ~~The~~ That the revision of the exchange service area
 6 required to grant the application ~~will not create a duplication~~
 7 ~~of facilities,~~ is economically sound, ~~and~~ will not impair the
 8 capability of any telecommunications company affected to serve
 9 the remaining subscribers in any affected exchanges, and will
 10 not impose an undue and unreasonable technological or engineering
 11 burden on any affected telecommunications company; and-

12 (3) ~~The community of interest in the general territory is~~
 13 ~~such that the public offering of each telecommunications company~~
 14 ~~in its own exchange service area involved should include all the~~
 15 ~~territory in its service area as revised by the commission's order;~~
 16 ~~and~~

17 (4) ~~The~~ (3) That the applicant is willing and, unless
 18 waived by the affected telecommunications company, will be
 19 ~~required to pay~~ such construction and other costs and rates
 20 as are fair and equitable and will reimburse the affected
 21 telecommunications company for any ~~necessary loss of undepreciated~~
 22 investment in existing property as determined by the commission.
 23 The amount of any payment by the applicant for construction and
 24 other costs associated with providing service to the applicant
 25 may be negotiated between the applicant and the affected
 26 telecommunications company.

27 Sec. 6. Section 86-137, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 86-137 After the commission has lawfully granted an
 3 application pursuant to section 86-136, the telecommunications
 4 company ordered to provide the ~~exchange telephone advanced~~
 5 telecommunications capability service shall be issued a certificate
 6 of convenience and necessity to serve that ~~portion of the territory~~
 7 area added to its local exchange service area by the commission,
 8 if necessary. The commission shall set the date when the ~~exchange~~
 9 telephone service granted shall take effect and, in doing so, shall
 10 take into consideration any construction or major repair which will
 11 be required of the telecommunications company involved.

12 Sec. 7. Section 86-138, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 86-138 ~~When~~ If the commission refuses to grant an
 15 application made pursuant to section 86-135, no new application for
 16 the same ~~exchange telephone advanced telecommunications capability~~
 17 service shall be filed or shall be considered by the commission
 18 until one year has elapsed after the date of mailing of the
 19 commission order.

20 Sec. 8. Original sections 86-103, 86-135, 86-136, 86-137,
 21 and 86-138, Reissue Revised Statutes of Nebraska, and section
 22 86-101, Revised Statutes Cumulative Supplement, 2010, are repealed.

LEGISLATIVE BILL 905. Placed on Select File with amendment.
ER232

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-2301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-2301 Sections 2-2301 to ~~2-2319~~ 2-2321 shall be known
- 6 and may be cited as the Nebraska Wheat Resources Act.
- 7 Sec. 2. Section 2-2302, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 2-2302 There is hereby established the Nebraska Wheat
- 10 Development, Utilization, and Marketing Board. ~~The present members~~
- 11 ~~of the Nebraska Wheat Development, Utilization, and Marketing~~
- 12 ~~Committee shall serve as members of such board until the expiration~~
- 13 ~~of their respective terms, after which time members~~ Members shall
- 14 be appointed by the Governor to the board pursuant to section
- 15 2-2305.
- 16 Sec. 3. Section 2-2303, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 2-2303 For purposes of the Nebraska Wheat Resources Act,
- 19 unless the context otherwise requires:
- 20 (1) Board ~~shall mean means~~ the Nebraska Wheat
- 21 Development, Utilization, and Marketing Board;
- 22 (2) Commercial channels means the sale of wheat for
- 23 any use when sold to any commercial buyer, dealer, processor,
- 1 cooperative, or any person, public or private, who resells any
- 2 wheat or product produced from wheat;
- 3 (3) First purchaser means any person, public or private
- 4 corporation, association, partnership, or limited liability company
- 5 buying, accepting for shipment, or otherwise acquiring the property
- 6 in or to wheat from a grower and includes a mortgagee, pledgee,
- 7 lienor, or other person, public or private, having a claim against
- 8 the grower when the actual or constructive possession of such wheat
- 9 is taken as part payment or in satisfaction of such mortgage,
- 10 pledge, lien, or claim;
- 11 (2)-(4) Grower ~~shall mean means~~ any landowner personally
- 12 engaged in growing wheat, a tenant of the landowner personally
- 13 engaged in growing wheat, and both the owner and the tenant
- 14 jointly and ~~shall include includes~~ a person, partnership, limited
- 15 liability company, association, corporation, cooperative, trust,
- 16 sharecropper, and other business units, devices, and arrangements;
- 17 (3) ~~First purchaser shall mean any person, public~~
- 18 ~~or private corporation, association, partnership, or limited~~
- 19 ~~liability company buying, accepting for shipment, or otherwise~~
- 20 ~~acquiring the property in or to wheat from a grower, and shall~~
- 21 ~~include a mortgagee, pledgee, lienor, or other person, public or~~
- 22 ~~private, having a claim against the grower when the actual or~~
- 23 ~~constructive possession of such wheat is taken as part payment or~~
- 24 ~~in satisfaction of such mortgage, pledge, lien, or claim;~~

25 ~~(4) Commercial channels shall mean the sale of wheat~~
 26 ~~for any use when sold to any commercial buyer, dealer, processor,~~
 27 ~~cooperative, or any person, public or private, who resells any~~
 1 ~~wheat or product produced from wheat; and~~

2 (5) Net market price means the sales price, or other
 3 value, per volumetric unit received by a producer for wheat after
 4 adjustment for any premium or discount;

5 (6) Net market value means the value found by multiplying
 6 the net market price by the appropriate quantity of the volumetric
 7 units or the minimum value in a production contract received by a
 8 producer for wheat after adjustments for any premium or discount.

9 For wheat pledged as collateral for a loan issued under any
 10 Commodity Credit Corporation price support loan program, net market
 11 value means the principal amount of the loan; and

12 ~~(5)-(7) Sale shall also include includes any pledge or~~
 13 ~~mortgage of wheat after harvest to any person, public or private.~~

14 Sec. 4. Section 2-2306, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 2-2306 All voting members of the board shall be entitled
 17 to actual and necessary expenses, as provided for in sections
 18 81-1174 to 81-1177, ~~for state employees,~~ while attending meetings
 19 of the board or while engaged in the performance of official
 20 responsibilities as determined by the board.

21 Sec. 5. Section 2-2310, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 2-2310 The board may establish an administrative office
 24 in the State of Nebraska at such place as may be suitable
 25 for the furtherance of ~~sections 2-2301 to 2-2319, the Nebraska~~
 26 Wheat Resources Act. The board shall not purchase, construct, or
 27 otherwise obtain title to its own administrative office, but shall
 1 be limited to leasing state or commercial office space.

2 Sec. 6. Section 2-2311, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 2-2311 (1) ~~Commencing July 1, 1988, there is hereby~~
 5 ~~levied an excise tax of one cent per bushel upon all wheat sold~~
 6 ~~through commercial channels in the State of Nebraska. Commencing~~
 7 ~~July 1, 1989, the board may levy an excise tax of not to exceed~~
 8 ~~one and one fourth cents per bushel upon all wheat sold through~~
 9 ~~commercial channels in the State of Nebraska. Commencing July 1,~~
 10 ~~1990, the board may levy an excise tax of not to exceed one and~~
 11 ~~one-half cents per bushel upon all wheat sold through commercial~~
 12 ~~channels in the State of Nebraska. Commencing on the operative~~
 13 ~~date of this section, there is hereby levied an excise tax of~~
 14 ~~four-tenths percent of the net market value of wheat sold through~~
 15 ~~commercial channels in the State of Nebraska. The tax shall be~~
 16 ~~levied and imposed on the grower at the time of sale or delivery~~
 17 ~~and shall be collected by the first purchaser. Under the Nebraska~~
 18 ~~Wheat Resources Act, no wheat shall be subject to the tax more than~~
 19 ~~once.~~

20 (2) The board shall have the power to reduce the excise
 21 tax for such period as it shall deem justified, but not less than
 22 one year, whenever it shall determine that the excise tax provided
 23 by this section is yielding more than is required to carry out
 24 the intent and purposes of the Nebraska Wheat Resources Act. If
 25 the board, after reducing such excise tax, finds that sufficient
 26 revenue is not being produced by such excise tax, it may restore in
 27 full or in part such excise tax not to exceed the amount per bushel
 1 authorized in subsection (1) of this section.

2 (2) After October 1, 2014, the board may, whenever it
 3 determines that the excise tax levied by this section is yielding
 4 more or less than is required to carry out the intent and purposes
 5 of the Nebraska Wheat Resources Act, reduce or increase such levy
 6 for such period as it deems justifiable, but not less than one
 7 year, and such levy shall not exceed five-tenths percent of the
 8 net market value. Any adjustment to the levy shall be by rule and
 9 regulation adopted and promulgated by the board in accordance with
 10 the Administrative Procedure Act.

11 Sec. 7. Section 2-2313, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 2-2313 The tax, provided for by the provisions of section
 14 2-2311, shall be deducted, as provided by sections 2-2301 to
 15 2-2319, the Nebraska Wheat Resources Act, whether such wheat is
 16 stored in this or any other state.

17 Sec. 8. Section 2-2317, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 2-2317 The State Treasurer is hereby directed to
 20 establish and set up in the treasury of the State of Nebraska a
 21 fund to be known as the Nebraska Wheat Development, Utilization,
 22 and Marketing Fund, to which fund shall be credited, for the
 23 uses and purposes of the Nebraska Wheat Resources Act and its
 24 enforcement, all taxes collected by the board pursuant to the
 25 act. After appropriation, the Director of Administrative Services
 26 shall, upon receipt of proper vouchers approved by an officer of
 27 the board, issue his or her warrants on such fund and the State
 1 Treasurer shall pay the same out of the money credited to such
 2 fund. The Nebraska Wheat Development, Utilization, and Marketing
 3 Fund is created. All taxes collected by the board pursuant to the
 4 Nebraska Wheat Resources Act and any repayments relating to the
 5 fund, including license fees or royalties, shall be remitted to the
 6 State Treasurer for credit to the fund. The fund shall be used to
 7 carry out the act. The board shall at each regular meeting review
 8 and approve all expenditures made since its last regular meeting.
 9 Any money in the fund available for investment shall be invested
 10 by the state investment officer pursuant to the Nebraska Capital
 11 Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 9. Section 2-2318, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 2-2318 The Nebraska Wheat Development, Utilization, and

15 Marketing Board shall not be authorized to set up research or
 16 development units or agencies of its own, but shall limit its
 17 activity to cooperation and contracts, ~~not exceeding one year~~
 18 ~~in duration~~, with the Department of Agriculture, University of
 19 Nebraska Institute of Agriculture and Natural Resources, or other
 20 proper local, state, or national organizations, public or private,
 21 in carrying out the ~~purposes of sections 2-2301 to 2-2319~~. Nebraska
 22 Wheat Resources Act.

23 Sec. 10. Section 2-2319, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 2-2319 Any person violating ~~any of the provisions of~~
 26 ~~sections 2-2301 to 2-2319~~ the Nebraska Wheat Resources Act shall be
 27 guilty of a Class III misdemeanor.

1 Sec. 11. Sections 6 and 12 of this act becomes operative
 2 on October 1, 2012. The other sections of this act become operative
 3 on their effective date.

4 Sec. 12. Original section 2-2311, Reissue Revised
 5 Statutes of Nebraska, is repealed.

6 Sec. 13. Original sections 2-2301, 2-2302, 2-2303,
 7 2-2306, 2-2310, 2-2313, 2-2317, 2-2318, and 2-2319, Reissue Revised
 8 Statutes of Nebraska, are repealed.

9 2. On page 1, strike lines 4 through 7 and insert "define
 10 and redefine terms; to change provisions relating to an excise
 11 tax and a fund under the Nebraska Wheat Resources Act; to change
 12 powers and duties of the Nebraska Wheat Development, Utilization,
 13 and Marketing Board; to eliminate obsolete language; to harmonize
 14 provisions; to provide operative dates; and to repeal the original
 15 sections."

LEGISLATIVE BILL 905A. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File with amendment.
 ER233

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. Section 2-3602, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 2-3602 It is declared to be the public policy of the
 6 State of Nebraska to protect and foster the health, prosperity,
 7 and general welfare of its people by protecting and stabilizing
 8 the corn industry and the economy of the areas producing corn.
 9 The Corn Development, Utilization, and Marketing Board shall be the
 10 agency of the State of Nebraska for such purpose. In connection
 11 with and in furtherance of such purpose, it is declared to be in
 12 the interest of the public welfare of the state that the producers
 13 of corn be permitted and encouraged to develop, carry out, and
 14 participate in programs of research, education, market development,
 15 and promotion. It is the purpose of ~~sections 2-3601 to 2-3635~~ the
 16 Nebraska Corn Resources Act to provide the authorization and to

17 prescribe the necessary procedures whereby corn producers in this
 18 state may finance programs to achieve the activities expressed in
 19 ~~sections 2-3601 to 2-3635, the act.~~

20 Sec. 2. Section 2-3623, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 2-3623 There is hereby levied a fee of ~~not to exceed~~
 23 ~~four-tenths~~ five-tenths of a cent per bushel upon all corn sold
 1 through commercial channels in Nebraska or delivered in Nebraska.
 2 The fee shall be paid by the grower at the time of sale or delivery
 3 and shall be collected by the first purchaser. Under the Nebraska
 4 Corn Resources Act, no corn shall be subject to the fee more than
 5 once.

6 Sec. 3. Section 2-3632, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 2-3632 The board shall ~~make and publish~~ prepare and make
 9 available an annual report on or before January 1 of each year,
 10 which report shall set forth in detail the income received from the
 11 corn assessment for the previous year and shall include:

12 (1) The expenditure of all funds by the board during the
 13 previous year for the administration of ~~sections 2-3601 to 2-3635;~~
 14 the Nebraska Corn Resources Act;

15 (2) The action taken by the board on all contracts
 16 requiring the expenditure of funds by the board;

17 (3) ~~Copies~~ A description of all such contracts;

18 (4) ~~Detailed~~ A detailed explanation of all programs
 19 relating to the ~~discovery,~~ promotion, and development of markets
 20 and industries for the utilization of corn, the direct expense
 21 associated with each program, and copies of such programs if in
 22 writing; and

23 (5) The name and address of each member of the board and
 24 a copy of all rules and regulations promulgated by the board.

25 Such report and a copy of all contracts requiring
 26 expenditure of funds by the board shall be available to the
 27 public upon request.

1 Sec. 4. Section 2-3633, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 2-3633 ~~The State Treasurer is hereby directed to~~
 4 ~~establish and set up in the treasury of the State of Nebraska a~~
 5 ~~fund to be known as the~~ The Nebraska Corn Development, Utilization,
 6 and Marketing Fund, to which fund is created. All fees collected
 7 pursuant to the Nebraska Corn Resources Act and any repayments
 8 relating to the fund, including license fees or royalties, shall be
 9 credited; ~~to the fund~~ for the uses and purposes of the Nebraska
 10 ~~Corn Resources Act act and its enforcement, all taxes collected~~
 11 ~~by the board pursuant to the act.~~ Such fund shall be expended
 12 solely for the administration of the act. Any money in the fund
 13 available for investment shall be invested by the state investment
 14 officer pursuant to the Nebraska Capital Expansion Act and the
 15 Nebraska State Funds Investment Act.

16 Sec. 5. Sections 2 and 6 of this act become operative on
 17 October 1, 2012. The other sections of this act become operative on
 18 their effective date.

19 Sec. 6. Original section 2-3623, Reissue Revised Statutes
 20 of Nebraska, is repealed.

21 Sec. 7. Original sections 2-3602, 2-3632, and 2-3633,
 22 Reissue Revised Statutes of Nebraska, are repealed.

23 2. On page 1, strike lines 3 through 6 and insert "to
 24 restate intent; to change a fee, reporting requirements, and the
 25 source and use of a fund under the Nebraska Corn Resources Act; to
 26 provide operative dates; and to repeal the original sections."

LEGISLATIVE BILL 1057A. Placed on Select File.

LEGISLATIVE BILL 721. Placed on Select File.

LEGISLATIVE BILL 766. Placed on Select File.

LEGISLATIVE BILL 779. Placed on Select File with amendment.
 ER231

1 1. On page 8, line 3, reinstate the stricken matter.

LEGISLATIVE BILL 719. Placed on Select File with amendment.
 ER238

1 1. On page 1, line 2, strike "81-118.01,"; and strike
 2 beginning with "change" in line 10 through line 17 and insert
 3 "define and redefine terms; to change provisions of the Records
 4 Management Act; to restate intent; to change powers and duties
 5 of the State Records Board and the network manager; to change
 6 provisions relating to the technical advisory committee, fees,
 7 agency procedures, reports, and a fund; to provide requirements
 8 for certain electronic information and services; to eliminate
 9 provisions relating to public bidding, certain public records
 10 requests, and obsolete provisions regarding equipment; to harmonize
 11 provisions; to repeal the original sections; and to outright repeal
 12 sections 84-1205.04, 84-1205.06, and 84-1223, Reissue Revised
 13 Statutes of Nebraska."

14 2. On page 2, strike lines 1 through 4.

15 3. On page 15, line 4, strike "such", show as stricken,
 16 and insert "state or local".

17 4. On page 32, line 10, after "agencies" insert an
 18 underscored comma; and in line 14 strike the third comma and show
 19 as stricken.

20 5. On page 38, line 23, after the comma insert "Reissue
 21 Revised Statutes of Nebraska,".

LEGISLATIVE BILL 729. Placed on Select File.

LEGISLATIVE BILL 1035. Placed on Select File with amendment.
ER237

1 1. On page 1, strike beginning with "airport" in line
2 1 through line 4 and insert "elections; to amend sections 32-610
3 and 32-1031, Reissue Revised Statutes of Nebraska, and section
4 32-811, Revised Statutes Supplement, 2011; to change and eliminate
5 provisions relating to political parties and filing for office;
6 to provide for automatic nomination of candidates for airport
7 authority boards as prescribed; to change provisions relating
8 to the canvass of votes; to repeal the original sections; and
9 to outright repeal section 32-718, Reissue Revised Statutes of
10 Nebraska."

LEGISLATIVE BILL 896. Placed on Select File with amendment.
ER234

1 1. On page 1, line 4, strike "and"; and in line 5 after
2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 898. Placed on Select File.

LEGISLATIVE BILL 772. Placed on Select File.

LEGISLATIVE BILL 823. Placed on Select File with amendment.
ER235

1 1. On page 1, line 3, after the first semicolon insert
2 "to authorize the county treasurer to hold certain school district
3 funds as prescribed;"

LEGISLATIVE BILL 761. Placed on Select File.

LEGISLATIVE BILL 743. Placed on Select File.

LEGISLATIVE BILL 742. Placed on Select File with amendment.
ER239

1 1. On page 1, strike beginning with "section" in line
2 1 through line 5 and insert "sections 70-1014 and 70-1014.01,
3 Revised Statutes Cumulative Supplement, 2010; to change provisions
4 relating to applications for approval of transmission lines and
5 related facilities and development of renewable energy sources; and
6 to repeal the original sections."

LEGISLATIVE BILL 1049. Placed on Select File.

LEGISLATIVE BILL 398. Placed on Select File with amendment.
ER236

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 23-1307, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 23-1307 All county clerks and election commissioners

6 and their deputies shall have authority to administer oaths
 7 and affirmations in all cases where oaths and affirmations are
 8 required; and to take acknowledgments of deeds, mortgages, and all
 9 other instruments in writing, ~~and shall attest the same~~ attesting
 10 to such with the county seal.

11 Sec. 2. Section 64-101, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 64-101 (1) The Secretary of State may appoint and
 14 commission such number of persons to the office of notary public as
 15 he or she deems necessary.

16 (2) There shall be one class of such appointments which
 17 shall be valid in the entire state and referred to as general
 18 notaries public.

19 (3) The term effective date, as used with reference to
 20 a commission of a notary public, shall mean the date of the
 21 commission unless the commission states when it goes into effect,
 22 in which event that date shall be the effective date.

23 (4) A general commission may refer to the office as
 1 notary public and shall contain a provision showing that the person
 2 therein named is authorized to act as a notary public anywhere
 3 within the State of Nebraska or, in lieu thereof, may contain the
 4 word general or refer to the office as general notary public.

5 (5) No person shall be appointed a notary public unless
 6 he or she has taken and passed a written examination on the
 7 duties and obligations of a notary public as provided in section
 8 64-101.01.

9 (6) No appointment shall be made if such applicant has
 10 been convicted of ~~(a) a felony or other (b) a crime involving fraud~~
 11 or dishonesty within the previous five years.

12 (7) No appointment shall be made until such applicant
 13 has attained the age of nineteen years nor unless such applicant
 14 certifies to the Secretary of State under oath that he or she has
 15 carefully read and understands the laws relating to the duties of
 16 notaries public and will, if commissioned, faithfully discharge the
 17 duties pertaining to the office and keep records according to law.

18 (8) No person shall be appointed a notary public unless
 19 he or she resides in the State of Nebraska, except that the
 20 Secretary of State may appoint and commission a person as a
 21 notary public who resides in a state that borders the State of
 22 Nebraska if such person is employed in or has a regular place
 23 of work or business in this state and the Secretary of State has
 24 obtained evidence of an address of the physical location of such
 25 employment or place of work or business prior to such appointment
 26 and commission.

27 ~~(8)-(9)~~ Each person appointed a notary public shall hold
 1 office for a term of four years from the effective date of his or
 2 her commission unless sooner removed.

3 Sec. 3. Section 64-104, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 64-104 Commissions for general notaries public may be
 6 renewed within thirty days prior to the date of expiration by
 7 filing a renewal application along with the payment of the fee
 8 prescribed in section 33-102 and a new bond with the Secretary of
 9 State. The bond required for a renewal of such commission shall
 10 be in the same manner and form as provided in section 64-102. The
 11 renewal application shall be in the manner and form as prescribed
 12 by the Secretary of State. ~~Such renewal application made prior to~~
 13 ~~the date of the expiration of any general notary public commission~~
 14 ~~need not be accompanied by any petition.~~ Any renewal application
 15 for such commission made after the date of expiration of the
 16 commission shall be made in the same manner as a new application
 17 for such commission as a general notary public.

18 Sec. 4. Section 64-105.01, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 64-105.01 A notary public is disqualified from performing
 21 a notarial act as authorized by Chapter 64, articles 1 and 2, if
 22 the notary

23 (1) Is is a spouse, ancestor, descendant, or sibling of
 24 the principal, including in-law, step, or half relatives;:

25 (2) Except in the performance of duties pursuant to
 26 sections 64-211 to 64-215, has a financial or beneficial interest
 27 in the transaction other than receipt of the ordinary notarial fee
 1 or is individually named as a party to the transaction; or

2 (3) Does not understand the acknowledgment or notarial
 3 certificate used to certify the performance of his or her duties.

4 Sec. 5. Section 64-107, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 64-107 A notary public is authorized and empowered,
 7 within the state: (1) To administer oaths and affirmations in
 8 all cases; (2) to take depositions, acknowledgments, and proofs
 9 of the execution of deeds, mortgages, powers of attorney, and
 10 other instruments in writing, to be used or recorded in this
 11 or another state; and (3) to demand acceptance or payment of
 12 any foreign, inland, domestic bill of exchange, promissory note
 13 or other obligation in writing, and to protest the same for
 14 nonacceptance or nonpayment, as the case may be, and give notice
 15 to endorsers, makers, drawers or acceptors of such demand or
 16 nonacceptance or nonpayment; and (4) to exercise and perform such
 17 other powers and duties as authorized by the laws of this state.
 18 by the law of nations, and according to commercial usage, or
 19 by the laws of the United States, or of any other state or
 20 territory of the United States, or of any other government or
 21 country, may be exercised and performed by notaries public. Over
 22 his or her signature and official seal, he or she shall certify
 23 the performance of such duties so exercised and performed under
 24 ~~the provisions of this section. Such, which~~ certificate shall be
 25 received in all courts of this state as presumptive evidence of the
 26 facts therein certified to.

27 Sec. 6. Section 64-113, Revised Statutes Supplement,

1 2011, is amended to read:

2 64-113 (1) Whenever charges of malfeasance in office are
3 preferred to the Secretary of State against any notary public in
4 this state, or whenever the Secretary of State has reasonable cause
5 to believe any notary public in this state is guilty of acts
6 of malfeasance in office, the Secretary of State may appoint any
7 disinterested person, not related by consanguinity to either the
8 notary public or person preferring the charges, and authorized by
9 law to take testimony of witnesses by deposition, to notify such
10 notary public to appear before him or her on a day and at an
11 hour certain, after at least ten days from the day of service of
12 such notice. ~~Such appointee may summon witnesses, in the manner
13 provided by section 64-108, to appear at the time specified in the
14 notice, and he or she may take the testimony of such witnesses
15 in writing, in the same manner as is by law provided for taking
16 depositions, and certify the same to the Secretary of State. At
17 such appearance, the notary public may show cause as to why his
18 or her commission should not be canceled or temporarily revoked.
19 The appointee may issue subpoenas to require the attendance and
20 testimony of witnesses and the production of any pertinent records,
21 papers, or documents, may administer oaths, and may accept any
22 evidence he or she deems pertinent to a proper determination of the
23 charge.~~ The notary public may appear, at such time and place, and
24 cross-examine witnesses and produce witnesses in his or her behalf,
25 ~~which cross examination and testimony shall be likewise certified
26 to the Secretary of State.~~ Upon the receipt of such examination,
27 duly certified in the manner prescribed for taking depositions
1 to be used in suits in the district courts of this state, the
2 Secretary of State shall examine the same, and if therefrom he or
3 she is satisfied that the charges are substantially proved, finds
4 that the notary public is guilty of acts of malfeasance in office,
5 he or she may remove the person charged from the office of notary
6 public or temporarily revoke such person's commission. Within
7 fifteen days after such removal or revocation and notice thereof,
8 such notary public shall deposit, with the Secretary of State, the
9 commission as notary public and notarial seal. The commission shall
10 be canceled or temporarily revoked by the Secretary of State. A
11 person so removed from office shall be forever disqualified from
12 holding the office of notary public. A person whose commission
13 is temporarily revoked shall be returned his or her commission
14 and seal upon completion of the revocation period and passing the
15 examination described in section 64-101.01. The fees for taking
16 such testimony shall be paid by the state at the same rate as
17 fees for taking depositions by notaries public. The failure of the
18 notary public to deposit his or her commission and seal with the
19 Secretary of State as required by this section shall subject him or
20 her to a penalty of one thousand dollars, to be recovered in the
21 name of the state.

22 (2) For purposes of this section, malfeasance in office
 23 means, while serving as a notary public, (a) failure to follow
 24 the requirements and procedures for notarial acts provided for in
 25 Chapter 64, articles 1 and 2, (b) violating the confidentiality
 26 provisions of section 71-6911, or (c) being convicted of a felony
 27 or other crime involving fraud or dishonesty.

1 Sec. 7. The Secretary of State may adopt and promulgate
 2 rules and regulations relating to the administration of, but not
 3 inconsistent with, the provisions of sections 64-101 to 64-118.

4 Sec. 8. The Revisor of Statutes shall assign section 7 of
 5 this act within Chapter 64, article 1.

6 Sec. 9. Original sections 23-1307, 64-101, 64-104,
 7 64-105.01, and 64-107, Reissue Revised Statutes of Nebraska, and
 8 section 64-113, Revised Statutes Supplement, 2011, are repealed.

9 2. On page 1, strike beginning with "notaries" in line 1
 10 through line 9 and insert "attestations; to amend sections 23-1307,
 11 64-101, 64-104, 64-105.01, and 64-107, Reissue Revised Statutes of
 12 Nebraska, and section 64-113, Revised Statutes Supplement, 2011;
 13 to provide powers for election commissioners; to change provisions
 14 relating to eligibility for appointment, renewal of a commission,
 15 and powers and duties of a notary public; to change removal
 16 provisions for a commission issued to a notary public; to provide
 17 for rules and regulations; to provide a duty for the Revisor of
 18 Statutes; and to repeal the original sections."

LEGISLATIVE BILL 1101. Placed on Select File with amendment.
 ER240

- 1 1. On page 6, line 1, after "Nebraska" insert ", as
- 2 amended by this legislative bill".

LEGISLATIVE BILL 1042. Placed on Select File.

LEGISLATIVE BILL 788. Placed on Select File with amendment.
 ER241

- 1 1. On page 1, line 4, after "and" insert "to".

LEGISLATIVE BILL 1062. Placed on Select File with amendment.
 ER242

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. Before a final decree of adoption is issued,
 4 the Department of Health and Human Services and the adoptive parent
 5 or parents shall enter into a written adoption assistance agreement
 6 stating the terms of assistance as provided for by sections
 7 43-117 to 43-118 if the child is eligible for such assistance and
 8 designating a guardian for the child in case of the death of the
 9 adoptive parent or parents.

10 Sec. 2. Payment of adoption assistance provided for by
 11 section 43-117 ceases upon the death of the adoptive parent or

12 parents except (1) in cases in which the adoption assistance
 13 agreement provides for assignment to a guardian or conservator or
 14 (2) for up to six months pending the appointment of a guardian or
 15 conservator if the child is placed in the temporary custody of a
 16 family member or other individual.

17 Payment of adoption assistance provided by section 43-117
 18 ceases upon placement of the child with the Department of Health
 19 and Human Services or a child placement agency.

20 Sec. 3. Section 43-118, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 43-118 All actions of the Department of Health and
 23 Human Services under the programs authorized by sections 43-117 to
 1 43-117.02 and sections 1 and 2 of this act shall be subject to the
 2 following criteria:

3 (1) The child so adopted shall have been a child for whom
 4 adoption would not have been possible without the financial aid
 5 provided for by sections 43-117 to 43-117.02 and sections 1 and 2
 6 of this act; and

7 (2) The department shall adopt and promulgate rules and
 8 regulations for the administration of sections 43-117 to 43-118 and
 9 sections 1 and 2 of this act.

10 Sec. 4. Section 43-147, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 43-147 The Legislature finds that:

13 (1) Finding adoptive families for children for whom state
 14 assistance is provided pursuant to sections 43-117 ~~and 43-118~~
 15 to 43-118 and sections 1 and 2 of this act and assuring the
 16 protection of the interests of the children affected during the
 17 entire assistance period require special measures when the adoptive
 18 parents move to other states or are residents of another state; and

19 (2) Providing medical and other necessary services for
 20 children, with state assistance, is more difficult when the
 21 services are provided in other states.

22 Sec. 5. Original sections 43-118 and 43-147, Reissue
 23 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1030. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File.

LEGISLATIVE BILL 880. Placed on Select File with amendment.
 ER244

- 1 1. On page 10, lines 10 and 14, after "historical" insert
- 2 an underscored comma; in line 19 strike "and" and show as stricken,
- 3 and strike "if any", show as stricken, and insert "of"; in line
- 4 20 after the first "records" insert ", if any,"; in line 22
- 5 after "accurate" insert an underscored comma; and in line 24 after
- 6 "standards" insert an underscored comma.

LEGISLATIVE BILL 999. Placed on Select File.

LEGISLATIVE BILL 1116. Placed on Select File.

LEGISLATIVE BILL 1141. Placed on Select File.

LEGISLATIVE BILL 819. Placed on Select File with amendment.
ER243

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 69-1301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 69-1301 As used in the Uniform Disposition of Unclaimed
- 6 Property Act unless the context otherwise requires:
- 7 (a) Banking organization means any bank, trust company,
- 8 savings bank, industrial bank, land bank, or safe deposit company.
- 9 (b) Business association means any corporation,
- 10 joint-stock company, business trust, partnership, limited liability
- 11 company, or association for business purposes of two or more
- 12 individuals, but does not include a public corporation.
- 13 (c) Financial organization means any savings and
- 14 loan association, building and loan association, credit union,
- 15 cooperative bank, or investment company, doing business in this
- 16 state.
- 17 (d) General-use prepaid card means a plastic card or
- 18 other electronic payment device usable with multiple, unaffiliated
- 19 sellers of goods or services.
- 20 (e) Holder means any person in possession of property
- 21 subject to the act belonging to another, or who is trustee in case
- 22 of a trust, or is indebted to another on an obligation subject to
- 23 the act.
- 1 (f) Life insurance corporation means any association
- 2 or corporation transacting within this state the business of
- 3 insurance on the lives of persons or insurance appertaining
- 4 thereto, including, but not limited to, endowments and annuities.
- 5 (g) Military medal means any decoration or award that may
- 6 be presented or awarded to a member of a unit of the United States
- 7 Armed Forces or National Guard.
- 8 ~~(g)-(h)~~ Owner means a depositor in case of a deposit, a
- 9 beneficiary in case of a trust, a creditor, claimant, or payee in
- 10 case of other choses in action, or any person having a legal or
- 11 equitable interest in property subject to the act, or his or her
- 12 legal representative.
- 13 ~~(h)-(i)~~ Person means any individual, business
- 14 association, governmental or political subdivision, public
- 15 corporation, public authority, estate, trust, two or more persons
- 16 having a joint or common interest, or any other legal or commercial
- 17 entity.
- 18 ~~(i)-(j)~~ Utility means any person who owns or operates
- 19 within this state, for public use, any plant, equipment, property,
- 20 franchise, or license for the transmission of communications or the
- 21 production, storage, transmission, sale, delivery, or furnishing of

22 electricity, water, steam, or gas.

23 Sec. 2. Any military medal that is removed from a safe
 24 deposit box or any other safekeeping repository or agency or
 25 collateral deposit box on which the lease or rental period has
 26 expired due to nonpayment of rental charges or other reasons shall
 27 not be sold or otherwise disposed of but shall be retained by the
 1 holder for the lessee of the box until reported and delivered to
 2 the State Treasurer in accordance with this section. Such report
 3 shall be made in compliance with section 69-1310. The holder shall,
 4 at the time of filing the report and with the report, deliver the
 5 military medal to the State Treasurer for safekeeping by the State
 6 Treasurer in accordance with section 3 of this act.

7 Sec. 3. The State Treasurer, upon receiving military
 8 medals, shall hold and maintain the military medals for ten years
 9 or until the original owner or the owners' respective heirs or
 10 beneficiaries can be identified and the military medals returned.
 11 After ten years, the State Treasurer may designate a veteran's
 12 organization, an awarding agency, or a governmental entity as
 13 the custodian of the military medals. Once the military medals
 14 are turned over to a veteran's organization, an awarding agency,
 15 or a governmental entity, the State Treasurer will no longer be
 16 responsible for the safekeeping of the military medals.

17 Sec. 4. Section 69-1329, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 69-1329 Sections 69-1301 to 69-1329 and sections 2 and
 20 3 of this act shall be known and may be cited as the Uniform
 21 Disposition of Unclaimed Property Act.

22 Sec. 5. Original sections 69-1301 and 69-1329, Reissue
 23 Revised Statutes of Nebraska, are repealed.

24 2. On page 1, line 2, strike ", 69-1302,"; and in line 3
 25 after the semicolon insert "to define a term;"

LEGISLATIVE BILL 869. Placed on Select File.

LEGISLATIVE BILL 1122. Placed on Select File.

LEGISLATIVE BILL 1077. Placed on Select File with amendment.
 ER245

- 1 1. On page 1, line 5, strike "sections" and insert
- 2 "section".

LEGISLATIVE BILL 1083. Placed on Select File.

LEGISLATIVE BILL 734. Placed on Select File.

LEGISLATIVE BILL 737. Placed on Select File.

LEGISLATIVE BILL 768. Placed on Select File.

LEGISLATIVE BILL 805. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File.

LEGISLATIVE BILL 941. Placed on Select File.

LEGISLATIVE BILL 1148. Placed on Select File.

LEGISLATIVE BILL 740. Placed on Select File with amendment.
ER246

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through line 5 and insert "section 60-6,290, Reissue
- 3 Revised Statutes of Nebraska; to provide a length exception for
- 4 semitrailers transporting baled livestock forage; and to repeal the
- 5 original section."

LEGISLATIVE BILL 851. Placed on Select File.

LEGISLATIVE BILL 1106. Placed on Select File.

LEGISLATIVE BILL 1026. Placed on Select File with amendment.
ER247

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 eliminate obsolete provisions;"

LEGISLATIVE BILL 1140. Placed on Select File with amendment.
ER249

- 1 1. On page 1, line 11, before "licensure" insert "the
- 2 State Board of Landscape Architects and".

LEGISLATIVE BILL 936. Placed on Select File with amendment.
ER248

- 1 1. On page 1, line 4, strike "and" and after "section"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 897. Placed on Select File.

LEGISLATIVE BILL 822. Placed on Select File.

LEGISLATIVE BILL 1038. Placed on Select File with amendment.
ER251

- 1 1. On page 1, strike beginning with "amend" in line 1
- 2 through line 9 and insert "provide for the establishment of a lead
- 3 poisoning prevention program as prescribed; and to provide duties
- 4 for the Department of Health and Human Services."

LEGISLATIVE BILL 1005. Placed on Select File with amendment.
ER250

- 1 1. On page 1, line 1, strike "Voluntary" and insert
- 2 "Volunteer".

LEGISLATIVE BILL 997. Placed on Select File with amendment.
ER259 is available in the Bill Room.

LEGISLATIVE BILL 899. Placed on Select File with amendment.
ER252

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 Section 1. Section 42-353, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 42-353 The pleadings required by sections 42-347 to
6 42-381 shall be governed by the rules of pleading in civil actions
7 promulgated under section 25-801.01. The complaint shall include
8 the following:

9 (1) The name and address of the plaintiff and his or her
10 attorney, except that a plaintiff who is living in an undisclosed
11 location because of safety concerns is only required to disclose
12 the county and state of his or her residence and, in such case,
13 shall provide an alternative address for the mailing of notice;

14 (2) The name and address, if known, of the defendant;

15 (3) The date and place of marriage;

16 (4) The name and year of birth of each child whose
17 custody or welfare may be affected by the proceedings and whether

18 (a) a parenting plan as provided in the Parenting Act has been
19 developed and (b) child custody, parenting time, visitation, or

20 other access or child support is a contested issue;

21 (5) If the plaintiff is a party to any other pending
22 action for divorce, separation, or dissolution of marriage, a
23 statement as to where such action is pending;

1 (6) Reference to any existing restraining orders,
2 protection orders, or criminal no-contact orders regarding any
3 party to the proceedings;

4 (7) A statement of the relief sought by the plaintiff,
5 including adjustment of custody, property, and support rights; and

6 (8) An allegation that the marriage is irretrievably
7 broken if the complaint is for dissolution of marriage or an

8 allegation that the two persons who have been legally married shall

9 thereafter live separate and apart if the complaint is for a legal

10 separation.

11 Sec. 2. In a legal separation proceeding:

12 (1) If both of the parties state under oath or
13 affirmation that they shall thereafter live separate and apart,
14 or one of the parties so states and the other does not deny it,
15 the court, after hearing, shall make a finding whether the legal
16 separation should be granted and if so may enter a decree of legal
17 separation;

18 (2) If one of the parties has denied under oath or
19 affirmation that they will thereafter live separate and apart,
20 the court shall, after hearing, consider all relevant factors,
21 including the circumstances that gave rise to the filing of the
22 complaint and the prospect of reconciliation, and shall make a
23 finding whether the legal separation should be granted and if so
24 may enter a decree of legal separation; or

25 (3) Sixty days or more after perfection of service of
26 process, the court may enter a decree of legal separation without
27 a hearing if:

1 (a) Both parties waive the requirement of the hearing

2 and the court has sufficient basis to make a finding that it has
 3 subject matter jurisdiction over the legal separation proceeding
 4 and personal jurisdiction over both parties; and

5 (b) Both parties have certified in writing that they
 6 shall thereafter live separate and apart, both parties have
 7 certified that they have made every reasonable effort to effect
 8 reconciliation, all documents required by the court and by statute
 9 have been filed, and the parties have entered into a written
 10 agreement, signed by both parties under oath, resolving all issues
 11 presented by the pleadings in their legal separation proceeding.

12 Sec. 3. Section 43-2935, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 43-2935 (1) After a hearing on the record, the court
 15 shall determine whether the submitted parenting plan meets all of
 16 the requirements of the Parenting Act and is in the best interests
 17 of the child. If the parenting plan lacks any of the elements
 18 required by the act or is not in the child's best interests, the
 19 court shall modify and approve the parenting plan as modified,
 20 reject the parenting plan and order the parties to develop a new
 21 parenting plan, or reject the parenting plan and create a parenting
 22 plan that meets all the required elements and is in the best
 23 interests of the child. The court may include in the parenting
 24 plan:

25 ~~(1)-(a)~~ A provision for resolution of disputes that arise
 26 under the parenting plan, including provisions for suspension of
 27 parenting time, visitation, and other access when new findings of
 1 child abuse or neglect, domestic intimate partner abuse, criminal
 2 activity affecting the best interests of a child, or the violation
 3 of a protection order, restraining order, or criminal no-contact
 4 order occur, until a modified custody order or parenting plan with
 5 provisions for safety or a transition plan, or both, is in place;
 6 and

7 ~~(2)-(b)~~ Consequences for failure to follow parenting plan
 8 provisions.

9 (2) A hearing is not required under this section if both
 10 parties have waived the requirement for a hearing under section
 11 42-361 or section 2 of this act.

12 Sec. 4. The Revisor of Statutes shall assign section 2 of
 13 this act within sections 42-347 to 42-381, and all references to
 14 such sections shall be deemed to include section 2 of this act.

15 Sec. 5. Original sections 42-353 and 43-2935, Reissue
 16 Revised Statutes of Nebraska, are repealed.

17 2. On page 1, strike beginning with "husband" in line
 18 1 through line 5 and insert "legal procedure; to amend sections
 19 42-353 and 43-2935, Reissue Revised Statutes of Nebraska; to
 20 provide procedures for entering a legal separation decree; to
 21 change requirements for hearings regarding parenting plans; to
 22 provide a duty for the Revisor of Statutes; and to repeal the
 23 original sections."

LEGISLATIVE BILL 722. Placed on Select File with amendment.
ER253

- 1 1. On page 1, line 3, strike "a defendant's cash bond"
- 2 and insert "an offender's bond as prescribed".

LEGISLATIVE BILL 865. Placed on Select File.

LEGISLATIVE BILL 1051. Placed on Select File with amendment.
ER254

- 1 1. In the Standing Committee amendments, AM2314:
- 2 a. On page 2, line 10, reinstate the first stricken
- 3 comma;
- 4 b. On page 5, line 6, after "exploitation" insert an
- 5 underscored comma; and
- 6 c. On page 7, line 22, strike "in" and insert "into".
- 7 2. On page 1, strike line 2 and insert "28-349, 28-350,
- 8 28-351, 28-352, 28-355, 28-358, 28-370, 28-372, 28-373, 28-374,
- 9 28-386, 28-387, "; and in line 6 after "abuse" insert ", neglect,
- 10 and exploitation".

LEGISLATIVE BILL 1121. Placed on Select File.

LEGISLATIVE BILL 1126. Placed on Select File with amendment.
ER255

- 1 1. On page 1, strike beginning with "cities" in line 1
- 2 through line 5 and insert "villages; to amend sections 13-327 and
- 3 13-328, Reissue Revised Statutes of Nebraska; to provide for a
- 4 county to cede and transfer extraterritorial jurisdiction of land
- 5 to a village as prescribed; and to repeal the original sections."

LEGISLATIVE BILL 738. Placed on Select File with amendment.
ER256

- 1 1. On page 2, line 8, strike the semicolon, show as
- 2 stricken, and insert an underscored comma.
- 3 2. On page 3, lines 1 and 5, strike "be", show as
- 4 stricken, and insert "are".

LEGISLATIVE BILL 1087. Placed on Select File with amendment.
ER257

- 1 1. In the Standing Committee amendments, AM2364, on page
- 2 1, lines 21 and 23, strike "this" and insert "the".
- 3 2. On page 1, strike beginning with "compressed" in line
- 4 1 through line 6 and insert "natural gas; to create the Natural Gas
- 5 Fuel Board; and to provide powers and duties."

LEGISLATIVE BILL 1054. Placed on Select File with amendment.
ER258

- 1 1. On page 1, strike beginning with "ancillary" in line
- 2 1 through line 5 and insert "insurance; to amend sections 44-3521
- 3 and 44-3526, Reissue Revised Statutes of Nebraska; to define and
- 4 redefine terms; to change contract coverage under the Motor Vehicle
- 5 Service Contract Reimbursement Insurance Act; and to repeal the
- 6 original sections."

(Signed) Tyson Larson, Chairperson

MESSAGE FROM THE GOVERNOR

March 21, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Board of Parole:

R. L. (Bob) Boozer, 1258 South 163rd Avenue, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

NOTICE OF COMMITTEE HEARING Health and Human Services

Room 1510

Tuesday, April 3, 2012 12:30 p.m.

Thomas Pristow - Division of Children and Family Services

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 463, 466, 467, 468, 469, 470, 471, 472, 474, 475, 477, 484, 485, 497, and 499 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 463, 466, 467, 468, 469, 470, 471, 472, 474, 475, 477, 484, 485, 497, and 499.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1042:

Commission for the Deaf and Hard of Hearing
 Steven Manning
 Diane Muelleman

Voting in the affirmative, 35:

Adams	Cook	Hadley	Langemeier	Pirsch
Ashford	Dubas	Hansen	Larson	Price
Bloomfield	Fischer	Harms	Lathrop	Schilz
Brasch	Flood	Heidemann	Lautenbaugh	Schumacher
Campbell	Fulton	Howard	Mello	Smith
Carlson	Gloor	Karpisek	Nordquist	Wallman
Coash	Haar, K.	Lambert	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Avery	Cornett	Harr, B.	Krist	McGill
Christensen	Council	Janssen	McCoy	Nelson

Excused and not voting, 4:

Conrad	Louden	Seiler	Sullivan
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1042:

Board of Emergency Medical Services
 Linda Jensen

Scott Wiebe

Voting in the affirmative, 33:

Adams	Fulton	Janssen	Mello	Schumacher
Ashford	Gloor	Karpisek	Nelson	Smith
Avery	Haar, K.	Lambert	Nordquist	Sullivan
Campbell	Hadley	Langemeier	Pahls	Wallman
Cook	Hansen	Lathrop	Pirsch	Wightman
Fischer	Harms	Lautenbaugh	Price	
Flood	Howard	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Christensen	Council	Heidemann	McGill
Brasch	Coash	Dubas	Krist	
Carlson	Cornett	Harr, B.	Larson	

Excused and not voting, 3:

Conrad	Louden	Seiler
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 949A. ER226, found on page 1055, was adopted.

Senator Harms renewed his amendment, AM2608, found on page 1081.

The Harms amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 131. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2011; to delete obsolete transfer

provisions; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'" "

Voting in the affirmative, 43:

Adams	Cornett	Harms	Lathrop	Price
Ashford	Dubas	Harr, B.	Lautenbaugh	Schilz
Avery	Fischer	Heidemann	McCoy	Schumacher
Bloomfield	Flood	Howard	McGill	Smith
Brasch	Fulton	Janssen	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Krist	Nordquist	Wightman
Coash	Hadley	Lambert	Pahls	
Conrad	Hansen	Langemeier	Pirsch	

Voting in the negative, 1:

Council

Present and not voting, 3:

Christensen	Cook	Larson
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Excused and not voting, 2:

Louden	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB968 with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 968. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 24, 46, 47, 66, 91, 92, 93, 94, 98, 100, 101, 102, 104, 105, 107, 109, 112, 115, 132, 181, 200, 218, 220, 221, 222, 226, 235, 249, 260, and 267; Laws 2011, LB376, section 19; Laws 2011, LB377, sections 8 and 38; and Laws 2011, LB390, sections 33 and 34; to define terms; to provide,

change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for and change transfers of funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Lambert	Pahls
Ashford	Cook	Hansen	Langemeier	Pirsch
Avery	Cornett	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Lautenbaugh	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Sullivan
Christensen	Gloor	Karpisek	Nelson	Wallman
Coash	Haar, K.	Krist	Nordquist	Wightman

Voting in the negative, 2:

Council Larson

Excused and not voting, 2:

Louden Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB969 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 969. With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 68-965, 71-7611, and 71-8805, Reissue Revised Statutes of Nebraska, section 82-332, Revised Statutes Cumulative Supplement, 2010, sections 13-2704, 29-3921, 58-703, 66-1345.04, and 82-331, Revised Statutes Supplement, 2011, and Laws 2011, LB378, section 14; to state and restate intent; to provide for transfers of funds; to change and eliminate provisions relating to certain transfers of funds; to create funds; to provide for a study; to change the source and use of funds; to provide operative dates; to repeal the original

sections; to outright repeal Laws 2011, LB378, sections 8 and 10; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Conrad	Hadley	Langemeier	Pirsch
Ashford	Cook	Hansen	Lathrop	Price
Avery	Cornett	Harms	Lautenbaugh	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Heidemann	McGill	Smith
Campbell	Flood	Howard	Mello	Sullivan
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gloor	Krist	Nordquist	Wightman
Coash	Haar, K.	Lambert	Pahls	

Voting in the negative, 3:

Council	Karpisek	Larson
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Excused and not voting, 2:

Louden	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1072 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1072. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Adams	Cook	Hansen	Langemeier	Schilz
Ashford	Cornett	Harms	Lathrop	Schumacher
Avery	Council	Harr, B.	McCoy	Smith
Bloomfield	Dubas	Heidemann	McGill	Sullivan
Brasch	Fischer	Howard	Mello	Wallman
Carlson	Fulton	Janssen	Nordquist	Wightman
Christensen	Gloor	Karpisek	Pahls	
Coash	Haar, K.	Krist	Pirsch	
Conrad	Hadley	Lambert	Price	

Voting in the negative, 4:

Flood	Larson	Lautenbaugh	Nelson
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Present and not voting, 1:

Campbell

Excused and not voting, 2:

Louden	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132, 18-1915, and 23-172, Reissue Revised Statutes of Nebraska; to update references to the 2009 Uniform Plumbing Code for counties, cities, and villages; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lathrop	Schilz
Ashford	Cornett	Harr, B.	Lautenbaugh	Schumacher
Avery	Council	Heidemann	McCoy	Smith
Bloomfield	Dubas	Howard	McGill	Sullivan
Brasch	Fischer	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Krist	Nordquist	
Christensen	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1018 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to business entities; to amend sections 21-2001, 21-20,128, 21-20,130, 67-296, and 67-450, Reissue Revised Statutes of Nebraska, and sections 21-2005 and 67-248.02, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to mergers, consolidations, and conversions; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Smith
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2010; to provide for meetings of a community college board of governors or governing bodies of certain public power districts or public power and irrigation districts to be held by videoconferencing or telephone conference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Smith
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to sale hours; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hadley	Langemeier	Pirsch
Ashford	Cornett	Hansen	Larson	Price
Avery	Council	Harms	Lathrop	Schilz
Brasch	Dubas	Harr, B.	Lautenbaugh	Schumacher
Campbell	Fischer	Heidemann	McCoy	Smith
Carlson	Flood	Janssen	McGill	Sullivan
Christensen	Fulton	Karpisek	Mello	Wallman
Coash	Gloor	Krist	Nordquist	Wightman
Conrad	Haar, K.	Lambert	Pahls	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Howard Nelson

Excused and not voting, 2:

Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 131, 968, 969, 1072, 42, 1018, 735, and 861.

WITHDRAW - Amendment to LR40CA

Senator Council withdrew her amendment, FA48, found on page 878, to LR40CA.

SENATOR COASH PRESIDING**MOTION - Return LR40CA to Select File**

Senator Council moved to return LR40CA to Select File for the following specific amendment:

AM2631

(Amendments to Final Reading (second) copy)

- 1 1. On page 1, lines 9 and 10, strike "including by the
- 2 use of traditional methods."; and strike beginning with "Public" in
- 3 line 13 through the period in line 14.
- 4 2. On page 2, strike beginning with the second "and" in
- 5 line 8 through "controlling" in line 10 and insert ", subject only
- 6 to laws, rules, and regulations regarding participation and that
- 7 promote wildlife conservation and management and that preserve the
- 8 future of hunting, fishing, and harvesting of".

The Council motion to return failed with 5 ayes, 27 nays, 16 present and not voting, and 1 excused and not voting.

SPEAKER FLOOD PRESIDING**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 40CA.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 25 to Article XV:

XV-25 The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations regarding participation and that promote wildlife conservation and management and that preserve the future of hunting, fishing, and harvesting of wildlife. Public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass or property rights. This section shall not be construed to modify any provision of law relating to Article XV, section 4, Article XV, section 5, Article XV, section 6, or Article XV, section 7, of this constitution.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to establish the right to hunt, to fish, and to harvest wildlife and to state that public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife.
 For
 Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 41:

Adams	Dubas	Harr, B.	Lautenbaugh	Schumacher
Ashford	Fischer	Heidemann	McCoy	Smith
Bloomfield	Flood	Janssen	Mello	Sullivan
Brasch	Fulton	Karpisek	Nelson	Wallman
Campbell	Gloor	Krist	Nordquist	Wightman
Carlson	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	
Cornett	Harms	Lathrop	Schilz	

Voting in the negative, 3:

Cook	Council	McGill
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Present and not voting, 4:

Avery	Christensen	Howard	Louden
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Excused and not voting, 1:

Seiler

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR40CA.

MOTION - Return LB310 to Select File

Senator McGill moved to return LB310 to Select File for her specific amendment, AM2259, found on page 878.

SENATOR COASH PRESIDING

The McGill motion to return prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 310. The McGill specific amendment, AM2259, found on page 878, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB391 to Select File

Senator Schilz moved to return LB391 to Select File for his specific amendment, AM2402, found on page 899.

The Schilz motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 391. The Schilz specific amendment, AM2402, found on page 899, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB902

Senator Langemeier withdrew his amendment, AM2469, found on page 952, to LB902.

MOTION - Return LB902 to Select File

Senator Schumacher moved to return LB902 to Select File for his specific amendment, AM2472, found on page 960.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1145A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1145, One Hundred

Second Legislature, Second Session, 2012.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 2012, at 10:53 a.m. were the following: LBs 131e, 968e, 969e, 1072e, 42, 1018, 735, and 861.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 27, 2012, at 11:30 a.m. was the following: LR40CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB727:
AM2629

(Amendments to E & R amendments, ER200)

- 1 1. Insert the following new section:
- 2 Sec. 39. Sales and use taxes shall not be imposed on
- 3 the gross receipts from the sale, lease, or rental of and the
- 4 storage, use, or other consumption in this state of building
- 5 materials purchased by contractors and subcontractors for use in
- 6 the building, erection, alteration, or repair of a structure or
- 7 other public work owned and used by the United States Department
- 8 of Defense or the United States Department of Veterans Affairs that
- 9 is located in a county in which there is located a city of the
- 10 metropolitan class or at least three cities of the first class.
- 11 2. On page 65, line 27; and page 66, line 5, strike "and
- 12 37" and insert ", 37, and 39".
- 13 3. Renumber the remaining sections and correct internal
- 14 references and the operative date section so that the new section
- 15 added by this amendment becomes operative on July 1, 2012.

Senator Larson filed the following amendment to LB1057:
AM2294

(Amendments to Standing Committee amendments, AM2170)

- 1 1. Strike amendments 1 and 4 and insert the following new
- 2 amendments:
- 3 1. Strike sections 5 and 7 and insert the following new
- 4 sections:
- 5 Section 1. Section 2-3601, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 2-3601 Sections 2-3601 to 2-3635 and section 4 of this

8 act shall be known and may be cited as the Nebraska Corn Resources
9 Act.

10 Sec. 4. A grower who has sold corn and has had an
11 assessment deducted from the sale price may by written application
12 to the board secure a refund of one-fourth cent per bushel sold.
13 The grower shall have ninety days after the date of sale to
14 request a refund. The refund shall be payable by the board upon
15 application within ninety days after receipt of the refund request.
16 Each application for refund by a grower shall have attached thereto
17 proof of the assessment deducted.

18 Sec. 7. Sections 3 and 8 of this act become operative on
19 October 1, 2012. The other sections of this act become operative on
20 their effective date.

21 Sec. 8. Original section 2-3623, Reissue Revised Statutes
22 of Nebraska, is repealed.

1 4. On page 5, line 6, after "sections" insert "2-3601,"
2 and strike "2-3623,".

Senator Christensen filed the following amendment to LB514:
AM1603

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 44-359, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 44-359 (1) In all cases when the beneficiary or other
6 person entitled thereto brings an action upon any type of
7 insurance policy, except workers' compensation insurance, or upon
8 any certificate issued by a fraternal benefit society, against
9 any company, person, or association doing business in this state,
10 the court, upon rendering judgment against such company, person,
11 or association, shall allow the plaintiff a reasonable sum as ~~an~~
12 ~~attorney's fee~~ attorney's fees in addition to the amount of his or
13 her recovery, to be taxed as part of the costs. If such cause is
14 appealed, the appellate court shall likewise allow a reasonable sum
15 as ~~an attorney's fee~~ attorney's fees for the appellate proceedings,
16 except that if the plaintiff fails to obtain judgment for more
17 than may have been offered by such company, person, or association
18 in accordance with section 25-901, then the plaintiff shall not
19 recover the attorney's ~~fee~~ fees provided by this section.

20 (2) If a plaintiff's recovery awarded under subsection
21 (1) of this section was unreasonably delayed or denied, the court
22 may allow an additional recovery amount for compensatory or actual
23 damages sustained due to such delay or denial of up to one times
1 the recovery and reasonable attorney's fees as liquidated damages.
2 This subsection applies only to property and casualty insurance.

3 Sec. 2. If any section in this act or any part of any
4 section is declared invalid or unconstitutional, the declaration
5 shall not affect the validity or constitutionality of the remaining
6 portions.

7 Sec. 3. Original section 44-359, Reissue Revised Statutes
8 of Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING

Revenue

Room 1524

Tuesday, April 3, 2012 12:00 p.m.

AM2629 to LB727

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORT

Rules

The Rules Committee met on the proposed rules change to Rule 3, Sec. 2, found on page 1018. The proposal was adopted by the Rules Committee with a unanimous vote on March 27, 2012, and recommends its adoption by the full Legislature.

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 527. Introduced by Flood, 19.

WHEREAS, the Huse name has been synonymous with newspapers since 1871, when William Huse moved his family and a hand press from Wisconsin to Ponca, where William published the first newspaper in northern Nebraska; and

WHEREAS, in 1888, Huse and his son, W.N., bought the Elkhorn Valley News, a weekly paper located in Norfolk, and the Norfolk Daily News, which had been converted from a weekly to a daily paper the year before. William Huse continued to operate the paper in Ponca, while W.N. moved to Norfolk to run that operation. In 1892, W.N. became owner of the Norfolk Daily News; and

WHEREAS, despite the fact that Nebraska was experiencing an economic depression, W.N. bought a lot on North Fourth Street in Norfolk and constructed a new building in 1894. Through the years, the building was expanded to accommodate the equipment needed to acquire and disseminate news quickly and efficiently; and

WHEREAS, William Huse died in 1913, leaving the operation of the company to his sons, Gene and Norris. Prior to their father's death, Gene and Norris learned the business by working in each of the paper's departments. Gene eventually settled on the manufacturing and mechanical side of the business, while Norris managed the editorial side. Norris Huse left the

organization in 1917 and moved to New York where he worked for the Associated Press; and

WHEREAS, a few years after Norris moved to New York, Gene Huse bought out his brother's interest in the company. During Gene's watch, the company continually improved its facilities and upgraded its equipment. In 1909, he built the last addition to the plant and installed a press capable of printing eighteen thousand papers in an hour; and

WHEREAS, Gene's son, Jerry, joined the organization in 1950 after graduating from the University of Minnesota. He, like his father and uncle Norris, worked in every department prior to taking over as publisher in 1956, when his father became seriously ill; and

WHEREAS, in 1963, the Norfolk Daily News moved from its longtime location on North Fourth Street into new quarters at 525 Norfolk Avenue. An addition to the building was completed in 1989; and

WHEREAS, during the past fifty-five years, Jerry has directed ongoing improvements to the building and the equipment, including the conversion to offset printing from letterpress; and

WHEREAS, through the years, the technology used to gather news and assemble and print the paper has continually evolved; and

WHEREAS, now eighty-four years old, Jerry continues to serve as publisher of the Norfolk Daily News, which serves the people living in twenty-two counties in northeast Nebraska; and

WHEREAS, the Norfolk Daily News is celebrating one hundred twenty-five years in business in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Norfolk Daily News on the celebration of one hundred twenty-five years in business.

2. That a copy of this resolution be sent to Jerry Huse.

Laid over.

LEGISLATIVE RESOLUTION 528. Introduced by Larson, 40.

PURPOSE: Under section 54-1,109, Knox County is one of the few counties where a portion of the county is included in the brand inspection area and a portion of the county is outside the brand inspection area. The purpose of this study is to evaluate whether Knox County producers and sales facilities would benefit from the entire county being either inside or outside the brand inspection area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 529. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to provide for the review and assessment and the making of recommendations relating to the entry of children into the child welfare system. The issues addressed by the study shall include, but not be limited to:

(1) A review of the process of child protection removals, including the utilization and interaction between the centralized hotline reporting system, law enforcement, the Division of Children and Family Services of the Department of Health and Human Services, child advocacy centers, and the courts;

(2) An analysis of the data available regarding the relationship between poverty, including housing, financial support, and access to health care, and child welfare placement in Nebraska compared to states with lower poverty-related child welfare placements;

(3) An examination of the availability and need for family support and family preservation services to assist families with addressing issues early to prevent involvement with the child welfare system;

(4) A review of the child welfare safety assessment process, including structured decision making, to assess training, implementation, outcomes, and effectiveness of current practices;

(5) An analysis of the correlation between mental health treatment for children and custody relinquishment;

(6) A review of family group conferencing for effectiveness and the level of utilization;

(7) An examination of differential response programs and the resources and implementation requirements needed to effect successful change; and

(8) An analysis of national and state data to understand how statistics are used to compare performance in child welfare systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 530. Introduced by Hadley, 37.

WHEREAS, Iola Fougeron won the 2012 Kearney Hub Freedom Award in the Medical and Health category; and

WHEREAS, Iola is a club secretary and 20-year member of Golden K Kiwanis and participates in the club's endeavors, including the YoungChildren: Priority One Dental program and the Aktion Club, a Kiwanis-sponsored program for disabled adults. She also volunteers at the Kearney Police Department and is an active member at Family Christ Church in Kearney; and

WHEREAS, Iola was nominated for the award by Karen Sorenson, creator of the YoungChildren: Priority One Dental program and Jane Musil, Kearney Police Department records supervisor; and

WHEREAS, Iola works in Gibbon, Kearney, and Lexington to deliver dental supplies and preventive fluoride treatments to thousands of children and worked to obtain a grant of \$5,000 from the Kiwanis Foundation for the YoungChildren: Priority One Dental program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Iola Fougeron on winning the 2012 Kearney Hub Freedom Award in the Medical and Health category.

2. That a copy of this resolution be sent to Iola Fougeron.

Laid over.

LEGISLATIVE RESOLUTION 531. Introduced by Hadley, 37.

WHEREAS, Kaelin Hynes, son of Kevin and Kim Hynes, won the 2012 Kearney Hub Freedom Award in the Youths Who Care category; and

WHEREAS, Kaelin, a junior at Gibbon High School, was nominated by Gibbon guidance counselor Marlen Ronnfeldt and Debra Stroh, his Future Business Leaders of America adviser; and

WHEREAS, Kaelin is a student council officer, a member of the National Honor Society, Future Business Leaders of America, and show choir, and participates in football and track; and

WHEREAS, Kaelin has coordinated blood drives at his school and helped raise money for fellow students in need; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Kaelin Hynes on winning the 2012 Kearney Hub Freedom Award in the Youths Who Care category.

2. That a copy of this resolution be sent to Kaelin Hynes.

Laid over.

LEGISLATIVE RESOLUTION 532. Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to assess mechanisms in place for school districts to detect any cause and correlation of unusual health

patterns and complaints among staff and students arising during construction, renovation, or other school projects in public school buildings or otherwise. The study should review observation, collection, recording, and reporting requirements so that preemptive and curative action can be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 533. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study whether there are enough resources currently present in schools to detect and treat mental illness in school-age children. The study should include an examination of issues surrounding bullying, harassment, teen suicide, and trauma. The study should include an examination of the following, including whether there are any cultural or racial disparities present in the data:

(1) The number of children attending Nebraska schools that have been diagnosed with a mental health disorder and what the procedure is if staff of the school suspect a child has a mental health disorder;

(2) The number of children attending Nebraska schools that are receiving treatment for a mental health disorder;

(3) The number of children attending Nebraska schools that lack insurance for mental health treatment and what other barriers, if any, might prevent a child from receiving mental health treatment;

(4) The types of mental health treatment offered in Nebraska schools and whether there is a formal process for mental health screenings in such schools and if so, what that process is; and

(5) Which Nebraska schools have mental health and social services staff and the responsibilities of such staff.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the State Department of Education and the Department of Health and Human Services and should consider the input of interested persons as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 534. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to determine what services are available in Nebraska for victims of sex trafficking and labor trafficking. The committee should identify and study the current practices of law enforcement, child protective services, immigration services, and other applicable services around the state to screen for sex and labor trafficking and the process for referral of victims to such services. The committee should examine how many victims are formally identified in Nebraska each year and what types of services those victims received.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 535. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers. The study will also make policy recommendations to properly ensure high-risk youth have the secure treatment environment necessary for rehabilitation and that the youth rehabilitation and treatment centers are properly positioned in a comprehensive juvenile justice continuum of care. Elements of this interim study may include, but are not limited to:

(1) Information on the decision to place youth at a youth rehabilitation and treatment center, including data on the type of offense committed, use of risk assessments, and other significant factors that lead to their placements, as well as information on how other states make decisions on eligibility for placement at state correctional institutions;

(2) The safety of youth and staff at the youth rehabilitation and treatment centers, including data on the number of youth assaulted by other youth, the number of youth assaulted by staff, the number of staff assaulted by youth, the youth placed in seclusion and the length of their seclusion, the frequency and type of restraints used, and information about youth who have at least three assaults or attempts to escape, including their age and other significant characteristics;

(3) Information on training and support provided to staff at both youth rehabilitation and treatment centers, especially as it relates to adolescent development and behavior, providing support and rehabilitation to youth, and resolving conflicts and maintaining safety. Data on the impact of training by the Department of Correctional Services shall also be included;

(4) The treatment model and opportunities for rehabilitation at each of the youth rehabilitation and treatment centers, as well as information on how they compare to evidence-based practice and successful models in other states and how they take adolescent development into account;

(5) Information on the cost of providing services at the youth rehabilitation and treatment centers, as well as information on the cost, availability, and effectiveness of community-based alternatives to placement at the youth rehabilitation and treatment centers for low-risk and non-violent youth; and

(6) The current availability and effectiveness of services to facilitate reentry into the community and recidivism rates for both juvenile and adult court as compared to practices and models used in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 536. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to explore the methods used by schools in Nebraska to foster creativity, critical thinking, and innovation in their students. The committee should determine if Nebraska schools are offering education in manufacturing and encouraging entrepreneurial skills in addition to properly educating their students in science, technology, mathematics, and engineering. The availability of classes and before and after-school programs offered by Nebraska schools, including business clubs, entrepreneurship classes, arts education, debate clubs, science fairs, theater performances, concerts, filmmaking programs, and independent research programs, should be examined. If the committee determines that such education is lacking, it should determine what resources are necessary to provide such education. The committee should seek input from interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 537. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to gather data and develop recommendations on the unmet needs of and gaps in services available to youth who transition or "age out" of Nebraska's foster care system. In conducting the study, the committee shall consult with youth with foster care experience, the Department of Health and Human Services, and other parties who may have relevant information. This interim study may include, but shall not be limited to:

(1) A collection of data on issues identified as part of LR 305 (2011), including those issues identified by youth who participated in LR 305, such as gaps in the Former Ward Program and issues involving homelessness, access to health care, availability of independent living services, and lack of permanency. Methods of data collection may include gathering and analyzing existing data and conducting statewide focus groups of youth with foster care experience and other stakeholders;

(2) An examination of the experiences of other states that have extended foster care services to youth up to age twenty-one or that offer other extended services, which may include analyzing trends and outcomes in other states and seeking feedback from youth and young adults who received extended foster care services; and

(3) Consideration of how solutions to issues facing older youth in foster care and those who age out of the system may be incorporated into the statewide strategic plan discussed in LB 821 (2012), if LB 821 is adopted, and other child welfare reform efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 538. Introduced by Dubas, 34.

PURPOSE: To study eminent domain authority and judicial approval and interpretation of the public interest determination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 539. Introduced by Schilz, 47.

PURPOSE: To study ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 540. Introduced by Schilz, 47.

PURPOSE: To study the concept of a philanthropic entity investing in an area of state government instead of investing in the capital market. The State of Nebraska could repay a philanthropic investment, with interest, resulting in a cost savings for the state and a profit for the philanthropic entity. The study should include an exploration into what areas of state government such investments could be made and a calculation of the appropriate formula to provide such cost savings and profit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 541. Introduced by Schilz, 47.

PURPOSE: To study whether the reference to twenty-five percent given in subsection (2) of section 77-27,144 should be changed to a different percentage to more effectively accommodate those municipalities that have been adversely affected by large municipal sales and use tax refunds under sections 77-4105 and 77-5725. In determining the proper percentage to use, the study committee should look at the average size of municipal sales and use tax refunds under sections 77-4105 and 77-5725.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 542. Introduced by Mello, 5; Ashford, 20.

PURPOSE: The purpose of this interim study is to examine issues surrounding the creation of a state infrastructure bank. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the benefits of an infrastructure bank to the Department of Roads and counties and municipalities in Nebraska;

(2) An examination of potential funding sources for an infrastructure bank, including both initial capitalization and ongoing revenue; and

(3) A review of infrastructure banks currently operating in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue and Transportation and Telecommunications Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 543. Introduced by Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine the potential adoption of an energy efficiency resource standard (EERS) in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the benefits of adopting an EERS, including lower energy costs, reduced air pollution, improved energy reliability, and reduced need to construct new power plants;

(2) A review of the unique opportunities and challenges to adoption of an EERS presented by the State of Nebraska's unique public power system; and

(3) A review of EERS targets that have been adopted in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 544. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine economic development programs designed to promote international trade. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of existing tax credits, tax exemptions, workforce development programs, and economic development programs designed to promote international trade and exportation of manufactured Nebraska goods;

(2) A review of tax credits, tax exemptions, workforce development programs, and economic development programs used in other states to promote international trade; and

(3) An examination of current international trade efforts utilized by the Department of Economic Development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 545. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study Nebraska statutes and regulations that deal with the Nebraska Power Review Board's approval of major investments in electric utility power plants. Nebraska electric utilities

are considering major investments to upgrade power plants and to meet new environmental regulations, and those investments could cost more than the cost of building the power plants originally. Although the Nebraska Power Review Board is charged with reviewing proposals to build new electrical generation, under current law it appears these major new investments will not be subject to Nebraska Power Review Board review even though they could have substantial impacts on ratepayers. The committee should study current laws and regulations in Nebraska, the treatment of similar investments in other states, and the need for changes to Nebraska statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 546. Introduced by Nordquist, 7; Campbell, 25; Mello, 5.

PURPOSE: Under the federal Patient Protection and Affordable Care Act, Public Law 111-148, states will play a large role in the implementation of the major provisions of federal health care reform, including expanding medicaid eligibility, establishing health insurance exchanges, regulating private insurance, and developing coordinated eligibility and enrollment systems and processes. Reported fiscal impacts of the act on aggregate and individual state budgets have varied widely. While all estimates show some new costs for states associated with the large expansion of medicaid, the act also creates new savings and revenue for all states, along with opportunities for states to achieve further, often longer-term state savings. It is fiscally responsible to include projections of state spending and savings as a result of the act in future budgets.

The purpose of this interim study is to examine the potential impact of implementing the federal Patient Protection and Affordable Care Act on the state budget in upcoming years. The interim study will examine health care financing and delivery options available through the act and prepare for new state funding obligations, as well as state savings or increased revenue that will occur as a result of the act.

Issues considered by the committee may include, but shall not be limited to:

(1) A review of existing funding obligations in state health safety net programs, the need for which will become obsolete once access to affordable health care and health insurance has been made available to all Nebraskans through various provisions of the federal Patient Protection and Affordable Care Act;

(2) An evaluation of federal grants and other funding opportunities to support the implementation of the act and various payment and service delivery reforms therein;

(3) An examination of the budgetary impact of the medicaid eligibility expansion and changes to the state children's health insurance program;

(4) A review of estimated costs to the state associated with the operation of a potential health insurance exchange; and

(5) An examination of the budgetary impact of the act on state employee health insurance and coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 547. Introduced by Nordquist, 7.

PURPOSE: The federal Patient Protection and Affordable Care Act, Public Law 111-148, ensures Americans have access to quality, affordable health insurance. To achieve this goal, the law ensures health plans offered in the individual and small group markets offer a comprehensive package of items and services known as essential health benefits.

Recent federal guidance indicates that states will be given the flexibility to define essential health benefits by selecting a benchmark from certain existing employer-sponsored health plans offered in a state. This approach recognizes the differing needs and offers flexibility to states in defining what health benefits are essential to their residents. According to federal guidance, states can choose from the following benchmark plan types:

(1) The largest plan by enrollment in any of the three largest small group insurance products in the state's small group market;

(2) Any of the three largest state employee health benefit plans by enrollment;

(3) Any of the three largest Federal Employees Health Benefits Program options by enrollment; or

(4) The largest insured commercial non-medicare health maintenance organization plan operating in the state.

The purpose of this interim study is to gather information about what health benefits are important to Nebraskans, to evaluate benchmark plan options available to our state, and to allow public input into the process of selecting what benefits will be available through individual and small group health plans.

Issues considered by the committee may include, but shall not be limited to: Comparing the benchmark options available to the State of Nebraska to

choose what benefits the state deems to be essential; evaluating the benchmark plan choices based upon the needs of children and other vulnerable populations; and ensuring that the evaluation, selection, and updating of benchmark plans is conducted in a transparent manner, which includes input from the consumers and a wide variety of health care and health insurance stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 548. Introduced by Cook, 13.

PURPOSE: The purpose of this interim study is to examine the Nebraska state 529 educational savings plan and make recommendations on ways to increase plan participation. In conducting the study, the committee shall consult with the office of the State Treasurer, the plan administrator, First National Bank, the Department of Revenue, and other interested parties. Issues considered by the committee shall include, but not be limited to:

(1) Strategies for raising awareness about and encouraging plan participation, especially among lower income families;

(2) The relationship between educational savings and the likelihood of pursuing a higher education;

(3) Current plan participation rates and the demographics of plan participants with regard to family income, race, geographic location, and other variables; and

(4) The logistical details of allowing state tax refunds to be directly deposited into 529 educational savings accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 549. Introduced by Conrad, 46.

PURPOSE: Over the next several years the State of Nebraska health care delivery system will be absorbing 220,000 uninsured Nebraskans which will require significant allocation and reallocation of existing health care resources, and future health service needs will increase.

The state's major targeted health care financing resource supporting a wide array of health care services is the Nebraska Health Care Cash Fund. A comprehensive review of the financial stability of the fund and a review of the fund's ability to leverage federal funds and other revenue streams, endowment sustainability, and targeted investment is warranted.

The purpose of this study is to determine the range of investment returns on the Nebraska Health Care Cash Fund over the next ten years and the actual demands upon the current recipients of the funds over the next ten years, especially related to the federal Patient Protection and Affordable Care Act, Public Law 111-148, and to prepare two scenarios for consideration for the 2013 Legislature: (1) The formalization of a long-term endowment of the fund as opposed to the enhanced spending within the recipient categories and (2) a determination of ways in which to meet the future needs of each of the current recipients and their health care area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 550. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to examine the impact of the federal cuts to Nebraska anticipated due to the Budget Control Act of 2011, Public Law 112-25.

The study committee shall examine the potential impact of the Budget Control Act of 2011 to Nebraska. As part of the passage of this law, Congress raised the debt limit to pay its bills in exchange for direct budget cuts and spending control mechanisms. Funding cuts are expected to equal approximately two trillion dollars over the next decade. Just under half of the cuts will be achieved through spending limits; the other half will be taken by automatic cuts of about nine percent in 2013 followed by reductions in each of the following eight years.

Because the bipartisan "Super Committee" failed to come to agreement on how to achieve the cuts within the specified time, services are to be reduced through across-the-board budget cuts, a process known as "sequestration." Sequestration is set to begin in January 2013. The cuts to programs in 2013 are to be across-the-board but allow Congress more flexibility in 2014

through 2021. It will therefore be harder for Nebraska to predict the impact of the Budget Control Act of 2011 in future years.

The purpose of this study is to improve the Legislature's understanding of these potential federal budget cuts. Specifically, the committee shall estimate Nebraska's potential loss of federal funds in 2013 and beyond at the program level, as well as any potential impact on the number of Nebraskans served.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 551. Introduced by Conrad, 46.

PURPOSE: Changes have been made in public benefits administration in Nebraska. These changes, called ACCESSNebraska, have made use of modern technology and new partnerships with community-based organizations.

The purpose of this study is to assess the effectiveness of ACCESSNebraska for clients, community-based partners, and workers using qualitative and quantitative analysis.

The study shall address, but shall not be limited to:

- (1) The experiences of clients in utilizing ACCESSNebraska;
- (2) The experiences of community-based partners in utilizing ACCESSNebraska;
- (3) The experiences of Department of Health and Human Services workers in utilizing ACCESSNebraska; and
- (4) Suggestions from clients, community-based partners, and workers in developing ongoing improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before November 15, 2012.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Senator Janssen asked unanimous consent to add his name as cointroducer to LB947. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 fourth- though seventh-grade students, teachers, and sponsors from Community Christian School in Scottsbluff and exchange students from China; a group of fourth-grade students and teachers from Crete; and 40 members of Council of Catholic Women from across the state.

RECESS

At 12:00 p.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Ashford, Conrad, Cook, and Heidemann who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 552. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study economic development in the more rural areas of the state, with a focus on cities of the first and second class and villages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 553. Introduced by Nordquist, 7; Cornett, 45; B. Harr, 8; Howard, 9; McGill, 26; Mello, 5.

PURPOSE: To examine strategies to promote the restoration and revitalization of historic business districts throughout Nebraska.

The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of existing tax incentives to generate private investment in historic properties and business districts; and
- (2) The potential utilization of business improvement districts to restore historic properties and business districts as a tool for sustainable community development, specifically to prevent property abandonment and revitalize economically distressed neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee and Urban Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 554. Introduced by Adams, 24.

WHEREAS, on March 16, 2012, Aaron Madsen was recognized in Topeka, Kansas, at the District V meeting of the National Athletic Trainers' Association and presented with the 2011 George F. Sullivan Athletic Trainer of the Year Award; and

WHEREAS, this award is given to a Nebraska athletic trainer who, over the past year, has gone above and beyond the call of duty in promoting and improving the profession while performing his or her normal duties as an athletic trainer; and

WHEREAS, Aaron Madsen is in his eighth year at Concordia University, Nebraska and currently serves as the Assistant Athletic Trainer and Rehabilitation Coordinator for the Concordia University Bulldogs. Madsen covers the Bulldogs men's and women's soccer, volleyball, competitive dance and cheer, wrestling, men's and women's indoor and outdoor track, softball, and men's and women's tennis teams; and

WHEREAS, Madsen, a 2001 graduate from the University of Nebraska at Kearney, obtained degrees in exercise science and athletic training. He began his career with a clinical internship at the University of Nebraska-Lincoln with the Nebraska Athletic Medicine department; and

WHEREAS, in addition to his duties at Concordia University, he is a certified firefighter and EMT with the City of Seward Fire and Rescue department; and

WHEREAS, Madsen holds a number of certifications, including as a certified athletic trainer, a Nebraska state licensed athletic trainer, a nationally registered emergency medical technician, a Nebraska state licensed emergency medical technician, and a certified medication aide. He

is certified in advanced airway management, CPR, and AED, has been a CPR instructor for the American Heart Association, and is also a Nebraska certified firefighter; and

WHEREAS, Madsen is a health care professional and member of the National Athletic Trainers' Association, Mid-America Athletic Trainers' Association, Nebraska State Athletic Trainers' Association, College Athletic Trainers Society, American College of Sports Medicine, National Academy of Sports Medicine, Nebraska School Activities Association sports medicine team, Cornhusker State Games medical team, National Registry of Emergency Medical Technicians, Nebraska Emergency Medical Services Association, and the Nebraska State Volunteer Firefighters Association; and

WHEREAS, Aaron Madsen represents the very best of Nebraska athletic trainers and the work they do in helping people prevent injuries and stay healthy and active.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Aaron Madsen on being named 2011 Athletic Trainer of the Year and recognizes his leadership, initiative, and dedication to his profession.

2. That a copy of this resolution be sent to Aaron Madsen.

Laid over.

LEGISLATIVE RESOLUTION 555. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to review and examine the ongoing issues within Nebraska's Medicaid Insurance for Workers with Disabilities (MIWD), otherwise known as Nebraska's Medicaid Buy-in, which was enacted in 1999. The intent of the program is to address work disincentives, such as loss of medical benefits, by allowing states to expand medicaid coverage to working persons with disabilities whose income and assets would otherwise make them ineligible for coverage. The issues addressed by the study shall include, but not be limited to:

(1) A study of the original intent of Nebraska's Medicaid Insurance for Workers with Disabilities;

(2) Reoccurring implementation problems, including inaccurate disability determination and policy changes regarding social security; and

(3) A review of the difficulties in finding employment based on inaccurate implementation of MIWD and medicaid eligibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 556. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the current ground water policy contained in Nebraska's statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB902 to Select File

Senator Schumacher renewed his motion, found in this day's Journal, to return LB902 to Select File for his specific amendment, AM2472, found on page 960.

Senator Schumacher withdrew his motion to return.

WITHDRAW - Amendment to LB902

Senator B. Harr withdrew his amendment, AM2473, found on page 964, to LB902.

MOTION - Return LB902 to Select File

Senator B. Harr moved to return LB902 to Select File for his specific amendment, AM2563, found on page 1022.

The B. Harr motion to return prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The B. Harr specific amendment, AM2563, found on page 1022, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB902 to Select File

Senator Schumacher moved to return LB902 to Select File for the following specific amendment:

AM2638

(Amendments to Final Reading copy)

- 1 1. On page 1, line 5, after the semicolon insert "to
 2 require voter approval in order to qualify for exemptions as
 3 prescribed;".
- 4 2. On page 2, line 16, after "thereunder" insert ". If
 5 the property to be beneficially owned by a governmental subdivision
 6 has a total acquisition cost that exceeds the threshold amount
 7 or will be used as the site of a public building with a total
 8 estimated construction cost that exceeds the threshold amount, then
 9 such property shall qualify for an exemption under this section
 10 only if the question of acquiring such property or constructing
 11 such public building has been submitted at a primary, general, or
 12 special election held within the governmental subdivision and has
 13 been approved by the voters of the governmental subdivision. For
 14 purposes of this subdivision, threshold amount means the greater of
 15 fifty thousand dollars or six-tenths of one percent of the total
 16 actual value of real and personal property of the governmental
 17 subdivision that will beneficially own the property as of the end
 18 of the governmental subdivision's prior fiscal year".
- 19 3. On page 7, line 16, after the period insert
 20 "If a nonprofit corporation will be making purchases under a
 21 lease-purchase agreement, financing lease, or other instrument
 22 as part of a project with a total estimated cost that exceeds
 1 the threshold amount, then such purchases shall qualify for an
 2 exemption under this section only if the question of proceeding
 3 with such project has been submitted at a primary, general, or
 4 special election held within the governmental unit that will be a
 5 party to the lease-purchase agreement, financing lease, or other
 6 instrument and has been approved by the voters of such governmental
 7 unit. For purposes of this subdivision, (i) project means the
 8 acquisition of real property or the construction of a public
 9 building and (ii) threshold amount means the greater of fifty
 10 thousand dollars or six-tenths of one percent of the total actual
 11 value of real and personal property of the governmental unit that
 12 will be a party to the lease-purchase agreement, financing lease,
 13 or other instrument as of the end of the governmental unit's prior
 14 fiscal year.".

The Schumacher motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The Schumacher specific amendment, AM2638, found in this day's Journal, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 557. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the progress of the creation of a blender fuel pump infrastructure in Nebraska and programs utilized in other states to aid retailer deployment of ethanol blender pumps. The study shall further examine the role of state commodity promotion programs in helping to build this infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 558. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine legislation that has been proposed or enacted in several states to protect against disruptions of agricultural operations, including acts of deliberate sabotage and false representations of persons seeking agricultural employment for purposes of such disruptions. It is a goal of the study to examine means of balancing societal interests in whistleblowing and undercover investigations with the privacy and security of agricultural organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 559. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 560. Introduced by Harms, 48.

PURPOSE: When a customer makes a purchase by credit card or debit card at a business such as a gas station, hotel, restaurant, or other business where the total bill is not immediately known, the business often places a hold on the card for more than the amount of the purchase. The hold can be significantly higher than the final total of the bill and can remain on the account for two to three days. This makes funds in the customer's account inaccessible until the hold is lifted and that is a problem for many Nebraskans who live on a tight budget and need that money immediately for necessary items.

The interim study shall include, but not be limited to:

(1) A review of federal and state laws and regulations currently in place on this subject;

(2) Testimony by constituents and businesses who are affected by these laws and regulations; and

(3) Possible solutions that would help customers have access to their money when they need it.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 561. Introduced by Harms, 48; Mello, 5.

PURPOSE: The purpose of this study is to examine the feasibility of a merger between the Department of Economic Development and the Department of Labor as proposed by LB 971, introduced in 2012. The two agencies have very different functions, funding sources, constituents served, general culture, legislative priorities, and core missions. The merging of these two agencies requires a definite plan for the specifics of how the merger will occur. The study should determine whether the merger should occur and if so, how best to accomplish it.

The interim study shall include, but not be limited to:

(1) Research into which states have similar agencies to the Department of Economic Development and the Department of Labor and whether any of these states have merged the two agencies and if so, how it was accomplished and whether the merger was successful;

(2) A review of positions, duties, core missions, funding sources, functions, general culture, constituents served, legislative priorities, and any other relevant areas within the two departments; and

(3) Whether it is advisable to merge the departments, and if so, recommendations for a plan to accomplish the merger.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2012.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 562. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study the impact of the banking and finance industry on the economy of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 782. ER206, found on page 887, was adopted.

Senator McCoy renewed his amendment, AM2392, found on page 981.

The McCoy amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 810. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1039. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 995. ER204, found on page 888, was adopted.

Advanced to Enrollment and Review for Engrossment.

SENATOR LANGEMEIER PRESIDING

LEGISLATIVE BILL 863. ER203, found on page 812, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1130. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 965. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 373CA. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 830. Senator Hadley renewed his amendment, AM2209, found on page 694.

The Hadley amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 882. Senator McCoy withdrew his amendments, AM2355 and AM2361, found on pages 843 and 844.

Senator Schilz withdrew his amendment, AM2356, found on page 844.

Senator Cornett renewed her amendment, AM2162, found on page 844.

Senator Cornett withdrew her amendment.

Senator McCoy withdrew his amendments, AM2357 and AM2354, found on page 845.

Senator Schilz withdrew his amendment, AM2353, found on page 885.

Senator Nordquist offered the following amendment:

AM2435

- 1 1. On page 2, line 11, strike "cancer" and insert
- 2 "anticancer"; and in line 19 after "treatment" insert "involving
- 3 intravenously administered or injected anticancer medications".
- 4 2. On page 3, line 8, strike "the effective date of this
- 5 act" and insert "October 1, 2012"; and after line 8 insert the
- 6 following new subsection:
- 7 "(6) This section terminates on December 31, 2015.".

SENATOR COASH PRESIDING

The Nordquist amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209A. Placed on Final Reading.

LEGISLATIVE BILL 949A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Boozer, R. L. (Bob)-Board of Parole-Judiciary

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTIONS**LEGISLATIVE RESOLUTION 563.** Introduced by Christensen, 44.

PURPOSE: The purpose of this study resolution is to examine the constitutionality of AM1603 to LB514 (2011) which would provide an additional recovery amount for compensatory or actual damages sustained due to an unreasonable delay or denial by an insurance company of a property and casualty insurance claim of up to one times the recovery award, including reasonable attorney's fees, as liquidated damages. The study shall include, but not be limited to:

(1) A review of the issues in *Abel vs. Conover*, 170 Neb. 926, 104 N.W.2d 684 (1960) and any other relevant cases;

(2) A review of Colorado's laws regarding unreasonable delay or denial of insurance claims, and the effect of such laws since their enactment; and

(3) Research and development of findings on the appropriate changes necessary to ensure reasonable timeframes and treatment of claims.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 564. Introduced by Christensen, 44.

PURPOSE: The purpose of this study resolution is to examine the constitutionality of creating standing secondary surface water appropriation rights to unappropriated surface water for interbasin transfers to mitigate flood damage which are inferior in right to any future surface water appropriations that may be issued in the basin of origin as outlined in AM1844 to LB653 (2011). The study shall include, but not be limited to:

(1) The review of laws and court cases regarding surface water appropriations; and

(2) Research and development of findings on any appropriate changes necessary to provide such transfers of unappropriated surface water to mitigate flood damages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 565. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to tax incentives for affordable housing, including, but not limited to, whether other states allow such tax incentives to be used for graffiti removal and abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 566. Introduced by Cornett, 45.

PURPOSE: The purpose of this interim study is to examine a funding mechanism for all cities and villages in the State of Nebraska to assist in the financing of new projects that will address the need for Nebraska residents currently leaving the state to experience retail, dining, tourist, and other destinations that are currently not located in Nebraska. This leakage in sales tax dollars is estimated to exceed more than \$1.15 billion annually from the Omaha metropolitan statistical area alone. These new projects will provide opportunities to attract new-to-market retailers, hoteliers, entertainment, and other industries, as well as assist in the financing of community betterment projects through local philanthropists. The purpose of the redevelopment district is to grow the state and local tax base, promote tourism, create jobs, and stimulate economic development. This can also help retain and recruit young professionals, as identified in the October 2010 Batelle study prepared for the Department of Economic Development. In addition, these new projects will reinvigorate such communities and further attract non-Nebraska residents to the state, thereby creating new tax dollars.

The redevelopment districts will focus on developing outdated or blighted projects that currently experience a declining sales tax base, but, due to their location, have high potential for major redevelopment and economic growth.

The interim study shall, at a minimum, examine the following criteria for a redevelopment district and qualified project: District size; private investment; technology investment; total project cost; new jobs created; retail sales generated from outside the city or village; local support through interested businesses and developers; the city or county governing board and

the school district; developer's annual marketing commitment to the redevelopment district; and the impact on community betterment and philanthropy opportunities.

The interim study will also examine the authorization of cities to issue bonds, of which the proceeds will be issued to assist in partially financing the redevelopment project, as well as the ability of the state to "turnback" an increment of new sales tax created by the redevelopment project within that district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 567. Introduced by Cornett, 45.

PURPOSE: To examine tax burdens and fiscal conditions in Nebraska communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 568. Introduced by Cornett, 45.

PURPOSE: To study and examine any aspect of the state tax structure and tax policy deemed necessary by the study committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 569. Introduced by Fulton, 29.

PURPOSE: The Legislature holds important interests in improving health care for employees who suffer work-related injuries, reducing medical costs, and ensuring best practices with regard to the Nebraska Workers' Compensation Court. Utilization and treatment guidelines provide a framework for consistent and reliable decisionmaking regarding the diagnosis, management, and treatment of an injury or illness and are not designed to serve as absolute prescriptions for care or to replace the judgment of individual healthcare practitioners.

At least twenty-three states have adopted utilization and treatment guidelines for workers' compensation cases using a variety of approaches, including the establishment of state specific guidelines to define treatment standards and ranges for specific injuries or disabilities and the adoption of external guidelines, including the Work Loss Data Institute's Official Disability Guidelines and Treatment in Workers' Compensation and the American College of Occupational and Environmental Medicine Practice Guidelines. It appears that the states that have experienced the greatest success with utilization and treatment guidelines have invested in a medical director to oversee and manage the development and implementation of the guidelines and to promote acceptance of the guidelines by the medical community. The study committee should conduct a study regarding the implementation of utilization and treatment guidelines in cases before the Nebraska Workers' Compensation Court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 570. Introduced by Fulton, 29.

WHEREAS, more than a century ago, hunters, anglers, and trappers were among the first conservationists who realized America's natural resources were in peril and could not sustain unregulated harvest and habitat destruction; and

WHEREAS, hunters, anglers, and trappers took it upon themselves to support laws that stopped excessive harvesting of fish and wildlife, established game and fish agencies to protect fish and wildlife and their habitat, and supported special fishing and hunting license fees to help fund the new agencies' efforts to provide for healthy natural resources for future generations; and

WHEREAS, state legislatures then and now recognize that the primary authority to protect and manage fish and resident wildlife within a state's borders resides in state fish and wildlife agencies; and

WHEREAS, upon realizing that license fees alone were insufficient to restore and sustain healthy fish and wildlife populations, hunters, anglers, and trappers supported excise taxes on firearms, ammunition, archery equipment, hunting equipment, and fishing equipment to raise additional funds to support restoration and enhancement efforts of the state fish and wildlife agencies; and

WHEREAS, these efforts became known as the Wildlife and Sport Fish Restoration Program that began 75 years ago with the passage of the Pittman-Robertson Wildlife Restoration Act in 1937 and then was bolstered with the passage of the Dingell-Johnson Sport Fish Restoration Act in 1950; and

WHEREAS, the combined contribution of the Wildlife and Sport Fish Restoration Program to state fish and wildlife agencies since 1939 exceeds thirteen billion dollars, more than any other single conservation effort in American history; and

WHEREAS, the fish and wildlife industry has collected the excise taxes on firearms, ammunition, archery equipment, manufactured fishing tackle, electric trolling motors, marine electronics, and motorboat fuel and provided these funds to the states through the United States Fish and Wildlife Service; and

WHEREAS, the fish and wildlife industry has supported the Wildlife and Sport Fish Restoration Program and continues to exhibit a spirit of cooperation with state fish and wildlife agencies; and

WHEREAS, this cooperative partnership between the fish and wildlife industry, hunters, anglers, trappers, boaters, recreational shooters, the United States Fish and Wildlife Service, and state fish and wildlife agencies has resulted in the most successful model of fish and wildlife management in the world, restoring populations from coast to coast and in Alaska and Hawaii.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes America's hunters, anglers, trappers, boaters, recreational shooters, fish and wildlife industry, state fish and wildlife agencies, and the United States Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife, and other natural resources, both game and nongame, to the abundance we see today.

2. That a copy of this resolution be provided to the Game and Parks Commission and each member of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 571. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 572. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to study the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 573. Introduced by Hadley, 37.

PURPOSE: To examine reporting provisions for tax incentives and analysis methods used to analyze the impacts of tax incentives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 574. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to monitor and review the anticipated disease traceability final rule by the Animal and Plant Health Inspection Service of the United States Department of Agriculture associated with the Animal Disease Traceability Comprehensive Report and

Implementation Plan. The study shall further examine any role of registered livestock brands in meeting identification requirements for livestock moving in interstate commerce, and particularly technological advancements that may enhance brand registration and inspection in meeting the disease traceability goals of the pending rule.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 575. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the interests and any role of the Department of Agriculture relating to incidents of livestock neglect and abandonment, particularly with respect to safeguarding livestock health. The study shall seek to identify public and private resources and authorities regarding the disposition of seized animals that are available to local officials and to recommend means to assist counties in responding to such incidents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 993. ER190, found on page 688, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 993A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 916. ER199, found on page 769, was adopted.

Senator Nordquist renewed his amendment, AM2308, found on page 825.

The Nordquist amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. ER195, found on page 808, was adopted.

Senator Fischer renewed her amendment, AM2351, found on page 844.

The Fischer amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 950. ER197, found on page 808, was adopted.

Senator Heidemann renewed his amendment, AM2267, found on page 770.

Senator Christensen offered the following amendment to the Heidemann amendment:

AM2407

(Amendments to AM2267)

- 1 1. On page 2, line 16, strike "ten million five" and
- 2 insert "five million seven".
- 3 2. On page 5, line 14, strike "\$7,200,000" and insert
- 4 "\$2,400,000".

The Christensen amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The Heidemann amendment, as amended, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 950A. Senator Christensen offered the following amendment:

AM2630

- 1 1. On page 2, lines 1 and 10, strike "\$7,400,000" and
- 2 insert "\$2,400,000".

The Christensen amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 983. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 842. ER202, found on page 811, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 907. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 834. ER198, found on page 808, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 933. ER201, found on page 808, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 963. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 870. ER212, found on page 905, was adopted.

Senator Adams renewed his amendment, AM2512, found on page 982.

The Adams amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 824. ER214, found on page 955, was adopted.

Senator Harms offered the following amendment:

AM2515

(Amendments to E & R amendments, ER214)

- 1 1. On page 2, line 18, after "beer" insert "except for
- 2 flavored malt beverages"; and in line 21 after the semicolon insert
- 3 "two dollars per gallon on flavored malt beverages."

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Harms amendment lost with 7 ayes, 25 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1097. ER217, found on page 997, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867. ER218, found on page 997, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 858. ER219, found on page 1015, was adopted.

Senator Fulton offered the following amendment:

AM2633

(Amendments to E & R amendments, ER219)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 71-8611, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-8611 For the purpose of providing blind persons with
- 5 remunerative employment, enlarging the economic opportunities of
- 6 blind persons, and stimulating blind persons to greater efforts
- 7 in striving to make themselves self-supporting, the commission
- 8 shall administer and operate vending facilities programs pursuant
- 9 to the federal Randolph-Sheppard Act, as amended, 20 U.S.C. 107
- 10 et seq. Blind persons licensed by the commission pursuant to its
- 11 rules and regulations are authorized to operate vending facilities
- 12 in any federally owned building or on any federally owned or
- 13 controlled property, in any state-owned building or on any property
- 14 owned or controlled by the state, or on any property owned or
- 15 controlled by any county, city, or municipality with the approval
- 16 of the local governing body, when, in the judgment of the director
- 17 of the commission, such vending facilities may be properly and
- 18 satisfactorily operated by blind persons. With respect to vending
- 19 facilities in any state-owned building or on any property owned or
- 20 controlled by the state, priority shall be given to blind persons,
- 21 except that this shall not apply to the Game and Parks Commission
- 22 or the University of Nebraska. This priority shall only be given
- 1 if the product price in the bid submitted is comparable in price
- 2 to the product price in the other bids submitted for similar
- 3 products sold in similar buildings or on similar property and the
- 4 qualifications and capabilities of the vendors bidding all other
- 5 components of the bid for a contract, except for any rent paid to
- 6 the state, are found to be similar-reasonably equivalent to the
- 7 other bidders.
- 8 2. On page 1, line 7; page 3, lines 17 and 23; page 4,
- 9 line 24; page 5, line 9; page 8, lines 7 and 26; page 9, lines 2
- 10 and 19; page 14, line 13; page 17, line 23; and page 20, line 13,
- 11 strike "12" and insert "13".
- 12 3. On page 20, line 21, after the last comma insert

13 "71-8611,".

14 4. Renumber the remaining sections accordingly.

The Fulton amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 711. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 996. Senator Adams withdrew his amendment, AM2374, found on page 885.

Senator Wightman withdrew the Wightman-Seiler amendment, AM2333, found on page 830 and considered on page 885.

Senator Wightman offered the following amendment:
AM2622

1 1. Strike original section 3 and insert the following new
2 section:

3 Sec. 2. (1) A person who has legal or actual charge
4 or control of a child who is at least sixteen years of age
5 but less than eighteen years of age may withdraw such child
6 from school before graduation and be exempt from the mandatory
7 attendance requirements of section 79-201 if an exit interview
8 is conducted and the withdrawal form is signed as required by
9 subsections (2) through (5) of this section for a child enrolled
10 in a public, private, denominational, or parochial school or if a
11 signed notarized release form is filed with the Commissioner of
12 Education as required by subsection (6) of this section for a child
13 enrolled in a school that elects pursuant to section 79-1601 not to
14 meet accreditation or approval requirements.

15 (2) Upon the written request of any person who has
16 legal or actual charge or control of a child who is at least
17 sixteen years of age but less than eighteen years of age,
18 the superintendent of a school district or the superintendent's
19 designee shall conduct an exit interview if the child (a) is
20 enrolled in a school operated by the school district or (b)
21 resides in the school district and is enrolled in a private,
22 denominational, or parochial school.

23 (3) The superintendent or the superintendent's designee
1 shall set the time and place for the exit interview which shall
2 be personally attended by: (a) The child, unless the withdrawal is
3 being requested due to an illness of the child making attendance at
4 the exit interview impossible or impracticable; (b) the person who
5 has legal or actual charge or control of the child who requested
6 the exit interview; (c) the superintendent or the superintendent's
7 designee; (d) the child's principal or the principal's designee

8 if the child at the time of the exit interview is enrolled in a
9 school operated by the school district; and (e) any other person
10 requested by any of the required parties who agrees to attend
11 the exit interview and is available at the time designated for
12 the exit interview which may include, but need not be limited
13 to, other school district personnel or the child's principal or
14 such principal's designee if the child is enrolled in a private,
15 denominational, or parochial school.

16 (4) At the exit interview, the person making the written
17 request pursuant to subsection (2) of this section shall present
18 evidence that (a) the person has legal or actual charge or control
19 of the child and (b) the child would be withdrawing due to
20 either (i) financial hardships requiring the child to be employed
21 to support the child's family or one or more dependents of the
22 child or (ii) an illness of the child making attendance impossible
23 or impracticable. The superintendent or superintendent's designee
24 shall identify all known alternative educational opportunities,
25 including vocational courses of study, that are available to the
26 child in the school district and how withdrawing from school
27 is likely to reduce potential future earnings for the child
1 and increase the likelihood of the child being unemployed in
2 the future. Any other relevant information may be presented and
3 discussed by any of the parties in attendance.

4 (5)(a) At the conclusion of the exit interview, the
5 person making the written request pursuant to subsection (2) of
6 this section may sign the withdrawal form provided by the school
7 district agreeing to the withdrawal of the child or may rescind the
8 written request for the withdrawal.

9 (b) Any withdrawal form signed by the person making
10 the written request pursuant to subsection (2) of this section
11 shall be valid only if (i) the child signs the form unless the
12 withdrawal is being requested due to an illness of the child making
13 attendance at the exit interview impossible or impracticable and
14 (ii) the superintendent or superintendent's designee signs the form
15 acknowledging that the interview was held, the required information
16 was provided and discussed at the interview, and, in the opinion
17 of the superintendent or the superintendent's designee, the person
18 making the written request pursuant to subsection (2) of this
19 section does in fact have legal or actual charge or control of the
20 child and the child is experiencing either (A) financial hardships
21 requiring the child to be employed to support the child's family
22 or one or more dependents of the child or (B) an illness making
23 attendance impossible or impracticable.

24 (6) A person who has legal or actual charge or control
25 of the child who is at least sixteen years of age but less than
26 eighteen years of age may withdraw such a child before graduation
27 and be exempt from the mandatory attendance requirements of section
1 79-201 if such child has been enrolled in a school that elects
2 pursuant to section 79-1601 not to meet the accreditation or

3 approval requirements by filing with the Department of Education a
 4 signed notarized release on a form prescribed by the Commissioner
 5 of Education.

6 (7) A child who has been withdrawn from school pursuant
 7 to this section may enroll in a school district at a later
 8 date as provided in section 79-215 or may enroll in a private,
 9 denominational, or parochial school or a school which elects
 10 pursuant to section 79-1601 not to meet accreditation or approval
 11 requirements. Any such enrollment shall void the withdrawal form
 12 previously entered, and the provisions of sections 79-201 through
 13 79-210 shall apply to the child.

14 (8) The Commissioner of Education shall prescribe the
 15 required form for withdrawals pursuant to this section and
 16 determine and direct either that (a) withdrawal forms of school
 17 districts for any child who is withdrawn from school pursuant to
 18 this section and subdivision (3)(c) of section 79-201 shall be
 19 provided annually to the State Department of Education or (b) data
 20 regarding such students shall be collected under subsection (2) of
 21 section 79-528.

22 2. On page 3, line 1, reinstate the stricken "(c)" and
 23 insert "Has reached sixteen years of age and has been withdrawn
 24 from school pursuant to section 2 of this act."; and in lines 4,
 25 13, and 24 strike the new matter and reinstate the stricken matter.

26 3. Renumber the remaining sections accordingly.

Pending.

LEGISLATIVE BILL 962. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1079. ER207, found on page 890, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1079A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799. ER215, found on page 960, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 845. Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1054A. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1054, One Hundred Second Legislature, Second Session, 2012.

AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB1001:
AM2597

(Amendments to Standing Committee amendments, AM2528)

- 1 1. Insert the following new amendment:
- 2 2. On page 4, lines 18 through 23, strike the new matter.

Senator Nordquist filed the following amendment to LB1020:
AM2365

(Amendments to Standing Committee amendments, AM2045)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, lines 7 and 8 strike "Nebraska" through
- 3 "Health" and insert "Education Innovation".
- 4 2. On page 1, strike lines 13 through 15 and insert
- 5 "(3) It is the intent of the Legislature to appropriate
- 6 \$100,000 from the General Fund for FY2012-13 and \$100,000 from the
- 7 General Fund for FY2013-14 to the State Department of Education to
- 8 carry out the provisions of the Nebraska Coordinated School Health
- 9 Act.".
- 10 3. Renumber the remaining amendments accordingly.

Senator Adams filed the following amendment to LB1104:
AM2614

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 85-2409, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 85-2409 No postsecondary institution ~~authorized with an~~
- 5 authorization to operate under the Postsecondary Institution Act
- 6 shall charge tuition or fees for more than one academic term or
- 7 require a student to sign loan documents for more than one academic
- 8 year.
- 9 Sec. 24. Section 85-2418, Revised Statutes Supplement,
- 10 2011, is amended to read:
- 11 85-2418 (1) Any person claiming damage or loss as a
- 12 result of any act or practice by a postsecondary institution
- 13 which is a violation of the Postsecondary Institution Act, of the
- 14 rules and regulations adopted and promulgated under the act, or
- 15 of standards established pursuant to section 85-2406 may file with

16 the commission a complaint against such institution. The complaint
 17 shall set forth the alleged violation and shall contain such other
 18 information as may be required by the commission. A complaint may
 19 also be filed with the commission by the executive director or the
 20 Attorney General.

21 (2) If efforts by the commission to resolve the complaint
 22 are not successful and if the commission deems it appropriate,
 23 the commission may hold a hearing on such complaint after ten
 1 days' written notice by certified mail, return receipt requested,
 2 to such institution, giving notice of a time and place for the
 3 hearing on such complaint. Such hearing shall be conducted in
 4 accordance with the Administrative Procedure Act. If, upon all
 5 evidence at the hearing, the commission finds that a postsecondary
 6 institution has engaged in or is engaging in any act or practice
 7 which violates the Postsecondary Institution Act, the rules and
 8 regulations adopted and promulgated under the act, or the standards
 9 established pursuant to section 85-2406, the commission shall issue
 10 and cause to be served upon such institution an order requiring
 11 such institution to cease and desist from such act or practice. The
 12 commission may also, as appropriate, based on its own investigation
 13 or the evidence adduced at such hearing or both, commence an
 14 action:

15 (a) To revoke an institution's recurrent authorization to
 16 operate; ~~or if the institution does not have an authorization to~~
 17 ~~operate on a continuing basis; or~~

18 (b) To refer the complaint and all related evidence to
 19 the Attorney General.

20 2. In the Standing Committee amendments, AM2077:

21 a. On page 15, line 4, after "the" insert "Nebraska
 22 educational savings plan" and strike line 27 and show the old
 23 matter as stricken;

24 b. On page 16, strike lines 1 through 4 and show as
 25 stricken; in line 5 strike "(8)" and insert "(7)" and after "to"
 26 insert "(a)"; in line 7 after "or" insert "(b)"; in line 8 after
 27 "Code" insert "where the funds are transferred to a qualified
 1 tuition program sponsored by another state or entity"; in line 9
 2 strike "(9)", show as stricken, and insert "(8)"; in line 15 strike
 3 "(10)", show as stricken, and insert "(9)"; in line 18 strike
 4 "(11)", show as stricken, and insert "(10)"; and in line 24 strike
 5 "(12)" and insert "(11)";

6 c. On page 17, line 15, strike "(13)", show as stricken,
 7 and insert "(12)"; and in line 19 strike "(14)", show as stricken,
 8 and insert "(13)";

9 d. On page 20, line 18, strike "require", show as
 10 stricken, and insert "authorize"; and strike beginning with "agree"
 11 in line 19 through "benefit" in line 20, show as stricken, and
 12 insert "make contributions to an account which is established for
 13 the purpose of meeting the qualified higher education expenses";

14 e. On page 22, line 27, after "(2)" insert "The College

- 15 Savings Plan Program Fund is created.;
- 16 f. On page 23, line 10, after the underscored period
- 17 insert "Any money in the program fund shall be invested by the
- 18 state investment officer pursuant to the Nebraska Capital Expansion
- 19 Act and the Nebraska State Funds Investment Act."; and strike
- 20 beginning with "The" in line 20 through the period in line 23 and
- 21 show as stricken;
- 22 g. On page 24, strike beginning with the "The" in line 13
- 23 through the period in line 15 and show as stricken;
- 24 h. On page 28, line 22, strike "titles" and insert
- 25 "title"; and
- 26 i. On page 29, line 3, strike "can" and insert "may".
- 27 3. On page 2, line 5, reinstate the stricken matter
- 1 beginning with "(1)" through "means" and after the reinstated
- 2 "means" insert "either an authorization to operate on a continuing
- 3 basis or a recurrent authorization to operate."; and in lines 7,
- 4 10, and 12 strike the new matter and reinstate the stricken matter.
- 5 4. On page 3, lines 17, 19, and 23; and page 4, lines 3
- 6 and 7, strike the new matter and reinstate the stricken matter.
- 7 5. On page 4, line 11, strike "(9)" and insert "(10)";
- 8 and in line 18 strike "of authorization", show as stricken, and
- 9 insert "for recurrent authorizations".
- 10 6. On page 5, line 3, strike "authorized", show as
- 11 stricken, and insert "which has an authorization"; in line 5
- 12 strike "authorized", show as stricken, and insert "which have
- 13 authorization"; and in lines 6 and 7 strike "an authorized
- 14 postsecondary institution", show as stricken, and insert "a
- 15 postsecondary institution which has an authorization to operate".
- 16 7. On page 7, line 14, before "authorization" insert
- 17 "an".
- 18 8. On page 9, line 1, after "on" insert "the level
- 19 of compliance with"; and strike line 13 and insert "recurrent
- 20 authorization to operate shall replace the existing recurrent
- 21 authorization to operate and".
- 22 9. On page 13, line 17, after the first comma insert
- 23 "85-2409," and strike "and 85-2417" and insert "85-2417, and
- 24 85-2418".
- 25 10. Renumber the remaining sections accordingly.

Senator Christensen filed the following amendment to LB1125:
AM2513

(Amendments to Standing Committee amendments, AM2378)

- 1 1. On page 2, strike beginning with "Except" in line 7
- 2 through "(d)" in line 13; in line 13 strike "subdivisions (2)(b)
- 3 and (c)" and insert "subdivision (2)(b)"; and in line 21 strike
- 4 "(2)(d)" and insert "(2)(c)".

Senator Wallman filed the following amendment to LB1090A:
AM2635

- 1 1. Strike the original section and insert the following
2 new sections:
3 Section 1. There is hereby appropriated (1) \$128,000 from
4 the General Fund for FY2012-13 and (2) \$130,000 from the General
5 Fund for FY2013-14 to the State Department of Education, for
6 Program 158, to aid in carrying out the provisions of Legislative
7 Bill 1090, One Hundred Second Legislature, Second Session, 2012.
8 There is included in the amount shown in this section
9 \$128,000 General Funds for FY2012-13 and \$130,000 General Funds for
10 FY2013-14 as aid for grants to initiate or expand services under
11 the Summer Food Service Program pursuant to Legislative Bill 1090,
12 One Hundred Second Legislature, Second Session, 2012.
13 Sec. 2. There is hereby appropriated (1) \$12,000 from the
14 General Fund for FY2012-13 and (2) \$10,000 from the General Fund
15 for FY2013-14 to the State Department of Education, for Program 25,
16 to aid in carrying out the provisions of Legislative Bill 1090, One
17 Hundred Second Legislature, Second Session, 2012.
18 No expenditures for permanent and temporary salaries and
19 per diems for state employees shall be made from funds appropriated
20 in this section.

Senator Adams filed the following amendment to LB745:
AM2639

- 1 1. Strike original section 1 and all amendments thereto
2 and insert the following new section:
3 Section 1. (1) Except as otherwise provided in this
4 section, after the effective date of this act, a municipality may
5 impose a new occupation tax or increase the rate of an existing
6 occupation tax, which new occupation tax or increased rate of an
7 existing occupation tax is projected to generate annual occupation
8 tax revenue in excess of the applicable amount listed in subsection
9 (2) of this section, pursuant to section 14-109, 15-202, 15-203,
10 16-205, or 17-525 if the question of whether to impose the tax or
11 increase the rate of an existing occupation tax has been submitted
12 at an election held within the municipality and in which all
13 registered voters shall be entitled to vote on the question. The
14 officials of the municipality shall order the submission of the
15 question by submitting a certified copy of the resolution proposing
16 the tax or tax rate increase to the election commissioner or county
17 clerk at least fifty days before the election. The election shall
18 be conducted in accordance with the Election Act. If a majority of
19 the votes cast upon the question are in favor of the new tax or
20 increased rate of an existing occupation tax, then the governing
21 body of such municipality shall be empowered to impose the new tax
22 or to impose the increased tax rate. If a majority of those voting
23 on the question are opposed to the new tax or increased rate, then
1 the governing body of the municipality shall not impose the new tax

2 or increased rate but shall maintain any existing occupation tax at
 3 its current rate.

4 (2) The applicable amount of annual revenue for each new
 5 occupation tax or annual revenue raised by the increased rate for
 6 an existing occupation tax for purposes of subsection (1) of this
 7 section is:

8 (a) For cities of the metropolitan class, one million
 9 dollars;

10 (b) For cities of the primary class, seven hundred fifty
 11 thousand dollars;

12 (c) For cities of the first class, five hundred thousand
 13 dollars; and

14 (d) For cities of the second class and villages, two
 15 hundred fifty thousand dollars.

16 (3) After the effective date of this act, a municipality
 17 shall not be required to submit the following questions to the
 18 registered voters:

19 (a) Whether to change the rate of an occupation tax
 20 imposed for a specific project which does not provide for deposit
 21 of the tax proceeds in the municipality's general fund; or

22 (b) Whether to terminate an occupation tax earlier than
 23 the determinable termination date under the original question
 24 submitted to the registered voters.

25 This subsection applies to occupation taxes imposed prior
 26 to, on, or after the effective date of this act.

27 (4) The provisions of this section do not apply to an
 1 occupation tax subject to section 86-704.

2 2. On page 4, line 7; page 6, lines 14 and 15 and 24; and
 3 page 7, lines 11 and 22, strike "or section 86-704" and insert "
 4 except that section 1 of this act does not apply to an occupation
 5 tax subject to section 86-704".

Senator Cornett filed the following amendment to LB1080:
 AM2634

(Amendments to AM1826)

1 1. Strike sections 6 to 9 and insert the following new
 2 sections:

3 Sec. 6. This act becomes operative on January 1, 2013.

4 Sec. 7. Original sections 77-2701 and 77-2701.04, Reissue
 5 Revised Statutes of Nebraska, and section 77-202, Revised Statutes
 6 Supplement, 2011, are repealed.

Senator B. Harr filed the following amendment to LB817:
 AM2636 is available in the Bill Room.

Senator Cornett filed the following amendment to LB750:
AM2628

(Amendments to AM2573)

- 1 1. On page 2, line 15, strike "or rural residential
- 2 site"; and in lines 23 and 24 strike the new matter.

RESOLUTIONS

LEGISLATIVE RESOLUTION 576. Introduced by Wightman, 36.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review and revision of the laws governing the powers of a court-appointed personal representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets. The committee should seek and consider the input of interested persons and organizations in reviewing this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 577. Introduced by Nordquist, 7; Council, 11; Mello, 5.

PURPOSE: The purpose of this resolution is to research needs and resources related to food insecurity in Nebraska. In particular, the study will address ways to improve the food security of working families. The study shall include, but not be limited to:

(1) A review of the current food insecurity rates of low-income families and children in Nebraska;

(2) The participation rates of low-income families in the Supplemental Nutrition Assistance Program (SNAP), the Free and Reduced Price School Lunch Program, the Emergency Food Assistance Program, the Commodities Supplemental Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children;

(3) The demand for food assistance in families in consultation with emergency food providers, emergency food recipients, and SNAP participants;

(4) Opportunities to leverage agricultural commodities to address emergency food needs; and

(5) Opportunities to leverage federal food assistance programs to address hunger in families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee and the Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 578. Introduced by Bloomfield, 17.

PURPOSE: The purpose of this interim study is to review, investigate, and assess the State of Nebraska's compliance with both the federal Indian Child Welfare Act of 1978 and the Nebraska Indian Child Welfare Act, referred to collectively herein as ICWA, and to make recommendations for improvements. The State of Nebraska has four Native American tribes, namely, the Ponca, Omaha, Santee Sioux, and Winnebago tribes, and may be impacted by any cases in which ICWA applies. The study committee may consult with a broad array of tribal, public, and private stakeholders, utilize existing and past studies, reports, and data relating to compliance with ICWA, and, if possible, hold public hearings by utilizing the authority provided by section 50-406 and the Rules of the Nebraska Unicameral Legislature. If possible, at least one public hearing should be conducted on a Native American reservation to ensure the study committee has full access to the tribes' collective experience and expertise in effectuating the ICWA.

The study shall consider issues related to the State of Nebraska's compliance with the ICWA including, but not limited to:

- (1) Outcome measures;
 - (2) Coordination between the state and tribes;
 - (3) Percentage of Native American children placed in Nebraska's child welfare system;
 - (4) Percentage of Native American children placed with Native American foster parents;
 - (5) Percentage of Native American children placed with relatives as defined by ICWA;
 - (6) Number of Native American foster parents in Nebraska;
 - (7) What active efforts are being utilized to reunify Native American families;
 - (8) What culturally appropriate services are available and being utilized;
- and
- (9) The fulfillment of the legislative intent of ICWA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and the State-Tribal Relations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 579. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine issues pertaining to statutory and constitutional limitations on bonded indebtedness of municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 580. Introduced by K. Haar, 21; Schumacher, 22.

PURPOSE: The purpose of this resolution is to study the potential for research, development, and deployment of liquid fluoride thorium reactors (LFTR) in the State of Nebraska. The LFTR is a thermal breeder reactor which uses the thorium fuel cycle in a fluoride-based molten salt fuel to achieve high operating temperatures at atmospheric pressure. Thorium is currently an unused byproduct of rare earth mining operations and may have mining potential in Nebraska. The development of LFTR technology could produce new research opportunities for the University of Nebraska and new industrial opportunities for Nebraska businesses. The committee should study Nebraska's statutes on nuclear energy to see if new laws are needed to encourage the research, development, and use of liquid fluoride thorium reactors in Nebraska.

The study should include the investigation of potential public and private partnerships that would create research and industrial opportunities for this untapped energy source. The committee should pursue input from Nebraska's public power districts, the University of Nebraska, private industry, and other interested persons and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 581. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this study is to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska. One of the main goals of the workers' compensation system in Nebraska is to return injured employees to work in a timely manner. The intent of this study is to determine the effectiveness of vocational rehabilitation by examining the outcomes of those persons in the system who receive vocational rehabilitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 582. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review and revision of the laws governing the powers of a city to enter into a redevelopment project for property within a radius of three miles of the boundaries of the city as described in section 18-2123. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 583. Introduced by Avery, 28.

PURPOSE: The purpose of this study is to examine the structure, authority, and mission of the Public Service Commission in its administration of transportation by passenger motor carriers. The study shall include, but not be limited to:

- (1) A determination of the definition of public convenience and necessity;
- (2) An examination of the certification process of passenger motor carriers;
- (3) An examination of the structure and approval of rates, routes, and services of such carriers;
- (4) An examination of the commission's role in formulating rules, regulations, and public policy with respect to motor carriers; and
- (5) A determination of the accountability, transparency, and disclosure of passenger motor carrier application proceedings to municipalities and the public at large.

Based on these findings, the committee shall make a recommendation with respect to the commission's application of rules, regulations, and public policy with regard to issues brought forth by LB 889 introduced in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 584. Introduced by Avery, 28.

PURPOSE: This study will examine the authority and execution of eminent domain and condemnation proceedings as authorized by sections 76-701 to 76-726. The inquiry shall include, but not be limited to:

1. Historical authority and use of eminent domain and condemnation proceedings in Nebraska;
2. The definition and role of public purpose in eminent domain and condemnation proceedings;
3. Review and analysis of the use of eminent domain and condemnation proceedings by cities of the primary and metropolitan classes;
4. Review and analysis of the use of eminent domain and condemnation proceedings by other agencies, commissions, districts, utilities, transportation authorities, political subdivisions, and school districts; and
5. Review and analysis of oil and petroleum pipeline land acquisition proceedings in other states.

Based upon these findings, the Judiciary Committee shall make recommendations with respect to authority and use of eminent domain and condemnation proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 585. Introduced by Avery, 28.

PURPOSE: To study the structure, maintenance, and mission of the parole system and the Board of Parole as authorized by Article IV, section 13, of the Constitution of Nebraska and section 83-188 in its capacity as adviser to the Board of Pardons. The study shall include, but not be limited to:

(1) The average number, age, gender, race, and ethnicity of parole-eligible inmates and parolees at a given time;

(2) Historical trends within the Nebraska parole system;

(3) The requirements, conditions, readiness standards, and board reviews of parole-eligible inmates;

(4) The conditions of parole revocation;

(5) The role played in formulating rules, regulations, and public policy with respect to administration of parole within the corrections system; and

(6) Accountability, transparency, and disclosure, when applicable, of the Board of Parole.

Based on these findings, the study committee shall make a recommendation with respect to the Board of Parole's structure, maintenance, and mission and its administration of the parole system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 586. Introduced by Karpisek, 32.

PURPOSE: To study issues under the jurisdiction of the General Affairs Committee of the Legislature which may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 587. Introduced by Coash, 27.

PURPOSE: To determine if there is a need for and what kinds of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to change their guardian or conservator for the financial benefit of another person rather than for the best interests of such adult. Such adults may qualify for habilitative services that are paid for by the State of Nebraska. The adult with developmental disabilities may choose which provider he or she will receive services from, and this decision is most often made in conjunction with their guardian or conservator because such persons can be vulnerable.

Recently, habilitative services for such adults have expanded from the group home model of providers to the extended family home (EFH) model in which individuals subcontract with the provider to care for and provide services to an adult with developmental disabilities in the individual's personal home. The individual providing EFH services may now be in a position to unduly influence the adult with developmental disabilities who requires a guardian or conservator to change guardian or conservator to someone who would work with the EFH provider to change service providers or contracts to the benefit of the individual providing EFH services. The court asked to change the guardian or conservator may be without accurate or complete information regarding the situation and such information is needed for the court to reach the result which is in the best interests of the adult with developmental disabilities who requires a guardian or conservator.

In addition to the Judiciary Committee, those participating in the study shall include, but not be limited to, adults with developmental disabilities receiving services, providers of services, the Department of Health and Human Services, court-appointed guardians and conservators, and developmental disability advocates. The study shall include a hearing to investigate the issue and, if it is determined that a problem exists, recommend changes in court procedures, provider contracts, ethical standards, or other solutions to the problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 588. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to study ways to encourage tourism throughout the State of Nebraska.

As tourism is the third largest industry in the state, an opportunity exists to grow destination marketing for communities across the state through a collaborative assessment of the tourism industry. Tourism has changed significantly in the past decade, and it is an untapped resource in our state. Nebraska offers experiences that cannot be found in other states or countries, and people will pay for these experiences.

The study shall include, but not be limited to, developing a statewide strategic plan to cultivate and promote tourism in Nebraska, including:

(1) A review of the existing and potential sources of funding for tourism at the state and local levels;

(2) An examination of other states' funding models for tourism;

(3) Marketing strategies for promoting tourism;

(4) A proposal for creating new or expanding existing tourism capacity; and

(5) Recommended legislation or funding requirements.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of tourism-related entities within state government, the Nebraska Association of Convention and Visitors Bureaus, and anyone else the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 589. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to analyze the Nebraska Advantage Act. The study committee shall analyze the following:

(1) What other states are doing to make their state more attractive for business expansions, to attract new small businesses, and to grow small businesses;

(2) How other states are effectively using sales tax refunds, job credits, and other investment credits to encourage growth;

(3) How other states are using private and public partnerships;

(4) How Nebraska businesses are using the money from the act currently; and

(5) What Nebraska can do to be more effective in the area of economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 590. Introduced by Adams, 24.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 591. Introduced by Adams, 24.

PURPOSE: To study the progress toward the development of a state longitudinal education data system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 592. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study autism and the ways in which the educational, medical, and insurance industries can collaborate to provide successful treatment for children with autism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 239. Senator Council renewed her amendment, AM1667, found on page 106 and considered on pages 661, 662, and 672, to the committee amendment.

SENATOR GLOOR PRESIDING

SENATOR CARLSON PRESIDING

SENATOR COASH PRESIDING

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1087A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Second Legislature, Second Session, 2012.

RESOLUTIONS

LEGISLATIVE RESOLUTION 593. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine the taxing of flavored malt beverages at a separate, higher rate category under the Nebraska Liquor Control Act than the current beer rate. The study shall include, but not be limited to:

(1) Reviewing reasons for creating a separate taxation rate for flavored malt beverages; and

(2) Research and development of findings on the appropriate level of taxation of flavored malt beverages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 594. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine several policy issues regarding the definition of a flavored malt beverage. The study shall include, but not be limited to:

(1) Examining the federal regulatory language of the United States Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. 25.55 to determine whether portions of such regulations would provide a better definition based on the processes used in making a flavored malt beverage instead of categories based on volume of alcohol content; and

(2) Examining whether to categorize any flavored malt beverages with an alcohol content by volume greater than six percent as a spirit for purposes of taxation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 595. Introduced by Pirsch, 4.

PURPOSE: To examine possible methods to increase direct investment from both domestic and foreign sources in Nebraska's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 596. Introduced by Pirsch, 4.

PURPOSE: To examine methods of enhancing the budgetary coordination between the Revenue Committee and Appropriations Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee and Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 597. Introduced by Pirsch, 4.

PURPOSE: To examine methods to enhance educational and employment opportunities involving STEM (science, technology, engineering, and mathematics) in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 598. Introduced by Pirsch, 4.

PURPOSE: To examine methods to more equitably value agricultural lands for tax purposes in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Lambert filed the following amendment to LB1082:
AM2646

(Amendments to Standing Committee amendments, AM2105)

- 1 1. On page 6, line 24, strike "at least"; and strike
- 2 beginning with "Beginning" in line 25 through the underscored
- 3 period in line 27.
- 4 2. On page 7, lines 8 and 9, strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered on pages 661, 662, 672, and in this day's Journal, to the committee amendment, was renewed.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 599.** Introduced by Lathrop, 12.

WHEREAS, on June 24, 1912, the city of Ralston submitted a resolution to the Douglas County Board incorporating the village of Ralston; and

WHEREAS, Ralston survived the mass destruction caused by tornadoes in 1913 and 1975; and

WHEREAS, Ralston became a foundation of business and industry, including Radiosmith, Rogers Automobile Manufacturer, Howard Stove Works, Crown Products, Ralstoy, plus many more, and Ralston continues its progressive posture by building an arena and fostering economic growth; and

WHEREAS, Ralston is home to an independent school district that is dedicated to knowledge, integrity, and growth of all students; and

WHEREAS, Ralston is now identified as "Independence City"; and

WHEREAS, Ralston will celebrate its 100th anniversary with numerous events commencing on June 24, 2012, and continuing through October 15, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the city of Ralston for its 100 years of growth, passion, survivability, and families.
2. That a copy of this resolution be sent to the mayor of Ralston.

Laid over.

LEGISLATIVE RESOLUTION 600. Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine the Municipal Equalization Fund (MEF), the MEF formula, and the MEF's sources of funding.

The MEF was structured to provide aid to those communities with low per capita valuations and high property tax levies. It is currently funded by both the insurance premium tax and a three percent administrative fee that the State of Nebraska collects from those cities with a local options sales tax. This three percent administrative fee represents a significant loss of revenue, particularly for those communities that do not receive any MEF payments.

LB 1114 (2012), as amended, proposes to modify the MEF formula in such a way that would benefit some first-class cities and smaller communities. The hearing on LB 1114 included testimony urging the Legislature to conduct a comprehensive review of the MEF program and formula, including consideration of whether a state source of revenue should replace the three percent administrative fee.

The study should consider whether changes to the MEF formula are necessary, as well as whether alternative, more equitable sources of revenue should be identified to continue the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 601. Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to determine the workforce training opportunities that renewable energy projects can provide in Nebraska communities and how Nebraska can be more strategic and

competitive in its job training approaches. The study may include, but is not limited to, an examination of the following:

1. Information contained in the Nebraska Department of Labor's 2010 "Green Jobs" Survey that focused on how Nebraska can stay competitive in renewable energy industries and better understand how "green" activities are evolving within the workforce;

2. Information contained in the Nebraska Department of Economic Development's and Nebraska Department of Labor's 2010 "Growing Jobs, Industries and Talent" Report that found that the most effective way to advance the economic development of primary industries is to focus on industry clusters found within a state's economic base industries;

3. A review of the industry clusters that provide a balanced portfolio of growth opportunities, such as precision metals manufacturing, biosciences, and renewable energy;

4. Efforts made by the Nebraska Department of Labor, colleges, universities, and others to develop and train workers in renewable energy industries; and

5. An examination of what Nebraska can do to continue to grow the renewable energy industry, increase the number of renewable energy jobs, and cultivate the workforce talent necessary to fill those positions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 602. Introduced by Schilz, 47.

PURPOSE: To study the intent of LB 919 (2012), including an evaluation of:

(1) The current fees paid to sheriffs for performing their statutory responsibilities; and

(2) Increasing docket fees to cover the actual costs associated with using the court system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 239. The Council amendment, AM1667, found on page 106 and considered on pages 661, 662, 672, and in this day's Journal, to the committee amendment, was renewed.

SENATOR GLOOR PRESIDING

Senator Council moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Council	Harr, B.	Mello
Cook	Haar, K.	Lathrop	Nordquist

Voting in the negative, 27:

Adams	Fischer	Harms	McCoy	Sullivan
Bloomfield	Flood	Janssen	Nelson	Wallman
Brasch	Fulton	Krist	Price	Wightman
Carlson	Gloor	Lambert	Schilz	
Christensen	Hadley	Langemeier	Schumacher	
Coash	Hansen	Larson	Smith	

Present and not voting, 2:

Campbell	Dubas
----------	-------

Excused and not voting, 12:

Ashford	Heidemann	Lautenbaugh	Pahls
Conrad	Howard	Louden	Pirsch
Cornett	Karpisek	McGill	Seiler

The Council amendment lost with 8 ayes, 27 nays, 2 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator Mello renewed his amendment, AM1627, found on page 106, to the committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB239:
FA62
Strike the enacting clause.

Senator Flood filed the following amendment to LB1113:
AM2026

- 1 1. On page 4, strike lines 6 through 25.
- 2 2. On pages 5 and 6, renumber the remaining subdivisions
- 3 accordingly.
- 4 3. On page 11, lines 9 and 15, after "without" insert
- 5 "actual".
- 6 4. On page 12, line 17, after "has" insert "actual".
- 7 5. On page 18, lines 17 and 21, after "without" insert
- 8 "actual".
- 9 6. On page 19, lines 21 and 24, after "without" insert
- 10 "actual".
- 11 7. On page 20, line 22, after "has" insert "actual".
- 12 8. On page 21, lines 8 and 13, after "has" insert
- 13 "actual".

Senator Flood filed the following amendment to LB1115:
AM2651

- (Amendments to Standing Committee amendments, AM2495)
- 1 1. Strike section 9.
 - 2 2. On page 6, lines 7 through 9; page 8, lines 5 through
 - 3 7 and 22 and 23; and page 9, lines 6 through 8, strike beginning
 - 4 with "proposed" through "cities" and insert "agreement negotiated
 - 5 pursuant to subsection (2) of this section".
 - 6 3. On page 6, line 21; and page 7, line 7, strike "4" and
 - 7 insert "5".
 - 8 4. On page 6, line 26, after "The" insert "electing city
 - 9 or cities; the".
 - 10 5. On page 15, line 11, strike "18-2710.01,".
 - 11 6. Renumber the remaining sections and correct internal
 - 12 references accordingly.

MOTION - Print in Journal

Senator Conrad filed the following motion to LB239:
MO86
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB239:
AM2653 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB239:
 FA64
 Strike Section 2.

Senator Lathrop filed the following amendment to LB239:
 FA63
 Strike Section 4.

Senator K. Haar filed the following amendment to LB239:
 AM2652

(Amendments to Standing Committee amendments, AM727)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. The Secretary of State shall conduct a study
 4 of issues surrounding voter fraud in Nebraska, including voter
 5 impersonation. The study shall also consider the experiences of
 6 other states using voter identification requirements. The Secretary
 7 of State shall provide the results of the study and suggestions for
 8 legislation, if any, to the Legislature prior to January 1, 2013.
 9 Sec. 2. There is hereby appropriated \$500,000 from the
 10 General Fund to the Secretary of State, for Program 22, to aid in
 11 carrying out this legislative bill.

Senator Mello filed the following amendment to LB239:
 FA65
 Strike Section 1.

Senator Mello filed the following amendment to LB239:
 FA66
 Strike Section 3.

VISITORS

Visitors to the Chamber were 42 fifth- and sixth-grade students and teachers as part of "Soundsational Singers" from O'Neill; Senator Larson's grandmother, Carolyn Larson, from O'Neill; 45 fourth-grade students, teachers, and sponsors from Harrison Elementary, Omaha; 20 eight-grade students and sponsors from the Gosper County Sheriff's Office DARE class, Elwood; Sam and Charlie Levy from Omaha; and Vern Kettelhake from Tecumseh.

The Doctor of the Day was Dr. John Jacobsen from Geneva.

ADJOURNMENT

At 9:55 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2012.

Patrick J. O'Donnell
 Clerk of the Legislature

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

FIFTY-SECOND DAY - MARCH 29, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 2012

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Seiler who was excused; and Senators Ashford, Christensen, Conrad, Fulton, Lautenbaugh, Mello, Sullivan, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1205, line 13, strike "Speaker" and insert "Senator".
The Journal for the fifty-first day was approved as corrected.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1053A. Placed on Select File.

LEGISLATIVE BILL 1054A. Placed on Select File.

LEGISLATIVE BILL 1087A. Placed on Select File.

LEGISLATIVE BILL 1145A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 830. Placed on Final Reading.

LEGISLATIVE BILL 882. Placed on Final Reading.

ST77

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "; and to provide a termination date" has been inserted after "prescribed".

LEGISLATIVE BILL 993. Placed on Final Reading.

LEGISLATIVE BILL 993A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 998A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1161. Title read. Considered.

Committee AM2381, found on page 911, was considered.

Senator Smith withdrew his amendment, AM2401, found on page 917.

Senator Langemeier renewed his amendment, AM2530, found on page 1025, to the committee amendment.

SENATOR GLOOR PRESIDING

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Krist's birthday.

GENERAL FILE

LEGISLATIVE BILL 1161. The Langemeier amendment, AM2530, found on page 1025 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR CARLSON PRESIDING

The Langemeier amendment was adopted with 33 ayes, 2 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Judiciary

Room 1113

Thursday, April 5, 2012 8:30 a.m.

R. L. (Bob) Boozer - Board of Parole

(Signed) Brad Ashford, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1020A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1020, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 817A. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, One Hundred Second Legislature, Second Session, 2012; and to provide an operative date.

RESOLUTION**LEGISLATIVE RESOLUTION 611.** Introduced by Nordquist, 7; Ashford, 20; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, Doug McDermott, a member of the Creighton University men's basketball team, has had an outstanding season and achieved success unparalleled in school history; and

WHEREAS, in the 2011-2012 season, Doug averaged 22.9 points per game, ranking third in NCAA Division I in scoring, averaged 8.2 rebounds, and shot 60 percent from the field and 48.6 percent from three-point range; and

WHEREAS, Doug is one of five players across the country, and the first in Creighton history, to earn consensus All-America honors, which is determined by honors received in four major All-America team selections; and

WHEREAS, of the four major All-America team selections used to determine consensus All-Americans, Doug was selected for first team All-America honors by the Associated Press, the United States Basketball Writers Association, and the National Association of Basketball Coaches and for the second team by The Sporting News; and

WHEREAS, Doug was one of ten players selected to the Wooden All-America team and is a finalist for the Wooden National Player of the Year award; and

WHEREAS, Doug is one of four finalists for the Naismith Men's College Basketball Player of the Year award; and

WHEREAS, Doug was selected as the Missouri Valley Conference Player of the Year for the 2011-2012 season, was selected as the Missouri Valley Conference Tournament's Most Outstanding Player, and also received first team all-conference honors for the second season in a row; and

WHEREAS, Doug led the Creighton University men's basketball team to their first trip to the NCAA Men's Division I Basketball Tournament since 2007, in a season that tied the school record for victories; and

WHEREAS, the success of Doug McDermott and the Creighton University men's basketball team are a source of great pride to Creighton University students, faculty, and alumni, the city of Omaha, and the people of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes Doug McDermott for his outstanding accomplishments in the 2011-2012 basketball season.

2. That a copy of this resolution be sent to Doug McDermott.

Laid over.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 924. Placed on General File with amendment.
AM2537

- 1 1. On page 2, strike beginning with "up" in line 23
- 2 through line 25 and show as stricken.
- 3 2. On page 3, strike beginning with the first "of" in
- 4 line 1 through "the" in line 2, show as stricken, and insert
- 5 "within the extraterritorial zoning jurisdiction of a city or
- 6 cities of the metropolitan, primary, first, or".
- 7 3. On page 4, line 1, before the semicolon insert
- 8 ", except that blighted and substandard area does not mean an
- 9 area within the extraterritorial zoning jurisdiction of a city
- 10 or village if such extraterritorial zoning jurisdiction overlaps
- 11 with the extraterritorial zoning jurisdiction of any other city or
- 12 village".
- 13 4. On page 9, strike beginning with "up" in line 19
- 14 through "operation" in line 20, show as stricken, and insert
- 15 "within the extraterritorial zoning jurisdiction"; strike beginning
- 16 with "up" in line 21 through the third "of" in line 22 and show
- 17 as stricken; strike beginning with "and" in line 23 through the
- 18 first "of" in line 24, show as stricken, and insert "or"; and in
- 19 line 25 before the period insert ", except that an area within

20 the extraterritorial zoning jurisdiction of a city or village shall
 21 not be designated as a designated blighted and substandard area
 22 if such extraterritorial zoning jurisdiction overlaps with the
 23 extraterritorial zoning jurisdiction of any other city or village".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB821:
 AM2677

(Amendments to Final Reading copy)

- 1 1. Strike beginning with page 18, line 16, through page
 2 19, line 5, and insert the following new subsection:
 3 "(3) Notwithstanding the fact that a criminal
 4 investigation, a criminal prosecution, or both are in progress, all
 5 law enforcement agencies and prosecuting attorneys shall cooperate
 6 with any investigation conducted by the Inspector General and
 7 shall, immediately upon request by the Inspector General, provide
 8 the Inspector General with copies of all law enforcement reports
 9 which are relevant to the Inspector General's investigation. All
 10 law enforcement reports which have been provided to the Inspector
 11 General pursuant to this section are not public records for
 12 purposes of sections 84-712 to 84-712.09 and shall not be subject
 13 to discovery by any other person or entity. Except to the extent
 14 that disclosure of information is otherwise provided for in the
 15 Office of Inspector General of Nebraska Child Welfare Act, the
 16 Inspector General shall maintain the confidentiality of all law
 17 enforcement reports received pursuant to its request under this
 18 section. Law enforcement agencies and prosecuting attorneys shall,
 19 when requested by the Inspector General, collaborate with the
 20 Inspector General regarding all other information relevant to the
 21 Inspector General's investigation. If the Inspector General in
 22 conjunction with the Public Counsel determines it appropriate, the
 1 Inspector General may, when requested to do so by a law enforcement
 2 agency or prosecuting attorney, suspend an investigation by the
 3 office until a criminal investigation or prosecution is completed
 4 or has proceeded to a point that, in the judgment of the Inspector
 5 General, reinstatement of the Inspector General's investigation
 6 will not impede or infringe upon the criminal investigation or
 7 prosecution. Under no circumstance shall the Inspector General
 8 interview any minor who has already been interviewed by a law
 9 enforcement agency, personnel of the Division of Children and
 10 Family Services of the department, or staff of a child advocacy
 11 center in connection with a relevant ongoing investigation of a law
 12 enforcement agency."
 13 2. Strike beginning with page 24, line 24, through page
 14 25, line 4, and insert the following new subsections:
 15 "(2) Except when a report is provided to a guardian ad

16 item or an attorney in the juvenile court pursuant to subsection
 17 (2) of section 34 of this act, the office shall redact confidential
 18 information before distributing a report of an investigation. The
 19 office may disclose confidential information to the Chairperson
 20 of the Health and Human Services Committee of the Legislature
 21 when such disclosure is, in the judgment of the Public Counsel,
 22 desirable to keep the chairperson informed of important events,
 23 issues, and developments in the Nebraska child welfare system.
 24 (3) Records and documents, regardless of physical form,
 25 that are obtained or produced by the office in the course of
 26 an investigation are not public records for purposes of sections
 27 84-712 to 84-712.09. Reports of investigations conducted by the
 1 office are not public records for purposes of sections 84-712 to
 2 84-712.09."

Senator Schumacher filed the following amendment to LB239:
 AM2671 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1161. Senator Langemeier withdrew his amendment
 FA58, found on page 1028.

Senator Smith withdrew his amendment, AM1984, found on page 505.

Committee AM2381, found on page 911 and considered in this days
 Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 2 nays,
 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 11 present
 and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB1161:
 AM2672

(Amendments to Standing Committee amendments, AM2381)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 2, Legislative Bill 1, One Hundred Second
- 3 Legislature, First Special Session, 2011, is amended to read:
- 4 Sec. 2. Sections 2 to 13 of this act and section 3 of
- 5 this act shall be known and may be cited as the Major Oil Pipeline
- 6 Siting Act.
- 7 Sec. 3. The commission shall not withhold any documents
- 8 or records relating to a major oil pipeline from the public unless
- 9 the documents or records are of the type that can be withheld under
- 10 section 84-712.05 or unless federal law provides otherwise.

- 11 2. On page 6, line 14, strike "section" and insert
 12 "sections 2 and".
 13 3. Renumber the remaining sections accordingly.

Senator Langemeier filed the following amendment to LB1161:

FA67

Strike Section 5.

SELECT FILE

LEGISLATIVE BILL 806. ER229, found on page 1085, was adopted.

Senator McCoy refiled then withdrew his amendment, AM2229, found on page 741 and considered on pages 789, 796, 802, 834, and 840.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, AM2331, found on page 832, and replace it with his substitute amendment, AM2678. No objections. So ordered.

AM2678

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new sections:
 2 Sec. 7. Section 13-3102, Revised Statutes Cumulative
 3 Supplement, 2010, is amended to read:
 4 13-3102 For purposes of the Sports Arena Facility
 5 Financing Assistance Act:
 6 (1) Board means a board consisting of the Governor,
 7 the State Treasurer, the chairperson of the Nebraska Investment
 8 Council, the chairperson of the Nebraska State Board of Public
 9 Accountancy, and a professor of economics on the faculty of a
 10 state postsecondary educational institution appointed to a two-year
 11 term on the board by the Coordinating Commission for Postsecondary
 12 Education. For administrative and budget purposes only, the board
 13 shall be considered part of the Department of Revenue;
 14 (2) Bond means a general obligation bond, redevelopment
 15 bond, lease-purchase bond, revenue bond, or combination of any such
 16 bonds;
 17 (3) Eligible sports arena facility means:
 18 (a) Any publicly owned, enclosed, and
 19 temperature-controlled building primarily used for sports
 20 that has a permanent seating capacity of at least three thousand
 21 but no more than seven thousand seats and in which initial
 22 occupancy occurs on or after July 1, 2010. Eligible sports arena
 1 facility includes stadiums, arenas, dressing and locker facilities,
 2 concession areas, parking facilities, and onsite administrative
 3 offices connected with operating the facilities; and
 4 (b) Any racetrack enclosure licensed by the State Racing
 5 Commission in which initial occupancy occurs on or after July 1,
 6 2010, including concession areas, parking facilities, and onsite
 7 administrative offices connected with operating the racetrack.

8 including, but not limited to, expansion of racetrack enclosures
 9 licensed by the commission in 2013;

10 (4) General obligation bond means any bond or refunding
 11 bond issued by a political subdivision and which is payable from
 12 the proceeds of an ad valorem tax;

13 (5) Increase in state sales tax revenue means the amount
 14 of state sales tax revenue collected by a nearby retailer during
 15 the fiscal year for which state assistance is calculated minus the
 16 amount of state sales tax revenue collected by the nearby retailer
 17 in the fiscal year that ended immediately preceding the date of
 18 occupancy of the eligible sports arena facility, except that the
 19 amount of state sales tax revenue of a nearby retailer shall not be
 20 less than zero;

21 (6) Nearby retailer means a retailer as defined in
 22 section 77-2701.32 that is located within six hundred yards of an
 23 eligible sports arena facility, measured from the facility but not
 24 from any parking facility or other structure. The term includes
 25 a subsequent owner of a nearby retailer operating at the same
 26 location;

27 (7) New state sales tax revenue means:

1 (a) For nearby retailers that commenced collecting state
 2 sales tax during the period of time beginning twenty-four months
 3 prior to occupancy of the eligible sports arena facility and
 4 ending twenty-four months after the occupancy of the eligible
 5 sports arena facility, one hundred percent of the state sales tax
 6 revenue collected by the nearby retailer and sourced under sections
 7 77-2703.01 to 77-2703.04 to a location within six hundred yards of
 8 the eligible sports arena facility; and

9 (b) For nearby retailers that commenced collecting state
 10 sales tax prior to twenty-four months prior to occupancy of the
 11 eligible sports arena facility, the increase in state sales tax
 12 revenue collected by the nearby retailer and sourced under sections
 13 77-2703.01 to 77-2703.04 to a location within six hundred yards of
 14 the facility;

15 (8) Political subdivision means any city, village, or
 16 county; and

17 (9) Revenue bond means any bond or refunding bond issued
 18 by a political subdivision which is limited or special rather than
 19 a general obligation bond of the political subdivision and which is
 20 not payable from the proceeds of an ad valorem tax.

21 Sec. 8. If any section in this act or any part of any
 22 section is declared invalid or unconstitutional, the declaration
 23 shall not affect the validity or constitutionality of the remaining
 24 portions.

25 2. On page 2, line 8, after the period insert "If
 26 the use of historic horseracing machines at licensed racetrack
 27 enclosures as regulated by the commission results in a final
 1 order of a court of competent jurisdiction determining that such
 2 activity allows for any Class III gaming as defined in the federal

3 Indian Gaming Regulatory Act with the exception of horseracing,
 4 the authorization of wagering on historic horseracing under this
 5 subdivision and sections 2 to 4 of this act terminates one year
 6 after the date of the final order. All licenses issued pursuant
 7 to this subdivision and the authorization to license and regulate
 8 under this subdivision terminate after four years of continuous use
 9 of historic horseracing machines, starting from the date of the
 10 original order of the commission permitting the use, unless the
 11 commission determines that (a) a racetrack enclosure is constructed
 12 in a county which contains a city of the primary class and (b)
 13 racetrack enclosures at which historic horseracing machines are in
 14 use for four years of continuous use, starting from the date of
 15 the original order of the commission permitting the use, have (i)
 16 a thirty percent increase in the number of days of live horseraces
 17 compared to the number of days of live horseraces in 2011 for
 18 racetrack enclosures located in any county that does not contain
 19 a city of the metropolitan class or a forty percent increase in
 20 the number of days of live horseraces compared to the number of
 21 days of live horseraces in 2011 for racetrack enclosures located
 22 in a county that does contain a city of the metropolitan class or
 23 (ii) a twenty-five percent increase in the purse at the racetrack
 24 enclosure compared to the purse at the racetrack enclosure in
 25 2011."

26 3. On page 4, line 12, strike "equitable treatment
 27 of equine species" and insert "programs which facilitate equine
 1 therapy for youth and veterans and programs which promote equine
 2 and equestrian activities in Nebraska".

3 4. Renumber the remaining section and correct the
 4 repealer accordingly.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Senator Council asked unanimous consent to add her name as cointroducer to LB825. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 members of Minatare FFA; 48 fourth-grade students and teachers from Ackerman Elementary, Omaha; Emma Loeffler, Rose Jarosz, Betty Schuele, Mary Morgan, and Mary Ellen Hutchison from Cedar Rapids; 5 tenth- through twelfth-grade students and teacher from HTRS High School, Humbolt; 56 fourth-grade students and teachers from Avery Elementary, Bellevue; 11 members of Shickley FFA; 20 members of Delta Kappa Gamma Society International Key Women Educators; 40 fourth-grade students and teachers from Belle Ryan Elementary, Omaha; 12 members of Milford FFA; Senator Krist's wife, Peggy, and daughter, Courtney; and Debbie Perkins and Barry Belik.

RECESS

At 11:58 a.m., on a motion by Senator Karpisek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senator Conrad who was excused until she arrives.

SELECT FILE

LEGISLATIVE BILL 806. Senator Lautenbaugh asked unanimous consent to withdraw his amendment, AM2678, found in this day's Journal, and replace it with his substitute amendment, AM2687. No objections. So ordered.

AM2687

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 13-3102, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 13-3102 For purposes of the Sports Arena Facility
- 5 Financing Assistance Act:
- 6 (1) Board means a board consisting of the Governor,
- 7 the State Treasurer, the chairperson of the Nebraska Investment
- 8 Council, the chairperson of the Nebraska State Board of Public
- 9 Accountancy, and a professor of economics on the faculty of a
- 10 state postsecondary educational institution appointed to a two-year
- 11 term on the board by the Coordinating Commission for Postsecondary
- 12 Education. For administrative and budget purposes only, the board
- 13 shall be considered part of the Department of Revenue;
- 14 (2) Bond means a general obligation bond, redevelopment
- 15 bond, lease-purchase bond, revenue bond, or combination of any such
- 16 bonds;
- 17 (3) Eligible sports arena facility means:
- 18 (a) Any publicly owned, enclosed, and
- 19 temperature-controlled building primarily used for sports
- 20 that has a permanent seating capacity of at least three thousand
- 21 but no more than seven thousand seats and in which initial
- 22 occupancy occurs on or after July 1, 2010. Eligible sports arena
- 1 facility includes stadiums, arenas, dressing and locker facilities,
- 2 concession areas, parking facilities, and onsite administrative
- 3 offices connected with operating the facilities; and
- 4 (b) Any racetrack enclosure licensed by the State Racing
- 5 Commission in which initial occupancy occurs on or after July 1,

6 2010, including concession areas, parking facilities, and onsite
7 administrative offices connected with operating the racetrack,
8 including, but not limited to, expansion of racetrack enclosures
9 licensed by the commission in 2013;

10 (4) General obligation bond means any bond or refunding
11 bond issued by a political subdivision and which is payable from
12 the proceeds of an ad valorem tax;

13 (5) Increase in state sales tax revenue means the amount
14 of state sales tax revenue collected by a nearby retailer during
15 the fiscal year for which state assistance is calculated minus the
16 amount of state sales tax revenue collected by the nearby retailer
17 in the fiscal year that ended immediately preceding the date of
18 occupancy of the eligible sports arena facility, except that the
19 amount of state sales tax revenue of a nearby retailer shall not be
20 less than zero;

21 (6) Nearby retailer means a retailer as defined in
22 section 77-2701.32 that is located within six hundred yards of an
23 eligible sports arena facility, measured from the facility but not
24 from any parking facility or other structure. The term includes
25 a subsequent owner of a nearby retailer operating at the same
26 location;

27 (7) New state sales tax revenue means:

1 (a) For nearby retailers that commenced collecting state
2 sales tax during the period of time beginning twenty-four months
3 prior to occupancy of the eligible sports arena facility and
4 ending twenty-four months after the occupancy of the eligible
5 sports arena facility, one hundred percent of the state sales tax
6 revenue collected by the nearby retailer and sourced under sections
7 77-2703.01 to 77-2703.04 to a location within six hundred yards of
8 the eligible sports arena facility; and

9 (b) For nearby retailers that commenced collecting state
10 sales tax prior to twenty-four months prior to occupancy of the
11 eligible sports arena facility, the increase in state sales tax
12 revenue collected by the nearby retailer and sourced under sections
13 77-2703.01 to 77-2703.04 to a location within six hundred yards of
14 the facility;

15 (8) Political subdivision means any city, village, or
16 county; and

17 (9) Revenue bond means any bond or refunding bond issued
18 by a political subdivision which is limited or special rather than
19 a general obligation bond of the political subdivision and which is
20 not payable from the proceeds of an ad valorem tax.

21 Sec. 8. If any section in this act or any part of any
22 section is declared invalid or unconstitutional, the declaration
23 shall not affect the validity or constitutionality of the remaining
24 portions.

25 2. On page 2, line 8, after the period insert "If the use
26 of historic horseracing machines at licensed racetrack enclosures
27 as regulated by the commission results in a final order of a court

1 of competent jurisdiction determining that such activity allows for
 2 any additional Class III gaming as defined in the federal Indian
 3 Gaming Regulatory Act with the exception of horseracing or historic
 4 horseracing, the authorization of wagering on historic horseracing
 5 under this subdivision and sections 2 to 4 of this act terminates
 6 one year after the date of the final order. All licenses issued
 7 pursuant to this subdivision and the authorization to license
 8 and regulate under this subdivision terminate after four years of
 9 continuous use of historic horseracing machines, starting from the
 10 date of the original order of the commission permitting the use,
 11 unless the commission determines that (a) a racetrack enclosure
 12 is constructed in a county which contains a city of the primary
 13 class and (b) racetrack enclosures at which historic horseracing
 14 machines are in use for four years of continuous use, starting from
 15 the date of the original order of the commission permitting the
 16 use, have (i) a thirty percent increase in the number of days of
 17 live horseraces compared to the number of days of live horseraces
 18 in 2011 for racetrack enclosures located in any county that does
 19 not contain a city of the metropolitan class or a forty percent
 20 increase in the number of days of live horseraces compared to the
 21 number of days of live horseraces in 2011 for racetrack enclosures
 22 located in a county that does contain a city of the metropolitan
 23 class or (ii) a twenty-five percent increase in the purse at
 24 the racetrack enclosure compared to the purse at the racetrack
 25 enclosure in 2011."

26 3. On page 4, line 12, strike "equitable treatment
 27 of equine species" and insert "programs which facilitate equine
 1 therapy for youth and veterans and programs which promote equine
 2 and equestrian activities in Nebraska".

3 4. Renumber the remaining section and correct the
 4 repealer accordingly.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Langemeier withdrew his amendment, FA49, found on page 886.

Senator Lautenbaugh withdrew his amendment, AM2359, found on page 1053.

Senator Harms refiled then withdrew his amendment, AM2226, found on pages 742 and 840.

Senator Nelson refiled then withdrew his amendment, AM2223, found on pages 742 and 840.

Senator Fulton refiled then withdrew his amendments, AM2220, AM2221, and AM2222, found on pages 743 and 840.

Senator McCoy refiled then withdrew his amendment, AM2219, found on pages 741 and 840.

Senator Christensen refiled then withdrew his amendment, AM2227, found on page 743 and 840.

Senator Avery refiled then withdrew his amendments, AM2217, AM2216, AM2225, and AM2218, found on pages 742, 743, and 840.

Senator Lautenbaugh offered the following amendment:
AM2681

(Amendments to E & R amendments, ER229)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 2-1208.01, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 2-1208.01 (1) There is hereby imposed a tax on the gross
- 5 sum wagered by the parimutuel method at each race enclosure during
- 6 a calendar year as follows:
- 7 ~~(a) The first ten million dollars shall not be taxed;~~
- 8 ~~(b)(a) Any amount over ten million dollars but less than~~
- 9 or equal to seventy-three million dollars shall be taxed at the
- 10 rate of two and one-half percent; and
- 11 ~~(c)(b) Any amount in excess of seventy-three million~~
- 12 dollars shall be taxed at the rate of four percent.
- 13 (2)(a) Except as provided in subdivision (2)(b) of this
- 14 section, an amount equal to two percent of the first taxable
- 15 seventy million dollars at each race meeting shall be retained by
- 16 the licensee for capital improvements and for maintenance of the
- 17 premises within the licensed racetrack enclosure and shall be a
- 18 credit against the tax levied in subsection (1) of this section.
- 19 This subdivision includes each race meeting held after January 1,
- 20 2010, within the licensed racetrack enclosure located in Lancaster
- 21 County where the Nebraska State Fair was held prior to 2010.
- 22 (b) For race meetings conducted at the location where
- 1 the Nebraska State Fair is held, an amount equal to two and
- 2 one-half percent of the first taxable seventy million dollars at
- 3 each race meeting shall be retained by the licensee for the purpose
- 4 of maintenance of the premises within the licensed racetrack
- 5 enclosure and maintenance of other buildings, streets, utilities,
- 6 and existing improvements at the location where the Nebraska State
- 7 Fair is held. Such amount shall be a credit against the tax levied
- 8 in subsection (1) of this section.
- 9 (3) A return as required by the Tax Commissioner shall be
- 10 filed for a racetrack enclosure for each month during which wagers
- 11 are accepted at the enclosure. The return shall be filed with and

- 12 the net tax due pursuant to this section shall be paid to the
 13 Department of Revenue on the tenth day of the following month.
 14 2. Renumber the remaining sections and correct the
 15 repealer accordingly.

The Lautenbaugh amendment lost with 2 ayes, 24 nays, 22 present and not voting, and 1 excused and not voting.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Fulton requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Gloor	Krist	McGill	Sullivan
Conrad	Haar, K.	Langemeier	Mello	Wallman
Cook	Hadley	Larson	Nordquist	
Cornett	Harr, B.	Lathrop	Pahls	
Council	Howard	Lautenbaugh	Schilz	
Dubas	Karpisek	Louden	Schumacher	

Voting in the negative, 18:

Adams	Christensen	Hansen	McCoy	Smith
Avery	Coash	Harms	Nelson	Wightman
Brasch	Fischer	Heidemann	Pirsch	
Carlson	Fulton	Lambert	Price	

Present and not voting, 4:

Bloomfield	Campbell	Flood	Janssen
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Excused and not voting, 1:

Seiler

Advanced to Enrollment and Review for Engrossment with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

Catherine D. Lang - Director, Department of Economic Development

Aye: 6 Gloor, Langemeier, McCoy, Pahls, Pirsch, Schumacher. Nay: 2. Christensen, Schilz. Absent: 0. Present and not voting: 0.

(Signed) Rich Pahls, Chairperson

SELECT FILE

LEGISLATIVE BILL 806A. Advanced to Enrollment and Review for Engrossment.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 970. ER224, found on page 1055, was adopted.

Senator Cornett withdrew her amendment, FA57, found on page 1016.

Senator Schumacher renewed his amendment, AM2620, found on page 1201.

Senator Schumacher withdrew his amendment.

Senator Conrad moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Conrad requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Cornett	Harms	Lathrop	Schilz
Ashford	Fischer	Harr, B.	Louden	Smith
Avery	Flood	Heidemann	McCoy	Sullivan
Bloomfield	Fulton	Howard	Mello	Wightman
Brasch	Gloor	Janssen	Nelson	
Campbell	Haar, K.	Lambert	Pahls	
Carlson	Hadley	Langemeier	Pirsch	
Coash	Hansen	Larson	Price	

Voting in the negative, 7:

Conrad	Council	Karpisek	Schumacher
Cook	Dubas	McGill	

Present and not voting, 1:

Krist

Excused and not voting, 5:

Christensen	Lautenbaugh	Nordquist	Seiler	Wallman
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Advanced to Enrollment and Review for Engrossment with 36 ayes, 7 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 751. Placed on Final Reading.
LEGISLATIVE BILL 751A. Placed on Final Reading.
LEGISLATIVE BILL 834. Placed on Final Reading.
LEGISLATIVE BILL 842. Placed on Final Reading.
LEGISLATIVE BILL 870. Placed on Final Reading.
LEGISLATIVE BILL 907. Placed on Final Reading.

LEGISLATIVE BILL 916. Placed on Final Reading.

ST83

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1739:
 - a. On page 45, the matter beginning with "(a)" in line 16 through the second comma in line 18 has been struck and shown as stricken; and
 - b. On page 63, line 21, "on or after July 1, 2000," has been struck and shown as stricken.

LEGISLATIVE BILL 933. Placed on Final Reading.

LEGISLATIVE BILL 950. Placed on Final Reading.

ST79

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "natural" in line 1 through line 4 and all amendments thereto have been struck and "the Water Resources Cash Fund; to amend section 61-218, Revised Statutes Supplement, 2011; to state intent; to provide for a transfer of funds; and to repeal the original section." inserted.

LEGISLATIVE BILL 950A. Placed on Final Reading.
LEGISLATIVE BILL 963. Placed on Final Reading.
LEGISLATIVE BILL 983. 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 825A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, One Hundred Second Legislature, Second Session, 2012.

RESOLUTIONS

LEGISLATIVE RESOLUTION 612. Introduced by Langemeier, 23.

WHEREAS, the David City High School speech team won the 2012 Class C-1 State Speech Championship; and

WHEREAS, David City defeated Raymond Central High School 160-126 to win its third state title in four years; and

WHEREAS, the team of Lukas Fricke, Dillon Hicks, Sidnee Pavel, Nolan Pittman, and Kaleb Scheffler took first place in Oral Interpretation of Drama, David City's first state title in that category; and

WHEREAS, Elizabeth Hruska took first place in Extemporaneous, Craig Hruska took first place in Poetry, Emma Mattingly took first place in Serious, and Rachel Fuxa took third place in Humorous; 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 David City High School speech team on winning the 2012 Class C-1 State Speech Championship.

2. That a copy of this resolution be sent to the David City High School speech team and their coach, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 613. Introduced by Hansen, 42.

WHEREAS, November of 2012 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to

increase in the next twenty years to 420,000 people, or 23 percent of the state's population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the state's population, are 85 years of age and older and that number is expected to increase in the next twenty years to 60,000 people, or 3.3 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's Disease and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's Disease and other forms of dementia living at home; and

WHEREAS, 13 percent of those persons 62 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 160,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by more than 50 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November of 2012 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 358CA. Senator Carlson renewed his amendment, AM2264, found on page 755.

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Carlson amendment was adopted with 29 ayes, 3 nays, 9 present and not voting, and 8 excused and not voting.

Senator Carlson requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Adams	Coash	Gloor	Karpisek	Price
Avery	Cook	Haar, K.	Langemeier	Schilz
Brasch	Cornett	Harms	Lathrop	Schumacher
Campbell	Dubas	Heidemann	Louden	Smith
Carlson	Fulton	Howard	Nelson	Wightman

Voting in the negative, 14:

Bloomfield	Flood	Janssen	Larson	Pirsch
Council	Hadley	Krist	McCoy	Sullivan
Fischer	Hansen	Lambert	Pahls	

Present and not voting, 2:

McGill	Mello
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Excused and not voting, 8:

Ashford	Conrad	Lautenbaugh	Seiler
Christensen	Harr, B.	Nordquist	Wallman

Advanced to Enrollment and Review for Engrossment with 25 ayes, 14 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 959. Senator Smith withdrew his amendment AM2345, found on page 834.

Senator Smith offered the following amendment:

AM2685

(Amendments to Standing Committee amendments, AM2010)

- 1 1. On page 1, line 13, before the semicolon insert
- 2 "and provided to the employee during the course of his or her
- 3 employment".
- 4 2. On page 2, strike beginning with "only" in line 19
- 5 through "event" in line 21 and insert "for no".

The Smith amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Senator Avery offered the following amendment:

AM2624

(Amendments to Standing Committee amendments, AM2010)

- 1 1. On page 1, line 17, strike "Threats" and insert
- 2 "Documented threats".

SENATOR GLOOR PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Adams	Cook	Hadley	McGill
Avery	Council	Karpisek	

Voting in the negative, 23:

Bloomfield	Cornett	Hansen	Larson	Price
Brasch	Dubas	Heidemann	Lathrop	Schilz
Campbell	Fischer	Janssen	Louden	Wightman
Carlson	Flood	Krist	McCoy	
Coash	Gloor	Lambert	Pahls	

Present and not voting, 10:

Fulton	Harms	Mello	Pirsch	Smith
Haar, K.	Howard	Nelson	Schumacher	Sullivan

Excused and not voting, 9:

Ashford	Conrad	Langemeier	Nordquist	Wallman
Christensen	Harr, B.	Lautenbaugh	Seiler	

The Avery amendment lost with 7 ayes, 23 nays, 10 present and not voting, and 9 excused and not voting.

Senator Council requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 3 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1063A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1063, One Hundred Second Legislature, Second Session, 2012.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 711. Placed on Final Reading.

LEGISLATIVE BILL 799. Placed on Final Reading.

LEGISLATIVE BILL 824. Placed on Final Reading.

LEGISLATIVE BILL 845. Placed on Final Reading.

LEGISLATIVE BILL 858. Placed on Final Reading.

ST78

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER219, on page 21, line 7, "restate intent" has been struck and "change provisions regarding priority for awarding vending facility contracts to blind persons; to restate intent regarding state contracts for services" inserted.

2. On page 1, line 1, "for services" has been struck; and in line 2 "71-8611," has been inserted after the third comma.

LEGISLATIVE BILL 867. Placed on Final Reading.

LEGISLATIVE BILL 962. Placed on Final Reading.

LEGISLATIVE BILL 1079. Placed on Final Reading.

LEGISLATIVE BILL 1079A. Placed on Final Reading.

LEGISLATIVE BILL 1097. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

SELECT FILE

LEGISLATIVE BILL 1114. ER221, found on page 1037, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1053. ER227, found on page 1054, was adopted.

Senator Loudon withdrew his amendment, AM2589, found on page 1059.

Senator Louden offered the following amendment:

AM2689

1 1. Strike section 10 and insert the following new
2 sections:

3 Sec. 10. (1) The Nebraska Tourism Commission is created.
4 The members of the Travel and Tourism Division Advisory Committee,
5 as such committee existed immediately prior to the operative date
6 of this act, shall be the initial members of the commission and
7 may be reappointed as provided in this section. The terms of
8 initial members of the commission representing entities designated
9 by subdivisions (2)(b), (d), (f), and (h) of this section shall be
10 two years, beginning on the operative date of this act. The terms
11 of initial members representing entities designated by subdivisions
12 (2)(a), (c), (e), (g), and (i) of this section shall be four years,
13 beginning on the operative date of this act. Each successive member
14 shall be appointed by the Governor with the approval of a majority
15 of the members of the Legislature for terms of four years and may
16 be reappointed.

17 (2) The commission shall consist of the following
18 members:

19 (a) One representative from the Game and Parks
20 Commission;

21 (b) One representative from the Nebraska Travel
22 Association;

23 (c) One representative from the Nebraska Hotel and Motel
1 Association;

2 (d) One representative from a tourism attraction that
3 records at least two thousand out-of-state visitors per year;

4 (e) One representative from the Nebraska Association of
5 Convention and Visitors Bureaus;

6 (f) One representative from the Western Nebraska Tourism
7 Coalition;

8 (g) One representative who resides in eastern Nebraska
9 and is employed by a business that derives a majority of its
10 revenue from out-of-state visitors;

11 (h) One representative from the Central Nebraska Tourism
12 Partnership; and

13 (i) One representative of a business that derives a
14 majority of its revenue from out-of-state visitors.

15 Sec. 29. This act becomes operative on July 1, 2012.

16 Sec. 31. Since an emergency exists, this act takes effect
17 when passed and approved according to law.

18 2. On page 6, lines 11 and 25; and page 7, lines 3 and 9,
19 strike "effective date" and insert "operative date".

20 3. Renumber the remaining section accordingly.

Senator Louden moved for a call of the house. The motion prevailed with 18
ayes, 0 nays, and 31 not voting.

The Louden amendment was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1080. ER222, found on page 1055, was adopted.

Senator Cornett renewed her amendment, AM2634, found on page 1167.

Senator Cornett moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Cornett amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1128. ER225, found on page 1055, was adopted.

Senator Schumacher offered the following amendment:
AM2686

- 1 1. Strike original sections 13, 18, and 19 and all
- 2 amendments thereto.
- 3 2. On page 2, line 1, strike "22" and insert "19"; and in
- 4 line 4 strike "13" and insert "12".
- 5 3. On page 5, line 3, strike "16" and insert "15"; in
- 6 line 17 after "sections" insert "44-101 to 44-165"; in line 18
- 7 after "77-918" insert an underscored comma; in line 22 strike
- 8 "taxpayer" and insert "person or entity"; in line 23 strike "tax
- 9 credits" and insert "a vested tax credit against the tax imposed
- 10 by the Nebraska Revenue Act of 1967 or sections 44-101 to 44-165,
- 11 77-907 to 77-918, or 77-3801 to 77-3807 that may be utilized"; and
- 12 in line 25 strike "the taxpayer" and insert "such acquirer".
- 13 4. On page 6, after line 10 insert the following new
- 14 paragraph:
- 15 "Any taxpayer that claims a tax credit shall not be
- 16 required to pay any additional retaliatory tax under section 44-150
- 17 as a result of claiming such tax credit"; in line 23 after
- 18 "utilization" insert "in any fiscal year" and after "of" insert
- 19 "new"; and in line 24 strike "in any fiscal year".
- 20 5. On page 8, line 12, strike "16" and insert "15".
- 21 6. On page 9, line 4, strike "15" and insert "14"; and in
- 22 line 19 strike "16" and insert "15".
- 23 7. On page 11, line 17, strike "(1)"; in line 19 strike
- 1 "Market" and insert "Markets"; in line 20 strike "(a)" and insert

- 2 "(1)"; and in line 25 strike "or".
- 3 8. On page 12, line 1, strike "(b)" and insert "(2)";
- 4 in line 5 strike the period and insert "; or"; strike lines 6
- 5 and 7 and all amendments thereto and insert "(3) The issuer fails
- 6 to invest and satisfy the requirements of subdivision (1)(b) of
- 7 section 10 of this act and maintain such level of investment in
- 8 qualified low-income community investments in Nebraska until the
- 9 last credit allowance date for the qualified equity investment. For
- 10 purposes of this section, an investment shall be considered held
- 11 by an issuer even if the investment has been sold or repaid if
- 12 the issuer reinvests"; in line 18 strike "sections 18 and 20" and
- 13 insert "section 17"; strike beginning with "adjustment" in line 19
- 14 through "or" in line 20; and in line 20 strike "20" and insert
- 15 "17".
- 16 9. On page 14, line 16, strike "20, and 22" and insert
- 17 "17, and 19".
- 18 10. On page 27, line 21, strike "new" and insert "New".
- 19 11. Renumber the remaining sections accordingly.

The Schumacher amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 750. ER223, found on page 1055, was adopted.

Senator Cornett renewed her amendment, AM2628, found on page 1168.

The Cornett amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1145. ER228, found on page 1085, was adopted.

Senator McGill offered the following amendment:
AM2616

(Amendments to Standing Committee amendments, AM2387)

- 1 1. On page 6, strike beginning with "This" in line 6
- 2 through line 21 and insert "It is the intent of the Legislature
- 3 that law enforcement agencies, prosecutors, public defenders,
- 4 judges, juvenile detention center staff, and others involved in
- 5 the juvenile justice system and the criminal justice system and
- 6 other relevant officials be provided mandatory training regarding
- 7 issues in human trafficking. The task force established in section
- 8 2 of this act shall work with such agencies, persons, and staff to
- 9 develop a proper curriculum for the training and to determine how
- 10 the training should be provided. The determination and accompanying
- 11 legislative recommendations shall be made by December 1, 2012. Such

12 training shall focus on:
13 (a) State and federal law regarding human trafficking;
14 (b) Methods used in identifying victims of human
15 trafficking who are United States citizens and foreign nationals,
16 including preliminary interview techniques and appropriate
17 questioning methods;".

The McGill amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1145A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 715. ER230, found on page 1088, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 905. ER232, found on page 1091, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 905A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1057. ER233, found on page 1094, was adopted.

Senator Larson renewed his amendment, AM2294, found on page 1122.

SPEAKER FLOOD PRESIDING

SENATOR GLOOR PRESIDING

The Larson amendment lost with 4 ayes, 26 nays, 7 present and not voting, and 12 excused and not voting.

Senator Larson moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Larson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Coash	Haar, K.	Lambert	Schumacher
Ashford	Cook	Hadley	Langemeier	Sullivan
Avery	Cornett	Harms	Louden	Wightman
Bloomfield	Council	Heidemann	McCoy	
Brasch	Fischer	Howard	Nelson	
Campbell	Flood	Karpisek	Price	
Carlson	Gloor	Krist	Schilz	

Voting in the negative, 2:

Janssen Larson

Present and not voting, 4:

Lathrop Lautenbaugh Mello Pirsch

Excused and not voting, 12:

Christensen	Fulton	McGill	Seiler
Conrad	Hansen	Nordquist	Smith
Dubas	Harr, B.	Pahls	Wallman

Advanced to Enrollment and Review for Engrossment with 31 ayes, 2 nays, 4 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1057A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 670. ER137, found on page 1676, First Session, 2011, was adopted.

Senator Council renewed her motion, MO89, found on page 1205, to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM2496.

Senator Council moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Council requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 37:

Adams	Cook	Harms	Larson	Price
Ashford	Cornett	Heidemann	Lathrop	Schilz
Avery	Council	Howard	Lautenbaugh	Schumacher
Bloomfield	Fischer	Janssen	Louden	Sullivan
Brasch	Flood	Karpisek	McCoy	Wightman
Campbell	Gloor	Krist	Mello	
Carlson	Haar, K.	Lambert	Nelson	
Coash	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 12:

Christensen	Fulton	McGill	Seiler
Conrad	Hansen	Nordquist	Smith
Dubas	Harr, B.	Pahls	Wallman

The Council motion to suspend the rules prevailed with 37 ayes, 0 nays, and 12 excused and not voting.

The Chair declared the call raised.

Senator Schilz renewed his amendment, AM2496, found on page 981.

The Schilz amendment was adopted with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1155. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1091. Title read. Considered.

Senator Krist renewed his amendment, AM2559, found on page 1007.

Senator Krist withdrew his amendment.

Senator Fischer moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1091A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1158. Title read. Considered.

Committee AM1936, found on page 600, was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Krist withdrew his amendments, AM1909 and AM2418, found on pages 630 and 928.

Senator Krist renewed his amendment, AM2521, found on page 999.

Senator Hadley renewed his amendment, AM2551, found on page 1002, to the Krist amendment.

The Hadley amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Bloomfield renewed his amendment, AM2590, found on page 1054, to the Krist amendment.

The Bloomfield amendment was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

The Krist amendment, as amended, was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB928:
AM2667

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 37-448, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 37-448 (1) Subject to rules and regulations adopted and
- 5 promulgated by the commission, the secretary of the commission
- 6 may designate special deer depredation seasons or extensions of
- 7 existing deer hunting seasons by executive order. The secretary
- 8 may designate a depredation season or an extension of an existing
- 9 deer hunting season whenever he or she determines that deer are
- 10 causing excessive property damage. The secretary shall specify the
- 11 number of permits to be issued, the species of deer allowed to be

12 taken, the bag limit for such species including deer for donation
13 in accordance with the deer donation program established pursuant
14 to sections 5 to 14 of this act, the beginning and ending dates for
15 the depredation season or hunting season extension, shooting hours,
16 the length of the depredation season or hunting season extension,
17 and the geographic area in which hunting will be permitted. Hunting
18 during a special depredation season or hunting season extension
19 shall be limited to residents, and the rules and regulations shall
20 allow use of any weapon permissible for use during the regular deer
21 season.

22 (2) The depredation season may commence not less than
23 five days after the first public announcement that the depredation
1 season has been established. Permits shall be issued in an
2 impartial manner at a location determined by the secretary.
3 The commission shall, pursuant to section 37-327, establish and
4 charge a fee of not more than twenty-five dollars for a special
5 depredation season permit. The commission shall use the income from
6 the sale of special depredation season permits for abatement of
7 damage caused by deer. The commission shall also provide for an
8 unlimited number of free permits for the taking of antlerless deer
9 upon request to any person owning or operating at least twenty
10 acres of farm or ranch land within the geographic area in which
11 hunting will be permitted and to any member of the immediate family
12 of any such person as defined in subdivision (2)(a) of section
13 37-455. A free permit shall be valid only within such area and
14 only during the designated deer depredation season. Receipt of a
15 depredation season permit shall not in any way affect a person's
16 eligibility for a regular season permit.

17 Sec. 5. The purpose of sections 5 to 14 of this act is
18 to establish procedures for the administration of a deer donation
19 program and to encourage hunters to harvest deer to donate to a
20 program to feed residents of Nebraska who are in need.

21 Sec. 6. For purposes of sections 5 to 14 of this act:

22 (1) Deer means any wild deer legally taken in Nebraska
23 and deer confiscated as legal evidence if the confiscated carcass
24 is considered by a conservation officer to be in good condition for
25 donation under the program;

26 (2) Field dressed means properly bled and cleaned of the
27 internal organs;

1 (3) Meat processor means any business that is licensed to
2 process meat for retail customers by the Department of Agriculture,
3 the United States Department of Agriculture, or a neighboring
4 state's department that is similar to Nebraska's; and

5 (4) Program means the deer donation program established
6 pursuant to sections 5 to 14 of this act.

7 Sec. 7. Deer is the only species of wildlife covered by
8 the program. To be accepted, the entire field-dressed deer carcass
9 shall be donated, but the hunter may keep the antlers, head, and
10 cape.

11 Sec. 8. On or before July 1, 2012, the commission shall
12 provide each applicant the option on the application for any type
13 of hunting permit authorizing the taking of deer to indicate that
14 the applicant may designate an amount in addition to the permit fee
15 to be credited to the Hunters Helping the Hungry Cash Fund.

16 Sec. 9. (1) The commission shall set a fair market price
17 for the processing cost of deer donated to the program. To set a
18 fair market price, the commission shall consider prices for similar
19 deer processing services paid by retail customers in Nebraska and
20 nearby states and shall establish an annual per-deer processing
21 payment to be made to meat processors to the extent that money is
22 available in the Hunters Helping the Hungry Cash Fund.

23 (2) The commission shall adopt and promulgate rules and
24 regulations necessary to carry out the program.

25 Sec. 10. The commission shall promote the harvesting
26 of deer by hunters and the donation of deer at meat processors
27 participating in the program to the extent that money is available
1 in the Hunters Helping the Hungry Cash Fund.

2 Sec. 11. The commission may enlist as many meat
3 processors as available to participate in the program and shall
4 enter into contracts with meat processors as described in section
5 12 of this act subject to available funding in the Hunters
6 Helping the Hungry Cash Fund. The commission shall provide
7 forms for donation of deer by hunters and posters for meat
8 processors to advertise their participation. The commission shall
9 provide informational and promotional materials to meat processors
10 regarding the program.

11 Sec. 12. (1) To participate in the program, each meat
12 processor shall enter into an annual contract with the commission
13 which details the meat processor's participation.

14 (2) Meat processors shall accept the entire field-dressed
15 carcass of a donated deer according to the terms of their
16 respective contracts with the commission and shall not assess any
17 fees or costs to donors, recipients, or participants. Information
18 from the donor is required for each donated deer and shall be
19 submitted on forms provided by the commission. Payment shall not be
20 made to a meat processor without this information.

21 (3) Meat processors shall accept a donated deer if the
22 meat processor determines the venison is in acceptable condition.

23 (4) Prior to receiving payment, a meat processor shall
24 be required to provide to the commission a record of each donated
25 deer that includes information required by the commission. Payments
26 shall be made to meat processors within forty-five days after
27 submission of a complete and accurate invoice according to the terms
1 of their respective contracts with the commission.

2 (5) The commission shall not be liable for the safety,
3 quality, or condition of deer accepted by meat processors or
4 recipients or consumed by participants in the program.

5 Sec. 13. The commission, at its own discretion, may enter

6 into contracts with other entities for purposes of executing or
 7 expanding the program. The commission may include the offer of
 8 matching grants to pay for deer processing to entities that acquire
 9 funding from sources other than the state to pay for expenses of
 10 the program.

11 Sec. 14. The Hunters Helping the Hungry Cash Fund is
 12 created. The fund shall include amounts designated for the fund
 13 pursuant to section 8 of this act and revenue received from gifts,
 14 grants, bequests, donations, other similar donation arrangements,
 15 or other contributions from public or private sources intended for
 16 the fund. The fund shall be administered by the commission to carry
 17 out the program. The annual expenditures from the fund shall be
 18 limited only by the available balance of the fund. The commission
 19 shall not be obligated to provide payments from the fund or pay any
 20 other expenses in excess of the available balance in the fund. Any
 21 money in the fund available for investment shall be invested by the
 22 state investment officer pursuant to the Nebraska Capital Expansion
 23 Act and the Nebraska State Funds Investment Act.

24 Sec. 15. Sections 2, 4, and 16 of this act become
 25 operative three calendar months after the adjournment of this
 26 legislative session. The other sections of this act become
 27 operative on their effective date.

1 Sec. 17. Original sections 37-201 and 37-448, Revised
 2 Statutes Cumulative Supplement, 2010, are repealed.

3 Sec. 18. Since an emergency exists, this act takes effect
 4 when passed and approved according to law.

5 2. On page 2, line 3, strike "section 2" and insert
 6 "sections 2 and 5 to 14".

7 3. On page 3, strike beginning with "and" in line 15
 8 through "are" in line 16 and insert "is".

9 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM2151, found on page 638, was considered.

Senator Mello withdrew his amendment, AM2404, found on page 950.

Senator Mello renewed his amendment, AM2534, found on page 1004, to the committee amendment.

Senator Mello moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 18 not voting.

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Avery	Cornett	Haar, K.	Larson	Pirsch
Coash	Dubas	Howard	Lathrop	
Cook	Flood	Karpisek	Nelson	

Voting in the negative, 16:

Adams	Fischer	Janssen	Louden
Bloomfield	Fulton	Lambert	McCoy
Campbell	Gloor	Langemeier	Schilz
Carlson	Hadley	Lautenbaugh	Sullivan

Present and not voting, 9:

Ashford	Council	Heidemann	Price	Wightman
Brasch	Harms	Mello	Schumacher	

Excused and not voting, 11:

Christensen	Harr, B.	Nordquist	Smith
Conrad	Krist	Pahls	Wallman
Hansen	McGill	Seiler	

The Mello amendment lost with 13 ayes, 16 nays, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following motion:

MO91

Unanimous consent to bracket until April 12, 2012.

No objections. So ordered.

AMENDMENT - Print in Journal

Senator Bloomfield filed the following amendment to LB1049:
AM2645

- 1 1. Strike section 3 and all amendments thereto.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Larson and Schilz asked unanimous consent to add their names as cointroducers to LB806. No objections. So ordered.

Senators Price and Schilz asked unanimous consent to add their names as cointroducers to LB670. No objections. So ordered.

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB731. No objections. So ordered.

VISITORS

Visitors to the Chamber were 3 FFA members from North Loup and Scotia; Nicole Ackles and Cilinda Scheideler from Scotia; 53 fourth-grade students and teachers from Pershing Elementary, Lexington; Dave Hogsett from Lamar; 30 members of Americans For Prosperity from across the state; 11 members of Allen FFA; and Senator Howard's daughter, Sara Howard, from Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 8:54 p.m., on a motion by Speaker Flood, the Legislature adjourned until 8:00 a.m., Friday, March 30, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

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

FIFTY-FOURTH DAY - APRIL 2, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 2012

PRAYER

The prayer was offered by Dr. Fred Richart, First United Methodist Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Cook and Seiler who were excused; and Senators Conrad, Krist, Pahls, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 670. Placed on Final Reading.
ST87

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "juveniles" in line 1 through line 5 has been struck and "crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2011; to include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency." inserted.

LEGISLATIVE BILL 715. Placed on Final Reading.

LEGISLATIVE BILL 750. Placed on Final Reading.
ST88

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Cornett amendment, AM2573, on page 1, line 12, "sections 77-1359" has been struck and shown as stricken and "and" has been struck and "this section and section" inserted.

LEGISLATIVE BILL 821. Placed on Final Reading Second.

LEGISLATIVE BILL 905. Placed on Final Reading.

LEGISLATIVE BILL 905A. Placed on Final Reading.

LEGISLATIVE BILL 959. Placed on Final Reading.

LEGISLATIVE BILL 970. Placed on Final Reading.

LEGISLATIVE BILL 1053. Placed on Final Reading.

ST85

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 14 has been struck and "provisions; to provide an operative date; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1057. Placed on Final Reading.

LEGISLATIVE BILL 1057A. Placed on Final Reading.

LEGISLATIVE BILL 1080. Placed on Final Reading.

ST86

The following changes, required to be reported for publication in the Journal, have been made:

1. The E & R amendment, ER222, has been struck.

LEGISLATIVE BILL 1114. Placed on Final Reading.

LEGISLATIVE BILL 1128. Placed on Final Reading.

LEGISLATIVE BILL 1128A. Placed on Final Reading.

LEGISLATIVE BILL 1145. Placed on Final Reading.

LEGISLATIVE BILL 1145A. Placed on Final Reading.

LEGISLATIVE RESOLUTION 358CA. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1155. Placed on Select File.

LEGISLATIVE BILL 1091. Placed on Select File with amendment.

ER270

1 1. On page 1, line 5, after "eliminate" insert "a

2 definition and".

3 2. On page 2, line 9, strike "4" and insert "3".

4 3. On page 3, line 5, after the first "the" insert

5 "prepaid wireless"; and in line 15 strike "Nebraska".

LEGISLATIVE BILL 1091A. Placed on Select File.

LEGISLATIVE BILL 1158. Placed on Select File with amendment.
ER271

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-908, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 68-908 (1) The department shall administer the medical
- 6 assistance program.
- 7 (2) The department may (a) enter into contracts
- 8 and interagency agreements, (b) adopt and promulgate rules
- 9 and regulations, (c) adopt fee schedules, (d) apply for and
- 10 implement waivers and managed care plans for services for eligible
- 11 recipients, including services under the Nebraska Behavioral
- 12 Health Services Act, and (e) perform such other activities as
- 13 necessary and appropriate to carry out its duties under the
- 14 Medical Assistance Act. A covered item or service as described
- 15 in section 68-911 that is furnished through a school-based health
- 16 center, furnished by a provider, and furnished under a managed
- 17 care plan pursuant to a waiver does not require prior consultation
- 18 or referral by a patient's primary care physician to be covered.
- 19 Any federally qualified health center providing services as a
- 20 sponsoring facility of a school-based health center shall be
- 21 reimbursed for such services provided at a school-based health
- 22 center at the federally qualified health center reimbursement rate.
- 23 (3) The department shall maintain the confidentiality
- 1 of information regarding applicants for or recipients of medical
- 2 assistance and such information shall only be used for purposes
- 3 related to administration of the medical assistance program and the
- 4 provision of such assistance or as otherwise permitted by federal
- 5 law.
- 6 (4)(a) The department shall prepare an annual summary
- 7 and analysis of the medical assistance program for legislative
- 8 and public review, including, but not limited to, a description
- 9 of eligible recipients, covered services, provider reimbursement,
- 10 program trends and projections, program budget and expenditures,
- 11 the status of implementation of the Medicaid Reform Plan, and
- 12 recommendations for program changes.
- 13 (b) The department shall provide a draft report of such
- 14 summary and analysis to the Medicaid Reform Council no later than
- 15 September 15 of each year. The council shall conduct a public
- 16 meeting no later than October 1 of each year to discuss and receive
- 17 public comment regarding such report. The council shall provide
- 18 any comments and recommendations regarding such report in writing
- 19 to the department no later than November 1 of each year. The
- 20 department shall submit a final report of such summary and analysis
- 21 to the Governor, the Legislature, and the council no later than
- 22 December 1 of each year. Such final report shall include a response

23 to each written recommendation provided by the council.

24 Sec. 2. All contracts and agreements relating to the
25 medical assistance program governing at-risk managed care service
26 delivery for behavioral health services entered into by the
27 department on or after July 1, 2012, shall:

1 (1) Provide a definition and cap on administrative
2 spending that (a) shall not exceed seven percent unless the
3 implementing department includes detailed requirements for
4 tracking administrative spending to ensure (i) that administrative
5 expenditures do not include additional profit and (ii) that any
6 administrative spending is necessary to improve the health status
7 of the population to be served and (b) shall not under any
8 circumstances exceed ten percent;

9 (2) Provide a definition of annual contractor profits and
10 losses and restrict such profits and losses under the contract so
11 that (a) profit shall not exceed three percent per year and (b)
12 losses shall not exceed three percent per year, as a percentage of
13 the aggregate of all income and revenue earned by the contractor
14 and related parties, including parent and subsidiary companies and
15 risk-bearing partners, under the contract;

16 (3) Provide for reinvestment of (a) any profits in excess
17 of the contracted amount, (b) performance contingencies imposed
18 by the department, and (c) any unearned incentive funds, to fund
19 additional behavioral health services for children, families, and
20 adults according to a plan developed with input from stakeholders,
21 including consumers and their family members, the office of
22 consumer affairs within the division, and the regional behavioral
23 health authority and approved by the department. Such plan shall
24 address the behavioral health needs of adults and children,
25 including filling service gaps and providing system improvements;

26 (4) Provide for a minimum medical loss ratio of
27 eighty-five percent of the aggregate of all income and revenue
1 earned by the contractor and related parties under the contract;

2 (5) Provide that contractor incentives, in addition to
3 potential profit, be at least one and one-half percent of the
4 aggregate of all income and revenue earned by the contractor and
5 related parties under the contract;

6 (6) Provide that a minimum of one-quarter percent of the
7 aggregate of all income and revenue earned by the contractor and
8 related parties under the contract be at risk as a penalty if the
9 contractor fails to meet the minimum performance metrics defined in
10 the contract, and such penalties, if charged, shall be accounted
11 for in a manner that shall not reduce or diminish service delivery
12 in any way; and

13 (7) Be reviewed and awarded competitively and in full
14 compliance with the procurement requirements of the State of
15 Nebraska.

16 Sec. 3. Section 71-801, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-801 Sections 71-801 to 71-830 and section 2 of this
 19 act shall be known and may be cited as the Nebraska Behavioral
 20 Health Services Act.

21 Sec. 4. Original section 71-801, Reissue Revised Statutes
 22 of Nebraska, and section 68-908, Revised Statutes Cumulative
 23 Supplement, 2010, are repealed.

24 Sec. 5. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

26 2. On page 1, strike beginning with "section" in line 1
 27 through line 6 and insert "section 71-801, Reissue Revised Statutes
 1 of Nebraska, and section 68-908, Revised Statutes Cumulative
 2 Supplement, 2010; to change provisions relating to the medical
 3 assistance program; to provide requirements for behavioral health
 4 managed care contracts; to harmonize provisions; to repeal the
 5 original sections; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 615. Introduced by McCoy, 39.

WHEREAS, George Conrad is retiring in June 2012 from his position as superintendent of the Douglas County West Community Schools, a position he has held since 2006; and

WHEREAS, during his tenure at Douglas County West Community Schools, Mr. Conrad has worked tirelessly to improve the school's curriculum and finances and has provided steady, consistent leadership to the school; and

WHEREAS, Mr. Conrad has spent a lifelong career in education and educational administration and has served in a variety of roles, including as a teacher, principal, personnel director, and most recently as superintendent; and

WHEREAS, in recognition of his fine service and accomplishments, Mr. Conrad has been named the Citizen of the Year for 2012 by the Western Douglas County Chamber of Commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates George Conrad on his retirement and thanks him for his dedication to education.

2. That a copy of this resolution be sent to George Conrad.

Laid over.

LEGISLATIVE RESOLUTION 616. Introduced by McCoy, 39.

WHEREAS, Tom Ramsbottom, the athletic director at Elkhorn South High School, was named the State Athletic Administrator of the Year for

2011-12 by the Nebraska State Interscholastic Athletic Administrators Association; and

WHEREAS, Mr. Ramsbottom was nominated for the award by a group of his peers; and

WHEREAS, Mr. Ramsbottom was selected for the award from more than three hundred athletic directors statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Tom Ramsbottom for being named the State Athletic Administrator of the Year for 2011-12.

2. That a copy of this resolution be sent to Tom Ramsbottom.

Laid over.

ANNOUNCEMENT

The Chair announced April 1 was Senator Lathrop's birthday.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 711.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Executive Board of the Legislative Council; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Janssen	McGill	Sullivan
Brasch	Flood	Karpisek	Mello	Wallman
Campbell	Fulton	Lambert	Nelson	Wightman
Carlson	Gloor	Langemeier	Nordquist	
Christensen	Haar, K.	Larson	Pirsch	
Coash	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 2:

Hansen Howard

Excused and not voting, 5:

Conrad Cook Krist Pahls 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 LB751 with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 751. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 37-1284, 37-1285, 60-105, 60-154, 60-166, 60-168, 60-169, 60-180, 60-365, 60-3,198, 60-3,205, 60-486, 60-4,100, 60-4,120.02, 60-4,124, 60-4,125, 60-4,126, 60-4,130.03, 60-4,142, 60-4,167, 60-4,167.01, 60-4,168, 60-4,170, 60-4,184, 60-507, 60-6,179.01, 66-1406.02, and 75-366, Reissue Revised Statutes of Nebraska, sections 37-1283, 43-287, and 71-4603, Revised Statutes Cumulative Supplement, 2010, and sections 18-1739, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-498.01, 60-498.02, 60-4,114, 60-4,116, 60-4,118.06, 60-4,120, 60-4,144, 60-4,146, 60-4,147.02, 60-4,182, 60-601, 60-6,211.05, 75-363, 75-364, and 75-393, Revised Statutes Supplement, 2011; to adopt provisions of federal law; to change provisions relating to handicapped or disabled parking permits, certificates of title, distribution of fees for certificates of title, motor vehicle registration, registration fees for fleet vehicles, mailing requirements of the Department of Motor Vehicles, operation of ignition-interlock-equipped motor vehicles, eligibility for ignition interlock permits, application for and issuance of certain operators' licenses and permits and state identification cards, criminal history record information checks, and commercial driver qualifications; to prohibit texting while driving a commercial motor vehicle; to change the definitions of certain trailers under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to eliminate provisions relating to denial of registration of a motor vehicle or an operator's license to a person with an outstanding warrant for arrest; to change and provide penalties; to provide operative dates; to repeal the original sections; to outright repeal sections 60-3,163 and 60-485, 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	Nordquist
Ashford	Cornett	Hansen	Larson	Pahls
Avery	Council	Harms	Lathrop	Pirsch
Bloomfield	Dubas	Harr, B.	Lautenbaugh	Price
Brasch	Fischer	Heidemann	Louden	Schumacher
Campbell	Flood	Howard	McCoy	Smith
Carlson	Fulton	Janssen	McGill	Sullivan
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Lambert	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 3:

Cook Krist 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 751A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 88; to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, One Hundred Second Legislature, Second Session, 2012; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist 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 799.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-201 and 28-707, Revised Statutes Cumulative Supplement, 2010; to change penalties for child abuse; to define a term; 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 824. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-103.03, 53-103.38, 53-160, and 53-164.01, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define and redefine terms; to change provisions relating to beer, spirits, the gallonage tax, and reports involving the gallonage tax; 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, 37:

Adams	Council	Hansen	Larson	Price
Avery	Dubas	Harr, B.	Lathrop	Schilz
Bloomfield	Fischer	Heidemann	Lautenbaugh	Schumacher
Brasch	Flood	Howard	Louden	Smith
Campbell	Fulton	Janssen	McCoy	Wallman
Coash	Gloor	Karpisek	McGill	
Conrad	Haar, K.	Lambert	Mello	
Cornett	Hadley	Langemeier	Nordquist	

Voting in the negative, 6:

Carlson	Harms	Sullivan
Christensen	Nelson	Wightman

Present and not voting, 3:

Ashford	Pahls	Pirsch
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Excused and not voting, 3:

Cook	Krist	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 LB834 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 834.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 38-151, 71-6201, 71-6202, 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213, 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to restate intent; to define and redefine terms; to change provisions relating to the regulation of health professions and changes in scope of practice; to change membership and duties of technical committees; to eliminate a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-6228, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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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 842.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1721, Reissue Revised Statutes of Nebraska; to change a termination date relating to duties of an applicant family; to require the Department of

Health and Human Services to collect certain data regarding aid to dependent children and to provide a report; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Conrad	Hadley	Larson	Pahls
Ashford	Cornett	Hansen	Lathrop	Pirsch
Avery	Council	Harms	Lautenbaugh	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Lambert	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845. With Emergency Clause.

A BILL FOR AN ACT relating to the Oil Pipeline Reclamation Act; to amend sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011; to state intent; to provide requirements for reclamation; 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist 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 LB858 with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 858.

A BILL FOR AN ACT relating to state contracts; to amend sections 71-5666, 71-5667, 71-5668, 71-8611, 73-501, 73-502, 73-503, 73-504, 73-506, 73-508, and 73-509, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, section 73-507, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions regarding priority for awarding vending facility contracts to blind persons; to restate intent regarding state contracts for services; to define and redefine terms; to provide additional requirements for contracts in excess of fifteen million dollars; to change exceptions from contracting requirements; to provide duties for state agencies and the materiel division of the Department of Administrative Services; to eliminate obsolete provisions; 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	Seiler
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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 867. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Supplement, 2011; to change employer contribution provisions under certain county retirement plans; to change provisions relating to the population of affected counties and reporting requirements; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist 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 870.

A BILL FOR AN ACT relating to schools; to amend section 79-828, Reissue Revised Statutes of Nebraska, and sections 79-757 and 79-760.05, Revised Statutes Supplement, 2011; to provide duties for the State Board of Education and the State Department of Education; to provide for an accountability system to measure school performance pursuant to the Quality Education Accountability Act; to change provisions for tracking and reporting on individual student achievement and for evaluation of probationary certificated employees; to provide for establishment of career academies; to eliminate requirements for a prior assessment and reporting system and a joint plan for a learning community; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-760, Reissue Revised Statutes of Nebraska, and section 79-760.04, 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 882.

A BILL FOR AN ACT relating to insurance; to require certain cancer treatment coverage as prescribed; and to provide a termination date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook	Krist	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 907.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2701, 2-2701.01, 2-2707, 2-2709, 2-2710, and 77-2704.36, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor permitting and a sales tax exemption for agricultural machinery and equipment; 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist 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 LB916 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 916. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2322, 23-2323.02, 24-707, 24-710.02, 24-710.05, 48-1401, 79-906, 79-933.01, 79-948, 79-956, 79-980, 79-998, 79-9,104, 79-9,106, 81-2014, 81-2031.03, 81-2032, 84-1309, 84-1312, 84-1324, and 84-1505, Reissue Revised Statutes of Nebraska, sections 23-2309.01, 23-2310.05, 23-2317, 23-2321, 84-1310.01, 84-1311.03, 84-1319, and 84-1323, Revised Statutes Cumulative Supplement, 2010, and sections 14-2111, 23-2301, 23-2308, 23-2308.01, 23-2319.01, 24-701, 79-902, 81-2026, 81-2041, 84-1301, 84-1309.02, 84-1321.01, and 84-1503, Revised Statutes Supplement, 2011; to provide for the use of retirement benefits to pay civil damages for utilities district employees and appointees, police officers, firefighters, county employees, judges, participants in deferred compensation plans, school employees, officers of the Nebraska State Patrol, and state employees as prescribed; to exempt per diems from the definition of compensation; to require an employer to provide certain termination of employment information to the Public Employees Retirement Board; to require repayment of retirement benefits as prescribed; to authorize creation of subfunds; to provide for a cash balance benefit election for certain county and state employees; to change provisions relating to

county and state employer funds; to eliminate certain reporting requirements for school retirement systems as prescribed; to clarify provisions relating to tax-qualification requirements; to change provisions relating to rollover distributions and death benefits; to exclude any person under the age of eighteen years from the definition of school employee; to redefine termination of employment; to provide duties for the Public Employees Retirement Board relating to the determination of de minimus amounts and tax-qualification requirements; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 23-2319.02, Revised Statutes Cumulative Supplement, 2010; 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, 46:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Cook Krist 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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to compulsory attendance; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cornett	Hansen	Lathrop	Pirsch
Ashford	Council	Harms	Lautenbaugh	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Lambert	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman
Conrad	Hadley	Larson	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Brasch	Janssen
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Excused and not voting, 3:

Cook	Krist	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 962.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2715.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tax expenditure reporting; to name the Tax Rate Review Committee and provide for a report; 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	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lautenbaugh	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Howard	McGill	Smith
Campbell	Fulton	Janssen	Mello	Sullivan
Carlson	Gloor	Karpisek	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Council Lathrop

Excused and not voting, 3:

Cook Krist 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 LB963 with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 963. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-141, 8-183.05, 8-212, 8-213, 8-214, 8-215, 8-230, 8-1901, 8-2101, 8-2103, 8-2104, 8-2107, 8-2108, and 8-2403, Reissue Revised Statutes of Nebraska, sections 8-157, 8-209, 8-2102, and 8-2106, Revised Statutes Cumulative Supplement, 2010, and sections 8-1,140, 8-355, 8-602, and 21-17,115, Revised Statutes Supplement, 2011; to change provisions relating to loan limits and restrictions; to change provisions relating to branch banking, the pledging of securities by trust companies, and fees charged by the Department of Banking and Finance; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to names of financial institutions; to rename the Interstate Branching By Merger Act of 1997; to change and eliminate provisions relating to interstate branch banking and mergers; to harmonize provisions; to repeal the original sections; to outright repeal section 8-2105, 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, 46:

Adams	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	
Cornett	Harms	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 2:

Cook 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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 983.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5803, Reissue Revised Statutes of Nebraska; to change provisions relating to a research tax credit; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lathrop	Price
Ashford	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 2:

Cook 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 LB1079 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1079. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 2011; to state findings; to define terms; to provide for grants and funding for such grants for bridge programs as prescribed; to provide for allocations from the Education Innovation Fund; to provide duties for the State Department of Education and the Department of Health and Human Services; to provide a termination date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Ashford	Cornett	Harr, B.	Lautenbaugh	Price
Avery	Council	Howard	Louden	Schilz
Bloomfield	Dubas	Janssen	McCoy	Schumacher
Brasch	Flood	Karpisek	McGill	Smith
Campbell	Gloor	Krist	Mello	Sullivan
Carlson	Haar, K.	Lambert	Nelson	Wallman
Christensen	Hadley	Langemeier	Nordquist	
Coash	Hansen	Larson	Pahls	
Conrad	Harms	Lathrop	Pirsch	

Voting in the negative, 4:

Adams Fischer Fulton Heidemann

Present and not voting, 1:

Wightman

Excused and not voting, 2:

Cook 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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1079A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, One Hundred Second Legislature, Second Session, 2012; 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:

Ashford	Cornett	Harms	Larson	Pahls
Avery	Council	Harr, B.	Lathrop	Pirsch
Bloomfield	Dubas	Heidemann	Lautenbaugh	Price
Brasch	Fischer	Howard	Louden	Schilz
Campbell	Flood	Janssen	McCoy	Schumacher
Carlson	Fulton	Karpisek	McGill	Smith
Christensen	Gloor	Krist	Mello	Sullivan
Coash	Haar, K.	Lambert	Nelson	Wallman
Conrad	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Adams Hansen

Excused and not voting, 2:

Cook 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 711, 751, 751A, 799, 824, 834, 842, 845, 858, 867, 870, 882, 907, 916, 933, 962, 963, 983, 1079, and 1079A.

SELECT FILE

LEGISLATIVE BILL 1058. ER266, found on page 1274, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001. ER260, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 972. ER261, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1115. ER265, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1020. ER263, found on page 1275, was adopted.

Senator Nordquist offered the following amendment:

AM2700

(Amendments to E & R amendments, ER263)

- 1 1. On page 1, line 8, after "and" insert "competitive".
- 2 2. On page 2, line 6, after "award" insert "competitive";
- 3 in line 8 strike "to any school district that" and insert ". Any
- 4 school district shall be eligible for a competitive grant under
- 5 the Coordinated School Health Program if such school district";
- 6 in line 15 after "(2)" insert "The department shall consider the
- 7 following when selecting the recipients of competitive grants under
- 8 the Coordinated School Health Program:
- 9 (a) Location in an area that has been designated as
- 10 a health profession shortage area pursuant to section 71-5665
- 11 or federal law or as a medically underserved area or population
- 12 pursuant to Nebraska or federal law; or
- 13 (b) The majority of the district's students are eligible
- 14 for free or reduced-price lunches.
- 15 (3); in lines 15 and 18 before "grants" insert
- 16 "competitive"; and strike beginning with the comma in line 19
- 17 through "lunches" in line 26.
- 18 3. On page 3, lines 2, 9, 14, and 15, before "grant"
- 19 insert "competitive".

20 4. On page 3, line 2, strike "(3)" and insert "(4)";
 21 in line 9 strike "(4)" and insert "(5)"; in line 13 strike "(5)"
 22 and insert "(6)"; in line 18 strike "The" through "Education"
 1 and insert "The State Department of Education shall select the
 2 recipients of competitive grants under the Coordinated School
 3 Health Program.
 4 (2) The department"; in line 19 before "grants" insert
 5 "competitive"; and in lines 19 and 20 strike "Nebraska" through
 6 "Act" and insert "Coordinated School Health Program".
 7 5. On page 4, line 3, strike "(2)" and insert "(3)"; and
 8 in line 6 strike "(1)(e)" and insert "(2)(e)".

The Nordquist amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1113. ER268, found on page 1275, was adopted.

Senator Flood renewed his amendment, AM2026, found on page 1184.

The Flood 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.

MESSAGE FROM THE GOVERNOR

April 2, 2012

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131e, 968e, and 969e were received in my office on March 27, 2012.

These bills were signed and delivered to the Secretary of State on April 2, 2012.

Sincerely,
 (Signed) Dave Heineman
 Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 2, 2012, at 11:30 a.m. were the following: LBs 711, 751e, 751Ae, 799, 824e, 834, 842, 845e, 858, 867e, 870, 882, 907, 916e, 933, 962, 963e, 983, 1079e, and 1079Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 617. Introduced by Gloor, 35; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lambert, 2; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Wightman, 36.

WHEREAS, Senator Dennis Utter served in the Nebraska Legislature, representing District 33, from January of 2009 until his death in December of 2011; and

WHEREAS, in this capacity Senator Utter proudly wore the state seal lapel pin representing the office of state senator; and

WHEREAS, we, the forty-nine members of the Nebraska Legislature, have shared in the honor of wearing that lapel pin each day during the One Hundred Second Legislature, Second Session, in honor of Senator Utter's work and life and our memories of him.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature returns the lapel pin to Senator Dennis Utter's family with great appreciation for sharing their loved one with the Legislature and with sincere sympathy for their loss.

2. That a copy of this resolution be sent to the family of Senator Dennis Utter.

Laid over.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1199:

Stem Cell Research Advisory Committee
Bradley Keller

Rebecca Jane Morris
 Dennis Roop
 Gerald Spangrude

Voting in the affirmative, 35:

Adams	Coash	Harms	Lautenbaugh	Price
Avery	Conrad	Harr, B.	McCoy	Schilz
Bloomfield	Dubas	Howard	McGill	Schumacher
Brasch	Fischer	Janssen	Nelson	Smith
Campbell	Fulton	Krist	Nordquist	Sullivan
Carlson	Gloor	Lambert	Pahls	Wallman
Christensen	Haar, K.	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Council	Hadley	Heidemann	Lathrop
Cornett	Flood	Hansen	Karpisek	Mello

Excused and not voting, 4:

Cook	Langemeier	Louden	Seiler
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Pahls moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1221:

Department of Economic Development
 Catherine D. Lang, Director

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 398. Placed on Final Reading.

LEGISLATIVE BILL 719. Placed on Final Reading.

ST92

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 27, lines 23 and 24, "his or her" has been struck, the old matter shown as stricken, and "the" inserted.

2. On page 33, line 12, "him or her" has been struck, the old matter shown as stricken, and "the administrator" inserted; and in line 23 "State Records Administrator." has been struck, shown as stricken, and "administrator." inserted.

3. On page 34, line 3, "State Records Administrator," has been struck and the old matter shown as stricken; and in line 4 "administrator." has been inserted after the stricken period.

4. On page 34, lines 7 and 22; and page 35, lines 4 and 5 and 6, "State Records Administrator" has been struck, shown as stricken, and "administrator" inserted.

LEGISLATIVE BILL 721. Placed on Final Reading.

LEGISLATIVE BILL 729. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

LEGISLATIVE BILL 743. Placed on Final Reading.

LEGISLATIVE BILL 761. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

LEGISLATIVE BILL 772. Placed on Final Reading.

LEGISLATIVE BILL 779. Placed on Final Reading.

ST90

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 11, line 17, the first "such" has been struck, shown as stricken, and "the transportation services" inserted.

LEGISLATIVE BILL 788. Placed on Final Reading.

LEGISLATIVE BILL 823. Placed on Final Reading.

LEGISLATIVE BILL 896. Placed on Final Reading.

LEGISLATIVE BILL 898. Placed on Final Reading.

LEGISLATIVE BILL 1035. Placed on Final Reading.

LEGISLATIVE BILL 1042. Placed on Final Reading.

LEGISLATIVE BILL 1049. Placed on Final Reading.

LEGISLATIVE BILL 1062. Placed on Final Reading.

LEGISLATIVE BILL 1101. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 536, 985e, 985Ae, 310, 391e, 782, 810, 863, 902e, 965, 995e, 1039, and 1130 .

(Signed) Jeremy Nordquist

VISITORS

Visitors to the Chamber 20 twelfth-grade students and teacher from Lyons-Decatur; 100 fourth-grade students and teachers from Gretna; 15 twelfth-grade students and teachers from Cedar Rapids; 90 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 20 fourth-grade students, teacher, and sponsor from Seymour Elementary, Ralston.

RECESS

At 12:02 p.m., on a motion by Senator Avery, 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 Senators Cook and Seiler who were excused; and Senators Conrad, Cornett, Janssen, Lautenbaugh, Mello, Sullivan, and Wightman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 734. Placed on Final Reading.

LEGISLATIVE BILL 737. Placed on Final Reading.

LEGISLATIVE BILL 740. Placed on Final Reading.

LEGISLATIVE BILL 768. Placed on Final Reading.

ST89

The following changes, required to be reported for publication in the Journal, have been made:

1. Sections 2 and 3 have been renumbered as sections 3 and 2, respectively.

LEGISLATIVE BILL 795. Placed on Final Reading.

LEGISLATIVE BILL 805. Placed on Final Reading.

LEGISLATIVE BILL 819. Placed on Final Reading.

LEGISLATIVE BILL 851. Placed on Final Reading.

LEGISLATIVE BILL 869. Placed on Final Reading.

LEGISLATIVE BILL 880. Placed on Final Reading.

ST93

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 11, line 8, "him or her" has been struck, the old matter shown as stricken, and "the administrator" inserted.

LEGISLATIVE BILL 881. Placed on Final Reading.
LEGISLATIVE BILL 941. Placed on Final Reading.
LEGISLATIVE BILL 1030. Placed on Final Reading.
LEGISLATIVE BILL 1077. Placed on Final Reading.
LEGISLATIVE BILL 1083. Placed on Final Reading.
LEGISLATIVE BILL 1106. Placed on Final Reading.
LEGISLATIVE BILL 1116. Placed on Final Reading.
LEGISLATIVE BILL 1122. Placed on Final Reading.
LEGISLATIVE BILL 1141. Placed on Final Reading.
LEGISLATIVE BILL 1148. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1053A:
 AM2621 is available in the Bill Room.

MOTIONS - Approve Appointments

Senator Pahls renewed his motion, found in this day's Journal, to adopt the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 1221:

Department of Economic Development
 Catherine D. Lang, Director

Voting in the affirmative, 32:

Adams	Dubas	Heidemann	McCoy	Price
Ashford	Fischer	Howard	McGill	Schumacher
Avery	Flood	Karpisek	Mello	Wallman
Brasch	Gloor	Krist	Nelson	Wightman
Campbell	Haar, K.	Lambert	Nordquist	
Carlson	Hadley	Lathrop	Pahls	
Conrad	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 3:

Larson	Schilz	Smith
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Present and not voting, 9:

Bloomfield	Coash	Fulton	Harr, B.	Louden
Christensen	Council	Hansen	Janssen	

Excused and not voting, 5:

Cook Cornett Langemeier Seiler Sullivan

The appointment was confirmed with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1280:

Nebraska Arts Council
Timothy Hart

Voting in the affirmative, 38:

Adams	Fischer	Howard	Lautenbaugh	Price
Ashford	Flood	Janssen	Louden	Schilz
Bloomfield	Fulton	Karpisek	McCoy	Schumacher
Brasch	Gloor	Krist	McGill	Smith
Campbell	Haar, K.	Lambert	Mello	Wallman
Carlson	Hadley	Langemeier	Nelson	Wightman
Coash	Hansen	Larson	Nordquist	
Dubas	Heidemann	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 7:

Avery	Conrad	Harms	Pahls
Christensen	Council	Harr, B.	

Excused and not voting, 4:

Cook	Cornett	Seiler	Sullivan
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1020A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1063A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 998A. ER267, found on page 1279, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 825. Placed on Select File with amendment.
ER272

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. For purposes of sections 1 to 6 of this act:
4 (1) Client means an applicant for one or more economic
5 assistance programs or his or her legal representative;
6 (2) Community-based organization means:
7 (a) An area agency on aging established pursuant to the
8 Nebraska Community Aging Services Act;
9 (b) A Nebraska-based community action agency designated
10 under the federal Economic Opportunity Act of 1964, 42 U.S.C. 2701
11 et seq., as such act existed on January 1, 2012;
12 (c) A Nebraska-based center for independent living
13 established under the federal Rehabilitation Act of 1973, 29 U.S.C.
14 701 et seq., as such act existed on January 1, 2012;
15 (d) A Nebraska-based rural health clinic established
16 under the federal Rural Health Clinics Act of 1983, 42 U.S.C. 201
17 et seq., as such act existed on January 1, 2012;
18 (e) A Nebraska-based federally qualified health center
19 and rural health clinic as such terms are defined in the federal
20 Social Security Act, 42 U.S.C. 1395x(aa), as such section existed
21 on January 1, 2012; and
22 (f) Any other organization that demonstrates to the
23 Department of Health and Human Services that it can comply with the
1 requirements of subsection (2) of section 5 of this act;
2 (3) Economic assistance programs includes aid to
3 dependent children; aid to the aged, blind, and disabled;
4 Supplemental Nutrition Assistance Program; medicaid; child care;
5 emergency assistance; energy assistance; social services block
6 grants; and other similar programs administered by the department;
7 and
8 (4) Existing local office means all office locations for
9 economic assistance programs of the Department of Health and Human
10 Services that existed on January 1, 2012.
11 Sec. 2. (1) The Department of Health and Human Services
12 shall staff multiple, integrated access points for economic
13 assistance programs administered by the department in order to
14 assure that Nebraskans who rely on such programs will be able to
15 utilize them effectively.

16 (2) The department shall staff existing local offices
17 that provide access to economic assistance programs throughout the
18 state with caseworkers to provide in-person services to department
19 clients. The department shall provide sufficient numbers and hours
20 of staff to perform the activities described in this section and
21 section 3 of this act.

22 (3) The department shall determine appropriate numbers
23 and hours of staff for each existing local office based on a review
24 of the need in each service area. In determining the appropriate
25 numbers and hours of staff, the department shall, at a minimum,
26 consider: (a) The need for staff to travel to community-based
27 organizations as provided in section 5 of this act; (b) the volume
1 of economic assistance cases in the counties served by the existing
2 local office; (c) the number of community-based organizations in
3 the counties served by the existing local office; (d) the volume
4 of call-center calls originating in the counties served by the
5 existing local office; and (e) the requirements of sections 1 to 5
6 of this act.

7 (4) Caseworkers at existing local offices shall perform
8 the following activities by appointment and on a drop-in basis:

9 (a) Help clients complete assistance and renewal
10 applications;

11 (b) Screen clients for program eligibility;

12 (c) Interview clients for assistance eligibility and
13 assistance renewal eligibility;

14 (d) Determine program eligibility of the client; and

15 (e) Answer client questions in person.

16 (5) Department call centers for economic assistance
17 programs shall take appointments for face-to-face help for clients
18 regarding or relating to such assistance upon request of the
19 client.

20 (6) Each existing local office shall be equipped with a
21 reasonable number of computers, telephones, and scanning equipment
22 for client use.

23 Sec. 3. (1) The Department of Health and Human Services
24 shall provide high-quality services for clients who apply for or
25 receive benefits under public benefit programs administered by the
26 department.

27 (2) The department shall utilize department caseworkers
1 who are located in call centers, dedicated caseworkers, and
2 specialized department employees or units who will provide
3 in-person assistance to specific clients.

4 (3) Upon the request of the client, dedicated caseworkers
5 shall, at a minimum, be utilized for persons with chronic physical
6 or mental disorders and the elderly that require the provision of
7 medical and personal care services on a recurring or continuing
8 basis.

9 (4) Specialized department employees or units shall, at a
10 minimum, be utilized for complex cases, including medicaid waiver

11 cases, medicaid spousal impoverishment cases, disability cases, and
12 other similar cases upon request of the client.

13 (5) The dedicated caseworkers and specialized department
14 employees or units shall be placed in the existing local offices
15 established or reestablished under section 2 of this act and shall
16 be accessible to department caseworkers in call centers.

17 Sec. 4. (1) Community support specialists within the
18 Department of Health and Human Services shall:

19 (a) Act as a liaison between the department and
20 community-based organizations;

21 (b) Facilitate client assistance by community-based
22 organizations;

23 (c) Train community-based organizations in how to help
24 clients access economic assistance programs through the department
25 web site; and

26 (d) Respond to client problems with the application
27 process known as Access Nebraska or its successor.

1 (2) The department shall determine the appropriate
2 numbers and hours of community support specialists but shall, at
3 a minimum, employ eight community support specialists to perform
4 the requirements of subsection (1) of this section. The community
5 support specialists shall receive annual training in:

6 (a) Principles and practices of public administration;

7 (b) Procedure and policy development; and

8 (c) Federal and state laws, rules, regulations, and
9 procedures pertaining to health and human services programs.

10 Sec. 5. (1) The Department of Health and Human Services
11 shall enter into contracts with community-based organizations
12 which allow the department to keep caseworkers present at the
13 community-based organization at the times specified in the
14 contract. A contract under this section shall specify sufficient
15 times to allow caseworkers to:

16 (a) Screen and conduct interviews for assistance
17 eligibility and assistance renewal;

18 (b) Assist clients with assistance applications and
19 renewals;

20 (c) Receive assistance applications and renewals;

21 (d) Answer questions in person;

22 (e) Train and provide technical assistance to staff of
23 community-based organizations; and

24 (f) Conduct face-to-face interviews with clients by
25 appointment and on a drop-in basis.

26 (2) In addition to the requirements specified in
27 subsection (1) of this section, each such contract shall allow the
1 community-based organization to:

2 (a) Provide quality, accurate information relating to
3 economic assistance programs that are targeted at populations known
4 to have low participation rates in or difficulty accessing such
5 assistance programs;

6 (b) Provide quality outreach to clients in the target
7 populations who utilize economic assistance programs;

8 (c) Assist clients in scheduling appointments with
9 caseworkers at a community-based organization facility or local
10 office that provides access to economic assistance programs,
11 whichever the client prefers;

12 (d) Assist with organization of information required for
13 economic assistance application or renewal; and

14 (e) Negotiate fair compensation for services provided to
15 applicants for economic assistance benefits as described in this
16 section.

17 (3) The department shall maintain a sufficient number
18 of contracts to provide access to assistance for all Nebraska
19 citizens in establishing and maintaining eligibility for economic
20 assistance programs. In determining the number of contracts with
21 community-based organizations, the department shall, at a minimum,
22 consider:

23 (a) The geographic distance applicants would be required
24 to travel to meet with a caseworker in person and how to minimize
25 that distance;

26 (b) The volume of economic assistance cases in the
27 service area and how to adequately serve those cases;

1 (c) The number of clients in an area who have difficulty
2 in verbal and written communication due to hearing or vision
3 impairment, language barriers, or literacy challenges and how to
4 accommodate their needs;

5 (d) The community-based organization's ability to serve
6 the need; and

7 (e) The number of existing local offices in the service
8 area.

9 Sec. 6. The Department of Health and Human Services
10 shall fulfill the requirements of sections 1 to 5 of this act
11 by September 1, 2012. The department shall train community-based
12 organizations by September 1, 2012. The department shall report
13 back to the Health and Human Services Committee of the Legislature
14 by September 15, 2012, regarding the implementation of sections
15 1 to 5 of this act, including, but not limited to, the reasons
16 for the department's determinations of the appropriate number of
17 staff and hours pursuant to section 2 of this act and the number
18 of community-based organization contracts pursuant to section 5 of
19 this act.

20 Sec. 7. The purposes of sections 7 to 12 of this act are
21 to:

22 (1) Simplify the management and delivery of public
23 benefits by the Department of Health and Human Services;

24 (2) Make the delivery system for public benefits more
25 efficient and effective; and

26 (3) Coordinate and simplify public benefit programs and
27 systems.

1 Sec. 8. For purposes of sections 7 to 12 of this act:

2 (1) Aid to dependent children program means the program
3 described in section 43-512;

4 (2) Child Care and Development Block Grant means the
5 program established under 42 U.S.C. 9858 et seq.;

6 (3) Child care subsidy program means the program
7 established under section 68-1202;

8 (4) Children's Health Insurance Program means the program
9 established under 42 U.S.C. 1397aa;

10 (5) Department means the Department of Health and Human
11 Services;

12 (6) Medical assistance program means the program
13 established pursuant to the Medical Assistance Act;

14 (7) Renewal means establishment of continued eligibility
15 for a program for an additional period of time;

16 (8) Supplemental Nutrition Assistance Program means the
17 federal program administered under sections 68-1017 to 68-1017.02;
18 and

19 (9) Temporary Assistance for Needy Families program means
20 the program established under 42 U.S.C. 601 et seq.

21 Sec. 9. The policies and requirements in sections 7
22 to 12 of this act shall be implemented in accord with the
23 Temporary Assistance for Needy Families program, the Child Care
24 and Development Block Grant, the Supplemental Nutrition Assistance
25 Program, the medical assistance program, and the Children's Health
26 Insurance Program and any other state or federal programs in which
27 the State of Nebraska participates. The department shall seek any
1 and all state plan amendments or waivers necessary to implement
2 sections 7 to 12 of this act.

3 Sec. 10. The department shall simplify documentation
4 requirements for public benefit programs. The policies to be
5 implemented by the department to effectuate this intent shall
6 include, but not be limited to, selection and utilization of
7 the least burdensome and least redundant verification procedures
8 for recipients that are allowed under federal law for the
9 medical assistance program, the aid to dependent children program,
10 the child care subsidy program, and the Supplemental Nutrition
11 Assistance Program.

12 Sec. 11. The department shall share verification
13 of client information across the public benefit programs it
14 administers, including the medical assistance program, the aid to
15 dependent children program, the child care subsidy program, and
16 the Supplemental Nutrition Assistance Program, in order to permit
17 client information verified in one program to update eligibility
18 information in another program.

19 Sec. 12. The department shall coordinate and simplify
20 public benefit renewals in the medical assistance program, the
21 aid to dependent children program, the child care subsidy program,
22 and the Supplemental Nutrition Assistance Program. The policies to

23 be implemented by the department to effectuate this intent shall
 24 include:
 25 (1) Renewal of all such programs simultaneously to the
 26 greatest extent possible; and
 27 (2) Allow closed cases to be reopened and eligibility to
 1 be established for individuals whose application for assistance was
 2 denied within the previous thirty days or whose case was closed
 3 within the previous thirty days, as allowed under the medical
 4 assistance program, the Children's Health Insurance Program, and
 5 the Supplemental Nutrition Assistance Program.
 6 2. On page 1, strike beginning with "establish" in line
 7 1 through line 4 and insert "define terms; to establish local
 8 offices for access to public benefit programs; to provide duties
 9 for the Department of Health and Human Services; to require
 10 high-quality services for clients; to state intent; and to require
 11 simplified documentation, verification, and renewals for public
 12 benefit programs."

LEGISLATIVE BILL 825A. Placed on Select File.

LEGISLATIVE BILL 872. Placed on Select File with amendment.
 ER273

1 1. On page 1, line 4, after "define" insert "and
 2 redefine".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 722. Placed on Final Reading.
LEGISLATIVE BILL 738. Placed on Final Reading.
LEGISLATIVE BILL 822. Placed on Final Reading.
LEGISLATIVE BILL 865. Placed on Final Reading.
LEGISLATIVE BILL 897. Placed on Final Reading.
LEGISLATIVE BILL 899. Placed on Final Reading.
LEGISLATIVE BILL 936. Placed on Final Reading.
LEGISLATIVE BILL 997. Placed on Final Reading.
LEGISLATIVE BILL 1005. Placed on Final Reading.
LEGISLATIVE BILL 1026. Placed on Final Reading.
LEGISLATIVE BILL 1038. Placed on Final Reading.
LEGISLATIVE BILL 1051. Placed on Final Reading.
LEGISLATIVE BILL 1054. Placed on Final Reading.
LEGISLATIVE BILL 1054A. Placed on Final Reading.

LEGISLATIVE BILL 1087. Placed on Final Reading.

ST91

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2364, on page 2, line 17, "member" has been struck and "members" inserted.

LEGISLATIVE BILL 1087A. Placed on Final Reading.

LEGISLATIVE BILL 1121. Placed on Final Reading.

LEGISLATIVE BILL 1126. Placed on Final Reading.

LEGISLATIVE BILL 1140. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Cook filed the following amendment to LB1063:
AM2706

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Sections 1 to 5 of this act shall be known and
4 may be cited as the Children's Health and Treatment Act.
5 Sec. 2. The purpose of the Children's Health and
6 Treatment Act are to:
7 (1) Require that the guidelines and criteria that the
8 Department of Health and Human Services utilizes to determine
9 medical necessity for services under the medical assistance program
10 be adopted and promulgated as rules and regulations pursuant to the
11 Administrative Procedure Act which provides for notice and public
12 comment; and
13 (2) Require that the department collect and report on
14 authorization and denial rates for behavioral health services for
15 children under nineteen years of age.
16 Sec. 3. For purposes of the Children's Health and
17 Treatment Act:
18 (1) Department means the Department of Health and Human
19 Services; and
20 (2) Medical assistance program means the program
21 established pursuant to section 68-903.
22 Sec. 4. The department shall report to the Health
23 and Human Services Committee of the Legislature on utilization
1 controls, including, but not limited to, the rates of initial
2 service authorizations, reauthorizations subsequent to initial
3 service authorizations, and denials for behavioral health services
4 for children under nineteen years of age. The first report
5 shall be due on October 1, 2012, and shall contain such rates
6 of initial service authorizations, reauthorizations subsequent to
7 initial service authorizations, and denials for behavioral health
8 services for children under nineteen years of age for the first
9 three quarters of 2012. Thereafter, on January 1, April 1, and
10 July 1 of each year, the department shall report such rates
11 of initial service authorizations, reauthorizations subsequent to
12 initial service authorizations, and denials for behavioral health

13 services for children under nineteen years of age for the previous
14 calendar quarter.
15 Sec. 5. The department shall adopt and promulgate rules
16 and regulations to carry out the Children's Health and Treatment
17 Act. On and after January 1, 2013, the department shall not
18 apply clinical criteria or guidelines, medical necessity criteria,
19 or other similar criteria to determine medical necessity for
20 children under nineteen years of age that have not been adopted and
21 promulgated as rules and regulations pursuant to the Administrative
22 Procedure Act.

RESOLUTION

LEGISLATIVE RESOLUTION 618. Introduced by Mello, 5; Conrad, 46; Cook, 13; Council, 11; Dubas, 34; K. Haar, 21; Harms, 48; B. Harr, 8; Howard, 9; Lambert, 2; Lathrop, 12; McGill, 26; Nordquist, 7; Sullivan, 41; Wallman, 30.

WHEREAS, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, tens of thousands more are permanently disabled; and

WHEREAS, millions are injured or made ill; and

WHEREAS, concerned Americans are determined to prevent these tragedies through the following activities: Observing Workers Memorial Day on April 28, 2012, as a day to remember these victims of workplace injuries and disease; renewing efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and rededicating themselves to improving safety and health in every American workplace.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates April 28, 2012, as Workers Memorial Day in the State of Nebraska in recognition of workers who have been killed, injured, or disabled on the job.

2. That a copy of this resolution be sent to the AFL-CIO Safety and Health Department.

Laid over.

SELECT FILE

LEGISLATIVE BILL 357. ER89, found on page 1189, First Session, 2011, was adopted.

Senator Fischer withdrew her amendment, AM1237, found on page 1286, First Session, 2011.

Senator Cornett withdrew her amendment, AM1305, found on page 1392, First Session, 2011.

The Utter amendment, AM1430, found on page 1500, First Session, 2011, was withdrawn.

Senator Schumacher withdrew his amendment, AM1441, found on page 1545, First Session, 2011.

Senator Ashford renewed the Ashford et al. amendment, AM2447, found on page 944.

Senator Mello withdrew his amendment, AM2538, found on page 1004.

Senator Mello offered the following amendment to the Ashford et al. amendment:

AM2710

(Amendments to AM2447)

- 1 1. On page 3, after line 27, insert the following new
- 2 subsection:
- 3 "~~(4)~~ No sales and use tax shall be imposed at a rate
- 4 greater than one and one-half percent or increased to a rate
- 5 greater than one and one-half percent in a city of the metropolitan
- 6 class unless (a) the proceeds from the first one-quarter percent
- 7 of such tax rate or tax rate increase that is in excess of one
- 8 and one-half percent will be used for a municipal project to reduce
- 9 overflows from a combined sewer system pursuant to a long-term
- 10 control plan approved by the Department of Environmental Quality
- 11 for a period of twenty-five years after imposition of the tax or
- 12 increase, until the project is completed, or until termination of
- 13 the tax, whichever is earlier, and (b) other funding sources for
- 14 the project will be reduced by a similar amount for such period."
- 15 2. On page 4, line 1, strike "~~(4)~~" and insert "~~(5)~~" and
- 16 strike "~~and (3)~~" and insert "to (4)"; and in line 4 strike "~~(5)~~"
- 17 and insert "~~(6)~~".

SENATOR CARLSON PRESIDING

Pending.

MESSAGES FROM THE GOVERNOR

April 2, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 42, 735, 861, and 1018 were received in my office on March 27, 2012.

These bills were signed and delivered to the Secretary of State on April 2, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 2, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB1072e with certain line-item reductions.

I have no objection to sections of this miscellaneous claims bill other than section 1 which proposes payments totaling \$2,499,342.98 to pay fifty claims submitted by subcontractors of the Boys and Girls Home corporation. These subcontractors were not directly engaged in any contract with the State of Nebraska.

The State has satisfied its obligations under Neb. Rev. Stat. § 43-290 and under its contract with Boys and Girls Home, Inc. As the State is not an insurer of private contracts, I object to this attempt to make the taxpayers responsible for debts incurred by a private organization. Furthermore, paying these claims as LB 1072 proposes would violate the Nebraska Constitution.

Article III, Section 18 of the Nebraska Constitution prohibits special legislation, stating that "The Legislature shall not pass local or special laws in any of the following cases, that is to say: ...Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever..."

On two occasions, the Nebraska Supreme Court held that appropriations similar to those set forth in section 1 of LB 1072 amounted to unconstitutional legislation and voided the legislative efforts to make payments to partially reimburse the impacted individuals. Similar to the current situation, assertions were made that an appropriation needed to be made due to the negligent actions of a state agency and its employees in managing the situation.

In the early 1900s, the Nebraska Legislature concluded that while the State had no legal obligation to provide money for the reimbursement of creditors of the failed Commonwealth Savings Company, it had a moral obligation to do so and appropriated money for this purpose. Then, LB 272A was passed and enacted in 1990 to appropriate money for reimbursement of Commonwealth's creditors. The bill's constitutionality was challenged in court.

The Nebraska Supreme Court ruled in the case of *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991), that no moral obligation to pay these creditors existed and that the bill's appropriation amounted to unconstitutional special legislation.

The court explained that "a moral obligation attaches when there is a law [which] is passed notifying and warning the taxpayer and the citizen generally that the state...will undertake the burden of such damages." 467 N.W.2d at 847. Citing to the legal arguments made on behalf of the taxpayer that filed the lawsuit, the court also noted that the legislative appropriations "in response to what are deemed to be moral obligations, invite open-ended appeals from those claiming injury where there is an arguable connection between that injury and state governmental activity." *Id.*

The court further ruled that a legislative act violates Neb. Const. art. III, §18, as special legislation...by creating a permanently closed class. Since the court ruled that there was no moral obligation on the part of the State to reimburse the creditors, and because creditors of Commonwealth constituted a closed class, the LB 272A appropriation was found to be special legislation and ruled unconstitutional.

The Commonwealth creditors then sought reimbursement via the state claims process, eventually filing miscellaneous claims with the State Claims Board. When the Legislature then passed its 1993 claims bill, it included appropriations for these miscellaneous claims.

That bill's constitutionality was quickly challenged in court. The Nebraska Supreme Court determined that the claims bill was an attempt to circumvent the court's *Haman* ruling, and again found the Legislature's action to be unconstitutional special legislation.

The court decided that "the Legislature is empowered to make appropriations to meet the legal obligations of the state... The Legislature is not empowered to make appropriations for purely charitable purposes." *Henry v. Rocky*, 246 Neb. 398, 518 NW 2d 658, 663 (1994).

While I appreciate, respect, and share your concerns about the subcontractors of the Boys and Girls Home corporation, those concerns and sympathy do not provide an adequate legal basis for the appropriation of taxpayer money authorized in LB 1072. The present circumstances are similar to the facts presented to the Nebraska Supreme Court in the *Haman* and the *Henry* cases. The bill's proposal to pay these miscellaneous claims violates the Nebraska Constitution. This component of LB 1072 is unwise and improper.

For these reasons, I urge you to sustain my line-item vetoes of LB 1072.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 357. The Mello amendment, AM2710, found in this day's Journal, to the Ashford et al. amendment, was renewed.

SENATOR FISCHER PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Mello requested a roll call vote on his amendment.

The Mello amendment lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1020A. Placed on Select File.

LEGISLATIVE BILL 1063A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 972. Placed on Final Reading.**LEGISLATIVE BILL 1001.** Placed on Final Reading.**LEGISLATIVE BILL 1058.** Placed on Final Reading.**LEGISLATIVE BILL 1115.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 619.** Introduced by Avery, 28.

WHEREAS, the first Nebraska Legislature enacted a law on June 14, 1867, to provide a new location for the seat of the government of Nebraska and stipulated the new capital city, once located, would be named after President Abraham Lincoln; and

WHEREAS, in 1903, Lancaster County Senator John H. McClay introduced a bill which created the Abraham Lincoln Centennial Memorial Association of Nebraska to oversee the creation of a monument to celebrate the one-hundredth anniversary of Abraham Lincoln's birth on February 12, 1909; and

WHEREAS, on May 12, 1908, the thirty-first Nebraska Legislature passed House Roll No. 36 which appropriated \$20,000 for the erection of a memorial statue to Abraham Lincoln on the capitol grounds; and

WHEREAS, the Abraham Lincoln Centennial Memorial Association of Nebraska chose noted American sculptor Daniel Chester French and architect Henry Bacon to create the monument. After completing the Lincoln Monument in Nebraska they went on to create the Lincoln Memorial on the National Mall in Washington D.C.; and

WHEREAS, the unveiling and dedication of this public monument to Abraham Lincoln in the capital city bearing his name was held on September 2, 1912, with thousands of Nebraskans in attendance; and

WHEREAS, the Office of the Nebraska Capitol Commission is celebrating the 100th anniversary of the Lincoln Monument with a rededication ceremony at the Nebraska State Capitol on September 2, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes Nebraska's Lincoln Monument as a major work of twentieth-century public art and commends the Office of the Nebraska Capitol Commission for recognizing this nationally significant monument.

2. That a copy of this resolution be sent to the Office of the Nebraska Capitol Commission.

Laid over.

SELECT FILE

LEGISLATIVE BILL 357. Senator Ashford asked unanimous consent to withdraw the Ashford et al. amendment, AM2447, found on page 944 and considered in this day's Journal, and replace it with his substitute amendment, AM2712. No objections. So ordered.

AM2712

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. Section 77-27,142, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-27,142 (1) Any incorporated municipality by ordinance
6 of its governing body is hereby authorized to impose a sales and
7 use tax of one-half percent, one percent, ~~or one and one-half~~
8 percent, one and three-quarters percent, or two percent upon the
9 same transactions that are sourced under the provisions of sections
10 77-2703.01 to 77-2703.04 within such incorporated municipality on
11 which the State of Nebraska is authorized to impose a tax pursuant
12 to the Nebraska Revenue Act of 1967, as amended from time to time.
13 No sales and use tax shall be imposed pursuant to this section
14 until an election has been held and a majority of the qualified
15 electors have approved such tax pursuant to sections 77-27,142.01
16 and 77-27,142.02.

17 (2)(a) Any incorporated municipality that proposes to
18 impose a municipal sales and use tax at a rate greater than one
19 and one-half percent or increase a municipal sales and use tax
20 to a rate greater than one and one-half percent shall submit the
21 question of such tax or increase at a primary or general election
22 held within the incorporated municipality. The question shall be
23 submitted upon an affirmative vote by at least seventy percent
1 of all of the members of the governing body of the incorporated
2 municipality.

3 (b) Any rate greater than one and one-half percent shall
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds
6 from the first one-quarter percent of the rate greater than one and
7 one-half percent shall be used to reduce other taxes, the proceeds
8 from the next one-eighth percent of the rate greater than one and
9 one-half percent shall be used for public infrastructure projects,
10 and the proceeds from the next one-eighth percent of the rate
11 greater than one and one-half percent shall be used for purposes of
12 the interlocal agreement or joint public agency agreement described
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen
15 percent of the proceeds from the rate in excess of one and one-half
16 percent may be used for non-public infrastructure project of
17 an interlocal agreement or joint public agency agreement with
18 another political subdivision within the municipality or the
19 county in which the municipality is located, and the remaining

20 proceeds shall be used for public infrastructure projects or
 21 voter-approved infrastructure related to an economic development
 22 program as defined in section 18-2705; and

23 (iii) In any incorporated municipality other than a city
 24 of the metropolitan or primary class, the proceeds from the rate
 25 in excess of one and one-half percent shall be used for public
 26 infrastructure projects or voter-approved infrastructure related to
 27 an economic development program as defined in section 18-2705.

1 For purposes of this section, public infrastructure
 2 project means and includes, but is not limited to, any of the
 3 following projects, or any combination thereof: Public highways and
 4 bridges and municipal roads, streets, bridges, and sidewalks; solid
 5 waste management facilities; wastewater, storm water, and water
 6 treatment works and systems, water distribution facilities, and
 7 water resources projects, including, but not limited to, pumping
 8 stations, transmission lines, and mains and their appurtenances;
 9 hazardous waste disposal systems; resource recovery systems;
 10 airports; port facilities; buildings and capital equipment used
 11 in the operation of municipal government; convention and tourism
 12 facilities; redevelopment projects as defined in section 18-2103;
 13 mass transit and other transportation systems, including parking
 14 facilities; and equipment necessary for the provision of municipal
 15 services.

16 (c) Any rate greater than one and one-half percent shall
 17 terminate no more than ten years after its effective date or, if
 18 bonds are issued and the local option sales and use tax revenue is
 19 pledged for payment of such bonds, upon payment of such bonds and
 20 any refunding bonds, whichever date is later, except as provided in
 21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and
 23 one-half percent is stated in the ballot question as being imposed
 24 for the purpose of the interlocal agreement or joint public agency
 25 agreement described in subdivision (2)(b)(ii) or subsection (3) of
 26 this section, and such portion is at least one-eighth percent,
 27 there shall be no termination date for the rate representing such
 1 portion rounded to the next higher one-quarter or one-half percent.

2 (e) Sections 13-518 to 13-522 apply to the revenue from
 3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed
 5 at a rate greater than one and one-half percent or increased to a
 6 rate greater than one and one-half percent unless the municipality
 7 is a party to an interlocal agreement pursuant to the Interlocal
 8 Cooperation Act or a joint public agency agreement pursuant to the
 9 Joint Public Agency Act with a political subdivision within the
 10 municipality or the county in which the municipality is located
 11 creating a separate legal or administrative entity relating to a
 12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)
 14 of this section, such interlocal agreement or joint public

15 agency agreement shall contain provisions, including benchmarks,
16 relating to the long-term development of unified governance
17 of public infrastructure projects with respect to the parties.
18 The Legislature may provide additional requirements for such
19 agreements, including benchmarks, but such additional requirements
20 shall not apply to any debt outstanding at the time the
21 Legislature enacts such additional requirements. The separate legal
22 or administrative entity created shall not be one that was in
23 existence for one calendar year preceding the submission of the
24 question of such tax or increase at a primary or general election
25 held within the incorporated municipality.

26 (c) Any other public agency as defined in section 13-803
27 may be a party to such interlocal cooperation agreement or joint
1 public agency agreement.

2 (d) A municipality is not required to use all of the
3 additional revenue generated by a sales and use tax imposed at a
4 rate greater than one and one-half percent or increased to a rate
5 greater than one and one-half percent under this subsection for the
6 purposes of the interlocal cooperation agreement or joint public
7 agency agreement set forth in this subsection.

8 (4) The provisions of subsections (2) and (3) of this
9 section do not apply to the first one and one-half percent of a
10 sales and use tax imposed by a municipality.

11 (5) Notwithstanding any provision of any municipal
12 charter, any incorporated municipality or interlocal agency or
13 joint public agency pursuant to an agreement as provided in
14 subsection (3) of this section may issue bonds in one or more
15 series for any municipal purpose and pay the principal of
16 and interest on any such bonds by pledging receipts from the
17 increase in the municipal sales and use taxes authorized by such
18 municipality. Any municipality which has or may issue bonds under
19 this section may dedicate a portion of its property tax levy
20 authority as provided in section 77-3442 to meet debt service
21 obligations under the bonds. For purposes of this subsection, bond
22 means any evidence of indebtedness, including, but not limited to,
23 bonds, notes including notes issued pending long-term financing
24 arrangements, warrants, debentures, obligations under a loan
25 agreement or a lease-purchase agreement, or any similar instrument
26 or obligation.

27 (2) A city of the metropolitan class is hereby authorized
1 to increase any city sales and use tax existing on January 1,
2 1978, imposed pursuant to this section by an amount not to exceed
3 one half of one percent if the question of such tax increase
4 is submitted to the voters of such city and the voters by a
5 majority vote approve such increase. The question of such increase
6 shall be submitted to the voters at the primary or general
7 election in 1980 if the city council shall submit a certified
8 copy of a resolution to that effect to the election commissioner
9 not later than forty one days prior to the primary or general

10 election. Notwithstanding the provisions of section 77-27,143, if
 11 the increase is approved by the voters at the primary or general
 12 election in 1980, the election commissioner shall file a certified
 13 copy of the election results with the Tax Commissioner on or before
 14 the last day of the month in which the election is held. If the
 15 increase is not approved by the voters at the primary or general
 16 election in 1980, no tax increased pursuant to this section shall
 17 remain in effect after December 31, 1980.

18 (3) A city of the primary class is hereby authorized
 19 to increase any city sales and use tax existing on January 1,
 20 1985, imposed pursuant to this section by an amount not to exceed
 21 one half of one percent if the question of such tax increase
 22 is submitted to the voters of such city and the voters by a
 23 majority vote approve such increase. The question of such increase
 24 shall be submitted to the voters at the next primary or general
 25 election or at a special election if the city council shall submit
 26 a certified copy of a resolution proposing the tax increase to
 27 the election commissioner within a reasonable time prior to the
 1 primary, general, or special election. If the increase is approved
 2 by the voters at the primary, general, or special election, the
 3 election commissioner shall file a certified copy of the election
 4 results with the Tax Commissioner on or before the last day of the
 5 month in which the election is held. If the voters of a city of
 6 the primary class have not approved such an increase by December
 7 31, 1987, the question of such an increase shall not be submitted
 8 thereafter to the voters and there shall be no increase in the city
 9 sales and use tax.

10 (4) A city of the first or second class or village is
 11 hereby authorized to increase any city sales and use tax existing
 12 on January 1, 1986, imposed pursuant to this section by an amount
 13 not to exceed one half of one percent if the question of such tax
 14 increase is submitted to the voters of such city or village and
 15 the voters by a majority vote approve such increase. The question
 16 of such increase shall be submitted to the voters at any primary
 17 or general election or at a special election if the city council
 18 or village board shall submit a certified copy of a resolution
 19 proposing the tax increase to the election commissioner or county
 20 clerk within a reasonable time prior to the primary, general, or
 21 special election. If the increase is approved by the voters at the
 22 primary, general, or special election, the election commissioner
 23 shall file a certified copy of the election results with the Tax
 24 Commissioner on or before the last day of the month in which the
 25 election is held.

26 Sec. 2. Section 77-27,142.01, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 77-27,142.01 (1) The governing body of any incorporated
 2 municipality may submit the question of changing any terms
 3 and conditions of a sales and use tax previously authorized
 4 under section 77-27,142. Except as otherwise provided by section

5 ~~77-27,142, the~~ The question of modification shall be submitted to
 6 the voters at any primary or general election or at a special
 7 election if the governing body submits a certified copy of the
 8 resolution proposing modification to the election commissioner or
 9 county clerk within the time prior to the primary, general, or
 10 special election prescribed in section 77-27,142.02.

11 (2) If the change imposes a sales and use tax at a
 12 rate greater than one and one-half percent or increases the sales
 13 and use tax to a rate greater than one and one-half percent, the
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or
 16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole
 20 or in part, from the revenue collected, along with any savings or
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
 23 collected and, if bonds will be issued with some or all of the
 24 revenue pledged for payment of such bonds, a statement that the
 25 revenue will be collected until the payment in full of such bonds
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
 1 the purposes of the interlocal agreement or joint public agency
 2 agreement as provided in subdivision (2)(b)(i) or subsection (3)
 3 of section 77-27,142; (ii) a statement of the overall purpose
 4 of the agreement which is the long-term development of unified
 5 governance of public infrastructure projects, if applicable; and
 6 (iii) the name of any other political subdivision which is a party
 7 to the agreement.

8 This subsection does not apply to the first one and
 9 one-half percent of a sales and use tax imposed by a municipality.

10 Sec. 3. Section 77-27,142.02, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 77-27,142.02 Except as otherwise provided by subsection
 13 (2) of section 77-27,142, after February 14, 1978, the power
 14 granted by section 77-27,142 shall not be exercised unless and
 15 until the question has been submitted at a primary, general, or
 16 special election held within the incorporated municipality and in
 17 which all qualified electors shall be entitled to vote on such
 18 question. The officials of the incorporated municipality shall
 19 order the submission of the question by submitting a certified copy
 20 of the resolution proposing the tax to the election commissioner
 21 or county clerk by March 1 for a primary election, by September 1
 22 for a general election, or at least fifty days before a special
 23 election. ~~The~~ Except as otherwise provided by subsection (2)
 24 of section 77-27,142.01, the question may include any terms and
 25 conditions set forth in the resolution proposing the tax, such as
 26 a termination date or the specific project or program for which

27 the revenue received from such tax will be allocated, and shall
 1 include the following language: Shall the governing body of the
 2 incorporated municipality impose a sales and use tax upon the
 3 same transactions within such municipality on which the State of
 4 Nebraska is authorized to impose a tax? If a majority of the votes
 5 cast upon such question shall be in favor of such tax, then the
 6 governing body of such incorporated municipality shall be empowered
 7 as provided by section 77-27,142 and shall forthwith proceed to
 8 impose a tax pursuant to the Local Option Revenue Act. If a
 9 majority of those voting on the question shall be opposed to such
 10 tax, then the governing body of the incorporated municipality shall
 11 not impose such a tax.
 12 Sec. 4. Original sections 77-27,142, 77-27,142.01, and
 13 77-27,142.02, Reissue Revised Statutes of Nebraska, are repealed.

SENATOR CARLSON PRESIDING

Senator Ashford moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Ashford amendment was adopted with 32 ayes, 10 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Mello withdrew his amendment, AM2494, found on page 972.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Adams	Conrad	Hadley	Lautenbaugh	Schumacher
Ashford	Cornett	Harms	McGill	Smith
Avery	Council	Harr, B.	Nelson	Sullivan
Campbell	Flood	Krist	Nordquist	Wallman
Carlson	Gloor	Lambert	Pahls	Wightman
Coash	Haar, K.	Lathrop	Schilz	

Voting in the negative, 14:

Bloomfield	Fischer	Heidemann	Langemeier	Mello
Brasch	Fulton	Janssen	Louden	Price
Christensen	Hansen	Karpisek	McCoy	

Present and not voting, 4:

Dubas	Howard	Larson	Pirsch
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Excused and not voting, 2:

Cook Seiler

Advanced to Enrollment and Review for Engrossment with 29 ayes, 14 nays, 4 present and not voting, and 2 excused and not voting.

MOTION - Return LB806 to Select File

Senator Lathrop moved to return LB806 to Select File for the following specific amendment:

AM2708

- 1 1. In the Lautenbaugh amendment, AM2687, strike section 7
- 2 and renumber the remaining section.
- 3 2. In the E and R amendments, ER229, on page 5, line 20;
- 4 and page 6, lines 2 and 3, strike "equitable treatment of equine
- 5 species" and insert "programs which facilitate equine therapy for
- 6 youth and veterans and programs which promote equine and equestrian
- 7 activities in Nebraska".

The Lathrop motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 806. The Lathrop specific amendment, AM2708, found in this day's Journal, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Senator Pirsch renewed his amendment, AM2603, found on page 1079.

The Pirsch amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator B. Harr renewed his amendment, AM2439, found on page 940.

Senator B. Harr moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The B. Harr amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator B. Harr withdrew his amendment, AM2636, found on page 1167.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 817A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 979. Title read. Considered.

Committee AM1907, found on page 539, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 793. Title read. Considered.

Committee AM2056, found on page 573, was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 793A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1082. Title read. Considered.

Committee AM2105, found on page 695, was considered.

Senator Lambert withdrew his amendment, AM2646, found on page 1180.

Senator Karpisek offered the following amendment to the committee amendment:

AM2695 is available in the Bill Room.

The Karpisek amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

MOTION - Print in Journal

Senator Lathrop filed the following motion to LB1072:
MO96

That the line-item vetoes contained in Section 1 becomes law notwithstanding the objections of the Governor.

RESOLUTION

LEGISLATIVE RESOLUTION 620. Introduced by Hansen, 42.

WHEREAS, Hiram Hisanori Kano was born in Tokyo, Japan, in 1889; and

WHEREAS, when William Jennings Bryan traveled to Japan, the Kano family, as part of the Imperial family, hosted his visit; and

WHEREAS, the visitor from the west sparked in young Kano an intense desire to travel to the United States and especially to Bryan's home state of Nebraska; and

WHEREAS, in 1916, Hiram Kano traveled to America where his skills could be put to good use in helping the many young Japanese who were emigrating to the United States to farm; and

WHEREAS, Hiram Kano earned a Master's Degree in Agricultural Economics at the University of Nebraska; and

WHEREAS, on December 16, 1919, Mr. Kano left his farm in southeast Nebraska and met with a number of legislators at the Nebraska State Capitol because a bill had been introduced that would have prohibited aliens from owning, inheriting, or leasing land in Nebraska; and

WHEREAS, Hiram Kano testified before the Judiciary Committee of the Legislature, providing statistics on the number of Japanese people living and farming in Nebraska; and

WHEREAS, the anti-Japanese bills failed in 1919, but anti-Oriental feelings continued to grow and California passed a law forbidding the lease of farmland to Japanese farmers; and

WHEREAS, Hiram Kano was a quiet and persevering warrior in the battle against the evil of racism and a champion of his people in the struggle for justice and peace as he fought for the dignity of every human being; and

WHEREAS, in 1936, Hiram Kano was ordained a priest and continued his tireless ministry along the Platte River encouraging the Japanese people even as the State of Nebraska and the nation withheld from them the basic rights we now take for granted; and

WHEREAS, on December 7, 1941, the Imperial Japanese Navy attacked Pearl Harbor; and

WHEREAS, American reaction against Japanese immigrants was swift and harsh, and Father Kano was arrested by agents of the FBI in North Platte; and

WHEREAS, Father Kano spent time in five different prison camps and continued to minister to his people in the camps; and

WHEREAS, Father Kano, through what he called the Internment University, helped hundreds of Japanese-Americans learn to speak, read, and write English; and

WHEREAS, because of the passage of the federal Immigration and Nationality Act of 1952, Father Kano became a naturalized citizen; and

WHEREAS, Father Hiram Kano died three months short of his 100th birthday, on October 24, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its gratitude to Father Hiram Hisanori Kano for his work with the Japanese-Americans in the Platte River valley.

2. That the Legislature commemorates St. George's Mission in North Platte and St. Mary's Mission in Mitchell.

3. That a copy of this resolution be sent to the children of Father Kano.

Laid over.

VISITORS

Visitors to the Chamber were 20 fourth-grade students, teacher, and sponsors from Fullerton.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 6:37 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 3, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 2012

PRAYER

The prayer was offered by Reverend Kevin Burkhardt, Osmond & Pierce United Methodist Churches.

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 Conrad and B. Harr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File with amendment. ER274 is available in the Bill Room.

LEGISLATIVE BILL 817A. Placed on Select File.

LEGISLATIVE BILL 979. Placed on Select File.

LEGISLATIVE BILL 793. Placed on Select File.

LEGISLATIVE BILL 793A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

SELECT FILE

LEGISLATIVE BILL 1053A. Senator Loudon renewed his amendment, AM2621, found on page 1310.

The Loudon amendment was adopted with 37 ayes, 0 nays, 10 present and

not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1020A. Advanced to Enrollment and Review for Engrossment.

SPEAKER FLOOD PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 949. With Emergency Clause.

A BILL FOR AN ACT relating to agency budgeting; to amend sections 81-132 and 81-1113, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services and the budget division of the Department of Administrative Services; 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, 48:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Excused and not voting, 1:

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 949A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 101; to appropriate funds to aid in carrying out the provisions of Legislative Bill 949, One Hundred Second Legislature, Second Session, 2012; to provide for transfers of funds; to provide for a reduction of appropriations as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Excused and not voting, 1:

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 961. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-1207 and 81-3116, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to case management of child welfare services and designation of service areas; to provide limits on caseloads, contracts, and contract extensions as prescribed; 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, 48:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Excused and not voting, 1:

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 996.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to compulsory attendance; to provide procedures for withdrawing certain students from school; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Adams	Cook	Hansen	Louden	Schilz
Ashford	Council	Harms	McGill	Schumacher
Avery	Dubas	Harr, B.	Mello	Wallman
Campbell	Gloor	Howard	Nelson	Wightman
Carlson	Haar, K.	Krist	Nordquist	
Conrad	Hadley	Lathrop	Pahls	

Voting in the negative, 20:

Bloomfield	Cornett	Heidemann	Langemeier	Pirsch
Brasch	Fischer	Janssen	Larson	Price
Christensen	Flood	Karpisek	Lautenbaugh	Smith
Coash	Fulton	Lambert	McCoy	Sullivan

Excused and not voting, 1:

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 LB1104 with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1104.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1806, 85-1809, 85-1810, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska, sections 85-1801, 85-1802, 85-1804, 85-1807, and 85-1808, Revised Statutes Cumulative Supplement, 2010, sections 85-2403, 85-2405, 85-2406, 85-2408, 85-2409, 85-2412, 85-2413, 85-2414, 85-2415, 85-2416, 85-2417, and 85-2418, Revised Statutes Supplement, 2011, and sections 77-3442 and 85-1517, Revised Statutes Supplement, 2011, as amended by sections 10 and 18, respectively, Legislative Bill 946, One Hundred Second Legislature, Second Session, 2012; to change provisions relating to property tax levies for community college areas and the Nebraska educational savings plan program; to provide for recurrent authorization to operate under the Postsecondary Institution Act; to eliminate expired provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2410 and 85-2411, 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, 44:

Adams	Conrad	Haar, K.	Lambert	Pirsch
Ashford	Cook	Hadley	Langemeier	Price
Avery	Cornett	Hansen	Larson	Schilz
Bloomfield	Council	Harms	Lautenbaugh	Schumacher
Brasch	Dubas	Harr, B.	Louden	Smith
Campbell	Fischer	Heidemann	McCoy	Sullivan
Carlson	Flood	Howard	McGill	Wallman
Christensen	Fulton	Karpisek	Nelson	Wightman
Coash	Gloor	Krist	Pahls	

Voting in the negative, 0.

Present and not voting, 4:

Janssen Lathrop Mello Nordquist

Excused and not voting, 1:

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 949, 949A, 961, 996, and 1104.

SELECT FILE

LEGISLATIVE BILL 1155. Senator Brasch renewed her amendment, AM2699, found on page 1274.

SENATOR GLOOR PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Schumacher offered the following amendment to the Brasch amendment:

FA69

Amend AM2699.

Add at the end of Page 13, line 6, before the "." ", as defined by the governing body in the authorizing ordinance".

The Schumacher amendment lost with 13 ayes, 21 nays, 14 present and not voting, and 1 excused and not voting.

Senator Brasch moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Brasch requested a roll call vote on her amendment.

Voting in the affirmative, 31:

Adams	Flood	Harr, B.	Lautenbaugh	Price
Avery	Fulton	Heidemann	Louden	Sullivan
Brasch	Gloor	Janssen	McGill	Wightman
Campbell	Haar, K.	Karpisek	Mello	
Coash	Hadley	Krist	Nelson	
Dubas	Hansen	Lambert	Nordquist	
Fischer	Harms	Lathrop	Pirsch	

Voting in the negative, 10:

Bloomfield	Christensen	Cook	Howard	Larson
Carlson	Conrad	Cornett	Langemeier	Schumacher

Present and not voting, 6:

Ashford	Pahls	Smith
McCoy	Schilz	Wallman

Absent and not voting, 1:

Council

Excused and not voting, 1:

Seiler

The Brasch amendment was adopted with 31 ayes, 10 nays, 6 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091. ER270, found on page 1282, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1158. ER271, found on page 1283, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 804. ER262, found on page 1275, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 825. ER272, found on page 1312, was adopted.

Senator Dubas offered the following amendment:

AM2722

(Amendments to E & R amendments, ER272)

1. Strike sections 7 to 12.

The Dubas amendment was adopted with 33 ayes, 0 nays, 14 present and not

voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 825A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 872. ER273, found on page 1317, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1063. ER220, found on page 1037, was adopted.

Senator Cook renewed her amendment, AM2706, found on page 1318.

Senator Cook withdrew her amendment.

Senator Cook offered the following amendment:

AM2718

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Children's Health and Treatment Act.
- 5 Sec. 2. The purpose of the Children's Health and
- 6 Treatment Act are to:
- 7 (1) Require that the guidelines and criteria that the
- 8 Department of Health and Human Services utilizes to determine
- 9 medical necessity for services under the medical assistance program
- 10 be published by the department on its web site and web sites of
- 11 its contractors for managed care and administrative services. The
- 12 treating guidelines and criteria shall be referenced specifically
- 13 to providers when utilized as a determination of medical necessity
- 14 under the medical assistance program. Treating guidelines and
- 15 criteria in effect on the effective date of this act shall be
- 16 published on such web sites within thirty days after the effective
- 17 date of this act. Notice of changes to treating guidelines and
- 18 criteria shall be given to providers and time for public comment
- 19 provided at least sixty days prior to implementation of such
- 20 changes; and
- 21 (2) Require that the department collect and report on
- 22 authorization and denial rates for behavioral health services for
- 23 children under nineteen years of age.
- 1 Sec. 3. For purposes of the Children's Health and
- 2 Treatment Act:
- 3 (1) Department means the Department of Health and Human
- 4 Services; and
- 5 (2) Medical assistance program means the program
- 6 established pursuant to section 68-903.
- 7 Sec. 4. The department shall report to the Health

8 and Human Services Committee of the Legislature on utilization
9 controls, including, but not limited to, the rates of initial
10 service authorizations, reauthorizations subsequent to initial
11 service authorizations, and denials for behavioral health services
12 for children under nineteen years of age. The first report
13 shall be due on October 1, 2012, and shall contain such rates
14 of initial service authorizations, reauthorizations subsequent to
15 initial service authorizations, and denials for behavioral health
16 services for children under nineteen years of age for the first
17 three quarters of 2012. Thereafter, on January 1, April 1, and
18 July 1 of each year, the department shall report such rates
19 of initial service authorizations, reauthorizations subsequent to
20 initial service authorizations, and denials for behavioral health
21 services for children under nineteen years of age for the previous
22 calendar quarter.

23 Sec. 5. The department shall adopt and promulgate rules
24 and regulations to carry out the Children's Health and Treatment
25 Act. On and after April 1, 2013, the department shall not apply
26 medical necessity criteria to determine medical necessity for
27 children under nineteen years of age that have not been adopted and
1 promulgated as rules and regulations pursuant to the Administrative
2 Procedure Act.

Senator Cook moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Cook amendment was adopted with 34 ayes, 4 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Langemeier requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 6 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1063A. Senator Cook offered the following motion:
MO97

Indefinitely postpone.

The Cook motion to indefinitely postpone prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

MOTION - Return LB209 to Select File

Senator Cornett moved to return LB209 to Select File for the following specific amendment:

AM2713

(Amendments to Final Reading copy)

- 1 1. On page 14, line 25, after the period insert "This
- 2 subsection applies beginning January 1, 2014.".

The Cornett motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209. The Cornett specific amendment, AM2713, found in this day's Journal, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB209A to Select File

Senator Cornett moved to return LB209A to Select File for the following specific amendment:

AM2721

(Amendments to Final Reading copy)

- 1 1. On page 2, line 1, strike "\$31,406" and insert "\$-0-";
- 2 and in line 8 strike "\$19,554" and insert "\$-0-".

The Cornett motion to return prevailed with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 209A. The Cornett specific amendment, AM2721, found in this day's Journal, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB950 to Select File

Senator Christensen moved to return LB950 to Select File for the following specific amendment:

AM2714

(Amendments to Final Reading copy)

- 1 1. On page 3, line 12, strike "five" and insert "four".
- 2 2. On page 6, line 15, strike "\$2,400,000" and insert
- 3 "\$1,400,000".

The Christensen motion to return prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 950. The Christensen specific amendment, AM2714, found in this day's Journal, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 357. Placed on Final Reading.
ST95

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM2712, on page 2, line 16, "project" has been struck and "projects" inserted.

2. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "the Local Option Revenue Act; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to increases in sales and use taxes; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 806. Placed on Final Reading.
ST84

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "2-1203.01" in line 1 through line 6 and all amendments thereto have been struck and "2-1203.01, 2-1215, and 2-1222, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces as prescribed; to provide for a tax on wagers; to create a fund; to provide a penalty; to change penalty provisions; to change provisions relating to the source and use of the Racing Commission's Cash Fund; to provide severability; and to repeal the original sections." inserted.

LEGISLATIVE BILL 806A. Placed on Final Reading.

LEGISLATIVE BILL 998A. Placed on Final Reading.
ST94

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER267, on page 1, line 2, "and" has been inserted after "drawing".

LEGISLATIVE BILL 1020. Placed on Final Reading.

LEGISLATIVE BILL 1113. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2012, at 9:34 a.m. were the following:
LBs 949e, 949Ae, 961e, 996, and 1104.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 621. Introduced by Hadley, 37.

WHEREAS, Rod Gangwish of Shelton won the 2012 Kearney Hub Freedom Award in the Agriculture category; and

WHEREAS, Rod was nominated by family friend and neighbor Nancy Widdowson of Kenesaw; and

WHEREAS, Rod was honored for his commitment to agriculture, but also to his church and his community; and

WHEREAS, Rod became a member and eventual president of the Nebraska Corn Growers Association and worked extensively in Washington, D.C., to develop policy on the General Agreement on Tariffs and Trade, the North American Free Trade Agreement, and the Federal Agriculture Improvement and Reform Act of 1996; and

WHEREAS, Rod also worked with the agricultural advisory committees of both the Chicago Board of Trade and the United States Commodity Futures Trading Commission and with the Buffalo County Extension Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rod Gangwish on winning the 2012 Kearney Hub Freedom Award in the Agriculture category.

2. That a copy of this resolution be sent to Rod Gangwish.

Laid over.

LEGISLATIVE RESOLUTION 622. Introduced by Hadley, 37.

WHEREAS, the University of Nebraska at Kearney's Department of Marketing and Management Information Systems has been selected to receive the 2012 University-wide Departmental Teaching Award (UDTA); and

WHEREAS, the UDTA originated in 1993 and is designed to recognize a department or unit within the University of Nebraska that has made unique

and significant contributions to the university's teaching efforts. The honored department is awarded \$25,000 to be used in a manner as the department sees fit; and

WHEREAS, created in 2002, the Department of Marketing and Management Information Systems offers eight programs, including marketing, management information systems, and supply chain management. At the time of its nomination, the department had eight full-time faculty members and approximately 160 student majors and 90 minors; and

WHEREAS, the department was awarded the 2010 and 2011 campus-wide departmental teaching awards. Five of the department's faculty members have received campus-wide awards for teaching, research, service, or career achievement, and four have received campus-wide awards for mentoring undergraduate students' research.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the University of Nebraska at Kearney's Department of Marketing and Management Information Systems on being awarded the 2012 University-wide Departmental Teaching Award.

2. That a copy of this resolution be sent to the chairperson of the department, Greg Broekemier.

Laid over.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1082. Placed on Select File with amendment.
ER275

- 1 1. In the Karpisek amendment, AM2695:
- 2 a. On page 7, line 9, after "section" insert an
- 3 underscored comma;
- 4 b. On page 16, line 9; and page 20, lines 2 and 4, after
- 5 "the" insert "retirement";
- 6 c. On page 16, line 24, after "the" insert "retirement";
- 7 d. On page 18, line 10, strike "police officers" and show
- 8 as stricken;
- 9 e. On page 19, line 14, after "the" insert "federal"; and
- 10 f. On page 21, line 11, strike the comma and show as
- 11 stricken; and in line 22 after "a" insert "retirement".
- 12 2. On page 1, strike beginning with "16-1015" in line 3
- 13 through line 12 and insert "16-1016, and 16-1019, Reissue Revised
- 14 Statutes of Nebraska, section 18-1723, Revised Statutes Cumulative
- 15 Supplement, 2010, and section 16-1017, Revised Statutes Supplement,
- 16 2011; to name the Police Officers Retirement Act; to redefine
- 17 terms; to change provisions relating to employee and employer
- 18 contributions and vesting; to eliminate obsolete provisions; to

19 harmonize provisions; to repeal the original sections; and to
 20 declare an emergency."

(Signed) Tyson Larson, Chairperson

MOTION - Return LB950A to Select File

Senator Christensen moved to return LB950A to Select File for the following specific amendment:
 AM2715

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 1 and 10, strike "\$2,400,000" and
- 2 insert "\$1,400,000".

The Christensen motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 950A. The Christensen specific amendment, AM2715, found in this day's Journal, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB993A to Select File

Senator Ashford moved to return LB993A to Select File for the following specific amendment:
 AM2716

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 1, 2, 7, and 9, strike "\$871,051" and
- 2 insert "\$500,000".

The Ashford motion to return prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 993A. The Ashford specific amendment, AM2716, found in this day's Journal, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 817. ER274, found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 817A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 745. ER264, found on page 1276, was adopted.

Advanced to Enrollment and Review for Engrossment.

VISITOR

Visitor to the Chamber was Carlin Daharsh from Gothenburg.

RECESS

At 11:13 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 Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Conrad and Janssen who were excused until they arrive.

MOTION - Override Line-Item Vetoes on LB1072

Senator Lathrop renewed his motion, MO96, found on page 1333, to override the Governor's line-item vetoes contained in Section 1 of LB1072.

SPEAKER FLOOD PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Lathrop requested a roll call vote, in reverse order, on the motion to override the Governor's line-item vetoes.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Ashford	Council	Harms	McGill	Sullivan
Avery	Dubas	Harr, B.	Mello	Wallman
Bloomfield	Fischer	Howard	Nordquist	Wightman
Carlson	Gloor	Karpisek	Pahls	
Christensen	Haar, K.	Krist	Pirsch	
Conrad	Hadley	Lathrop	Schilz	
Cook	Hansen	Louden	Schumacher	

Voting in the negative, 12:

Cornett	Heidemann	Langemeier	McCoy
Flood	Janssen	Larson	Nelson
Fulton	Lambert	Lautenbaugh	Price

Present and not voting, 5:

Adams	Brasch	Campbell	Coash	Smith
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Excused and not voting, 1:

Seiler

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

COMMUNICATION

April 3, 2012

The Honorable John Gale
 Secretary of State
 2300 State Capitol Building
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB1072e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
 (Signed) Patrick J. O'Donnell
 Clerk of the Legislature

PJO:jk
 Enc.

CERTIFICATE

Legislative Bill 1072e, having been returned by the Governor with his signature, but with certain line-item vetoes therein, the Legislature by the constitutional majority has overridden said line-item vetoes this 3rd day of April as follows:

All line-item vetoes as contained in Section 1, Agency 65, Department of Health and Human Services, Program 536.

(Signed) Mike Flood
President of the Legislature

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 804. Placed on Final Reading.

LEGISLATIVE BILL 1020A. Placed on Final Reading.

LEGISLATIVE BILL 1053A. Placed on Final Reading.

ST96

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 2 through line 5 has been struck and "sections 222 and 260, as amended by sections 61 and 65, respectively, Legislative Bill 968, One Hundred Second Legislature, Second Session, 2012; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1053, One Hundred Second Legislature, Second Session, 2012; to change and eliminate provisions relating to appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1091. Placed on Final Reading.

ST100

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 6 and 7, "an operative date" has been struck and "operative dates" inserted.

LEGISLATIVE BILL 1091A. Placed on Final Reading.

LEGISLATIVE BILL 1155. Placed on Final Reading.

ST97

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "motor vehicles; to amend sections 60-102, 60-135.01, 60-358.01, 60-4,108, 60-4,110, and 60-6,355, Reissue Revised Statutes of Nebraska, and sections 23-187, 60-101, 60-123, 60-301, 60-302, 60-339,

60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, and 60-6,349, Revised Statutes Supplement, 2011; to allow operation of golf car vehicles on highways as prescribed; to provide powers for counties, cities, and villages; to change penalties relating to operating a motor vehicle while under orders not to operate a motor vehicle; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

LEGISLATIVE BILL 1158. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 623. Introduced by Lambert, 2.

WHEREAS, the Plattsmouth Blue Devils won the 2012 Class B State High School Powerlifting Championship; and

WHEREAS, the Blue Devils finished the season earning their ninth consecutive Class B state title; and

WHEREAS, the team's twenty boys and two girls earned eight first-place medals, four second-place medals, and two third-place medals; and

WHEREAS, the Blue Devils have brought great pride to their school, their school district, their communities, and their friends and families as they demonstrated discipline, efficiency, and tenacity throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Plattsmouth Blue Devils and their coaches, Keith Meisenheimer, Rita Carlsson, Kacie Sharp, and Steven Parks, on winning the 2012 Class B State High School Powerlifting Championship.

2. That a copy of this resolution be sent to the Plattsmouth Blue Devils and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 624. Introduced by Lambert, 2.

WHEREAS, the Weeping Water school district and residents of Weeping Water, Nebraska, won the Class C-2 Sportsmanship Award at the 2012 Girls' State Basketball Tournament; and

WHEREAS, the award is co-sponsored by the Nebraska Coaches Association (NCA) and the Nebraska State Interscholastic Athletic Administrators Association (NSIAAA); and

WHEREAS, the NCA and NSIAAA created the award program in 2000 to promote sportsmanship at a statewide level; and

WHEREAS, four sportsmanship evaluators assess players, coaches, students, adults, and supervisors from each school at each tournament game; and

WHEREAS, each school begins with five points per judge, and the school earns points for positive behavior and loses points for inappropriate behavior; and

WHEREAS, in 2012 Weeping Water became the first Cass County school to win the sportsmanship award at the Girls' State Basketball Tournament and the first Cass County school to claim the award at any state event since 2001; and

WHEREAS, the outpouring of support by adults and students helped the school win the award; and

WHEREAS, winning the award was an exciting accomplishment for the Weeping Water school district and the community of Weeping Water, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Weeping Water school district and the community of Weeping Water, Nebraska, on winning the Class C-2 Sportsmanship Award at the 2012 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the principal of Weeping Water Public Schools, Gary Wockenfuss, to the school's athletic director, Mike Barrett, and to the mayor of Weeping Water, Nebraska, Howard Stubbendieck.

Laid over.

SELECT FILE

LEGISLATIVE BILL 727. ER200, found on page 808, was adopted.

Senator Mello asked unanimous consent to withdraw his amendment, AM2600, found on page 1054, and replace it with his substitute amendment, AM2629, found on page 1122. No objections. So ordered.

SENATOR COASH PRESIDING

Senator Mello withdrew his amendment.

Senator Ashford renewed his amendment, AM2612, found on page 1081.

The Ashford amendment lost with 6 ayes, 17 nays, 23 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 720. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM1843, found on page 601, was considered.

SENATOR COASH PRESIDING**PRESIDENT SHEEHY PRESIDING**

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 209. Placed on Final Reading Second.

LEGISLATIVE BILL 209A. Placed on Final Reading Second.

LEGISLATIVE BILL 825. Placed on Final Reading.

ST98

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER272:

a. On page 1, line 11, the matter beginning with the first comma through "2012" has been struck;

b. On page 4, line 15, the matter beginning with "established" through "act" has been struck; and

c. On page 10, the matter beginning with "define" in line 7 through the first period in line 12 has been struck and "define terms; to provide requirements for staffing, services, and contracts for public assistance programs administered by the Department of Health and Human Services; and to provide reporting requirements." inserted.

LEGISLATIVE BILL 825A. Placed on Final Reading.

LEGISLATIVE BILL 872. Placed on Final Reading.

ST101

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2317, on page 5, line 20, "fees or charges (a)" has been struck and "(a) fees or charges" inserted; and in line 22 "fees or charges" has been inserted after "(b)".

LEGISLATIVE BILL 950. Placed on Final Reading Second.

LEGISLATIVE BILL 950A. Placed on Final Reading Second.

LEGISLATIVE BILL 993A. Placed on Final Reading Second.

LEGISLATIVE BILL 1063. Placed on Final Reading.

ST99

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Cook amendment, AM2718, on page 1, line 5, "purpose" has been struck and "purposes" inserted.

2. On page 1, the matter beginning with "amend" in line 1 through line 6 has been struck and "adopt the Children's Health and Treatment Act." inserted.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 720. Committee AM1843, found on page 601 and considered in this day's Journal, was renewed.

Senator Council offered the following motion:

MO98

Bracket until April 12, 2012.

Senator Council moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Council motion to bracket failed with 15 ayes, 23 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following motion:

MO99

Unanimous consent to recommit to committee.

No objections. So ordered.

LEGISLATIVE BILL 599. Title read. Considered.

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator McCoy offered the following amendment:

AM2739

1 1. Insert the following new sections:

2 Sec. 2. Section 20-408, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 20-408 (1) A qualified patient may make decisions

5 regarding life-sustaining treatment so long as the patient is able

6 to do so.

7 (2) The Rights of the Terminally Ill Act shall not affect
 8 the responsibility of the attending physician or other health care
 9 provider to provide treatment, including nutrition and hydration,
 10 for a patient's comfort care or alleviation of pain.

11 (3) Life-sustaining treatment shall not be withheld or
 12 withdrawn pursuant to a declaration from an individual known to the
 13 attending physician to be pregnant so long as it is probable that
 14 the ~~fetus-unborn child~~ will develop to the point of live birth with
 15 continued application of life-sustaining treatment.

16 Sec. 6. Section 71-4825, Revised Statutes Cumulative
 17 Supplement, 2010, is amended to read:

18 71-4825 For purposes of the Revised Uniform Anatomical
 19 Gift Act:

20 (1) Adult means an individual who is at least eighteen
 21 years of age;

22 (2) Agent means an individual:

23 (A) Authorized to make health care decisions on the
 1 principal's behalf by a power of attorney for health care; or

2 (B) Expressly authorized to make an anatomical gift on
 3 the principal's behalf by any other record signed by the principal;

4 (3) Anatomical gift means a donation of all or part of a
 5 human body to take effect after the donor's death for the purpose
 6 of transplantation, therapy, research, or education;

7 (4) Decedent means a deceased individual whose body or
 8 part is or may be the source of an anatomical gift. The term
 9 includes a stillborn ~~infant child~~ and, subject to restrictions
 10 imposed by law other than the Revised Uniform Anatomical Gift Act,
 11 ~~a fetus-an unborn child~~. The term decedent does not include a
 12 ~~blastocyst, embryo, or fetus-an unborn child~~ that is the subject of
 13 an induced abortion;

14 (5) Disinterested witness means a witness other than
 15 the spouse, child, parent, sibling, grandchild, grandparent, or
 16 guardian of the individual who makes, amends, revokes, or refuses
 17 to make an anatomical gift, or another adult who exhibited special
 18 care and concern for the individual. The term does not include
 19 a person to which an anatomical gift could pass under section
 20 71-4834;

21 (6) Document of gift means a donor card or other record
 22 used to make an anatomical gift. The term includes a statement
 23 or symbol on a driver's license, identification card, or donor
 24 registry;

25 (7) Donor means an individual whose body or part is the
 26 subject of an anatomical gift;

27 (8) Donor registry means a data base that contains
 1 records of anatomical gifts and amendments to or revocations of
 2 anatomical gifts;

3 (9) Driver's license means a license or permit issued by
 4 the Department of Motor Vehicles to operate a vehicle, whether or
 5 not conditions are attached to the license or permit;

- 6 (10) Eye bank means a person that is licensed,
7 accredited, or regulated under federal or state law to engage
8 in the recovery, screening, testing, processing, storage, or
9 distribution of human eyes or portions of human eyes;
- 10 (11) Guardian means a person appointed by a court to
11 make decisions regarding the support, care, education, health, or
12 welfare of an individual. The term does not include a guardian ad
13 litem;
- 14 (12) Hospital means a facility licensed as a hospital
15 under the law of any state or a facility operated as a hospital by
16 the United States, a state, or a subdivision of a state;
- 17 (13) Identification card means a state identification
18 card issued by the Department of Motor Vehicles;
- 19 (14) Know means to have actual knowledge;
- 20 (15) Minor means an individual who is under eighteen
21 years of age;
- 22 (16) Organ procurement organization means a person
23 designated by the Secretary of the United States Department of
24 Health and Human Services as an organ procurement organization;
- 25 (17) Parent means a parent whose parental rights have not
26 been terminated;
- 27 (18) Part means an organ, an eye, or tissue of a human
1 being. The term does not include the whole body;
- 2 (19) Person means an individual, corporation, business
3 trust, estate, trust, partnership, limited liability company,
4 association, joint venture, public corporation, government or
5 governmental subdivision, agency, or instrumentality, or any other
6 legal or commercial entity;
- 7 (20) Physician means an individual authorized to practice
8 medicine or osteopathy under the law of any state;
- 9 (21) Procurement organization means an eye bank, organ
10 procurement organization, or tissue bank;
- 11 (22) Prospective donor means an individual who is dead or
12 near death and has been determined by a procurement organization to
13 have a part that could be medically suitable for transplantation,
14 therapy, research, or education. The term does not include an
15 individual who has made a refusal;
- 16 (23) Reasonably available means able to be contacted by a
17 procurement organization without undue effort and willing and able
18 to act in a timely manner consistent with existing medical criteria
19 necessary for the making of an anatomical gift;
- 20 (24) Recipient means an individual into whose body a
21 decedent's part has been or is intended to be transplanted;
- 22 (25) Record means information that is inscribed on a
23 tangible medium or that is stored in an electronic or other medium
24 and is retrievable in perceivable form;
- 25 (26) Refusal means a record created under section 71-4830
26 that expressly states an intent to bar other persons from making an
27 anatomical gift of an individual's body or part;

- 1 (27) Sign means, with the present intent to authenticate
 2 or adopt a record:
 3 (A) To execute or adopt a tangible symbol; or
 4 (B) To attach to or logically associate with the record
 5 an electronic symbol, sound, or process;
 6 (28) State means a state of the United States, the
 7 District of Columbia, Puerto Rico, the United States Virgin
 8 Islands, or any territory or insular possession subject to the
 9 jurisdiction of the United States;
 10 (29) Technician means an individual determined to be
 11 qualified to remove or process parts by an appropriate organization
 12 that is licensed, accredited, or regulated under federal or state
 13 law. The term includes an enucleator;
 14 (30) Tissue means a portion of the human body other than
 15 an organ or an eye. The term does not include blood unless the
 16 blood is donated for the purpose of research or education;
 17 (31) Tissue bank means a person that is licensed,
 18 accredited, or regulated under federal or state law to engage
 19 in the recovery, screening, testing, processing, storage, or
 20 distribution of tissue; and
 21 (32) Transplant hospital means a hospital that furnishes
 22 organ transplants and other medical and surgical specialty services
 23 required for the care of transplant patients.

24 Sec. 7. Section 71-7606, Revised Statutes Supplement,
 25 2011, is amended to read:

26 71-7606 (1) The purpose of the Nebraska Health Care
 27 Funding Act is to provide for the use of dedicated revenue for
 1 health-care-related expenditures and administration and enforcement
 2 of the Master Settlement Agreement as defined in section 69-2702.

3 (2) Any funds appropriated or distributed under the act
 4 shall not be considered ongoing entitlements or obligations on the
 5 part of the State of Nebraska and shall not be used to replace
 6 existing funding for existing programs.

7 (3) No funds appropriated or distributed under the act
 8 shall be used for abortion, abortion counseling, referral for
 9 abortion, or research or activity of any kind involving the use
 10 of ~~human fetal~~ tissue of an unborn child obtained in connection
 11 with the performance of an induced abortion or involving the use of
 12 ~~human embryonic~~ stem cells of an unborn child or for the purpose of
 13 obtaining other funding for such use.

14 (4) The Department of Health and Human Services shall
 15 report annually to the Legislature and the Governor regarding the
 16 use of funds appropriated under the act and the outcomes achieved
 17 from such use.

18 Sec. 8. Section 71-8802, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 71-8802 For purposes of the Stem Cell Research Act:

21 (1) Committee means the Stem Cell Research Advisory
 22 Committee;

23 (2) Human embryo means the developing ~~human organism~~
 24 unborn child from the time of fertilization until the end of
 25 the eighth week of gestation and includes ~~an embryo or a~~
 26 developing ~~human organism-unborn child~~ created by somatic cell
 27 nuclear transfer; and

1 (3) Somatic cell nuclear transfer means a technique in
 2 which the nucleus of an oocyte is replaced with the nucleus of a
 3 somatic cell.

4 Sec. 9. Section 71-8806, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 71-8806 No state facilities, no state funds, fees, or
 7 charges, and no investment income on state funds shall be used to
 8 destroy ~~human embryos-unborn children~~ for the purpose of research.
 9 In no case shall state facilities, state funds, fees, or charges,
 10 or investment income on state funds be used to create ~~a human~~
 11 embryo or an unborn child by somatic cell nuclear transfer for any
 12 purpose.

13 2. Renumber the remaining sections and correct internal
 14 references and the repealer section accordingly.

Senator B. Harr requested a ruling of the Chair on whether the McCoy amendment is germane to the bill.

The Chair ruled the McCoy amendment is not germane to the bill.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Campbell moved for a call of the house. The motion prevailed with 43 ayes, 1 nay, and 5 not voting.

Senator Campbell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Adams	Coash	Flood	Howard	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Schumacher
Campbell	Cornett	Hadley	Lathrop	Sullivan
Carlson	Council	Harms	Louden	Wallman
Christensen	Dubas	Harr, B.	McGill	Wightman

Voting in the negative, 16:

Bloomfield	Hansen	Langemeier	Nelson
Brasch	Heidemann	Larson	Price
Fischer	Janssen	Lautenbaugh	Schilz
Fulton	Lambert	McCoy	Smith

Present and not voting, 1:

Pirsch

Absent and not voting, 1:

Pahls

Excused and not voting, 1:

Seiler

Advanced to Enrollment and Review Initial with 30 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 599A. Title read. Considered.

Senator Campbell offered the following amendment:

AM2741

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. There is hereby appropriated (1) \$96,745 from
4 the General Fund and \$225,085 from federal funds for FY2012-13 and
5 (2) \$84,149 from the General Fund and \$187,561 from federal funds
6 for FY2013-14 to the Department of Health and Human Services, for
7 Program 33, to aid in carrying out the provisions of Legislative
8 Bill 599, One Hundred Second Legislature, Second Session, 2012.

9 Total expenditures for permanent and temporary salaries
10 and per diems from funds appropriated in this section shall not
11 exceed \$170,007 for FY2012-13 or \$170,007 for FY2013-14.

12 Sec. 2. There is hereby appropriated (1) \$773,381 from
13 the General Fund and \$1,723,814 from federal funds for FY2012-13
14 and (2) \$781,368 from the General Fund and \$1,741,616 from
15 federal funds for FY2013-14 to the Department of Health and Human
16 Services, for Program 344, to aid in carrying out the provisions
17 of Legislative Bill 599, One Hundred Second Legislature, Second
18 Session, 2012.

19 No expenditures for permanent and temporary salaries and
20 per diems for state employees shall be made from funds appropriated
21 in this section.

22 Sec. 3. Laws 2011, LB374, section 158, is amended to
23 read:

1 Sec. 158. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL
2 SERVICES

3 Program No. 200 - Operations

4

FY2011-12

FY2012-13

5	<u>GENERAL FUND</u>	<u>156,031,016</u>	<u>156,987,929</u>
6	<u>GENERAL FUND</u>	<u>156,031,016</u>	<u>156,772,429</u>
7	CASH FUND	1,741,500	1,741,500
8	FEDERAL FUND est.	1,732,408	1,738,680
9	REVOLVING FUND est.	18,229,738	18,309,400
10	PROGRAM TOTAL	177,734,662	178,777,509
11	<u>PROGRAM TOTAL</u>	<u>177,734,662</u>	<u>178,562,009</u>
12	<u>SALARY LIMIT</u>	<u>89,564,114</u>	<u>90,331,214</u>

13 The unexpended General Fund and Cash Fund appropriation
 14 balances existing on June 30, 2011, are hereby reappropriated.

15 Included in the salary limitations provided by this
 16 section is \$3,441,193 for FY2011-12 and \$3,441,193 for FY2012-13
 17 for Revolving Fund salaries for program classifications 390 and
 18 563, that shall not be limited to the amounts shown.

19 The Department of Administrative Services shall monitor
 20 the appropriations and expenditures for this program according to
 21 the following program classifications:

- 22 No. 260 - Nebraska Correctional Youth Facility
- 23 No. 300 - Tecumseh Correctional Center
- 24 No. 368 - Lincoln Community Corrections Center
- 25 No. 369 - Omaha Community Corrections Center
- 26 No. 370 - Central Office
- 27 No. 372 - Nebraska State Penitentiary
- 1 No. 373 - Nebraska Center for Women - York
- 2 No. 375 - Diagnostic and Evaluation Center
- 3 No. 376 - Lincoln Correctional Center
- 4 No. 377 - Omaha Correctional Center
- 5 No. 386 - McCook Incarceration Work Camp
- 6 No. 389 - Adult Parole Administration
- 7 No. 390 - Federal Surplus Property
- 8 No. 495 - Department Central Warehouse
- 9 No. 563 - Correctional Industries

10 Revolving Fund expenditures shall not be limited to the
 11 amounts shown.

12 It is intended that the Department of Correctional
 13 Services shall maintain a Department Contingency Fund and a
 14 Department Equipment Fund.

15 Sec. 4. Original Laws 2011, LB374, section 158, is
 16 repealed.

17 Sec. 5. Since an emergency exists, this act takes effect
 18 when passed and approved according to law.

Senator Campbell requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 33:

Adams	Conrad	Haar, K.	Krist	Pirsch
Ashford	Cook	Hadley	Langemeier	Schumacher
Avery	Cornett	Harms	Lathrop	Sullivan
Campbell	Dubas	Harr, B.	Louden	Wallman
Carlson	Flood	Heidemann	McGill	Wightman
Christensen	Fulton	Howard	Mello	
Coash	Gloor	Karpisek	Nordquist	

Voting in the negative, 9:

Bloomfield	Janssen	Lautenbaugh	Nelson	Smith
Hansen	Lambert	McCoy	Schilz	

Present and not voting, 5:

Brasch	Council	Fischer	Larson	Price
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Absent and not voting, 1:

Pahls

Excused and not voting, 1:

Seiler

The Campbell amendment was adopted with 33 ayes, 9 nays, 5 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 4 nays, 12 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 727. Placed on Final Reading.

LEGISLATIVE BILL 745. Placed on Final Reading.

LEGISLATIVE BILL 817. Placed on Final Reading.

LEGISLATIVE BILL 817A. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Janssen asked unanimous consent to add his name as cointroducer to LB745. No objections. So ordered.

Senator Schumacher asked unanimous consent to add his name as cointroducer to LB357. No objections. So ordered.

VISITORS

Visitors to the Chamber were 39 fourth-grade students, teachers, and sponsors from Centura Public School, Cairo; Jeff and Becky Gerhart from Newman Grove; 50 fourth-grade students and teachers from Standing Bear Elementary, Omaha; and Fatih Yildiz, Consul General of Republic of Turkey and a group accompanying him.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 10:11 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 4, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 4, 2012

PRAYER

The prayer was offered by Bishop John Ford, Second Advent Church of God in Christ, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad, Janssen, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 522, 523, 524, 526, 527, 530, 531, 554, 599, 603, 604, 605, 606, 607, 609, and 610 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 522, 523, 524, 526, 527, 530, 531, 554, 599, 603, 604, 605, 606, 607, 609, and 610.

RESOLUTIONS ON FINAL READING

The following resolutions were read and put upon final passage:

LEGISLATIVE RESOLUTION 358CA.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE
OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of ~~two~~ three consecutive terms regardless of the district represented.

~~(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

~~(3)~~ (2) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on legislative terms to three consecutive terms.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Voting in the affirmative, 31:

Adams	Coash	Harms	Louden	Smith
Ashford	Cook	Harr, B.	McGill	Wallman
Avery	Cornett	Heidemann	Nelson	Wightman
Brasch	Dubas	Howard	Price	
Campbell	Fulton	Krist	Schilz	
Carlson	Gloor	Langemeier	Schumacher	
Christensen	Haar, K.	Lathrop	Seiler	

Voting in the negative, 14:

Bloomfield	Flood	Lambert	Mello	Pirsch
Council	Hadley	Larson	Nordquist	Sullivan
Fischer	Hansen	McCoy	Pahls	

Excused and not voting, 4:

Conrad	Janssen	Karpisek	Lautenbaugh
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

LEGISLATIVE RESOLUTION 373CA.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~ Until January 9, 2013, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Beginning January 9, 2013, each member of the Legislature shall receive an annual salary during his or her term of office equal to twenty-two thousand five hundred dollars. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the salary of members of the Legislature to twenty-two thousand five hundred dollars.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 31:

Adams	Coash	Gloor	Langemeier	Schumacher
Ashford	Cook	Haar, K.	Larson	Seiler
Avery	Cornett	Hansen	Lautenbaugh	Wightman
Brasch	Council	Harms	Louden	
Campbell	Dubas	Heidemann	McGill	
Carlson	Flood	Karpisek	Nelson	
Christensen	Fulton	Krist	Schilz	

Voting in the negative, 15:

Bloomfield	Howard	McCoy	Pahls	Smith
Fischer	Lambert	Mello	Pirsch	Sullivan
Hadley	Lathrop	Nordquist	Price	Wallman

Present and not voting, 1:

Harr, B.

Excused and not voting, 2:

Conrad Janssen

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

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 LB670 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 670. With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2011; to include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Adams	Cornett	Harms	Lautenbaugh	Schilz
Ashford	Council	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Seiler
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Karpisek	Mello	Sullivan
Campbell	Fulton	Krist	Nelson	Wallman
Carlson	Gloor	Lambert	Nordquist	Wightman
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Conrad Janssen

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 bills were read and put upon final passage:

LEGISLATIVE BILL 715.

A BILL FOR AN ACT relating to telecommunications regulation; to amend sections 86-103, 86-135, 86-136, 86-137, and 86-138, Reissue Revised Statutes of Nebraska, and section 86-101, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to regulation of boundaries of local exchange areas for advanced telecommunications capability service; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Seiler
Bloomfield	Dubas	Heidemann	McCoy	Smith
Brasch	Fischer	Howard	McGill	Sullivan
Campbell	Flood	Karpisek	Mello	Wallman
Carlson	Fulton	Krist	Nelson	Wightman
Christensen	Gloor	Lambert	Nordquist	
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Schumacher

Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1359 and 77-1371, Reissue Revised Statutes of Nebraska; to redefine terms related to assessment of agricultural land and horticultural land; to change provisions relating to comparable sales for assessment of real property; 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, 48:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Seiler
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Fulton	Krist	Nelson	Wallman
Christensen	Gloor	Lambert	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 905.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2301, 2-2302, 2-2303, 2-2306, 2-2310, 2-2311, 2-2313, 2-2317, 2-2318, and 2-2319, Reissue Revised Statutes of Nebraska; to define and redefine terms;

to change provisions relating to an excise tax and a fund under the Nebraska Wheat Resources Act; to change powers and duties of the Nebraska Wheat Development, Utilization, and Marketing Board; to eliminate obsolete language; to harmonize provisions; to provide operative dates; 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	Haar, K.	Lambert	Price
Ashford	Cook	Hadley	Langemeier	Schilz
Avery	Cornett	Hansen	Lautenbaugh	Schumacher
Bloomfield	Council	Harms	Louden	Seiler
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gloor	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Larson	Lathrop	Mello	Nordquist
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Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 905A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 905, One Hundred Second Legislature, Second Session, 2012.

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	Haar, K.	Lambert	Price
Ashford	Cook	Hadley	Langemeier	Schilz
Avery	Cornett	Hansen	Lautenbaugh	Schumacher
Bloomfield	Council	Harms	Louden	Seiler
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gloor	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Larson	Lathrop	Mello	Nordquist
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Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 959.

A BILL FOR AN ACT relating to labor; to provide immunity to employers for job references.

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	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Fischer	Heidemann	Louden	Schumacher
Brasch	Flood	Howard	McCoy	Seiler
Campbell	Fulton	Karpisek	Mello	Smith
Carlson	Gloor	Krist	Nelson	Sullivan
Christensen	Haar, K.	Lambert	Nordquist	Wallman
Coash	Hadley	Langemeier	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Cook	Council	McGill
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Excused and not voting, 1:

Janssen

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 972 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 972.

A BILL FOR AN ACT relating to the youth rehabilitation and treatment centers; to amend sections 43-251.01, 43-401, and 43-405, Reissue Revised Statutes of Nebraska, section 43-276, Revised Statutes Cumulative Supplement, 2010, and section 43-286, Revised Statutes Supplement, 2011; to change the age for placement or commitment of juveniles to the youth rehabilitation and treatment centers; to provide for consideration of such commitments by county attorneys making determinations; to change reporting requirements for the Office of Juvenile Services; to provide for documentation of certain assaults, escapes, and attempts to escape; to require collaboration on training, safety, and security; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 1001.

A BILL FOR AN ACT relating to the Building Construction Act; to amend section 71-6405, Revised Statutes Supplement, 2011; to eliminate provisions relating to amendments to the state building code by state agencies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Adams	Cornett	Harms	Lathrop	Price
Ashford	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	
Cook	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Avery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1057.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3602, 2-3623, 2-3632, and 2-3633, Reissue Revised Statutes of Nebraska; to restate intent; to change a fee, reporting requirements, and the source and use of a fund under the Nebraska Corn Resources Act; to provide operative dates; 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	Haar, K.	Lambert	Price
Ashford	Cook	Hadley	Langemeier	Schilz
Avery	Cornett	Hansen	Lautenbaugh	Schumacher
Bloomfield	Council	Harms	Louden	Seiler
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gloor	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 5:

Janssen	Larson	Lathrop	Mello	Nordquist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1057A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1057, One Hundred Second Legislature, Second Session, 2012.

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	Haar, K.	Lambert	Pirsch
Ashford	Cook	Hadley	Langemeier	Price
Avery	Cornett	Hansen	Lautenbaugh	Schilz
Bloomfield	Council	Harms	Louden	Schumacher
Brasch	Dubas	Harr, B.	McCoy	Smith
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	Wightman
Coash	Gloor	Krist	Pahls	

Voting in the negative, 0.

Present and not voting, 5:

Janssen	Larson	Lathrop	McGill	Seiler
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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 LB1058 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1058.

A BILL FOR AN ACT relating to labor; to amend sections 48-630, 48-632, 48-634, 48-636, 48-637, 48-644, 48-652, 48-655, 48-663.01, 48-665, 48-665.01, and 48-2302, Reissue Revised Statutes of Nebraska; to change provisions of the Employment Security Law and the New Hire Reporting Act to conform to federal law; to change and eliminate provisions relating to appeal tribunals; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-633, Reissue Revised Statutes of Nebraska.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1114. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-27,139.03, Revised Statutes Supplement, 2011; to change state aid distribution from the Municipal Equalization Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB1115 with 47 ayes, 0 nays, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1115.

A BILL FOR AN ACT relating to jurisdictional utilities; to amend sections 18-2705, 66-1801, 66-1808, and 66-1831, Reissue Revised Statutes of Nebraska; to authorize construction and operation of natural gas pipeline facilities as prescribed; to define and redefine terms; to authorize certain tariffs, surcharges, and cost adjustments; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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: LRs 358CA and 373CA and LBs 670, 715, 750, 905, 905A, 959, 972, 1001, 1057, 1057A, 1058, 1114, and 1115.

EASE

The Legislature was at ease from 9:51 a.m. until 9:56 a.m.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to attestations; to amend sections 23-1307, 64-101, 64-104, 64-105.01, and 64-107, Reissue Revised Statutes of Nebraska, and section 64-113, Revised Statutes Supplement, 2011; to provide powers for election commissioners; to change provisions relating to eligibility for appointment, renewal of a commission, and powers and duties of a notary public; to change removal provisions for a commission issued to a notary public; to provide for rules and regulations; to provide a duty for the Revisor of Statutes; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB719 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to government; to amend sections 44-113, 50-114.03, 52-1313.01, 60-3,161, 77-2705.04, 84-712, 84-1201, 84-1202, 84-1204, 84-1205, 84-1205.01, 84-1205.02, 84-1205.03, 84-1205.05, 84-1206, 84-1207, 84-1209, 84-1212, 84-1213, 84-1214, 84-1214.01, 84-1215, 84-1216, 84-1217, 84-1218, 84-1219, 84-1222, 84-1224, and 84-1225, Reissue Revised Statutes of Nebraska, section 84-1227, Revised Statutes Cumulative Supplement, 2010, and section 9-523, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions of the Records Management Act; to restate intent; to change powers and duties of the State Records Board and the network manager; to change provisions relating to the technical advisory committee, fees, agency procedures, reports, and a fund; to provide requirements for certain electronic information and services; to eliminate provisions relating to public bidding, certain public records requests, and obsolete provisions regarding equipment; to harmonize provisions; to repeal the original sections; and to outright repeal sections 84-1205.04, 84-1205.06, and 84-1223, Reissue Revised Statutes of Nebraska.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 721.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Cumulative Supplement, 2010; to redefine the term police animal; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2206, Reissue Revised Statutes of Nebraska; to authorize fines or costs to be deducted from an offender's bond as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB729 with 41 ayes, 0 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2103, 18-2107, and 18-2124, Reissue Revised Statutes of Nebraska; to redefine a term; to provide powers for an authority; to change provisions relating to the issuance of bonds; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 734.

A BILL FOR AN ACT relating to replevin; to amend section 25-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to return date of an order of delivery; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 737.

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Supplement, 2011; to provide procedures for submitting national criminal history record information checks with respect to home studies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 738.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122, Reissue Revised Statutes of Nebraska; to change burial expense benefits; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 740.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,290, Reissue Revised Statutes of Nebraska; to provide a length exception for semitrailers transporting baled livestock forage; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742.

A BILL FOR AN ACT relating to electric power generation; to amend sections 70-1014 and 70-1014.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to applications for approval of transmission lines and related facilities and development of renewable energy sources; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Seiler
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Fulton	Krist	Nelson	Wallman
Christensen	Gloor	Lambert	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pirsch	
Cook	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 2:

Adams Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 743.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-707, Reissue Revised Statutes of Nebraska; to provide for a fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 761. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 81-176 and 81-1108.33, Revised Statutes Supplement, 2011; to change provisions relating to the requirements for certain acquisitions of real property, structures, or improvements; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 766.

A BILL FOR AN ACT relating to emergency management; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to authorize the Adjutant General to make certain emergency expenditures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, and 43-146.01, Revised Statutes Supplement, 2011; to change provisions relating to access to the case file; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 772.

A BILL FOR AN ACT relating to counties; to amend section 23-1114.07, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of salaries; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB779 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 779.

A BILL FOR AN ACT relating to government agencies; to amend sections 81-1008, 81-1008.01, 81-1010, 81-1011, 81-1015, 81-1016, 81-1018, 81-1019, 81-1020, 81-1021, 81-1023, and 81-1025, Reissue Revised Statutes of Nebraska, and sections 81-1017 and 81-1108.17, Revised Statutes Cumulative Supplement, 2010; to define terms; to change provisions relating to state-owned vehicles; to provide for renting vehicles for state use; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 788.

A BILL FOR AN ACT relating to the Respiratory Care Practice Act; to amend sections 38-3214 and 38-3215, Reissue Revised Statutes of Nebraska; to change requirements for the practice of respiratory care; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 795.

A BILL FOR AN ACT relating to veterans; to amend section 80-317, Reissue Revised Statutes of Nebraska; to change provisions relating to applying for membership in veterans homes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01 and 28-1246, Revised Statutes Cumulative Supplement, 2010; to remove the social security number requirement from certain fireworks permit and license applications; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301 and 69-1329, Reissue Revised Statutes of Nebraska; to define a term; to provide for the treatment of military medals; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Harms	Lathrop	Schilz
Ashford	Cornett	Harr, B.	Lautenbaugh	Schumacher
Avery	Dubas	Heidemann	Louden	Seiler
Bloomfield	Fischer	Howard	McCoy	Smith
Brasch	Flood	Janssen	McGill	Sullivan
Campbell	Fulton	Karpisek	Mello	Wallman
Carlson	Gloor	Krist	Nordquist	Wightman
Christensen	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 2:

Council Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 822.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Revised Statutes Supplement, 2011; to change notice provisions relating to changes in valuations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823.

A BILL FOR AN ACT relating to counties; to amend sections 16-731 and 23-1601, Reissue Revised Statutes of Nebraska; to change duties of county treasurers; to authorize the county treasurer to hold certain school district funds as prescribed; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 398, 719, 721, 722, 729, 734, 737, 738, 740, 742, 743, 761, 766, 768, 772, 779, 788, 795, 805, 819, 822, and 823.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 599. Placed on Select File with amendment.
ER276

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 4-110, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 4-110 Verification of lawful presence in the United
- 6 States pursuant to section 4-108 is not required for:
- 7 (1) Any purpose for which lawful presence in the United

8 States is not restricted by law, ordinance, or regulation;
 9 (2) Assistance for health care services and products,
 10 not related to an organ transplant procedure, that are necessary
 11 for the treatment of an emergency medical condition, including
 12 emergency labor and delivery, manifesting itself by acute symptoms
 13 of sufficient severity, including severe pain, such that the
 14 absence of immediate medical attention could reasonably be expected
 15 to result in (a) placing the patient's health in serious jeopardy,
 16 (b) serious impairment to bodily functions, or (c) serious
 17 dysfunction of any bodily organ or part;

18 (3) Short-term, noncash, in-kind emergency disaster
 19 relief;

20 (4) Public health assistance for immunizations with
 21 respect to diseases and for testing and treatment of symptoms
 22 of communicable diseases, whether or not such symptoms are caused
 23 by a communicable disease; or

1 (5) Programs, services, or assistance necessary for the
 2 protection of life or safety, such as soup kitchens, crisis
 3 counseling and intervention, and short-term shelter, which (a)
 4 deliver in-kind services at the community level, including those
 5 which deliver such services through public or private, nonprofit
 6 agencies and (b) do not condition the provision of assistance, the
 7 amount of assistance provided, or the cost of assistance provided
 8 on the income or resources of the recipient.

9 The Legislature finds that unborn children do not have
 10 immigration status and therefor are not within the scope of section
 11 4-108. Prenatal care services available pursuant to section 68-915
 12 and section 4 of this act to unborn children, whose eligibility is
 13 independent of the mother's eligibility status, shall not be deemed
 14 to be tied to the immigration status of the mother and therefor are
 15 not included in the restrictions imposed by section 4-108.

16 Sec. 2. Section 68-901, Revised Statutes Supplement,
 17 2011, is amended to read:

18 68-901 Sections 68-901 to 68-971 and section 4 of this
 19 act shall be known and may be cited as the Medical Assistance Act.

20 Sec. 3. Section 68-915, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 68-915 The following persons shall be eligible for
 23 medical assistance:

24 (1) Dependent children as defined in section 43-504;

25 (2) Aged, blind, and disabled persons as defined in
 26 sections 68-1002 to 68-1005;

27 (3) Children under nineteen years of age who are eligible
 1 under section 1905(a)(i) of the federal Social Security Act;

2 (4) Persons who are presumptively eligible as allowed
 3 under sections 1920 and 1920B of the federal Social Security Act;

4 (5) Children under nineteen years of age with a family
 5 income equal to or less than two hundred percent of the Office
 6 of Management and Budget income poverty guideline, as allowed
 7 under Title XIX and Title XXI of the federal Social Security Act,

8 without regard to resources, and pregnant women with a family
9 income equal to or less than one hundred eighty-five percent of
10 the Office of Management and Budget income poverty guideline,
11 as allowed under Title XIX and Title XXI of the federal Social
12 Security Act, without regard to resources. Children described
13 in this subdivision and subdivision (6) of this section shall
14 remain eligible for six consecutive months from the date of
15 initial eligibility prior to redetermination of eligibility. The
16 department may review eligibility monthly thereafter pursuant to
17 rules and regulations adopted and promulgated by the department.
18 The department may determine upon such review that a child is
19 ineligible for medical assistance if such child no longer meets
20 eligibility standards established by the department;

21 (6) For purposes of Title XIX of the federal Social
22 Security Act as provided in subdivision (5) of this section,
23 children with a family income as follows:

24 (a) Equal to or less than one hundred fifty percent of
25 the Office of Management and Budget income poverty guideline with
26 eligible children one year of age or younger;

27 (b) Equal to or less than one hundred thirty-three
1 percent of the Office of Management and Budget income poverty
2 guideline with eligible children over one year of age and under six
3 years of age; or

4 (c) Equal to or less than one hundred percent of the
5 Office of Management and Budget income poverty guideline with
6 eligible children six years of age or older and less than nineteen
7 years of age;

8 (7) Persons who are medically needy caretaker relatives
9 as allowed under 42 U.S.C. 1396d(a)(ii);

10 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
11 disabled persons as defined in section 68-1005 with a family income
12 of less than two hundred fifty percent of the Office of Management
13 and Budget income poverty guideline and who, but for earnings in
14 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),
15 would be considered to be receiving federal Supplemental Security
16 Income. The department shall apply for a waiver to disregard any
17 unearned income that is contingent upon a trial work period in
18 applying the Supplemental Security Income standard. Such disabled
19 persons shall be subject to payment of premiums as a percentage of
20 family income beginning at not less than two hundred percent of
21 the Office of Management and Budget income poverty guideline. Such
22 premiums shall be graduated based on family income and shall not be
23 less than two percent or more than ten percent of family income;

24 ~~and~~
25 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
26 persons who:

27 (a) Have been screened for breast and cervical cancer
1 under the Centers for Disease Control and Prevention breast and
2 cervical cancer early detection program established under Title XV
3 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,

4 in accordance with the requirements of section 1504 of such act, 42
 5 U.S.C. 300n, and who need treatment for breast or cervical cancer,
 6 including precancerous and cancerous conditions of the breast or
 7 cervix;

8 (b) Are not otherwise covered under creditable coverage
 9 as defined in section 2701(c) of the federal Public Health Service
 10 Act, 42 U.S.C. 300gg(c);

11 (c) Have not attained sixty-five years of age; and

12 (d) Are not eligible for medical assistance under any
 13 mandatory categorically needy eligibility group; and-

14 (10) Persons eligible for services described in
 15 subsection (3) of section 4 of this act.

16 ~~Eligibility~~ Except as provided in section 4 of this act,
 17 eligibility shall be determined under this section using an income
 18 budgetary methodology that determines children's eligibility at
 19 no greater than two hundred percent of the Office of Management
 20 and Budget income poverty guideline and adult eligibility using
 21 adult income standards no greater than the applicable categorical
 22 eligibility standards established pursuant to state or federal
 23 law. The department shall determine eligibility under this section
 24 pursuant to such income budgetary methodology and subdivision
 25 (1)(q) of section 68-1713.

26 Sec. 4. (1) The Legislature finds that:

27 (a) Title XXI of the federal Social Security Act,

1 as amended, and the rules and regulations promulgated pursuant
 2 thereto, authorize the State Children's Health Insurance Program
 3 to assist state efforts to initiate and expand provisions of child
 4 health assistance to uninsured, low-income children;

5 (b) As defined in Title XXI of the federal Social
 6 Security Act, as amended, and the rules and regulations promulgated
 7 pursuant thereto, child means an individual under the age of
 8 nineteen years, including any period of time from conception to
 9 birth, up to age nineteen years;

10 (c) Pursuant to Title XXI of the federal Social Security
 11 Act, as amended, and the rules and regulations promulgated pursuant
 12 thereto, eligibility can only be conferred to a targeted low-income
 13 child, including an unborn child, under a separate child health
 14 program;

15 (d) Under Title XXI of the federal Social Security Act,
 16 as amended, and the rules and regulations promulgated pursuant
 17 thereto, child health assistance is available to benefit unborn
 18 children independent of the mother's eligibility and immigration
 19 status;

20 (e) Under Title XXI of the federal Social Security Act,
 21 as amended, and the rules and regulations promulgated pursuant
 22 thereto, child health assistance expressly includes prenatal care
 23 that connects to the health of the unborn child;

24 (f) Prenatal care has been clearly shown to reduce the
 25 likelihood of premature delivery or low birth weight, both of which
 26 are associated with a wide range of congenital disabilities as well

27 as infant mortality, and such care can detect a great number of
1 serious and even life-threatening disabilities, many of which can
2 now be successfully treated in utero;

3 (g) Ensuring prenatal care for more children will
4 significantly help reduce infant mortality and morbidity rates and
5 will spare many infants from the burden of congenital disabilities
6 and reduce the cost of treating those congenital disabilities after
7 birth;

8 (h) It is well established that access to prenatal
9 care can improve health outcomes during infancy as well as over
10 a child's life. Since healthy babies and children require less
11 medical care than babies and children with health problems,
12 provisions of prenatal care will result in lower medical
13 expenditures for the affected children in the long run; and

14 (i) Adopting federal law to provide for medical services
15 related to unborn children before birth will result in healthier
16 infants, better long-term child growth and development, and
17 ultimate cost savings to the state through reduced expenditures for
18 high cost neonatal and potential long-term medical rehabilitation.

19 (2) Such coverage shall be implemented through the
20 creation of a separate program as allowed under Title XXI of
21 the federal Social Security Act, as amended, and 42 C.F.R. 457.10,
22 solely for the unborn children of mothers who are ineligible
23 for coverage under Title XIX of the federal Social Security Act.
24 All other aspects of the medical assistance program relating to
25 the State Children's Health Insurance Program remain a medicaid
26 expansion program as defined in 42 C.F.R. 457.10.

27 (3) The benefits provided pursuant to this subsection,
1 unless the recipient qualifies for coverage under Title XIX of
2 the federal Social Security Act, as amended, shall be prenatal
3 care and pregnancy-related services connected to the health of
4 the unborn child, including: (a) Professional fees for labor and
5 delivery, including live birth, fetal death, miscarriage, and
6 ectopic pregnancy; (b) pharmaceuticals and prescription vitamins;
7 (c) outpatient hospital care; (d) radiology, ultrasound, and other
8 necessary imaging; (e) necessary laboratory testing; (f) hospital
9 costs related to labor and delivery; (g) services related to
10 conditions that could complicate the pregnancy, including those
11 for diagnosis or treatment of illness or medical conditions that
12 threaten the carrying of the unborn child to full term or the
13 safe delivery of the unborn child; and (h) other pregnancy-related
14 services approved by the department. Services not covered under
15 this subsection include medical issues separate to the mother and
16 unrelated to pregnancy.

17 (4) The department shall receive the state and federal
18 funds appropriated or provided for benefits provided pursuant to
19 this section. Within thirty days after the effective date of this
20 act, the department shall submit a state plan amendment or waiver
21 for approval by the federal Centers for Medicare and Medicaid
22 Services to provide coverage under the medical assistance program

23 to persons eligible under this section.

24 (5) Eligibility shall be determined under this section

25 using an income budgetary methodology that determines children's

26 eligibility at no greater than one hundred eighty-five percent of

27 the Office of Management and Budget income poverty guideline.

1 Sec. 5. Original section 68-915, Reissue Revised Statutes

2 of Nebraska, section 4-110, Revised Statutes Cumulative Supplement,

3 2010, and section 68-901, Revised Statutes Supplement, 2011, are

4 repealed.

5 Sec. 6. Since an emergency exists, this act takes effect

6 when passed and approved according to law.

7 2. On page 1, strike lines 2 through 6 and insert

8 "section 68-915, Reissue Revised Statutes of Nebraska, section

9 4-110, Revised Statutes Cumulative Supplement, 2010, and section

10 68-901, Revised Statutes Supplement, 2011; to change provisions

11 relating to verification of lawful presence; to provide for

12 coverage of certain children pursuant to the medical assistance

13 program; to state findings; to provide duties for the Department of

14 Health and Human Services; to harmonize provisions; to repeal the

15 original sections; and to declare an emergency."

LEGISLATIVE BILL 599A. Placed on Select File with amendment.

ER277

1 1. On page 1, strike beginning with "appropriate" in

2 line 1 through line 4 and insert "amend Laws 2011, LB374, section

3 158; to appropriate funds to aid in carrying out the provisions

4 of Legislative Bill 599, One Hundred Second Legislature, Second

5 Session, 2012; to change appropriations as prescribed; to repeal

6 the original section; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 4, 2012, at 9:55 a.m. were the following: LRs 358CA and 373CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 2012, at 9:57 a.m. were the following: LBs 670e, 715, 750, 905, 905A, 959, 972, 1001, 1057, 1057A, 1058, 1114e, and 1115.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SENATOR GLOOR PRESIDING**SELECT FILE**

LEGISLATIVE BILL 979. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 793. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 793A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1082. ER275, found on page 1347, was adopted.

Senator Nordquist offered the following amendment:

AM2719

(Amendments to AM2695)

- 1 1. Insert the following new section:
- 2 Sec. 16. Section 16-1038, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-1038 (1) The right to any benefits under the
- 5 retirement system and the assets of any fund of the retirement
- 6 system shall not be assignable or subject to execution,
- 7 garnishment, attachment, or the operation of any bankruptcy or
- 8 insolvency laws, except that the retirement system may comply with
- 9 the directions set forth in a qualified domestic relations order
- 10 meeting the requirements of section 414(p) of the Internal Revenue
- 11 Code. The city or retirement committee may require appropriate
- 12 releases from any person as a condition to complying with any
- 13 such order. The retirement system shall not recognize any domestic
- 14 relations order which alters or changes benefits, provides for
- 15 a form of benefit not otherwise provided for by the retirement
- 16 system, increases benefits not otherwise provided by the retirement
- 17 system, or accelerates or defers the time of payment of benefits.
- 18 No participant or beneficiary shall have any right to any specific
- 19 portion of the assets of the retirement system.
- 20 (2) The retirement system shall be administered in a
- 21 manner necessary to comply with the tax-qualification requirements
- 22 applicable to government retirement plans under section 401(a) of
- 1 the Internal Revenue Code, including section 401(a)(9) relating
- 2 to the time and manner in which benefits are required to be
- 3 distributed and section 401(a)(9)(G) relating to incidental death
- 4 benefit requirements, section 401(a)(16) relating to compliance
- 5 with the maximum limitation on the plan benefits or contributions
- 6 under section 415, section 401(a)(17) which limits the amount of
- 7 compensation which can be taken into account under a retirement
- 8 plan, section 401(a)(25) relating to the specification of actuarial
- 9 assumptions, ~~and~~ section 401(a)(31) relating to direct rollover

10 distribution from ~~qualified-eligible~~ retirement plans, and section
 11 401(a)(37) relating to the death benefit of a firefighter who dies
 12 while performing qualified military service. Any requirements for
 13 compliance with section 401(a) of the Internal Revenue Code may
 14 be set forth in any trust or funding medium for the retirement
 15 system. This subsection shall be in full force and effect only so
 16 long as conformity with section 401(a) of the Internal Revenue
 17 Code is required for public retirement systems in order to
 18 secure the favorable income tax treatment extended to sponsors
 19 and beneficiaries of tax-qualified retirement plans.

20 (3) If the retirement committee determines that the
 21 retirement system has previously overpaid or underpaid a benefit
 22 payable under sections 16-1020 to 16-1042, it shall have the
 23 power to correct such error. In the event of an overpayment, the
 24 retirement system may, in addition to any other remedy that the
 25 retirement system may possess, offset future benefit payments by
 26 the amount of the prior overpayment, together with regular interest
 27 thereon.

1 (4) A firefighter whose benefit payment is adjusted by
 2 the retirement committee pursuant to subsection (3) of this section
 3 may request a review by the city council of the adjustment made by
 4 the retirement committee.

5 (5) In order to provide the necessary amounts to pay
 6 for or fund a pension plan established under sections 16-1020 to
 7 16-1042, the mayor and council may make a levy which is within the
 8 levy restrictions of section 77-3442.

9 2. On page 1, lines 18 and 21 and 22; page 2, line 3;
 10 page 3, line 26; and page 4, lines 1 and 2, 5, and 11 and 12,
 11 strike the new matter and reinstate the stricken matter.

12 3. On page 10, line 12, strike "(2)", show as stricken,
 13 and insert "(2)(a)"; in line 17 strike "(a)", show as stricken, and
 14 insert "(i)"; in line 21 strike "(b)", show as stricken, and insert
 15 "(ii)"; and in line 24 before "A" insert "(b)".

16 4. On page 11, line 7, before "If" insert "(c)".

17 5. On page 22, line 26, before the comma insert
 18 "and section 401(a)(a)(G) relating to incidental death benefit
 19 requirements".

20 6. On page 23, line 3, strike "and" and show as stricken;
 21 in line 4 before the period insert ", section 401(a)(31) relating
 22 to direct rollover distributions from eligible retirement plans,
 23 and section 401(a)(37) relating to the death benefit of a police
 24 officer who dies while performing qualified military service".

25 7. Renumber the remaining sections and correct the
 26 repealer accordingly.

The Nordquist amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 14. Title read. Considered.

Committee AM1954, found on page 583, was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1125. Title read. Considered.

Committee AM2378, found on page 909, was considered.

Senator Christensen renewed his amendment, AM2513, found on page 1165, to the committee amendment.

The Christensen amendment lost with 7 ayes, 18 nays, 23 present and not voting, and 1 excused and not voting.

The committee amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 2012, at 10:57 a.m. were the following: LBs 398, 719, 721, 722, 729, 734, 737, 738, 740, 742, 743, 761e, 766, 768, 772, 779, 788, 795, 805, 819, 822, and 823.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 625. Introduced by Brasch, 16.

WHEREAS, Brian Hurst, son of Deb and Mike Hurst and a member of Troop 232 in Blair, Nebraska, 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, Brian 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. Brian's community service project involved many hours of planning and managing members of his troop in a landscaping project at the Blair Post Office; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brian, 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 Brian Hurst on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brian Hurst.

Laid over.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 670e, 715, 750, and 959. I would have voted "nay" on final passage of LRs 358CA and 373CA.

(Signed) Charlie Janssen

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB793. No objections. So ordered.

VISITORS

Visitors to the Chamber were Brian Schlote from Plainview; Karl and Phyllis Kostobahn from Grand Island; 9 students, teacher, and sponsors from Polk County Christian, Osceola; 40 fourth-grade students and teachers from Hayward Elementary, Nebraska City; 41 twelfth-grade students and teacher from Centura High School, Cairo; and 21 fourth-grade students and teacher from Walthill.

RECESS

At 11:55 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Seiler and Sullivan who were excused; and Senator Conrad who was excused until she arrives.

GENERAL FILE

LEGISLATIVE BILL 928. Title read. Considered.

Senator Fulton renewed his amendment, AM2667, found on page 1234.

The Fulton amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 928A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Schumacher's birthday.

GENERAL FILE

LEGISLATIVE BILL 908. Title read. Considered.

Committee AM2319, found on page 816, was considered.

Senator Lautenbaugh offered the following motion:

MO101

Unanimous consent to bracket until April 12, 2012.

No objections. So ordered.

LEGISLATIVE BILL 924. Title read. Considered.

Committee AM2537, found on page 1210, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 793. Placed on Final Reading.

LEGISLATIVE BILL 793A. Placed on Final Reading.

LEGISLATIVE BILL 979. Placed on Final Reading.

LEGISLATIVE BILL 1082. Placed on Final Reading.

ST102

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Nordquist amendment, AM2719, on page 3, line 18, "401(a)(a)(G)" has been struck and "401(a)(9)(G)" inserted.

2. In the E & R amendments, ER275, on page 1, line 13, "and 16-1019" has been struck and "16-1019, and 16-1038" inserted; and in line 18 "to change provisions relating to administration of police officer and firefighter retirement systems as prescribed;" has been inserted after the first semicolon.

3. In the Karpisek amendment, AM2695, on page 24, line 26, "and 16-1019" has been struck and "16-1019, and 16-1038" inserted.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 14. Placed on Select File with amendment.

ER279

- 1 1. On page 1, strike beginning with "and" in line 3
- 2 through line 4 and insert "fees received by registers of deeds,
- 3 county clerks, clerks of the district court, and the Secretary of
- 4 State;"

LEGISLATIVE BILL 1125. Placed on Select File with amendment.

ER280

- 1 1. In the Standing Committee amendments, AM2378, on page
- 2 2, line 7, strike the second "in" and insert "of".

LEGISLATIVE BILL 928. Placed on Select File with amendment.

ER278

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-201, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 37-201 Sections 37-201 to 37-811 and sections 2 and 5 to

6 14 of this act shall be known and may be cited as the Game Law.

7 Sec. 2. (1) The commission may issue permits for hunting
8 mountain lions and may adopt and promulgate rules and regulations
9 therefor within the limitations prescribed in subsection (1) of
10 section 37-447 and section 37-452 for hunting deer. Any authorized
11 permits shall be issued to residents of Nebraska, except that
12 permits issued by auction may be issued to nonresidents.

13 (2) The commission shall, pursuant to section 37-327,
14 establish and charge a nonrefundable application fee of not more
15 than twenty-five dollars for permits issued only to residents. Any
16 number of resident-only permits, as authorized by the commission,
17 shall be awarded by random drawing to eligible applicants. No
18 permit fee shall be charged in addition to the nonrefundable
19 application fee.

20 (3) No more than one additional permit may be authorized
21 and issued pursuant to an auction open to residents and
22 nonresidents. The auction shall be conducted according to rules and
23 regulations prescribed by the commission. Any money derived from
1 the sale of permits by auction shall be used only for perpetuation
2 and management of mountain lions.

3 Sec. 3. Section 37-448, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 37-448 (1) Subject to rules and regulations adopted and
6 promulgated by the commission, the secretary of the commission
7 may designate special deer depredation seasons or extensions of
8 existing deer hunting seasons by executive order. The secretary
9 may designate a depredation season or an extension of an existing
10 deer hunting season whenever he or she determines that deer are
11 causing excessive property damage. The secretary shall specify the
12 number of permits to be issued, the species of deer allowed to be
13 taken, the bag limit for such species including deer for donation
14 in accordance with the deer donation program established pursuant
15 to sections 5 to 14 of this act, the beginning and ending dates for
16 the depredation season or hunting season extension, shooting hours,
17 the length of the depredation season or hunting season extension,
18 and the geographic area in which hunting will be permitted. Hunting
19 during a special depredation season or hunting season extension
20 shall be limited to residents, and the rules and regulations shall
21 allow use of any weapon permissible for use during the regular deer
22 season.

23 (2) The depredation season may commence not less than
24 five days after the first public announcement that the depredation
25 season has been established. Permits shall be issued in an
26 impartial manner at a location determined by the secretary.
27 The commission shall, pursuant to section 37-327, establish and
1 charge a fee of not more than twenty-five dollars for a special
2 depredation season permit. The commission shall use the income from
3 the sale of special depredation season permits for abatement of
4 damage caused by deer. The commission shall also provide for an

5 unlimited number of free permits for the taking of antlerless deer
 6 upon request to any person owning or operating at least twenty
 7 acres of farm or ranch land within the geographic area in which
 8 hunting will be permitted and to any member of the immediate family
 9 of any such person as defined in subdivision (2)(a) of section
 10 37-455. A free permit shall be valid only within such area and
 11 only during the designated deer depredation season. Receipt of a
 12 depredation season permit shall not in any way affect a person's
 13 eligibility for a regular season permit.

14 Sec. 4. Section 37-452, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 37-452 (1) No person shall hunt antelope, elk, ~~or~~
 17 mountain sheep, or mountain lions unless such person is at least
 18 twelve years of age, and any person who is twelve through fifteen
 19 years of age shall only hunt antelope, elk, ~~or~~ mountain sheep, or
 20 mountain lions when supervised by a person nineteen years of age or
 21 older having a valid hunting permit.

22 (2) No person shall hunt deer unless such person is at
 23 least ten years of age, and any person who is ten through fifteen
 24 years of age shall only hunt deer when supervised by a person
 25 nineteen years of age or older having a valid hunting permit.

26 (3) A person nineteen years of age or older having a
 1 valid hunting permit shall not supervise more than two persons
 2 while hunting deer, antelope, elk, ~~or~~ mountain sheep, or mountain
 3 lions at the same time.

4 Sec. 5. The purpose of sections 5 to 14 of this act is
 5 to establish procedures for the administration of a deer donation
 6 program and to encourage hunters to harvest deer to donate to a
 7 program to feed residents of Nebraska who are in need.

8 Sec. 6. For purposes of sections 5 to 14 of this act:

9 (1) Deer means any wild deer legally taken in Nebraska
 10 and deer confiscated as legal evidence if the confiscated carcass
 11 is considered by a conservation officer to be in good condition for
 12 donation under the program;

13 (2) Field dressed means properly bled and cleaned of the
 14 internal organs;

15 (3) Meat processor means any business that is licensed to
 16 process meat for retail customers by the Department of Agriculture,
 17 the United States Department of Agriculture, or a neighboring
 18 state's department that is similar to Nebraska's; and

19 (4) Program means the deer donation program established
 20 pursuant to sections 5 to 14 of this act.

21 Sec. 7. Deer is the only species of wildlife covered by
 22 the program. To be accepted, the entire field-dressed deer carcass
 23 shall be donated, but the hunter may keep the antlers, head, and
 24 cape.

25 Sec. 8. On or before July 1, 2012, the commission shall
 26 provide each applicant the option on the application for any type
of hunting permit authorizing the taking of deer to indicate that

27 the applicant may designate an amount in addition to the permit fee
1 to be credited to the Hunters Helping the Hungry Cash Fund.

2 Sec. 9. (1) The commission shall set a fair market price
3 for the processing cost of deer donated to the program. To set a
4 fair market price, the commission shall consider prices for similar
5 deer processing services paid by retail customers in Nebraska and
6 nearby states and shall establish an annual per-deer processing
7 payment to be made to meat processors to the extent that money is
8 available in the Hunters Helping the Hungry Cash Fund.

9 (2) The commission shall adopt and promulgate rules and
10 regulations necessary to carry out the program.

11 Sec. 10. The commission shall promote the harvesting
12 of deer by hunters and the donation of deer at meat processors
13 participating in the program to the extent that money is available
14 in the Hunters Helping the Hungry Cash Fund.

15 Sec. 11. The commission may enlist as many meat
16 processors as available to participate in the program and shall
17 enter into contracts with meat processors as described in section
18 12 of this act subject to available funding in the Hunters
19 Helping the Hungry Cash Fund. The commission shall provide
20 forms for donation of deer by hunters and posters for meat
21 processors to advertise their participation. The commission shall
22 provide informational and promotional materials to meat processors
23 regarding the program.

24 Sec. 12. (1) To participate in the program, each meat
25 processor shall enter into an annual contract with the commission
26 which details the meat processor's participation.

27 (2) Meat processors shall accept the entire field-dressed
1 carcass of a donated deer according to the terms of their
2 respective contracts with the commission and shall not assess any
3 fees or costs to donors, recipients, or participants. Information
4 from the donor is required for each donated deer and shall be
5 submitted on forms provided by the commission. Payment shall not be
6 made to a meat processor without this information.

7 (3) Meat processors shall accept a donated deer if the
8 meat processor determines the venison is in acceptable condition.

9 (4) Prior to receiving payment, a meat processor shall
10 be required to provide to the commission a record of each donated
11 deer that includes information required by the commission. Payments
12 shall be made to meat processors within forty-five days after
13 submittal of a complete and accurate invoice according to the terms
14 of their respective contracts with the commission.

15 (5) The commission shall not be liable for the safety,
16 quality, or condition of deer accepted by meat processors or
17 recipients or consumed by participants in the program.

18 Sec. 13. The commission, at its own discretion, may enter
19 into contracts with other entities for purposes of executing or
20 expanding the program. The commission may include the offer of
21 matching grants to pay for deer processing to entities that acquire

22 funding from sources other than the state to pay for expenses of
 23 the program.

24 Sec. 14. The Hunters Helping the Hungry Cash Fund is
 25 created. The fund shall include amounts designated for the fund
 26 pursuant to section 8 of this act and revenue received from gifts,
 27 grants, bequests, donations, other similar donation arrangements,
 1 or other contributions from public or private sources intended for
 2 the fund. The fund shall be administered by the commission to carry
 3 out the program. The annual expenditures from the fund shall be
 4 limited only by the available balance of the fund. The commission
 5 shall not be obligated to provide payments from the fund or pay any
 6 other expenses in excess of the available balance in the fund. Any
 7 money in the fund available for investment shall be invested by the
 8 state investment officer pursuant to the Nebraska Capital Expansion
 9 Act and the Nebraska State Funds Investment Act.

10 Sec. 15. Sections 2, 4, and 16 of this act become
 11 operative three calendar months after the adjournment of this
 12 legislative session. The other sections of this act become
 13 operative on their effective date.

14 Sec. 16. Original section 37-452, Reissue Revised
 15 Statutes of Nebraska, is repealed.

16 Sec. 17. Original sections 37-201 and 37-448, Revised
 17 Statutes Cumulative Supplement, 2010, are repealed.

18 Sec. 18. Since an emergency exists, this act takes effect
 19 when passed and approved according to law.

20 2. On page 1, strike beginning with "mountain" in line 1
 21 through line 6 and insert "the Game Law; to amend section 37-452,
 22 Reissue Revised Statutes of Nebraska, and sections 37-201 and
 23 37-448, Revised Statutes Cumulative Supplement, 2010; to provide
 24 for permits for hunting mountain lions; to provide for fees; to
 25 provide age requirements; to change provisions relating to special
 26 deer depredation seasons; to provide for donation of deer; to
 27 create a fund; to harmonize provisions; to provide operative dates;
 1 to repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 928A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB1161:
 AM2745 is available in the Bill Room.

SPEAKER FLOOD PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 851.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704, 77-1704.01, 77-1706, 77-1707, and 77-1821, Reissue Revised Statutes of Nebraska; to change provisions relating to tax receipts; 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, 41:

Adams	Dubas	Harr, B.	Lathrop	Schilz
Bloomfield	Fischer	Heidemann	McCoy	Schumacher
Brasch	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	
Cook	Hadley	Lambert	Pahls	
Cornett	Hansen	Langemeier	Pirsch	
Council	Harms	Larson	Price	

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Avery	Campbell	Louden
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Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to juror compensation; to amend sections 23-131, 23-1801, and 33-138, Reissue Revised Statutes of Nebraska; to authorize the voluntary waiver of compensation by jurors; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 869.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the jurisdiction of the State Athletic Commissioner; to change provisions relating to licenses and permits; to change membership of the Athletic Advisory Committee; 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	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman
Cook	Hadley	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 LB880 with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 880.

A BILL FOR AN ACT relating to the Records Management Act; to amend sections 84-1201, 84-1203, 84-1204, 84-1205.03, 84-1205.05, 84-1206, 84-1207, and 84-1219, Reissue Revised Statutes of Nebraska; to provide duties relating to reducing costs and adopting modern methods of records management as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1205.04, Reissue Revised Statutes of Nebraska.

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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 881.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Reissue Revised Statutes of Nebraska; to change medical services payment provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 896. With Emergency Clause.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1437, Revised Statutes Supplement, 2011; to prohibit certain actions and provide procedures for incentive compensation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 897.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1615, Reissue Revised Statutes of Nebraska; to change provisions relating to tax lists; to harmonize provisions; to repeal the original section; and to outright repeal section 33-113, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cook	Hadley	Langemeier	Pahls
Ashford	Cornett	Hansen	Larson	Pirsch
Avery	Council	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Krist

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 898.

A BILL FOR AN ACT relating to minitrucks; to amend sections 60-121.01, 60-337.01, and 60-636.01, Reissue Revised Statutes of Nebraska, and section 60-501, Revised Statutes Supplement, 2011; to redefine minitruck; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to legal procedure; to amend sections 42-353 and 43-2935, Reissue Revised Statutes of Nebraska; to provide procedures for entering a legal separation decree; to change requirements for hearings regarding parenting plans; to provide a duty for the Revisor of Statutes; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 936. With Emergency Clause.

A BILL FOR AN ACT relating to counties under township organization; to amend section 23-2,100, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to termination of the township board; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 941.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-206, Reissue Revised Statutes of Nebraska; to change restrictions on disposition of pawned and secondhand goods; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 LB997 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 997.

A BILL FOR AN ACT relating to power lines; to amend sections 48-436, 48-437, 48-438, and 60-6,299, Reissue Revised Statutes of Nebraska, and section 60-6,298, Revised Statutes Supplement, 2011; to change provisions relating to high voltage conductor safety and certain permits issued for operation of oversized vehicles and loads; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 1005.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Job Protection Act; to amend sections 35-1403, 35-1406, and 35-1407, Reissue Revised Statutes of Nebraska, and section 35-1402, Revised Statutes Cumulative Supplement, 2010; to include members of state emergency response teams established under the Emergency Management 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, 44:

Adams	Cornett	Hansen	Langemeier	Pahls
Ashford	Council	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Bloomfield	Fischer	Heidemann	Louden	Schilz
Brasch	Flood	Howard	McCoy	Schumacher
Campbell	Fulton	Janssen	McGill	Smith
Carlson	Gloor	Karpisek	Mello	Wallman
Christensen	Haar, K.	Krist	Nelson	Wightman
Coash	Hadley	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Cook

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1026.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska; to change provisions relating to confidential records; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1030.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,109 and 60-6,133, Reissue Revised Statutes of Nebraska; to change provisions relating to obligations of drivers; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1035.

A BILL FOR AN ACT relating to elections; to amend sections 32-610 and 32-1031, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Supplement, 2011; to change and eliminate provisions relating to political parties and filing for office; to provide for automatic nomination of candidates for airport authority boards as prescribed; to change provisions relating to the canvass of votes; to repeal the original sections; and to outright repeal section 32-718, Reissue Revised Statutes of Nebraska.

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	Cornett	Hansen	Larson	Pirsch
Ashford	Council	Harr, B.	Lathrop	Price
Avery	Dubas	Heidemann	Louden	Schilz
Brasch	Fischer	Howard	McCoy	Schumacher
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Wallman
Christensen	Gloor	Krist	Nelson	Wightman
Coash	Haar, K.	Lambert	Nordquist	
Cook	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Harms

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1038.

A BILL FOR AN ACT relating to children; to provide for the establishment of a lead poisoning prevention program as prescribed; and to provide duties for the Department of Health and Human 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, 44:

Adams	Cornett	Hansen	Langemeier	Pahls
Ashford	Council	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman
Cook	Hadley	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1042.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2301, 38-2315, and 71-605, Reissue Revised Statutes of Nebraska; to authorize nurse practitioners to sign death certificates as prescribed; to provide for disciplinary action; 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	Cornett	Hansen	Langemeier	Pahls
Ashford	Council	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Smith
Carlson	Fulton	Janssen	McGill	Wallman
Christensen	Gloor	Karpisek	Mello	Wightman
Coash	Haar, K.	Krist	Nelson	
Cook	Hadley	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Schumacher

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1049.

A BILL FOR AN ACT relating to scrap metal recycling; to amend sections 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for the purchase of certain regulated metals property; to change provisions relating to a payment for purchase of copper; 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	Cornett	Hansen	Langemeier	Pahls
Ashford	Council	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman
Cook	Hadley	Lambert	Nordquist	

Voting in the negative, 1:

Bloomfield

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 LB1051 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1051.

A BILL FOR AN ACT relating to abuse and neglect; to amend sections 28-348, 28-349, 28-350, 28-351, 28-352, 28-355, 28-358, 28-370, 28-372, 28-373, 28-374, 28-386, 28-387, and 28-713.01, Reissue Revised Statutes of Nebraska, and section 28-376, Revised Statutes Cumulative Supplement,

2010; to define and redefine terms; to change provisions relating to reports of abuse, neglect, and exploitation investigated for the Adult Protective Services Central Registry and the central register of child protection cases; 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	Cook	Hadley	Lambert	Pahls
Ashford	Cornett	Hansen	Langemeier	Pirsch
Avery	Council	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 1054.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3521 and 44-3526, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change contract coverage under the Motor Vehicle Service Contract Reimbursement Insurance Act; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Wallman
Christensen	Gloor	Karpisek	Mello	Wightman
Coash	Haar, K.	Krist	Nelson	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1054A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1054, One Hundred Second Legislature, Second Session, 2012.

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	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Price
Bloomfield	Dubas	Harr, B.	Lathrop	Schilz
Brasch	Fischer	Heidemann	Louden	Schumacher
Campbell	Flood	Howard	McCoy	Wallman
Carlson	Fulton	Janssen	McGill	Wightman
Christensen	Gloor	Karpisek	Mello	
Coash	Haar, K.	Krist	Nelson	

Voting in the negative, 0.

Present and not voting, 2:

Pirsch	Smith
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Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1062.

A BILL FOR AN ACT relating to adoption; to amend sections 43-118 and 43-147, Reissue Revised Statutes of Nebraska; to provide for an adoption assistance agreement and continuation of adoption assistance as prescribed; to harmonize provisions; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1077.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Supplement, 2011; to require certain facilities to offer vaccinations as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1083. With Emergency Clause.

A BILL FOR AN ACT relating to the Nurse Practice Act; to amend section 38-2218, Reissue Revised Statutes of Nebraska; to clarify permitted practices; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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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.

LEGISLATIVE BILL 1087.

A BILL FOR AN ACT relating to natural gas; to create the Natural Gas Fuel Board; and to provide powers and duties.

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	Cornett	Hansen	Larson	Pirsch
Ashford	Council	Harms	Lathrop	Price
Avery	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Wallman
Christensen	Gloor	Krist	Nelson	Wightman
Coash	Haar, K.	Lambert	Nordquist	
Cook	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Janssen

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1087A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Second Legislature, Second Session, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hadley	Langemeier	Pahls
Ashford	Cornett	Hansen	Larson	Pirsch
Avery	Council	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Wallman
Christensen	Gloor	Krist	Nelson	Wightman
Coash	Haar, K.	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1101. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Reissue Revised Statutes of Nebraska; to change a provision relating to county assessors; to provide operative dates; to repeal the original section; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 1106.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1374, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessment of improvements on leased public lands; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1116.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Langemeier	Pahls
Ashford	Cornett	Harms	Larson	Pirsch
Avery	Council	Harr, B.	Lathrop	Price
Bloomfield	Dubas	Heidemann	Louden	Schilz
Brasch	Fischer	Howard	McCoy	Schumacher
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Wallman
Christensen	Gloor	Krist	Nelson	Wightman
Coash	Hadley	Lambert	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

Excused and not voting, 4:

Conrad	Lautenbaugh	Seiler	Sullivan
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1121.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-787 and 31-789, Reissue Revised Statutes of Nebraska; to change provisions relating to signatures on recall petitions; 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	Harr, B.	Lathrop	Price
Ashford	Council	Heidemann	Louden	Schilz
Avery	Dubas	Howard	McCoy	Schumacher
Bloomfield	Fischer	Janssen	McGill	Smith
Brasch	Flood	Karpisek	Mello	Wallman
Campbell	Fulton	Krist	Nelson	Wightman
Carlson	Gloor	Lambert	Nordquist	
Christensen	Hansen	Langemeier	Pahls	
Coash	Harms	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Cornett Haar, K. Hadley

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1122. With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Reissue Revised Statutes of Nebraska; to change a power of the Department of Health and Human Services relating to the limitation of certain services as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 1126.

A BILL FOR AN ACT relating to villages; to amend sections 13-327 and 13-328, Reissue Revised Statutes of Nebraska; to provide for a county to cede and transfer extraterritorial jurisdiction of land to a village as prescribed; 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	Cook	Hadley	Lambert	Pahls
Ashford	Cornett	Hansen	Langemeier	Pirsch
Avery	Council	Harms	Larson	Price
Bloomfield	Dubas	Harr, B.	Lathrop	Schilz
Brasch	Fischer	Heidemann	Louden	Schumacher
Campbell	Flood	Howard	McCoy	Smith
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 LB1140 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1140.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,184, 81-8,185, 81-8,186, 81-8,189, 81-8,190, 81-8,191.01, 81-8,192, 81-8,193, 81-8,195, 81-8,196, 81-8,197, 81-8,198, 81-8,199, 81-8,200, 81-8,200.01, 81-8,200.02, 81-8,201, 81-8,202, 81-8,203, 81-8,204, 81-8,205, 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska, and section 81-8,194, Revised Statutes Cumulative Supplement, 2010; to eliminate registration of professional landscape architects; to license professional landscape architects; to change provisions relating to the State Board of Landscape Architects and licensure requirements and examinations; 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 1141.

A BILL FOR AN ACT relating to government; to amend sections 55-157 and 81-1170.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement of travel expenses for Nebraska National Guard members as prescribed; 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	Cook	Hadley	Lambert	Pahls
Ashford	Cornett	Hansen	Larson	Pirsch
Avery	Council	Harms	Lathrop	Price
Bloomfield	Dubas	Harr, B.	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Smith
Carlson	Fulton	Janssen	Mello	Wallman
Christensen	Gloor	Karpisek	Nelson	Wightman
Coash	Haar, K.	Krist	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Langemeier

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1148.

A BILL FOR AN ACT relating to marriage and family therapists; to amend section 38-2133, Reissue Revised Statutes of Nebraska; to change provisions relating to qualified supervisors and supervision requirements for certification; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Wallman
Coash	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Conrad Lautenbaugh Seiler Sullivan

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 851, 865, 869, 880, 881, 896, 897, 898, 899, 936, 941, 997, 1005, 1026, 1030, 1035, 1038, 1042, 1049, 1051, 1054, 1054A, 1062, 1077, 1083, 1087, 1087A, 1101, 1106, 1116, 1121, 1122, 1126, 1140, 1141, and 1148.

GENERAL FILE

LEGISLATIVE BILL 1050. Senator Cornett withdrew her amendment AM2181, found on page 976 and considered on page 1196.

Senator Cornett offered the following motion:

MO100

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM2746.

Senator Cornett moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Cornett motion to suspend the rules prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Cornett offered the following amendment:

AM2746

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 54-784.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 54-784.01 Sections 54-784.01 to 54-796 and section 2 of
- 6 this act shall be known and may be cited as the Animal Importation
- 7 Act.
- 8 Sec. 2. (1) Except as otherwise provided in this
- 9 section, individual identification shall not be required for cattle
- 10 identified by a registered brand, accompanied by a state-issued
- 11 brand inspection certificate, and imported into Nebraska directly
- 12 from a mandatory brand inspection area of any state or portion of
- 13 a state.
- 14 (2) The Department of Agriculture may require cattle
- 15 described in subsection (1) of this section to be identified by
- 16 individual identification to enter the state if the Director of
- 17 Agriculture determines that:
- 18 (a) The brand registration or the brand inspection
- 19 procedures and documentation of the state of origin are
- 20 insufficient to enable the tracing of animals to their herd of
- 21 origin;
- 22 (b) Identification by brand alone is in conflict with a

- 23 standard of federal law or regulation regarding identification of
 1 cattle moved in interstate commerce; or
 2 (c) The cattle originate from a location that is not a
 3 tuberculous accredited-free state or zone pursuant to 9 C.F.R. 77.7
 4 or is not designated a brucellosis Class Free or Class A state or
 5 area pursuant to 9 C.F.R. 78.41, as such regulations existed on
 6 January 1, 2012.
 7 (3) This section does not limit the authority of the
 8 State Veterinarian to issue import orders imposing additional
 9 requirements for animals imported into Nebraska from any state,
 10 country, zone, or other area, including requirements relating to
 11 identification.
 12 Sec. 3. Original section 54-784.01, Reissue Revised
 13 Statutes of Nebraska, is repealed.

Senator Cornett moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Cornett amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 2012, at 5:50 p.m. were the following: LBs 851, 865, 869, 880, 881, 896e, 897, 898, 899, 936e, 941, 997, 1005, 1026, 1030, 1035, 1038, 1042, 1049, 1051, 1054, 1054A, 1062, 1077, 1083e, 1087, 1087A, 1101e, 1106, 1116, 1121, 1122e, 1126, 1140, 1141, and 1148.

(Signed) Jamie Kruse
 Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 626. Introduced by Mello, 5.

WHEREAS, the AIM Institute, a nonprofit membership organization, was founded in 1992 to empower communities, organizations, and individuals through the use of information technology; and

WHEREAS, since its founding, the AIM Institute has fulfilled its mission well and has had a significant impact on business, government, education, and nonprofit entities across the State of Nebraska and the surrounding region; and

WHEREAS, the AIM Institute's contributions in building, connecting, and inspiring the information technology community include: Reaching over 103,000 middle school, high school, and college students through its educational initiatives; providing \$1.2 million in technology for schools, including laptop computers, smart boards, mobile tools, and other educational technology; processing eight million job applications on Careerlink.com, one of the AIM Institute's signature services; training over 50,000 information technology professionals in Nebraska and the surrounding region through its networking security, web development, and similar training events; bringing \$85.2 million in grants into the region, impacting the overall economy at a value of over \$213 million; and providing training and technical assistance through capacity building services to over 450 nonprofit organizations; and

WHEREAS, the AIM Institute is celebrating its 20th anniversary in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the impact that the AIM Institute has had in building, connecting, and inspiring the information technology community, congratulates the institute on its 20th anniversary, and extends its best wishes for continued success in the coming years.

2. That a copy of this resolution be sent to the AIM Institute and its President and CEO, Dr. Kandace R. Miller.

Laid over.

SELECT FILE

LEGISLATIVE BILL 599. ER276, found in this day's Journal, was adopted.

Senator Krist offered the following amendment:

AM2752

(Amendments to E & R amendments, ER276)

- 1 1. Insert the following new section:
- 2 Sec. 5. This act becomes operative on May 1, 2012.
- 3 2. Renumber the remaining sections accordingly.

Senator Schilz offered the following amendment to the Krist amendment:

AM2759

(Amendments to AM2752)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendments:
- 3 1. Strike section 1 and insert the following new
- 4 sections:
- 5 Section 1. Section 4-111, Revised Statutes Cumulative
- 6 Supplement, 2010, is amended to read:
- 7 4-111 Verification of lawful presence in the United
- 8 States pursuant to section 4-108 requires that the applicant for

9 public benefits attest in a format prescribed by the Department of
10 Administrative Services that:

11 (1) He or she is a United States citizen; or

12 (2) He or she is a qualified alien under the federal
13 Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act
14 existed on January 1, 2009, and is lawfully present in the United
15 States.

16 A state agency or political subdivision of the State
17 of Nebraska may adopt and promulgate rules and regulations or
18 procedures for the electronic filing of the attestation required
19 under this section if such attestation is substantially similar to
20 the format prescribed by the Department of Administrative Services.
21 It is the intent of the Legislature that an applicant for benefits
22 under section 5 of this act provide the attestation required by
1 this section as part of such application.

2 Sec. 2. Section 4-112, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 4-112 For any applicant who has executed a document
5 described in subdivision (2) of section 4-111, eligibility for
6 public benefits shall be verified through the Systematic Alien
7 Verification for Entitlements Program operated by the United States
8 Department of Homeland Security or an equivalent program designated
9 by the United States Department of Homeland Security. Until such
10 verification of eligibility is made, such attestation may be
11 presumed to be proof of lawful presence for purposes of sections
12 4-108 to 4-113 and section 5 of this act unless such verification
13 is required before providing the public benefit under another
14 provision of state or federal law.

15 Sec. 6. This act becomes operative on May 1, 2012.

16 2. On page 2, line 18; and page 5, lines 15 and 16,
17 strike "4" and insert "5".

18 3. On page 6, lines 18 and 19, strike "and immigration
19 status".

20 4. On page 9, line 2 strike "section 4-110" and insert
21 "sections 4-111 and 4-112".

22 5. Renumber the remaining sections accordingly.

SENATOR CARLSON PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Fulton moved for a call of the house. The motion prevailed with 28
eyes, 2 nays, and 19 not voting.

Senator Fulton requested a roll call vote on the Schilz amendment.

Voting in the affirmative, 11:

Bloomfield	Janssen	McCoy	Schilz
Brasch	Lambert	Nelson	Smith
Fulton	Larson	Price	

Voting in the negative, 23:

Adams	Coash	Gloor	Karpisek	Schumacher
Ashford	Cook	Haar, K.	Krist	Wallman
Avery	Cornett	Hadley	Louden	Wightman
Campbell	Council	Harr, B.	McGill	
Carlson	Dubas	Howard	Nordquist	

Present and not voting, 12:

Christensen	Hansen	Langemeier	Mello
Fischer	Harms	Lathrop	Pahls
Flood	Heidemann	Lautenbaugh	Pirsch

Excused and not voting, 3:

Conrad	Seiler	Sullivan
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The Schilz amendment lost with 11 ayes, 23 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 924. Placed on Select File with amendment. ER281 is available in the Bill Room.

LEGISLATIVE BILL 1050. Placed on Select File with amendment. ER282

- 1 1. On page 1, strike beginning with "revenue" in line 1
- 2 through line 5 and insert "agriculture; to amend section 54-784.01,
- 3 Reissue Revised Statutes of Nebraska; to provide for identification
- 4 requirements for importation of certain cattle as prescribed; and
- 5 to repeal the original section."

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 627. Introduced by Krist, 10; Cook, 13.

WHEREAS, the Irvington Volunteer Fire Department is celebrating its sixtieth anniversary in 2012; and

WHEREAS, the Irvington Volunteer Fire Department has a storied history of volunteer service to its community; and

WHEREAS, the Irvington Volunteer Fire Department was founded on July 1, 1952, by a men's club to address the fire protection needs of northwestern Douglas County and has grown into one of the busiest volunteer fire departments in the state. It responds to approximately six hundred fifty emergencies per year, many of which require emergency medical services; and

WHEREAS, the 30-member department stands ready to assist its community in whatever situation arises.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Irvington Volunteer Fire Department on its sixtieth anniversary and thanks the department's members for their service.

2. That a copy of this resolution be sent to the Irvington Volunteer Fire Department.

Laid over.

LEGISLATIVE RESOLUTION 628. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Karpisek, 32; Loudon, 49; Mello, 5.

PURPOSE: To study the pensions provided for firefighters from cities of the first class.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 629. Introduced by Mello, 5.

WHEREAS, the nonprofit research and design collaborative Emerging Terrain conducted a project that obscured the graffiti-covered grain

elevators along Interstate 80 in South Omaha with beautiful aesthetic artwork; and

WHEREAS, the project, known as Stored Potential, helps South Omaha neighborhoods retain respect and dignity, fight back against crime and graffiti, and maintain civic pride within the South Omaha community and downtown Omaha; and

WHEREAS, the collaboration of artists, organizations, volunteers, corporation sponsors, and city agencies that worked together to make Stored Potential a success has helped benefit not only members of the South Omaha community, but all Nebraskans; and

WHEREAS, the project helps reflect on the relationship between land and agriculture as well as engaging Nebraskans in a larger conversation about their built environment and raising consciousness of land-use patterns; and

WHEREAS, since Executive Director Anne Trumble founded Emerging Terrain in 2007, the organization has conducted significant projects and research that merges urban spaces and landscaping with agricultural themes and the surrounding aesthetic environment; and

WHEREAS, Anne Trumble received a 2012 Governor's Arts Award as an emerging leader on April 2, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Emerging Terrain on the success of the project known as Stored Potential that obscured the graffiti previously displayed on grain elevators in South Omaha.

2. That a copy of this resolution be sent to Emerging Terrain's Executive Director, Anne Trumble.

Laid over.

SELECT FILE

LEGISLATIVE BILL 599. Senator Krist withdrew his amendment AM2752, found in this day's Journal.

Senator Campbell offered the following amendment:
AM2755

(Amendments to E & R amendments, ER276)

- 1 1. On page 5, line 26, after "finds" insert "and
- 2 declares".

Senator Campbell asked unanimous consent to withdraw her amendment, AM2755, found in this day's Journal, and replace it with her substitute amendment, AM2761. No objections. So ordered.

AM2761

(Amendments to E & R amendments, ER276)

- 1 1. Insert the following new section:
- 2 Sec. 5. Beginning January 1, 2013, Nebraska hospitals
- 3 shall annually report the following data to the Department of

- 4 Health and Human Services:
 5 (1) The number of live births per year;
 6 (2) The number of prenatal care office visits by the
 7 mother to her primary care provider;
 8 (3) The gestational age in weeks of the baby at birth;
 9 (4) Whether the baby was born prior to thirty-six weeks
 10 gestational age;
 11 (5) The number of days the baby was hospitalized after
 12 birth;
 13 (6) Whether the baby was admitted to a neonatal intensive
 14 care unit after birth;
 15 (7) Whether all or any part of the mother's prenatal care
 16 and pregnancy-related services, labor, or delivery expenses or the
 17 postpartum medical expenses of the baby were covered by insurance;
 18 (8) Whether the mother paid for all or any part of the
 19 mother's prenatal care and pregnancy-related services, labor, or
 20 delivery expenses or the postpartum medical expenses of the baby
 21 out of pocket;
 22 (9) Whether all or any part of the mother's prenatal care
 1 and pregnancy-related services, labor, or delivery expenses or the
 2 postpartum medical expenses of the baby were paid by the medical
 3 assistance program established under the Medical Assistance Act;
 4 (10) Whether labor and delivery costs were paid pursuant
 5 to emergency medicaid coverage; or
 6 (11) Whether the mother's prenatal care and
 7 pregnancy-related services were paid pursuant to section 4
 8 of this act.
 9 2. Renumber the remaining sections accordingly.

Senator Janssen offered the following amendment to the Campbell amendment:

AM2777

(Amendments to AM2761)

- 1 1. Insert the following new sections:
 2 Sec. 6. Section 68-1708, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 68-1708 Sections 68-1708 to 68-1734 and section 9 of this
 5 act shall be known and may be cited as the Welfare Reform Act.
 6 Sec. 7. Section 68-1723, Reissue Revised Statutes of
 7 Nebraska, is amended to read:
 8 68-1723 (1) Cash assistance shall be provided only while
 9 recipients are actively engaged in the specific activities outlined
 10 in the self-sufficiency contract developed under section 68-1719.
 11 If the recipients are not actively engaged in these activities, no
 12 cash assistance shall be paid.
 13 (2) Recipient families with at least one adult with
 14 the capacity to work, as determined by the comprehensive assets
 15 assessment, shall participate in the self-sufficiency contract as
 16 a condition of receiving cash assistance. If any such adult fails

17 to cooperate in carrying out the terms of the contract, the family
18 shall be ineligible for cash assistance.

19 (a) Adult members of recipient families whose youngest
20 child is between the ages of twelve weeks and six months shall
21 engage in an individually determined number of part-time hours
22 in activities such as family nurturing, preemployment skills, or
1 education.

2 (b) Participation in activities outlined in the
3 self-sufficiency contract shall not be required for one parent of
4 a recipient family whose youngest child is under the age of twelve
5 weeks.

6 (c) Cash assistance under section 68-1724 shall be
7 extended: (i) To cover the twelve-week postpartum recovery period
8 for children born to recipient families; and (ii) to recognize
9 special medical conditions of such children requiring the presence
10 of at least one adult member of the recipient family, as determined
11 by the state, which extend past the age of twelve weeks.

12 (d) Full participation in the activities outlined in the
13 self-sufficiency contract shall be required for adult members of a
14 two-parent recipient family whose youngest child is over the age of
15 six months. Part-time participation in activities outlined in the
16 self-sufficiency contract shall be required for an adult member of
17 a single-parent recipient family whose youngest child is under the
18 age of six years.

19 (e) In cases in which the only adults in the recipient
20 family do not have parental responsibility which shall mean such
21 adults are not the biological or adoptive parents or stepparents
22 of the children in their care, and assistance is requested for all
23 family members, including the adults, the family shall participate
24 in the activities outlined in the self-sufficiency contract as a
25 condition of receiving cash assistance.

26 (f) Unemployed or underemployed absent and able-to-work
1 parents of children in the recipient family may participate
2 in self-sufficiency contracts, employment, and payment of child
3 support, and such absent parents may be required to pay all or a
4 part of the costs of the self-sufficiency contracts.

5 (3) Individual recipients and recipient families shall
6 have the right to request an administrative hearing (a) for the
7 purpose of reviewing compliance by the state with the terms of
8 the self-sufficiency contract or (b) for the purpose of reviewing
9 a determination by the ~~department~~ Department of Health and Human
10 Services that the recipient or recipient family has not complied
11 with the terms of the self-sufficiency contract. It is the intent
12 of the Legislature that an independent mediation appeal process be
13 developed as an option to be considered.

14 (4) Applicants and recipients who test positive pursuant
15 to the screening provided in section 9 of this act shall be
16 ineligible for cash assistance as provided in such section and the
rules and regulations of the department.

17 Sec. 8. Section 68-1724, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 68-1724 (1) Cash assistance shall be provided for a
20 period or periods of time not to exceed a total of sixty months for
21 recipient families with children subject to the following:

22 (a) If the state fails to meet the specific terms of
23 the self-sufficiency contract developed under section 68-1719,
24 the sixty-month time limit established in this section shall be
25 extended;

26 (b) The sixty-month time period for cash assistance shall
27 begin within the first month of eligibility;

1 (c) When no longer eligible to receive cash assistance,
2 assistance shall be available to reimburse work-related child care
3 expenses even if the recipient family has not achieved economic
4 self-sufficiency. The amount of such assistance shall be based on a
5 cost-shared plan between the recipient family and the state which
6 shall provide assistance up to one hundred eighty-five percent
7 of the federal poverty level for up to twenty-four months. A
8 recipient family may be required to contribute up to twenty percent
9 of such family's gross income for child care. It is the intent
10 of the Legislature that transitional health care coverage be made
11 available on a sliding-scale basis to individuals and families
12 with incomes up to one hundred eighty-five percent of the federal
13 poverty level if other health care coverage is not available; and

14 (d) The self-sufficiency contract shall be revised and
15 cash assistance extended when there is no job available for
16 adult members of the recipient family. It is the intent of the
17 Legislature that available job shall mean a job which results in
18 an income of at least equal to the amount of cash assistance that
19 would have been available if receiving assistance minus unearned
20 income available to the recipient family.

21 ~~The department~~ Department of Health and Human Services
22 shall develop policy guidelines to allow for cash assistance to
23 persons who have received the maximum cash assistance provided
24 by this section and who face extreme hardship without additional
25 assistance. For purposes of this section, extreme hardship means a
26 recipient family does not have adequate cash resources to meet the
27 costs of the basic needs of food, clothing, and housing without
1 continuing assistance or the child or children are at risk of
2 losing care by and residence with their parent or parents.

3 (2) Cash assistance conditions under the Welfare Reform
4 Act shall be as follows:

5 (a) Adults in recipient families shall mean individuals
6 at least nineteen years of age living with and related to a
7 child eighteen years of age or younger and shall include parents,
8 siblings, uncles, aunts, cousins, or grandparents, whether the
9 relationship is biological, adoptive, or step;

10 (b) The payment standard shall be based upon family size;

11 (c) The adults in the recipient family shall ensure that

12 the minor children regularly attend school. Education is a valuable
13 personal resource. The cash assistance provided to the recipient
14 family may be reduced when the parent or parents have failed to
15 take reasonable action to encourage the minor children of the
16 recipient family ages sixteen and under to regularly attend school.
17 No reduction of assistance shall be such as may result in extreme
18 hardship. It is the intent of the Legislature that a process be
19 developed to insure communication between the case manager, the
20 parent or parents, and the school to address issues relating to
21 school attendance;

22 (d) Two-parent families which would otherwise be eligible
23 under section 43-504 or a federally approved waiver shall receive
24 cash assistance under this section;

25 (e) For minor parents, the assistance payment shall be
26 based on the minor parent's income. If the minor parent lives
27 with at least one parent, the family's income shall be considered
1 in determining eligibility and cash assistance payment levels for
2 the minor parent. If the minor parent lives independently, support
3 shall be pursued from the parents of the minor parent. If the
4 absent parent of the minor's child is a minor, support from his or
5 her parents shall be pursued. Support from parents as allowed under
6 this subdivision shall not be pursued when the family income is
7 less than three hundred percent of the federal poverty guidelines;

8 ~~and~~

9 (f) For adults who are not biological or adoptive
10 parents or stepparents of the child or children in the family,
11 if assistance is requested for the entire family, including the
12 adults, a self-sufficiency contract shall be entered into as
13 provided in section 68-1719. If assistance is requested for only
14 the child or children in such a family, such children shall be
15 eligible after consideration of the family's income and if (i)
16 the family cooperates in pursuing child support and (ii) the minor
17 children of the family regularly attend school; ~~and~~;

18 (g) Applicants and recipients who test positive pursuant
19 to the screening provided in section 9 of this act shall be
20 ineligible for cash assistance as provided in such section and the
21 rules and regulations of the department.

22 Sec. 9. The Department of Health and Human Services shall
23 develop a program to screen any applicant for or recipient of cash
24 assistance under the Welfare Reform Act for the use of a controlled
25 substance not prescribed for him or her by a licensed health care
26 provider if the department has reasonable cause to believe such
27 applicant or recipient is using such a controlled substance. If the
1 applicant or recipient tests positive pursuant to such screening
2 program, the department shall conduct an administrative hearing to
3 review the case. If, after such hearing, the department determines
4 that the positive result was accurate, it shall declare the
5 applicant or recipient ineligible for such cash assistance benefits
6 for a period of one year from the date of such determination. The

7 ruling of the department may be appealed, and the appeal shall be
 8 in accordance with the Administrative Procedure Act.

9 The department shall refer an applicant or a recipient
 10 declared ineligible for cash assistance benefits under this section
 11 to the Division of Behavioral Health of the department for referral
 12 to a substance abuse treatment program.

13 2. Insert the following new amendments:

14 2. On page 5, line 26, after "finds" insert "and
 15 declares".

16 3. On page 9, line 1, strike "section 68-915" and insert
 17 "sections 68-915, 68-1708, 68-1723, and 68-1724".

18 4. Renumber the remaining sections accordingly.

Senator Janssen moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Janssen requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Bloomfield	Fulton	Karpisek	Lautenbaugh	Price
Brasch	Heidemann	Lambert	McCoy	Schilz
Fischer	Janssen	Larson	Nelson	Smith

Voting in the negative, 13:

Adams	Campbell	Cornett	Krist	Wallman
Ashford	Carlson	Council	Louden	
Avery	Cook	Howard	McGill	

Present and not voting, 18:

Christensen	Gloor	Harms	Mello	Schumacher
Coash	Haar, K.	Harr, B.	Nordquist	Wightman
Dubas	Hadley	Langemeier	Pahls	
Flood	Hansen	Lathrop	Pirsch	

Excused and not voting, 3:

Conrad	Seiler	Sullivan
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The Janssen amendment lost with 15 ayes, 13 nays, 18 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Campbell withdrew her amendment, AM2761.

Senator Nordquist offered the following amendment:

AM2754

(Amendments to E & R amendments, ER276)

- 1 1. On page 5, line 16, strike "Except as provided in" and
- 2 insert "Subject to".

Senator Nordquist withdrew his amendment.

Senator McGill offered the following amendment:

AM2751

(Amendments to E & R amendments, ER276)

- 1 1. On page 6, line 9, strike "age" and insert "the age
- 2 of".

Senator McGill withdrew her amendment.

Senator Lathrop offered the following amendment:

AM2750

(Amendments to E & R amendments, ER276)

- 1 1. Strike section 6.

Senator Lathrop withdrew his amendment.

Senator Nelson offered the following amendment:

AM2747

(Amendments to E & R amendments, ER276)

- 1 1. Strike section 1.
- 2 2. On page 2, line 18; and page 5, lines 15 and 16,
- 3 strike "4" and insert "3".
- 4 3. On page 6, lines 18 and 19, strike "and immigration
- 5 status".
- 6 4. On page 9, strike beginning with "section" in line 2
- 7 through the first comma in line 3.
- 8 5. Renumber the remaining sections accordingly.

SENATOR CARLSON PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Nelson moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Nelson requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Bloomfield	Fulton	Janssen	Lautenbaugh	Price
Brasch	Hansen	Lambert	McCoy	Schilz
Fischer	Heidemann	Larson	Nelson	Smith

Voting in the negative, 14:

Ashford	Conrad	Council	Karpisek	Schumacher
Avery	Cook	Gloor	Krist	Wallman
Campbell	Cornett	Howard	McGill	

Present and not voting, 18:

Adams	Dubas	Harms	Louden	Pirsch
Carlson	Flood	Harr, B.	Mello	Wightman
Christensen	Haar, K.	Langemeier	Nordquist	
Coash	Hadley	Lathrop	Pahls	

Excused and not voting, 2:

Seiler	Sullivan
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The Nelson amendment lost with 15 ayes, 14 nays, 18 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Adams	Coash	Flood	Howard	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Schumacher
Campbell	Cornett	Hadley	Lathrop	Wallman
Carlson	Council	Harms	Louden	Wightman
Christensen	Dubas	Harr, B.	McGill	

Voting in the negative, 16:

Bloomfield	Hansen	Langemeier	Pirsch
Brasch	Heidemann	Lautenbaugh	Price
Fischer	Janssen	McCoy	Schilz
Fulton	Lambert	Nelson	Smith

Present and not voting, 2:

Larson	Pahls
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Excused and not voting, 2:

Seiler	Sullivan
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Advanced to Enrollment and Review for Engrossment with 29 ayes, 16 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 599A. ER277, found in this day's Journal, was adopted.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were 15 UNL Reporting Students, Lincoln; 18 fourth-grade students and teacher from Arapahoe; 80 second-grade students, teachers, and sponsors from Wahoo; 73 fourth-grade students, teachers, and sponsors from Pine Creek Elementary, Bennington; 10 ninth-grade students and sponsors from North Platte Leadership Academy; Senator Hansen's granddaughter, Morgan Hansen, from North Platte; Senator Fischer's sons, Morgan and Luke Fischer, from Valentine; Jessica, Caroline, and Elsa Covi from Omaha; and Betty Leggott from Grand Island.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 10:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 8:00 a.m., Thursday, April 5, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 5, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 2012

PRAYER

The prayer was offered by Senator Schumacher.

ROLL CALL

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

REPORTS

The following reports were received by the Legislature:

Roads, Department of

The Current State Highway System
The March 27, 1972 Federal Aid Primary System Map
The Interstate and Defense Highway System
The June 1, 1991 Federal Aid Primary System
The National Highway System
The Highway Beautification Control System
The Scenic Byways System

SELECT FILE

LEGISLATIVE BILL 14. ER279, found on page 1404, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1125. ER280, found on page 1404, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 928. ER278, found on page 1404, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 928A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 924. ER281, found on page 1439, was adopted.

Senator Mello offered the following amendment:

AM2779

(Amendments to E & R amendments, ER281)

- 1 1. On page 3, lines 15 and 22, after "commissioner"
- 2 insert "or county supervisor".

The Mello 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.

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 LB357 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 357.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to increases in sales and use taxes; 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, 30:

Adams	Cook	Hadley	Lathrop	Schilz
Ashford	Cornett	Harms	Lautenbaugh	Schumacher
Avery	Council	Harr, B.	McGill	Smith
Campbell	Flood	Krist	Nelson	Sullivan
Coash	Gloor	Lambert	Nordquist	Wallman
Conrad	Haar, K.	Larson	Pahls	Wightman

Voting in the negative, 15:

Bloomfield	Dubas	Hansen	Karpisek	Mello
Brasch	Fischer	Heidemann	Langemeier	Pirsch
Christensen	Fulton	Janssen	McCoy	Price

Present and not voting, 1:

Howard

Excused and not voting, 3:

Carlson	Louden	Seiler
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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 745.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska, and section 14-109, Revised Statutes Supplement, 2011; to provide requirements for imposition of an occupation tax; 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, 46:

Adams	Cornett	Harms	Lathrop	Schilz
Ashford	Council	Harr, B.	Lautenbaugh	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	
Cook	Hansen	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Carlson Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 804.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to justification for use of force; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Cook	Hansen	Langemeier	Pahls
Ashford	Cornett	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Bloomfield	Fischer	Heidemann	Lautenbaugh	Schilz
Brasch	Flood	Howard	McCoy	Schumacher
Campbell	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Sullivan
Coash	Haar, K.	Krist	Nelson	Wallman
Conrad	Hadley	Lambert	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 3:

Carlson Louden Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB998 with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 998. With Emergency Clause.

A BILL FOR AN ACT relating to foster care; to amend sections 28-726, 43-1303, 43-1304, 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01, 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska, sections 43-1302 and 43-3001, Revised Statutes Cumulative Supplement, 2010, and sections 43-285, 43-1301, and 43-1314, Revised Statutes Supplement, 2011; to eliminate the State Foster Care Review Board; to create the Foster Care Review Office and a committee; to rename a fund; to provide for an executive director; to provide powers and duties; to change provisions relating to local foster care review boards and court review hearings; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 43-1306, 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	Cook	Hadley	Lambert	Nordquist
Ashford	Cornett	Hansen	Langemeier	Pahls
Avery	Council	Harms	Larson	Pirsch
Bloomfield	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Lautenbaugh	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Christensen	Fulton	Janssen	McGill	Smith
Coash	Gloor	Karpisek	Mello	Wallman
Conrad	Haar, K.	Krist	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 3:

Carlson Louden Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB998A with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 998A. With Emergency Clause.

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 for drawing and paying warrants; to provide an operative date; 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, 46:

Adams	Cornett	Harms	Lathrop	Schilz
Ashford	Council	Harr, B.	Lautenbaugh	Schumacher
Avery	Dubas	Heidemann	McCoy	Smith
Bloomfield	Fischer	Howard	McGill	Sullivan
Brasch	Flood	Janssen	Mello	Wallman
Campbell	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	
Cook	Hansen	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 3:

Carlson	Louden	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1053 with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1053. With Emergency Clause.

A BILL FOR AN ACT relating to travel and tourism; to amend sections 81-1201.07, 81-1245, 81-1246, 81-1247, 81-1248, 81-1249, 81-1250, 81-1251, 81-1252, 81-1253, 81-1254, 81-1256, 81-1257, 81-1258, 81-1259, 81-1261, 81-1262, and 81-1263, Reissue Revised Statutes of Nebraska, sections 77-2711, 81-1201.04, and 81-1201.22, Revised Statutes Cumulative Supplement, 2010, and sections 81-1201.13, 81-1255, and 81-1260, Revised Statutes Supplement, 2011; to transfer and change provisions relating to the Nebraska Visitors Development Act; to define and redefine terms; to create and provide duties for a commission; to change membership provisions for the Economic Development Commission; to change the sources and uses of the Administrative Cash Fund; to eliminate a division and an advisory committee; to provide for transition; to harmonize provisions; to provide an operative date; 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, 47:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	Louden	Smith
Brasch	Fischer	Howard	McCoy	Sullivan
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 1:

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 LB1053A with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1053A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 222 and 260, as amended by sections 61 and 65, respectively, Legislative Bill 968, One Hundred Second Legislature, Second Session, 2012; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1053, One Hundred Second Legislature, Second Session, 2012; to change and eliminate provisions relating to appropriations; to provide an operative date; 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, 47:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	Louden	Smith
Brasch	Fischer	Howard	McCoy	Sullivan
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 1:

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 LB1113 with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1113.

A BILL FOR AN ACT relating to power of attorney; to amend section 30-3408, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Supplement, 2011; to adopt the Nebraska Uniform Power of Attorney Act; to repeal the Uniform Durable Power of Attorney Act and the Nebraska Short Form Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-2665, 30-2666, 30-2667, 30-2668, 30-2669, 30-2670, 30-2671, 30-2672, 49-1501, 49-1502, 49-1503, 49-1504, 49-1505, 49-1506, 49-1507, 49-1508, 49-1509, 49-1510, 49-1511, 49-1512, 49-1513, 49-1514, 49-1515, 49-1516, 49-1517, 49-1518, 49-1519, 49-1520, 49-1521, 49-1522, 49-1523, 49-1524, 49-1525, 49-1526, 49-1527, 49-1528, 49-1529, 49-1530, 49-1531, 49-1532, 49-1533, 49-1534, 49-1535, 49-1536, 49-1537, 49-1538, 49-1539, 49-1540, 49-1541, 49-1542, 49-1543, 49-1544, 49-1545, 49-1546, 49-1547, 49-1548, 49-1549, 49-1550, 49-1551, 49-1552, 49-1553, 49-1554, 49-1555, 49-1556, 49-1557, 49-1558, 49-1559, 49-1560, 49-1561, and 49-1562, Reissue Revised Statutes of Nebraska, and sections 30-2664 and 30-2665.01, Revised Statutes Cumulative Supplement, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	Louden	Smith
Brasch	Fischer	Howard	McCoy	Sullivan
Campbell	Flood	Janssen	Mello	Wallman
Carlson	Fulton	Karpisek	Nelson	Wightman
Christensen	Gloor	Krist	Nordquist	
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 1:

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 LB1155 with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1155.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102, 60-135.01, 60-358.01, 60-4,108, 60-4,110, and 60-6,355, Reissue Revised Statutes of Nebraska, and sections 23-187, 60-101, 60-123, 60-301, 60-302, 60-339, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, and 60-6,349, Revised Statutes Supplement, 2011; to allow operation of golf car vehicles on highways as prescribed; to provide powers for counties, cities, and villages; to change penalties relating to operating a motor vehicle while under orders not to operate a motor vehicle; to harmonize provisions; to provide operative dates; 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	Cook	Hansen	Langemeier	Pahls
Ashford	Cornett	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Lautenbaugh	Schilz
Campbell	Flood	Howard	McCoy	Schumacher
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Sullivan
Coash	Haar, K.	Krist	Nelson	Wallman
Conrad	Hadley	Lambert	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Council Louden

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1158. With Emergency Clause.

A BILL FOR AN ACT relating to medical assistance; to amend section 71-801, Reissue Revised Statutes of Nebraska, and section 68-908, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the medical assistance program; to provide requirements for behavioral health managed care contracts; 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, 48:

Adams	Cook	Hansen	Larson	Price
Ashford	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Seiler
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nelson	Wallman
Christensen	Gloor	Krist	Nordquist	Wightman
Coash	Haar, K.	Lambert	Pahls	
Conrad	Hadley	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Louden

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 357, 745, 804, 998, 998A, 1053, 1053A, 1113, 1155, and 1158.

SELECT FILE

LEGISLATIVE BILL 1161. ER269, found on page 1279, was adopted.

Senator Avery withdrew his amendment, AM2672, found on page 1212.

Senator Langemeier withdrew his amendment, FA67, found on page 1213.

Senator Smith withdrew his amendment, AM2745, found on page 1408.

Senator K. Haar offered the following motion:

MO102

Recommit to committee.

SENATOR COASH PRESIDING

Pending.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 851, 865, 869, 880, 881, 896e, 897, 898, 899, 936e, 941, 997, 1005, 1026, 1030, 1035, 1038, 1042, 1049, 1051, 1054, 1054A, 1062, 1077, 1083e, 1087, 1087A, 1101e, 1106, 1116, 1121, 1122e, 1126, 1140, 1141, and 1148.

(Signed) Kate Sullivan

REFERENCE COMMITTEE REPORT2012 Resolution calling for an Interim Study

LR628	Interim study to examine the pensions provided to firefighters in cities of the first class	Nebraska Retirement Systems
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(Signed) John Wightman, Chairperson
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 2012, at 9:04 a.m. were the following: LBs 357, 745, 804, 998e, 998Ae, 1053e, 1053Ae, 1113, 1155, and 1158e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT

Judiciary

The Judiciary 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.

R. L. (Bob) Boozer - Board of Parole

Aye: 8 Ashford, Coash, Council, B. Harr, Larson, Lathrop, Lautenbaugh, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

SPEAKER FLOOD PRESIDING**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 40. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Supplement, 2011; to change a sales tax exemption for health clinics; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 66.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4107, Reissue Revised Statutes of Nebraska, and section 29-4106, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to DNA collection and the costs of DNA sample kits; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 66A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 66, One Hundred Second Legislature, Second Session, 2012.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SHEEHY PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB209 with 40 ayes, 0 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 209.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2010; to provide for review of tax returns by certified municipal employees; to provide for delayed deductions of refunds from municipal sales and use tax receipts; to harmonize provisions; and to repeal the original sections.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 209A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, One Hundred Second Legislature, Second Session, 2012.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 426.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2706, Revised Statutes Cumulative Supplement, 2010, and section 13-3108, Revised Statutes Supplement, 2011; to change provisions relating to eligibility for grants under the Civic and Community Center Financing Act and the Sports Arena Facility Financing Assistance Act; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 541. With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2011; to provide for contracts with third parties to promote the integrity of the medical assistance program and assist cost-containment efforts; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 541A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 541, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 576.

A BILL FOR AN ACT relating to the Nebraska statutes; to amend section 49-707, Reissue Revised Statutes of Nebraska; to create funds; to change disposition of certain receipts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB727 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 727. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-226, 9-226.01, 9-228, 9-322, 9-322.02, 9-324, 9-418, 9-418.01, 9-420, 9-620, 9-622, 9-623, 9-820, 57-706, 57-1206, 66-486, 66-488, 66-489.02, 66-525, 66-6,110, 66-6,113, 66-721, 66-722, 76-908, 77-377.01, 77-3,116, 77-612, 77-802, 77-1375, 77-1780, 77-2701, 77-2701.04, 77-2701.16, 77-2705.03, 77-2776, 77-2779, 77-27,130, 77-27,135, 77-27,150, 77-27,152, 77-3311, 77-3906, 77-4015, 77-4016, 77-4020, and 77-4312, Reissue Revised Statutes of Nebraska, section 66-1521, Revised Statutes Cumulative Supplement, 2010, and sections 66-712, 66-738, and 77-2704.10, Revised Statutes Supplement, 2011; to change provisions

relating to tax filings and notices, motor fuel taxation, sales and use taxes, and a tax study; to define terms; to provide sales tax exemptions relating to youth sports and educational activities and certain fees and admissions; to eliminate a committee; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 66-737, 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 bills were read and put upon final passage:

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01, 2-1215, and 2-1222, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces as prescribed; to provide for a tax on wagers; to create a fund; to provide a penalty; to change penalty provisions; to change provisions relating to the source and use of the Racing Commission's Cash Fund; to provide severability; 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, 26:

Ashford	Gloor	Krist	Mello	Sullivan
Conrad	Haar, K.	Langemeier	Nordquist	Wallman
Cook	Hadley	Larson	Pahls	
Cornett	Harr, B.	Lathrop	Schilz	
Council	Howard	Lautenbaugh	Schumacher	
Dubas	Karpisek	Louden	Seiler	

Voting in the negative, 18:

Adams	Carlson	Fulton	Lambert	Smith
Avery	Christensen	Hansen	McCoy	Wightman
Bloomfield	Coash	Harms	Nelson	
Brasch	Fischer	Heidemann	Pirsch	

Present and not voting, 5:

Campbell	Flood	Janssen	McGill	Price
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 806A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, One Hundred Second Legislature, Second Session, 2012.

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, 29:

Ashford	Flood	Heidemann	Lathrop	Schilz
Conrad	Fulton	Howard	Lautenbaugh	Schumacher
Cook	Gloor	Karpisek	Louden	Seiler
Cornett	Haar, K.	Krist	Mello	Sullivan
Council	Hadley	Langemeier	Nordquist	Wallman
Dubas	Harr, B.	Larson	Pahls	

Voting in the negative, 12:

Avery	Christensen	Lambert	Pirsch
Brasch	Hansen	McCoy	Price
Carlson	Harms	Nelson	Smith

Present and not voting, 8:

Adams	Campbell	Fischer	McGill
Bloomfield	Coash	Janssen	Wightman

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 LB817 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01, 81-1401, 81-1406, 81-1412.02, 81-1414, 81-1414.04, 81-1414.05, and 81-1439, Reissue Revised Statutes of Nebraska, section 29-2264, Revised Statutes Cumulative Supplement, 2010, and sections 47-624, 47-627, 81-1403, and 81-1404, Revised Statutes Supplement, 2011; to provide for the evidentiary use of certain convictions regarding certification; to provide, change, and eliminate duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to change provisions relating to the uniform crime data analysis system and law enforcement certification and continuing education; to provide penalties; to provide powers and duties for the director of the Nebraska Law Enforcement Training Center and the Nebraska Police Standards Advisory Council; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cook	Harr, B.	Lautenbaugh	Schilz
Ashford	Council	Heidemann	Louden	Schumacher
Avery	Dubas	Howard	McCoy	Seiler
Bloomfield	Fischer	Janssen	McGill	Smith
Brasch	Flood	Karpisek	Mello	Sullivan
Campbell	Fulton	Krist	Nelson	Wallman
Carlson	Gloor	Lambert	Nordquist	Wightman
Christensen	Hadley	Langemeier	Pahls	
Coash	Hansen	Larson	Pirsch	
Conrad	Harms	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 2:

Cornett Haar, K.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 817A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, One Hundred Second Legislature, Second Session, 2012; and to provide an operative date.

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, 48:

Adams	Cook	Hansen	Lathrop	Price
Ashford	Cornett	Harms	Lautenbaugh	Schilz
Avery	Council	Harr, B.	Louden	Schumacher
Bloomfield	Dubas	Heidemann	McCoy	Seiler
Brasch	Fischer	Howard	McGill	Smith
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Fulton	Krist	Nelson	Wallman
Christensen	Gloor	Lambert	Nordquist	Wightman
Coash	Haar, K.	Langemeier	Pahls	
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

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 LB820 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 820. With Emergency Clause.

A BILL FOR AN ACT relating to child welfare services; to amend section 71-1902, Revised Statutes Supplement, 2011; to create committees; to provide powers and duties; to require an implementation plan, a demonstration project, and an application for a waiver of federal requirements; to require reports; to provide for a statewide level of care assessment system and a foster care reimbursement rate structure; to provide for a temporary stipend for foster parents; to change requirements for licensure to furnish foster care; to redefine a term; to provide operative dates; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 820A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 820, One Hundred Second Legislature, Second Session, 2012; 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, 48:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	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	Nordquist	
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 1:

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 LB821 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 821. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend sections 28-711, 73-401, 81-8,240, 81-8,241, 81-8,244, and 81-8,245, Reissue Revised Statutes of Nebraska; to state intent; to create the Nebraska Children's Commission; to provide powers and duties; to adopt the Office of Inspector General of Nebraska Child Welfare Act; to change provisions relating to the Public Counsel; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 bills were read and put upon final passage:

LEGISLATIVE BILL 821A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 821, One Hundred Second Legislature, Second Session, 2012; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 825.

A BILL FOR AN ACT relating to social services; to define terms; to provide requirements for staffing, services, and contracts for public assistance programs administered by the Department of Health and Human Services; and to provide reporting requirements.

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, 38:

Ashford	Conrad	Harms	Louden	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Cornett	Howard	McGill	Smith
Brasch	Council	Karpisek	Mello	Sullivan
Campbell	Dubas	Krist	Nordquist	Wallman
Carlson	Gloor	Lambert	Pahls	Wightman
Christensen	Haar, K.	Larson	Price	
Coash	Hadley	Lathrop	Schilz	

Voting in the negative, 4:

Flood	Fulton	Hansen	Nelson
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Present and not voting, 7:

Adams	Heidemann	Langemeier	Pirsch
Fischer	Janssen	Lautenbaugh	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 825A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, One Hundred Second Legislature, Second Session, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cook	Harms	Lautenbaugh	Schumacher
Ashford	Cornett	Harr, B.	Louden	Seiler
Avery	Council	Heidemann	McCoy	Smith
Bloomfield	Dubas	Howard	McGill	Sullivan
Brasch	Fischer	Karpisek	Mello	Wallman
Campbell	Flood	Krist	Nordquist	Wightman
Carlson	Fulton	Lambert	Pahls	
Christensen	Gloor	Langemeier	Pirsch	
Coash	Haar, K.	Larson	Price	
Conrad	Hadley	Lathrop	Schilz	

Voting in the negative, 2:

Hansen	Nelson
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Present and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 830. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for biochips as prescribed; to harmonize provisions; to provide an operative date; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 862. With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2010; to change the salary of Supreme Court Judges; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Council	Heidemann	Louden	Schumacher
Bloomfield	Dubas	Howard	McCoy	Seiler
Brasch	Fischer	Janssen	McGill	Smith
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Fulton	Krist	Nelson	Wallman
Christensen	Gloor	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

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 862A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 862, One Hundred Second Legislature, Second Session, 2012; to provide an operative date; 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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 LB872 with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.04 and 77-2734.14, Reissue Revised Statutes of Nebraska; to change provisions relating to apportionment of income between states; to define and redefine terms; 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, 46:

Adams	Cornett	Heidemann	Louden	Schumacher
Ashford	Dubas	Howard	McCoy	Seiler
Avery	Fischer	Janssen	McGill	Smith
Bloomfield	Fulton	Karpisek	Mello	Sullivan
Brasch	Gloor	Krist	Nelson	Wallman
Campbell	Haar, K.	Lambert	Nordquist	Wightman
Carlson	Hadley	Langemeier	Pahls	
Christensen	Hansen	Larson	Pirsch	
Coash	Harms	Lathrop	Price	
Cook	Harr, B.	Lautenbaugh	Schilz	

Voting in the negative, 1:

Conrad

Present and not voting, 1:

Flood

Excused and not voting, 1:

Council

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 LB887 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to insurance; to amend sections 44-114, 44-154, 44-2120, 44-2121, 44-2126, 44-2127, 44-2129, 44-2132, 44-2133, 44-2135, 44-2137, 44-2138, 44-2139, 44-2702, 44-2703, 44-2704, 44-2719.02, 44-32,177, 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, 44-8107, and 44-8216, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to fees, confidential and privileged information, merger and acquisition, registration, transactions, domestic insurers, examination, confidential information, rules and regulations, coverages, construction of statutes, court orders, purpose, applicability, exemptions, recommendations, powers and duties, and special purpose financial captive insurers; to authorize supervisory colleges; to provide powers for the Director of Insurance; to require annuity education; to harmonize provisions; to provide operative dates; 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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 950.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to amend section 61-218, Revised Statutes Supplement, 2011; to state intent; to provide for a transfer of funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cook	Harms	Lautenbaugh	Schilz
Ashford	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Seiler
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Krist	Nelson	Wallman
Carlson	Gloor	Lambert	Nordquist	Wightman
Christensen	Haar, K.	Langemeier	Pahls	
Coash	Hadley	Larson	Pirsch	
Conrad	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 1:

Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 950A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 950, One Hundred Second Legislature, Second Session, 2012; 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	Hansen	Larson	Pirsch
Ashford	Cook	Harms	Lathrop	Price
Avery	Cornett	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Janssen	McCoy	Seiler
Campbell	Flood	Karpisek	McGill	Smith
Carlson	Fulton	Krist	Mello	Sullivan
Christensen	Haar, K.	Lambert	Nelson	Wallman
Coash	Hadley	Langemeier	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Gloor Howard Pahls

Excused and not voting, 1:

Council

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 LB970 with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 970.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.01, 77-2715.01, 77-2715.02, 77-2727, and 77-2734.02, Reissue Revised Statutes of Nebraska, section 77-2734.01, Revised Statutes Cumulative Supplement, 2010, and section 77-2717, Revised Statutes Supplement, 2011; to change income tax rates and calculation; 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, 39:

Adams	Coash	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Fischer	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Flood	Heidemann	McCoy	Seiler
Brasch	Fulton	Janssen	Mello	Smith
Campbell	Gloor	Krist	Nelson	Sullivan
Carlson	Haar, K.	Lambert	Nordquist	Wightman
Christensen	Hadley	Langemeier	Pahls	

Voting in the negative, 9:

Conrad	Dubas	Karpisek	McGill	Wallman
Cook	Howard	Louden	Schumacher	

Excused and not voting, 1:

Council

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 993.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-728 and 28-729, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to child abuse and neglect investigation teams, child abuse and neglect treatment teams, and child advocacy centers; to define a term; to repeal the original sections; and to outright repeal sections 28-732 and 28-733, Reissue Revised Statutes of Nebraska.

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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER FLOOD PRESIDING

LEGISLATIVE BILL 993A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 993, One Hundred Second Legislature, Second Session, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	
Cook	Harms	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Council

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 LB1020 with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1020. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 9-836.01, Revised Statutes Cumulative Supplement, 2010, and section 9-812, Revised Statutes Supplement, 2011; to adopt the Nebraska Coordinated School Health Act; to change allocation provisions relating to the Education Innovation Fund; 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, 32:

Avery	Fulton	Karpisek	McGill	Seiler
Campbell	Gloor	Krist	Mello	Smith
Coash	Haar, K.	Lambert	Nordquist	Sullivan
Conrad	Hadley	Langemeier	Pahls	Wallman
Cook	Harms	Larson	Pirsch	
Cornett	Harr, B.	Lathrop	Price	
Dubas	Howard	Lautenbaugh	Schumacher	

Voting in the negative, 15:

Adams	Carlson	Flood	Janssen	Nelson
Bloomfield	Christensen	Hansen	Louden	Schilz
Brasch	Fischer	Heidemann	McCoy	Wightman

Excused and not voting, 2:

Ashford Council

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fulton	Karpisek	Mello	Wallman
Coash	Gloor	Krist	Nordquist	
Conrad	Haar, K.	Langemeier	Price	
Cook	Hadley	Larson	Schumacher	
Cornett	Harr, B.	Lathrop	Seiler	

Voting in the negative, 15:

Adams	Carlson	Flood	Heidemann	Nelson
Bloomfield	Christensen	Hansen	Janssen	Schilz
Brasch	Fischer	Harms	McCoy	Wightman

Present and not voting, 6:

Lambert	Louden	Pirsch
Lautenbaugh	Pahls	Smith

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1020A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1020, One Hundred Second Legislature, Second Session, 2012; 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, 34:

Avery	Dubas	Harr, B.	Lathrop	Price
Bloomfield	Fischer	Heidemann	McGill	Schumacher
Campbell	Flood	Howard	Mello	Seiler
Coash	Fulton	Karpisek	Nelson	Smith
Conrad	Gloor	Krist	Nordquist	Sullivan
Cook	Haar, K.	Langemeier	Pahls	Wallman
Cornett	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 13:

Adams	Christensen	Janssen	Louden	Wightman
Brasch	Hansen	Lambert	McCoy	
Carlson	Harms	Lautenbaugh	Schilz	

Excused and not voting, 2:

Ashford	Council
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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.

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to medical assistance; to adopt the Children's Health and Treatment Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Cook	Hansen	Lathrop	Price
Avery	Cornett	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Heidemann	McGill	Seiler
Campbell	Flood	Howard	Mello	Smith
Carlson	Fulton	Karpisek	Nelson	Sullivan
Christensen	Gloor	Krist	Nordquist	Wallman
Coash	Haar, K.	Lambert	Pahls	Wightman
Conrad	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Janssen Langemeier Lautenbaugh

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2011; to provide a property tax exemption and a sales and use tax exemption relating to data centers; to define a term; 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, 44:

Avery	Dubas	Harr, B.	Lathrop	Price
Bloomfield	Fischer	Heidemann	Louden	Schilz
Brasch	Flood	Howard	McCoy	Schumacher
Campbell	Fulton	Janssen	McGill	Seiler
Carlson	Gloor	Karpisek	Mello	Smith
Christensen	Haar, K.	Krist	Nelson	Sullivan
Coash	Hadley	Lambert	Nordquist	Wallman
Cook	Hansen	Langemeier	Pahls	Wightman
Cornett	Harms	Larson	Pirsch	

Voting in the negative, 2:

Adams Conrad

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1090.

A BILL FOR AN ACT relating to the State Department of Education; to define terms; to provide for grants and the distribution of information relating to the Summer Food Service Program; and to provide powers and duties for the State Department of Education.

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, 33:

Avery	Cornett	Howard	Mello	Schumacher
Campbell	Dubas	Karpisek	Nelson	Seiler
Carlson	Gloor	Krist	Nordquist	Smith
Christensen	Haar, K.	Larson	Pahls	Sullivan
Coash	Hadley	Lathrop	Pirsch	Wallman
Conrad	Harms	Louden	Price	
Cook	Harr, B.	McGill	Schilz	

Voting in the negative, 11:

Adams	Fischer	Hansen	Langemeier
Bloomfield	Flood	Heidemann	McCoy
Brasch	Fulton	Janssen	

Present and not voting, 3:

Lambert Lautenbaugh Wightman

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1090A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, One Hundred Second Legislature, Second Session, 2012.

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, 32:

Avery	Fulton	Howard	McGill	Schumacher
Campbell	Gloor	Karpisek	Mello	Seiler
Carlson	Haar, K.	Krist	Nordquist	Sullivan
Coash	Hadley	Langemeier	Pahls	Wallman
Conrad	Harms	Larson	Pirsch	
Dubas	Harr, B.	Lathrop	Price	
Flood	Heidemann	Louden	Schilz	

Voting in the negative, 1:

Christensen

Present and not voting, 14:

Adams	Cook	Hansen	Lautenbaugh	Smith
Bloomfield	Cornett	Janssen	McCoy	Wightman
Brasch	Fischer	Lambert	Nelson	

Excused and not voting, 2:

Ashford Council

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 993, 993A, 1063, 1080, 1090, and 1090A.

PRESIDENT SHEEHY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1091.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-450.03 and 86-457, Reissue Revised Statutes of Nebraska, and section 86-313, Revised Statutes Cumulative Supplement, 2010; to adopt the Prepaid Wireless Surcharge Act; to eliminate a definition and certain charges relating to prepaid wireless service; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal section 86-450.02, Reissue Revised Statutes of Nebraska.

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	Cornett	Harms	Larson	Pirsch
Avery	Dubas	Harr, B.	Lathrop	Price
Brasch	Fischer	Heidemann	Louden	Schilz
Campbell	Flood	Howard	McCoy	Seiler
Carlson	Fulton	Janssen	McGill	Smith
Christensen	Gloor	Karpisek	Mello	Sullivan
Coash	Haar, K.	Krist	Nelson	Wallman
Conrad	Hadley	Lambert	Nordquist	Wightman
Cook	Hansen	Langemeier	Pahls	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Lautenbaugh Schumacher

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1091A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1091, One Hundred Second Legislature, Second Session, 2012.

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	Cornett	Harr, B.	Lathrop	Price
Avery	Dubas	Heidemann	Louden	Schilz
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wightman
Christensen	Haar, K.	Lambert	Nordquist	
Coash	Hansen	Langemeier	Pahls	
Conrad	Harms	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 5:

Cook	Hadley	Lautenbaugh	Schumacher	Wallman
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Excused and not voting, 2:

Ashford	Council
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1097.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Supplement, 2011; to provide a sales and use tax exemption for purchases by nonprofit mental health centers; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Cornett	Harr, B.	Lathrop	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Flood	Howard	McCoy	Seiler
Brasch	Fulton	Janssen	Mello	Smith
Campbell	Gloor	Karpisek	Nelson	Sullivan
Carlson	Haar, K.	Krist	Nordquist	Wallman
Christensen	Hadley	Lambert	Pahls	Wightman
Coash	Hansen	Langemeier	Pirsch	
Conrad	Harms	Larson	Price	

Voting in the negative, 0.

Present and not voting, 4:

Cook Fischer Lautenbaugh McGill

Excused and not voting, 2:

Ashford Council

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 LB1128 with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1128.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.03 and 77-3806, Reissue Revised Statutes of Nebraska, section 77-908, Revised Statutes Cumulative Supplement, 2010, and sections 49-801.01, 77-2715.07, and 77-2717, Revised Statutes Supplement, 2011; to adopt the New Markets Job Growth Investment Act; to provide tax credits; 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, 41:

Adams	Cook	Howard	McGill	Seiler
Avery	Cornett	Janssen	Mello	Smith
Bloomfield	Dubas	Karpisek	Nelson	Sullivan
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Gloor	Lambert	Pahls	Wightman
Carlson	Haar, K.	Langemeier	Pirsch	
Christensen	Hadley	Larson	Price	
Coash	Hansen	Lathrop	Schilz	
Conrad	Harms	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Fischer	Harr, B.	Lautenbaugh
Fulton	Heidemann	Louden

Excused and not voting, 2:

Ashford Council

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 1128A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1128, One Hundred Second Legislature, Second Session, 2012.

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:

Avery	Cornett	Harms	McCoy	Schumacher
Bloomfield	Dubas	Harr, B.	McGill	Seiler
Brasch	Fischer	Janssen	Mello	Smith
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Fulton	Krist	Nordquist	Wallman
Christensen	Gloor	Lambert	Pahls	Wightman
Coash	Haar, K.	Langemeier	Pirsch	
Conrad	Hadley	Larson	Price	
Cook	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Adams	Heidemann	Howard	Lautenbaugh	Louden
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Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1145.

A BILL FOR AN ACT relating to criminal law; to amend section 28-802, Reissue Revised Statutes of Nebraska; to change the penalty for pandering; to create a task force relating to human trafficking; to provide powers and duties; to require the placement of posters and the training of certain officials regarding human trafficking; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Seiler
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Wallman
Carlson	Gloor	Krist	Nordquist	Wightman
Christensen	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	
Cook	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Ashford Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1145A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1145, One Hundred Second Legislature, Second Session, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Cornett	Harr, B.	Louden	Schumacher
Avery	Dubas	Heidemann	McCoy	Seiler
Bloomfield	Fischer	Howard	McGill	Smith
Brasch	Flood	Janssen	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Wallman
Carlson	Gloor	Krist	Nordquist	Wightman
Christensen	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Conrad	Hansen	Larson	Price	
Cook	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Ashford Council

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 LB1160 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1160. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend sections 43-296, 43-405, 43-534, 68-1207.01, 71-825, 71-827, 71-1904, and 71-3407, Reissue Revised Statutes of Nebraska; to define terms; to state intent; to require development of an information system as prescribed; to provide for reports, an advance planning document, surveys, employment of an evaluator, and an evaluation; to change provisions relating to certain reports; to harmonize provisions; 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, 45:

Adams	Cook	Hansen	Langemeier	Pirsch
Avery	Cornett	Harms	Larson	Price
Bloomfield	Dubas	Harr, B.	Lathrop	Schilz
Brasch	Fischer	Heidemann	McCoy	Schumacher
Campbell	Flood	Howard	McGill	Seiler
Carlson	Fulton	Janssen	Mello	Smith
Christensen	Gloor	Karpisek	Nelson	Sullivan
Coash	Haar, K.	Krist	Nordquist	Wallman
Conrad	Hadley	Lambert	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Louden

Excused and not voting, 2:

Ashford Council

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 1160A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1160, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Cornett	Harms	Lathrop	Schilz
Avery	Dubas	Harr, B.	Louden	Schumacher
Bloomfield	Fischer	Heidemann	McCoy	Seiler
Brasch	Flood	Howard	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pirsch	
Cook	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 4:

Christensen Janssen Lautenbaugh Pahls

Excused and not voting, 2:

Ashford Council

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 14. Placed on Final Reading.

LEGISLATIVE BILL 599. Placed on Final Reading.

ST104

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER276, on page 7, line 12, "provisions" has been struck and "provision" inserted.

LEGISLATIVE BILL 599A. Placed on Final Reading.

LEGISLATIVE BILL 924. Placed on Final Reading.

LEGISLATIVE BILL 928. Placed on Final Reading.

LEGISLATIVE BILL 928A. Placed on Final Reading.

LEGISLATIVE BILL 1125. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB1020.

(Signed) Tyson Larson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 40, 66, 66A, 209, 209A, 426, 541, 541A, 576, 727, 806, 806A, 817, 817A, 820, 820A, 821, 821A, 825, 825A, 830, 862, 862A, 872, 887, 950, 950A, 970, 1020, 1020A, 1091, 1091A, 1097, 1128, 1128A, 1145, 1145A, 1160, and 1160A.

SELECT FILE

LEGISLATIVE BILL 1161. Senator K. Haar renewed his motion, MO102, found in this day's Journal, to recommit to committee.

Senator K. Haar withdrew his motion.

Senator Smith offered the following amendment:
AM2782 is available in the Bill Room.

Senator Smith withdrew his amendment.

Senator Langemeier offered the following amendment:
AM2788

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 57-1101, Reissue Revised Statutes of
4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
5 Second Legislature, First Special Session, 2011, is amended to
6 read:
7 57-1101 Any person engaged in, and any company,
8 corporation, or association formed or created for the purpose of,
9 transporting or conveying crude oil, petroleum, gases, or other
10 products thereof in interstate commerce through or across the
11 State of Nebraska or intrastate within the State of Nebraska, and
12 desiring or requiring a right-of-way or other interest in real
estate and being unable to agree with the owner or lessee of
13 any land, lot, right-of-way, or other property for the amount of
14 compensation for the use and occupancy of so much of any lot, land,
15 real estate, right-of-way, or other property as may be reasonably
16 necessary for the laying, relaying, operation, and maintenance
17 of any such pipeline or the location of any plant or equipment
18 necessary to operate such pipeline, shall have the right to acquire
19 the same for such purpose through the exercise of the power of
20 eminent domain, except that for any major oil pipeline as defined
21 in section 5 of this act to be placed in operation in the State of
22 Nebraska after the effective date of this act, any such person,
23 company, corporation, or association shall comply with section 3,
1 Legislative Bill 4, One Hundred Second Legislature, First Special
2 Session, 2011, as amended by the One Hundred Second Legislature,
3 Second Session, 2012, and receive the approval of the Governor for
4 the route of the pipeline under such section or shall apply for
5 and receive an order approving the application under the Major
6 Oil Pipeline Siting Act, prior to having the rights provided
7 under this section. If condemnation procedures have not been
8 commenced within two years after the date the Governor's approval
9 is granted or after the date of receipt of an order approving an
10 application under the Major Oil Pipeline Siting Act, the right
11 under this section expires. The procedure to condemn property shall
12

13 be exercised in the manner set forth in sections 76-704 to 76-724.

14 Sec. 2. Section 2, Legislative Bill 1, One Hundred Second
15 Legislature, First Special Session, 2011, is amended to read:

16 Sec. 2. Sections 2 to 13 of this act and section 3 of
17 this act shall be known and may be cited as the Major Oil Pipeline
18 Siting Act.

19 Sec. 3. The commission shall not withhold any documents
20 or records relating to a major oil pipeline from the public unless
21 the documents or records are of the type that can be withheld under
22 section 84-712.05 or unless federal law provides otherwise.

23 Sec. 4. Section 3, Legislative Bill 1, One Hundred Second
24 Legislature, First Special Session, 2011, is amended to read:

25 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
26 Act are to:

27 (a) Ensure the welfare of Nebraskans, including
1 protection of property rights, aesthetic values, and economic
2 interests;

3 (b) Consider the lawful protection of Nebraska's natural
4 resources in determining the location of routes of major oil
5 pipelines within Nebraska;

6 (c) Ensure that a major oil pipeline is not constructed
7 within Nebraska without receiving the approval of the commission
8 under section 9 of this act;

9 (d) Ensure that the location of routes for major oil
10 pipelines is in compliance with Nebraska law; and

11 (e) Ensure that a coordinated and efficient method for
12 the authorization of such construction is provided.

13 (2) Nothing in the Major Oil Pipeline Siting Act shall be
14 construed to regulate any safety issue with respect to any aspect
15 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
16 is intended to deal solely with the issue of siting or choosing the
17 location of the route aside and apart from safety considerations.
18 The Legislature acknowledges and respects the exclusive federal
19 authority over safety issues established by the federal law, the
20 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
21 express preemption provision stated in that act. The Major Oil
22 Pipeline Siting Act is intended to exercise only the remaining
23 sovereign powers and purposes of Nebraska which are not included in
24 the category of safety regulation.

25 ~~(3) The Major Oil Pipeline Siting Act shall not apply to~~
26 ~~any major oil pipeline that has submitted an application to the~~
27 ~~United States Department of State pursuant to Executive Order 13337~~
1 ~~prior to the effective date of this act.~~

2 Sec. 5. Section 5, Legislative Bill 1, One Hundred Second
3 Legislature, First Special Session, 2011, is amended to read:

4 Sec. 5. For purposes of the Major Oil Pipeline Siting
5 Act:

6 (1) Commission means the Public Service Commission;

7 (2) Major oil pipeline means a pipeline which is larger

8 than six inches in inside diameter and which is constructed
 9 in Nebraska for the transportation of petroleum, or petroleum
 10 components, products, or wastes, including crude oil or any
 11 fraction of crude oil, within, through, or across Nebraska, but
 12 does not include in-field and gathering lines; ~~or major oil~~
 13 ~~pipelines exempt under subsection (3) of section 3 of this act; and~~

14 (3) Pipeline carrier means a person that engages in
 15 owning, operating, or managing a major oil pipeline.

16 Sec. 6. Section 6, Legislative Bill 1, One Hundred Second
 17 Legislature, First Special Session, 2011, is amended to read:

18 Sec. 6. (1) ~~Unless exempt pursuant to section 3 of~~
 19 ~~this act, If a pipeline carrier proposing~~ proposes to construct
 20 a major oil pipeline to be placed in operation in Nebraska after
 21 the effective date of this act and the pipeline carrier has
 22 submitted a route for an oil pipeline within, through, or across
 23 Nebraska but the route is not approved by the Governor pursuant
 24 to section 3, Legislative Bill 4, One Hundred Second Legislature,
 25 First Special Session, 2011, as amended by the One Hundred Second
 26 Legislature, Second Session, 2012, the pipeline carrier shall file
 27 an application with the commission and receive approval pursuant to
 1 section 9 of this act prior to beginning construction of the major
 2 oil pipeline within Nebraska. ~~A~~ ~~If a pipeline carrier proposing~~
 3 proposes a substantive change to the route of a major oil pipeline
 4 and the pipeline carrier has submitted a route for an oil pipeline
 5 within, through, or across Nebraska but the route is not approved
 6 by the Governor pursuant to section 3, Legislative Bill 4, One
 7 Hundred Second Legislature, First Special Session, 2011, as amended
 8 by the One Hundred Second Legislature, Second Session, 2012, the
 9 pipeline carrier shall file an application for the proposed change
 10 with the commission and receive approval pursuant to section 9 of
 11 this act prior to beginning construction relating to the proposed
 12 change. The applicant shall also file a copy of the application
 13 with the agencies listed in subsection (3) of section 8 of this
 14 act.

15 (2) The application shall be accompanied by written
 16 agreement to pay expenses assessed pursuant to section 7 of
 17 this act and written testimony and exhibits in support of the
 18 application. The application shall include:

19 (a) The name and address of the pipeline carrier;

20 (b) A description of the nature and proposed route of
 21 the major oil pipeline and evidence of consideration of alternative
 22 routes;

23 (c) A statement of the reasons for the selection of the
 24 proposed route of the major oil pipeline;

25 (d) A list of the governing bodies of the counties and
 26 municipalities through which the proposed route of the major oil
 27 pipeline would be located;

1 (e) A description of the product or material to be
 2 transported through the major oil pipeline;

- 3 (f) The person who will own the major oil pipeline;
 4 (g) The person who will manage the major oil pipeline;
 5 (h) A plan to comply with the Oil Pipeline Reclamation
 6 Act; and
 7 (i) A list of planned methods to minimize or mitigate
 8 the potential impacts of the major oil pipeline to land areas and
 9 connected natural resources other than with respect to oil spills.
 10 (3) The applicant shall publish notice of the application
 11 in at least one newspaper of general circulation in each county in
 12 which the major oil pipeline is to be constructed and forward a
 13 copy of such notice to the commission. The applicant shall serve
 14 notice of the application upon the governing bodies of the counties
 15 and municipalities specified pursuant to subdivision (2)(d) of this
 16 section.

17 Sec. 7. Section 3, Legislative Bill 4, One Hundred Second
 18 Legislature, First Special Session, 2011, is amended to read:

19 Sec. 3. (1)(a) The department may

- 20 (i) Evaluate any route for an oil pipeline within,
 21 through, or across the state and submitted by a pipeline carrier
 22 for the stated purpose of being included in a federal agency's
 23 or agencies' National Environmental Policy Act review process. Any
 24 such evaluation shall include at least one public hearing, provide
 25 opportunities for public review and comment, and include, but not
 26 be limited to, an analysis of the environmental, economic, social,
 27 and other impacts associated with the proposed route and route
 1 alternatives in Nebraska. The department may collaborate with a
 2 federal agency or agencies and set forth the responsibilities and
 3 schedules that will lead to an effective and timely evaluation; or
 4 collaborate (ii) Collaborate with a federal agency or
 5 agencies in a review under the National Environmental Policy Act
 6 involving a supplemental environmental impact statement for oil
 7 pipeline projects within, through, or across the state. Prior
 8 to entering into such shared jurisdiction and authority, the
 9 department shall collaborate with such agencies to set forth
 10 responsibilities and schedules for an effective and timely review
 11 process.

12 ~~Prior to entering into such shared jurisdiction and~~
 13 ~~authority with a federal agency or agencies, the department shall~~
 14 ~~enter into a memorandum of understanding with such federal agency~~
 15 ~~or agencies that sets forth the responsibilities and schedules that~~
 16 ~~will lead to an effective and timely review under the National~~
 17 ~~Environmental Policy Act involving a supplemental environmental~~
 18 ~~impact statement.~~

- 19 (b) A pipeline carrier that has submitted a route for
 20 evaluation or review pursuant to subdivision (1)(a) of this section
 21 shall reimburse the department for the cost of the evaluation or
 22 review within sixty days after notification from the department of
 23 the cost. The department shall remit any reimbursement to the State
 24 Treasurer for credit to the Department of Environmental Quality

25 Cash Fund.

26 (2) ~~Since the objectives of the process are to ensure~~
27 ~~adequate information gathering, full and careful agency and public~~
1 ~~review, objective preparation of a supplemental environmental~~
2 ~~impact statement, adherence to a defined schedule, and an~~
3 ~~appropriate role for a pipeline carrier which avoids the appearance~~
4 ~~of conflicts of interest, it is the intent of the Legislature that~~
5 ~~the state fully fund the process of preparation of a supplemental~~
6 ~~environmental impact statement and that no fees will be required of~~
7 ~~an applicant.~~ The department may contract with outside vendors in
8 the process of preparation of a supplemental environmental impact
9 statement or an evaluation conducted under subdivision (1)(a) of
10 this section. The department shall make every reasonable effort to
11 ensure that each vendor has no conflict of interest or relationship
12 to any pipeline carrier that applies for an oil pipeline permit.

13 (3) In order for the process to be efficient and
14 expeditious, the department's contracts with vendors pursuant to
15 this section for a supplemental environmental impact statement or
16 an evaluation conducted under subdivision (1)(a) of this section
17 shall not be subject to the Nebraska Consultants' Competitive
18 Negotiation Act or sections 73-301 to 73-306 or 73-501 to 73-509.

19 (4) After the supplemental environmental impact statement
20 or the evaluation conducted under subdivision (1)(a) of this
21 section is prepared, the department shall submit it to the
22 Governor. Within thirty days after receipt of the supplemental
23 environmental impact statement or the evaluation conducted under
24 subdivision (1)(a) of this section from the department, the
25 Governor shall indicate, in writing, to the federal agency or
26 agencies involved in the review or any other appropriate federal
27 agency or body as to whether he or she approves any of the routes
1 reviewed in the supplemental environmental impact statement or the
2 evaluation conducted under subdivision (1)(a) of this section. If
3 the Governor does not approve any of the reviewed routes, he or she
4 shall notify the pipeline carrier that in order to obtain approval
5 of a route in Nebraska the pipeline carrier is required to file
6 an application with the Public Service Commission pursuant to the
7 Major Oil Pipeline Siting Safety Act.

8 (5) The department shall not withhold any documents or
9 records relating to an oil pipeline from the public unless the
10 documents or records are of the type that can be withheld under
11 section 84-712.05 or unless federal law provides otherwise.

12 Sec. 8. There is hereby appropriated (1) \$-0- from the
13 Department of Environmental Quality Cash Fund for FY2012-13 and
14 (2) \$2,000,000 from the Department of Environmental Quality Cash
15 Fund for FY2013-14 to the Department of Environmental Quality, for
16 Program 513, to aid in carrying out the provisions of Legislative
17 Bill 1161, One Hundred Second Legislature, Second Session, 2012.

18 Sec. 9. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration

20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 10. Original section 57-1101, Reissue Revised
23 Statutes of Nebraska, as amended by section 1, Legislative
24 Bill 1, One Hundred Second Legislature, First Special Session,
25 2011, sections 2, 3, 5, and 6, Legislative Bill 1, One Hundred
26 Second Legislature, First Special Session, 2011, and section 3,
27 Legislative Bill 4, One Hundred Second Legislature, First Special
1 Session, 2011, are repealed.

2 Sec. 11. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

Senator Heidemann offered the following amendment to the Langemeier amendment:

FA71

Amend AM2788

On page 9, line 12, strike "\$0" and insert "\$2,000,000" and in line 14, strike "\$2,000,000" and insert "\$0".

The Heidemann amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

The Langemeier amendment, as amended, was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807. ER176, found on page 527, was adopted.

Senator Lautenbaugh renewed his amendment, AM2030, found on page 700.

Senator Lautenbaugh renewed his amendment, AM2089, found on page 701, to his amendment.

The Lautenbaugh amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Senator Karpisek renewed his amendment, AM2382, found on page 919, to the Lautenbaugh amendment.

The Karpisek amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Lautenbaugh offered the following amendment to his amendment: AM2692

(Amendments to AM2030)

1 1. Insert the following new sections:

2 Sec. 2. Section 69-2435, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 69-2435 A permitholder shall continue to meet the
5 requirements of section 69-2433 during the time he or she holds the
6 permit, except as provided in subsection (4) of section 69-2443.
7 If, during such time, a permitholder does not continue to meet one
8 or more of the requirements, the permitholder shall return his
9 or her permit to the Nebraska State Patrol for revocation. If a
10 permitholder does not return his or her permit, the permitholder is
11 subject to having his or her permit revoked under section 69-2439.

12 Sec. 3. Section 69-2436, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 69-2436 (1) A permit to carry a concealed handgun is
15 valid throughout the state for a period of five years after the
16 date of issuance. The fee for issuing a permit is one hundred
17 dollars.

18 (2) The Nebraska State Patrol shall renew a person's
19 permit to carry a concealed handgun for a renewal period of five
20 years, subject to continuing compliance with the requirements of
21 section 69-2433, except as provided in subsection (4) of section
22 69-2443. The renewal fee is fifty dollars, and renewal may be
1 applied for up to four months before expiration of a permit to
2 carry a concealed handgun.

3 (3) The applicant shall submit the fee with the
4 application to the Nebraska State Patrol. The fee shall be remitted
5 to the State Treasurer for credit to the Nebraska State Patrol Cash
6 Fund.

7 (4) On or before June 30, 2007, the Nebraska State
8 Patrol shall journal entry, as necessary, all current fiscal year
9 expenses and revenue, including investment income, from the Public
10 Safety Cash Fund under the Concealed Handgun Permit Act and recode
11 them against the Nebraska State Patrol Cash Fund and its program
12 appropriation.

13 Sec. 4. Section 69-2439, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 69-2439 (1) Any peace officer having probable cause to
16 believe that a permitholder is no longer in compliance with one
17 or more requirements of section 69-2433, except as provided in
18 subsection (4) of section 69-2443, shall bring an application for
19 revocation of the permit to be prosecuted as provided in subsection
20 (2) of this section.

21 (2) It is the duty of the county attorney or his or
22 her deputy of the county in which such permitholder resides
23 to prosecute a case for the revocation of a permit to carry
24 a concealed handgun brought pursuant to subsection (1) of this
25 section. In case the county attorney refuses or is unable to
26 prosecute the case, the duty to prosecute shall be upon the
27 Attorney General or his or her assistant.

1 (3) The case shall be prosecuted as a civil case, and the
2 permit shall be revoked upon a showing by a preponderance of the

3 evidence that the permitholder does not meet one or more of the
4 requirements of section 69-2433.

5 (4) A person who has his or her permit revoked under
6 this section may be fined up to one thousand dollars and shall
7 be charged with the costs of the prosecution. The money collected
8 under this subsection as an administrative fine shall be remitted
9 to the State Treasurer for distribution in accordance with Article
10 VII, section 5, of the Constitution of Nebraska.

11 Sec. 5. Section 69-2443, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 69-2443 (1) A permitholder who violates subsection (1)
14 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty
15 of a Class III misdemeanor for the first violation and a Class I
16 misdemeanor for any second or subsequent violation.

17 (2) A permitholder who violates subsection (3) of section
18 69-2440 is guilty of a Class I misdemeanor.

19 (3) A permitholder convicted of a violation ~~described in~~
20 ~~subsection (1) or (2) of this section of section 69-2440 or 69-2442~~
21 may also have his or her permit revoked.

22 (4) A permitholder convicted of a violation of section
23 69-2441 shall not have his or her permit revoked for a first
24 offense but may have his or her permit revoked for any second or
25 subsequent offense.

26 2. Renumber the remaining sections and correct the
27 repealer section accordingly.

The Lautenbaugh amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Senator Lautenbaugh offered the following amendment to his amendment:
FA72

Amend AM2030

On Page 1, line 13, after "(4)" insert "Except for property owned by the state or any political subdivision,".

The Lautenbaugh amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Lautenbaugh amendment, AM2030, as amended, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 630. Introduced by Schumacher, 22.

WHEREAS, Leigh, Nebraska, located in Colfax County, is celebrating its 125th anniversary; and

WHEREAS, in 1873, Stephen Miller hauled lumber from Schuyler for a one-room house at the present site of Leigh, and a post office was set up at the Miller home in 1874, with Mrs. Miller as the first postmistress; and

WHEREAS, in 1875, A. M. Walling and family acquired the Miller homestead, the post office was transferred to Walling, with Mrs. Walling serving as postmistress, and the name was changed to Leigh, Mrs. Walling's maiden name; and

WHEREAS, by 1880, Leigh had a blacksmith shop, ten dwellings, and a population of fifty-four. Homesteaders of English ancestry settled on the east side of the community, those of German descent to the west, and Czech and Irish immigrants filed claims to the north and south; and

WHEREAS, on March 7, 1887, Leigh became an incorporated village; and

WHEREAS, Leigh will culminate its quasiquicentennial celebration from June 29 to July 1, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes Leigh's community spirit and congratulates the community of Leigh on its 125th anniversary.

2. That a copy of this resolution be sent to the Leigh Village Board.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 2012, at 12:20 p.m. were the following: LBs 40e, 66, 66A, 209, 209A, 426, 541e, 541Ae, 576, 727e, 806, 806A, 817, 817A, 820e, 820Ae, 821e, 821Ae, 825, 825A, 830e, 862e, 862Ae, 872, 887, 950, 950Ae, 970, 993, 993A, 1020, 1020Ae, 1063, 1080, 1090, 1090A, 1091, 1091A, 1097, 1128, 1128A 1145, 1145A, 1160e, and 1160Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Senators Lathrop and McGill asked unanimous consent to add their names as cointroducers to LB357. No objections. So ordered.

EASE

The Legislature was at ease from 1:14 p.m. until 2:16 p.m.

SENATOR GLOOR PRESIDING

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1161. Placed on Final Reading.

ST105

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Langemeier amendment, AM2788, on page 9, line 7, "Safety" has been struck.

2. The E & R Amendments have been struck.

3. On page 1, the matter beginning with "section" in line 1 through line 6 has been struck and "section 57-1101, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, sections 2, 3, 5, and 6, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions relating to eminent domain; to change provisions of the Major Oil Pipeline Siting Act; to provide, change, and eliminate provisions relating to the review and evaluation of oil pipeline routes; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1161, One Hundred Second Legislature, Second Session, 2012; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB807:
AM2789

- 1 1. Strike FA72.
- 2 2. In the Lautenbaugh amendment, AM2089, on page 1,
- 3 strike lines 13 through 16 and insert
- 4 "(4) A permitholder convicted of a violation of section
- 5 69-2441 that occurred on property owned by the state or any
- 6 political subdivision of the state may also have his or her permit
- 7 revoked. A permitholder convicted of a violation of section 69-2441
- 8 that did not occur on property owned by the state or any political
- 9 subdivision of the state shall not have his or her permit revoked
- 10 for a first offense but may have his or her permit revoked for any
- 11 second or subsequent offense.".
- 12 3. In the Lautenbaugh amendment, AM2692, strike section
- 13 5.

VISITORS

Visitors to the Chamber were Janice Berry, Mary Jackson, and Debra Sneed from Omaha; Brianna Sneed and Peggy Boone from Omaha, 45 fourth-grade students and teachers from Plattsmouth; 45 students and teachers from Wilber-Clatonia High School, Wilber; 15 members of Leadership Washington County; and 46 fourth-grade students and teachers from Milford.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 2:17 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Tuesday, April 10, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 10, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 10, 2012

PRAYER

The prayer was offered by Father Lloyd Gnirk, St. John the Evangelist Catholic Church and President Emeritus at Roncalli Catholic High School, Valley.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett and Council who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

MESSAGES FROM THE GOVERNOR

April 5, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 310, 391e, 536, 782, 810, 863, 902e, 965, 985e, 985Ae, 995e, 1039, and 1130 were received in my office on March 30, 2012.

These bills were signed and delivered to the Secretary of State on April 5, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 6, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 711, 751e, 751Ae, 799, 824e, 834, 842, 845e, 858, 867e, 870, 882, 907, 916e, 933, 962, 963e, 983, 1079e, and 1079Ae were received in my office on April 2, 2012.

These bills were signed and delivered to the Secretary of State on April 6, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 9, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 949e, 949Ae, 961e, 996, and 1104 were received in my office on April 3, 2012.

These bills were signed and delivered to the Secretary of State on April 9, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 9, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 806 & LB 806A without my signature and with my objections.

The legislation proposes to create a new form of gambling by authorizing, for the first time in Nebraska's history, wagering on historic horse races. The bill defines a historic horse race as a form of racing that creates a parimutuel pool from wagers placed on races that have previously been held. In other words, there is no live horse race involved in this form of new betting. Rather, players wager on previously-run races on electronic gaming machines. The replay of an entire race does not even need to be completed in order to constitute a horse race under the bill.

LB 806 is problematic in several respects. First, it is not at all clear whether this form of wagering is permissible under Article III, Section 24 of the Nebraska Constitution which permits betting on the results of horse races, wherever run, either in or out of Nebraska, by the parimutuel method when conducted in a licensed racetrack enclosure.

This provision is authorized by Nebraska voters as an exception to the general prohibition against gambling in our state; however, this exception has always been construed to apply to live horse racing, not to slot-machine betting on past races. Effectively, LB 806 reads meaning into the Constitution by allowing betting on horse races not only wherever they occur but also "whenever" they were run.

Another concern with the bill is the improper delegation of legislative authority. Section 1 of the bill terminates all historic horse racing licenses after four years unless the State Racing Commission determines that a racetrack enclosure has been constructed in Lancaster County AND that racetrack enclosures have a specified increase in either the number of days of live horse racing or an increase in the purse at the racetrack enclosure compared to its 2011 purse. Under these provisions, the Legislature is authorizing historic horse racing but making the future of this form of gambling contingent upon a determination of an executive branch agency's interpretation of specified events.

Finally, the provision of LB 806 that attempts to allow the law to remain in effect for one year after a court of competent jurisdiction finds that the bill constitutes Class III gaming under the federal Indian Gaming Regulatory Act is improper. If a court rules that LB 806 constitutes Class III gaming, which is not allowed under our Constitution, then the bill would be immediately invalid. I am concerned about this bill's attempt to have the historic horse racing provisions extend for one year beyond the court's order.

This legislation contradicts the spirit of the live horse racing provisions enacted by the voters in the Nebraska Constitution and expands gambling beyond what has currently been authorized.

For these reasons, I respectfully urge you to sustain my vetoes of LB 806 & LB 806A.

Sincerely,
 (Signed) Dave Heineman
 Governor

RESOLUTION

LEGISLATIVE RESOLUTION 631. Introduced by Flood, 19.

WHEREAS, Nebraska Educational Telecommunications (NET) has an outstanding history of covering Nebraska legislative activities for the benefit and education of Nebraska residents; and

WHEREAS, this coverage began in 1955 with a weekly show called "Your Unicameral" in which several senators were interviewed each week on pending legislation; and

WHEREAS, during the 1970s, a half-hour show called "Legislative Review" summarized each day's legislative action, and legislative committee hearings began to be broadcast; and

WHEREAS, in 1980, gavel-to-gavel coverage of the Legislature was initiated, giving Nebraska residents incredible access to their Legislature; and

WHEREAS, today NET streams live coverage from the main legislative chamber and seven committee hearing rooms, allowing Nebraskans to stay in touch with their Legislature from anywhere with an Internet connection. In 2011, Nebraska residents utilized this live streaming to watch more than 1,800,000 minutes of coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and thanks NET for its long history of legislative coverage and for its efforts to keep Nebraskans informed and connected to their Legislature.

2. That a copy of this resolution be sent to NET.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, and 624 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, and 624.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 793.

A BILL FOR AN ACT relating to civil procedure; to limit frivolous civil actions filed by prisoners as prescribed; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Cornett	Harr, B.	Lautenbaugh	Schilz
Ashford	Dubas	Heidemann	Louden	Schumacher
Avery	Fischer	Howard	McCoy	Seiler
Bloomfield	Flood	Janssen	McGill	Smith
Brasch	Fulton	Karpisek	Mello	Sullivan
Campbell	Gloor	Krist	Nelson	Wallman
Carlson	Haar, K.	Lambert	Nordquist	Wightman
Christensen	Hadley	Langemeier	Pahls	
Coash	Hansen	Larson	Pirsch	
Cook	Harms	Lathrop	Price	

Voting in the negative, 1:

Conrad

Excused and not voting, 1:

Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 793A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 158; to appropriate funds to aid in carrying out the provisions of Legislative Bill 793, One Hundred Second Legislature, Second Session, 2012; and to repeal the original section.

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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 979.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-326, Reissue Revised Statutes of Nebraska; to change provisions relating to requirements for licensure; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 LB1082 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1082. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1001, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1009, 16-1010, 16-1012, 16-1013, 16-1014, 16-1016, 16-1019, and 16-1038, Reissue Revised Statutes of Nebraska, section 18-1723, Revised Statutes Cumulative Supplement, 2010, and section 16-1017, Revised Statutes Supplement, 2011; to name the Police Officers Retirement Act; to redefine terms; to change provisions relating to employee and employer contributions and vesting; to change provisions relating to administration of police officer and firefighter retirement systems as prescribed; to eliminate obsolete provisions; 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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Council

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 793, 793A, 979, and 1082.

WITHDRAW - Amendment to LB807

Senator Lautenbaugh withdrew his amendment, AM2789, found on page 1509, to LB807.

MOTION - Return LB807 to Select File

Senator Lautenbaugh moved to return LB807 to Select File for the following specific amendment:

AM2790

- 1 1. Strike FA72.
- 2 2. In the Lautenbaugh amendment, AM2089, on page 1,
- 3 strike lines 13 through 16 and insert
- 4 "(4) A permitholder convicted of a violation of section
- 5 69-2441 that occurred on property owned by the state or any
- 6 political subdivision of the state may also have his or her permit
- 7 revoked. A permitholder convicted of a violation of section 69-2441
- 8 that did not occur on property owned by the state or any political
- 9 subdivision of the state shall not have his or her permit revoked
- 10 for a first offense but may have his or her permit revoked for any
- 11 second or subsequent offense.".
- 12 3. In the Lautenbaugh amendment, AM2692, strike section
- 13 5.
- 14 4. In the Lautenbaugh amendment, AM2692, on page 3, line
- 15 4, after "69-2433" insert "except as provided in subsection (4)
- 16 of section 69-2443".

The Lautenbaugh motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 807. The Lautenbaugh specific amendment, AM2790, found in this day's Journal, was adopted with 45 ayes, 1 nay, and 3 present and not voting.

Advanced to Enrollment and Review for Engrossment.

PROPOSED RULES CHANGE

Senator Lautenbaugh renewed the proposed rules change, found on page 1124, to Rule 3, Sec. 2.

The proposed rules change was adopted with 43 ayes, 0 nays, and 6 present and not voting.

EASE

The Legislature was at ease from 10:33 a.m. until 10:55 a.m.

SENATOR CHRISTENSEN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 632. Introduced by Cook, 13.

WHEREAS, the Omaha Central High Eagles girls' basketball team won the 2012 Class A Girls' State Basketball Championship in the final seconds of the game with a 36-35 win over Lincoln Southeast High School; and

WHEREAS, the victory gave Omaha Central its third championship and first since 1984; and

WHEREAS, the Eagles have become a model for competing at a high level each season; and

WHEREAS, the Eagles' motto is "Teamwork will make the dream work."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Omaha Central High Eagles on winning the 2012 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Tom Lee.

Laid over.

LEGISLATIVE RESOLUTION 633. Introduced by Fulton, 29.

WHEREAS, Sophia Wennstedt, a student at Lincoln Southeast High School, was one of sixteen Nebraska students to earn a score of 36 on the ACT test; and

WHEREAS, earning a score of 36 on the ACT test is achieved by fewer than one-tenth of one percent of all students nationally; and

WHEREAS, Miss Wennstedt's academic achievement provides an example of excellence to students of Lincoln Southeast High School and students throughout Nebraska; and

WHEREAS, Miss Wennstedt's achievement is a testament to the quality of public education in the city of Lincoln and the value of familial involvement in the education of Nebraska's youth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Sophia Wennstedt on her achievements.
2. That a copy of this resolution be sent to Sophia Wennstedt.

Laid over.

LEGISLATIVE RESOLUTION 634. Introduced by Fulton, 29.

WHEREAS, the Lincoln Southeast High School boys' tennis team won the 2011 Class A Boys' State Tennis Championship by defeating defending state champion Creighton Preparatory School, 45-42; and

WHEREAS, the championship was the first team championship for the Knights since 2000 and the fourth such championship under Coach Tim Tidball; and

WHEREAS, the Knights' doubles teams led by sophomore Danny Clare, juniors Matthew Strasburger and Andrew Plamann, and senior Jack Rodenburg each finished second; and

WHEREAS, Rodrigo Amaral placed third in singles; and

WHEREAS, the achievements of the 2011 Lincoln Southeast boys' tennis team are a source of pride for the students, faculty, and alumni of Lincoln Southeast High School and the residents of Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Coach Tim Tidball and the members of the Knights boys' tennis team on their collective and individual achievements.
2. That a copy of this resolution be sent to Lincoln Southeast High School.

Laid over.

LEGISLATIVE RESOLUTION 635. Introduced by Fulton, 29.

WHEREAS, the Lincoln Southeast High School football team won the 2011 Class A State Football Championship, defeating Omaha Burke High School 21-9; and

WHEREAS, the championship was the ninth state championship in Lincoln Southeast school history and the first since 2002; and

WHEREAS, the state championship win was the culmination of a remarkable twelve-win season led by first-year head coach Ryan Gottula; and

WHEREAS, the achievements of the 2011 Lincoln Southeast football team are a source of pride for the students, faculty, and alumni of Lincoln Southeast High School and the residents of Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Head Coach Ryan Gottula and the members of the Lincoln Southeast Knights football team on their collective and individual achievements.

2. That a copy of this resolution be sent to Lincoln Southeast High School.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 2012, at 10:32 a.m. were the following: LBs 793, 793A, 979, and 1082e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 807. Placed on Final Reading.

ST106

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lautenbaugh amendment, AM2692, sections 2, 3, and 4 have been renumbered as sections 3, 4, and 5, respectively.

2. In the Lautenbaugh amendment, AM2030, section 2 and all amendments thereto have been struck and the following new section inserted:

Sec. 7. Original sections 29-820, 69-2435, 69-2436, 69-2439, and 69-2443, Reissue Revised Statutes of Nebraska, and section 69-2433, Revised Statutes Supplement, 2011, are repealed.

3. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "firearms; to amend sections 29-820, 69-2435, 69-2436, 69-2439, and 69-2443, Reissue Revised Statutes of Nebraska, and section 69-2433, Revised Statutes Supplement, 2011; to change provisions relating to the disposition of firearms seized or held by a law enforcement agency; to change application requirements for concealed handgun permits as prescribed; to change provisions relating to revocation of concealed handgun permits for certain violations; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Tyson Larson, Chairperson

VISITORS

Visitors to the Chamber were 12 fourth-grade students and teacher from Faith Christian School, Kearney.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 10:56 a.m., on a motion by Senator Hadley, the Legislature adjourned until 1:30 p.m., Wednesday, April 11, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 11, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 2012

PRAYER

The prayer was offered by Reverend Chris Meier, Grace Evangelical Lutheran Church, West Point.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

MESSAGES FROM THE GOVERNOR

April 10, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 670e, 715, 750, 905, 905A, 959, 972, 1001, 1057, 1057A, 1058, 1114e, and 1115 were received in my office on April 4, 2012.

Engrossed Legislative Bills 398, 719, 721, 722, 729, 734, 737, 738, 740, 742, 743, 761e, 766, 768, 772, 779, 788, 795, 805, 819, 822, 823, 851, 865, 869, 880, 881, 896e, 897, 898, 899, 936e, 941, 997, 1005, 1026, 1030, 1035, 1038, 1042, 1049, 1051, 1054, 1054A, 1062, 1077, 1083e, 1087, 1087A, 1101e, 1106, 1116, 1121, 1122e, 1126, 1140, 1141, and 1148 were received in my office on April 4, 2012.

These bills were signed and delivered to the Secretary of State on April 10, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 10, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 830e, 872, 970, and 1080 were received in my office on April 5, 2012.

These bills were signed and delivered to the Secretary of State on April 10, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB806:
MO104

Becomes law notwithstanding the objections of the Governor.

RESOLUTIONS

LEGISLATIVE RESOLUTION 636. Introduced by Brasch, 16.

WHEREAS, Matthew Neiburg, son of Mark and Brenda Neiburg and a member of Troop 143, 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, Matthew 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.

Matthew's community service project involved replacing dead and storm-damaged trees with twenty new trees at the Immanuel Lutheran Church Orum in Blair, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew, 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 Matthew Neiburg on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Matthew Neiburg.

Laid over.

LEGISLATIVE RESOLUTION 637. Introduced by Brasch, 16.

WHEREAS, Jonathan Reno, son of Rayford and Carin Reno and a member of Troop 143, 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, Jonathan 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. Jonathan's community service project involved planning and building new storage shelves at the Blair Police Department to be used to store the department's evidence; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jonathan, 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 Jonathan Reno on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jonathan Reno.

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.

Thomas Pristow - Director, Division of Children and Family Services

Aye: 6 Bloomfield, Campbell, Cook, Gloor, Krist, Lambert. Nay: 1 Howard.
Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 625, 626, 627, and 629 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 625, 626, 627, and 629.

MOTION - Approve Appointment

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1463:

Board of Parole

R. L. (Bob) Boozer

Voting in the affirmative, 44:

Adams	Conrad	Hadley	Langemeier	Price
Ashford	Cook	Hansen	Larson	Schilz
Avery	Cornett	Harms	Lathrop	Schumacher
Bloomfield	Council	Harr, B.	Louden	Seiler
Brasch	Fischer	Heidemann	McCoy	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Lambert	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Dubas	Howard	McGill	Nelson
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Excused and not voting, 1:

Lautenbaugh

The appointment was confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

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 LB14 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, 60-169, and 77-3903, Reissue Revised Statutes of Nebraska; to change fees received by registers of deeds, county clerks, clerks of the district court, and the Secretary of State; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

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, 39:

Adams	Conrad	Hadley	Lambert	Schilz
Ashford	Cook	Hansen	Lautenbaugh	Schumacher
Avery	Cornett	Harms	Louden	Seiler
Brasch	Council	Harr, B.	McGill	Smith
Campbell	Dubas	Heidemann	Mello	Sullivan
Carlson	Fulton	Howard	Nelson	Wallman
Christensen	Gloor	Karpisek	Nordquist	Wightman
Coash	Haar, K.	Krist	Price	

Voting in the negative, 9:

Bloomfield	Flood	Langemeier	McCoy	Pirsch
Fischer	Janssen	Larson	Pahls	

Present and not voting, 1:

Lathrop

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 599. With Emergency Clause.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-915, Reissue Revised Statutes of Nebraska, section 4-110, Revised Statutes Cumulative Supplement, 2010, and section 68-901, Revised Statutes Supplement, 2011; to change provisions relating to verification of lawful presence; to provide for coverage of certain children pursuant to the medical assistance program; to state findings; to provide duties for the Department of Health and Human Services; 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, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Louden	Wallman
Avery	Cornett	Harms	McGill	Wightman
Campbell	Council	Harr, B.	Mello	
Carlson	Dubas	Howard	Nordquist	
Christensen	Flood	Karpisek	Schumacher	
Coash	Gloor	Krist	Seiler	

Voting in the negative, 15:

Bloomfield	Fulton	Janssen	McCoy	Price
Brasch	Hansen	Lambert	Nelson	Schilz
Fischer	Heidemann	Langemeier	Pirsch	Smith

Present and not voting, 3:

Larson	Lautenbaugh	Pahls
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Louden	Wallman
Avery	Cornett	Harms	McGill	Wightman
Campbell	Council	Harr, B.	Mello	
Carlson	Dubas	Howard	Nordquist	
Christensen	Flood	Karpisek	Schumacher	
Coash	Gloor	Krist	Seiler	

Voting in the negative, 15:

Bloomfield	Fulton	Janssen	McCoy	Price
Brasch	Hansen	Lambert	Nelson	Schilz
Fischer	Heidemann	Langemeier	Pirsch	Smith

Present and not voting, 3:

Larson Lautenbaugh Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 599A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 158; to appropriate funds to aid in carrying out the provisions of Legislative Bill 599, One Hundred Second Legislature, Second Session, 2012; to change appropriations as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Adams	Conrad	Gloor	Krist	Pahls
Ashford	Cook	Haar, K.	Langemeier	Schumacher
Avery	Cornett	Hadley	Lathrop	Seiler
Campbell	Council	Harms	Louden	Sullivan
Carlson	Dubas	Harr, B.	McGill	Wallman
Christensen	Flood	Howard	Mello	Wightman
Coash	Fulton	Karpisek	Nordquist	

Voting in the negative, 9:

Bloomfield	Janssen	McCoy	Price	Smith
Hansen	Lambert	Pirsch	Schilz	

Present and not voting, 6:

Brasch	Heidemann	Lautenbaugh
Fischer	Larson	Nelson

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 928. With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-448, Revised Statutes Cumulative Supplement, 2010; to provide for permits for hunting mountain lions; to provide for fees; to provide age requirements; to change provisions relating to special deer depredation seasons; to provide for donation of deer; to create a fund; to harmonize provisions; 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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 928A. With Emergency Clause.

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.

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, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 1125. With Emergency Clause.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change a provision relating to occupation tax; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

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 LB1161 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1161. With Emergency Clause.

A BILL FOR AN ACT relating to oil pipelines; to amend section 57-1101, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, sections 2, 3, 5, and 6, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions relating to eminent domain; to change provisions of the Major Oil Pipeline Siting Act; to provide, change, and eliminate provisions relating to the review and evaluation of oil pipeline routes; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1161, One Hundred Second Legislature, Second Session, 2012; to provide severability; 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	Cook	Harr, B.	Lathrop	Price
Ashford	Cornett	Heidemann	Lautenbaugh	Schilz
Avery	Council	Howard	Louden	Schumacher
Bloomfield	Fischer	Janssen	McCoy	Seiler
Brasch	Fulton	Karpisek	McGill	Smith
Campbell	Gloor	Krist	Mello	Sullivan
Carlson	Hadley	Lambert	Nelson	Wallman
Christensen	Hansen	Langemeier	Nordquist	Wightman
Coash	Harms	Larson	Pirsch	

Voting in the negative, 5:

Conrad	Dubas	Flood	Haar, K.	Pahls
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Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB599.

(Signed) Tyson Larson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 14, 599, 599A, 928, 928A, 1125, and 1161.

RESOLUTIONS

LEGISLATIVE RESOLUTION 638. Introduced by Heidemann, 1; Cornett, 45; Lathrop, 12.

WHEREAS, the Nebraska State Fire School, jointly sponsored by the Nebraska State Volunteer Firefighters Association, the State Fire Marshal, the Nebraska Forest Service, a division of the University of Nebraska Institute of Agriculture and Natural Resources, and the Nebraska Emergency Management Agency, is celebrating its seventy-fifth anniversary in 2012; and

WHEREAS, since April of 1937, volunteer firefighters from across Nebraska have journeyed to Grand Island, Nebraska, to participate in the Nebraska State Fire School to obtain hands-on training and to receive modernized educational tactics; and

WHEREAS, the breadth and scope of what it means to be a volunteer firefighter has expanded, thereby requiring additional training; and

WHEREAS, because the roles and responsibilities of volunteer firefighters have evolved over the years, the Nebraska State Fire School, in addition to providing training in fire suppression, also provides training for emergency medical personnel, hazardous material responders, and search and rescue tactics; and

WHEREAS, the Nebraska State Fire School is believed to be the largest fire school in the United States which is produced by an all-volunteer committee whose members contribute a minimum of seven days during May of each year from their every day paid employment by taking vacation, personal leave, or time off without pay to lead the activities at the Nebraska State Fire School; and

WHEREAS, the Legislature has recognized the critical role the Nebraska State Fire School plays in educating and training Nebraska's firefighters and

volunteer emergency medical personnel by first adopting legislation in 1959 establishing the Nebraska State Fire School under Nebraska law; and

WHEREAS, annually over 1,200 volunteer firefighters and volunteer emergency medical personnel from across the State of Nebraska attend the Nebraska State Fire School in Grand Island, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Nebraska State Fire School on its seventy-fifth anniversary and commends the organization for the work it does which benefits communities across Nebraska by providing state-of-the-art training and education to Nebraska's volunteer firefighters and volunteer emergency medical personnel.

2. That a copy of this resolution be sent to the Nebraska State Fire School.

Laid over.

LEGISLATIVE RESOLUTION 639. Introduced by Pirsch, 4.

WHEREAS, the Boys Town Cowboys won the 2012 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Cowboys defeated Wahoo High School 58-55 in the championship game to win the state title; and

WHEREAS, the Cowboys finished their outstanding season with a record of 27-1; 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 Boys Town Cowboys on winning the 2012 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Cowboys and their head coach, Tom Krehbiel.

Laid over.

LEGISLATIVE RESOLUTION 640. Introduced by Pirsch, 4.

WHEREAS, the Millard North High School boys' basketball team had an outstanding season in 2011-12 and qualified for the 2012 Class A Boys' State Basketball Tournament; and

WHEREAS, the Millard North High School boys' basketball team displayed great skill and determination throughout their successful season; 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 Millard North High School boys' basketball team on qualifying for the 2012 Class A Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Millard North High School boys' basketball team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 641. Introduced by Langemeier, 23.

WHEREAS, Rex Amack is retiring in 2012 from his position as director of the Game and Parks Commission; and

WHEREAS, Mr. Amack has been a valued employee with the Game and Parks Commission for nearly forty-five years and has held the position of director for twenty-four years, making him the longest-serving director in the history of the commission; and

WHEREAS, Mr. Amack has had numerous accomplishments during his tenure as director, including development of the Eugene T. Mahoney State Park, dedication of the Calamus State Fish Hatchery, development of the Smith Falls State Park, and a makeover of Ponca State Park; and

WHEREAS, Mr. Amack's skilled leadership and his stewardship of the state's fish, wildlife, parks, and outdoor recreation resources will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rex Amack on his retirement and thanks him for his service to the State of Nebraska.

2. That a copy of this resolution be sent to Rex Amack.

Laid over.

VISITOR

The Doctor of the Day was Dr. Jason Bospalec from Geneva.

ADJOURNMENT

At 2:10 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 18, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 18, 2012

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2012, at 2:14 p.m. were the following: LBs 14, 599e, 599Ae, 928e, 928Ae, 1125e, and 1161e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

April 11, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40e, 66, 66A, 209, 209A, 426, 541e, 541Ae, 576, 727e, 745, 804, 817, 817A, 820e, 820Ae, 821e 821Ae, 825, 825A, 862e, 887, 950, 950Ae, 993, 993A, 998e, 998Ae, 1053e, 1053Ae, 1063, 1090, 1090A, 1091, 1091A, 1097, 1113, 1128, 1128A, 1145, 1145A, 1155, 1158e, 1160e, and 1160Ae were received in my office on April 5, 2012.

These bills were signed and delivered to the Secretary of State on April 11, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 825 and LB 825A, which were received in my office on April 5, 2012, and delivered to the Secretary of State today, despite my concerns about the lack of adequate funding provided in LB 825A to completely implement the provisions of LB 825.

LB 825 provides for increased DHHS presence across the state to facilitate original benefit applications and renewals, eligibility determination, client interviews, response to client concerns, and answer client questions concerning the public benefit programs administered the Department of Health and Human Services.

The appropriations contained in LB 825A fall short of the amounts necessary to accomplish all that is envisioned and have been promised with the passage of LB 825. LB 825A provides funding for an additional 68 full time staff at an annual cost of \$3.0 million, well short of the 109 full time staff and appropriations of nearly \$7.0 million necessary on an annual basis to fulfill the requirements contained in LB 825.

Section 5 of LB 825 requires the department to contract with community-based organizations to allow DHHS caseworkers on-site to provide face-to-face services such as conducting client interviews, assist clients with the application process, and training or providing technical assistance to the community-based organization's staff so that the staff of the local organization would be available to provide client services as well. The department is required to maintain a sufficient number of these contracts to provide access to assistance for all Nebraska citizens in establishing and maintaining eligibility for economic assistance programs. These contracts will have a significant cost, yet no funds for this purpose are included in the A-bill, resulting in no means to implement these provisions of LB 825.

I have signed LB 825 and LB 825A into law, but the department will be instructed to only implement provisions of LB 825 to the extent that appropriations have been provided in LB 825A.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment
Fiscal and Staffing Summary - LB 825

LB825 Requirements	LB 825 Reference	DHHS Fiscal Note		LB 825A	
		#FTE	Cost (includes benefits and operational costs where applicable)	#FTE	Cost (includes benefits and operational costs where applicable)
Staff local offices to provide in-person services, travel to community based organizations, screen, interview and determine eligibility. Provide in-person assistance to specific clients on a recurring or continuing basis.	Sec.'s 2-3	92 FTE (56 SSW + 28 Case Aides + 8 Supervisors)	\$5,131,042	60 FTE (36 SSW + 18 Case Aides + 6 Supervisors)	\$2,609,760
Caseworkers shall be available to clients in the Customer Service Centers	Sec. 2 (5)	8 FTE (2 SSW per CSC x 4 CSCs)	\$475,414		
Community Support Specialists shall be available to act as a liaison between the department and the community-based organizations, provide client assistance at the organizations, train organizations, respond to application problems, be available to clients by appointment or drop-in basis	Sec. 4	8 FTE (Community Support Specialists)	\$546,712	8 FTE (Community Support Specialists)	\$390,240
Enter into a sufficient number of contracts with Community Based Organizations and ensure compliance of LB825 and corresponding reports	Sec.'s 5-6	1 FTE (Program Specialist/ Contract Manager)	\$75,867		\$0
Community Based Organizations shall provide quality information, outreach, assist clients in scheduling appointments, assist with organization of information pertinent to completion of application for benefits.	Sec. 5		\$720,000(\$10/ application completed, estimated 300 applications/ month x 12 months x 20 organizations)		\$0
Computers, printers, scanners, phones for client access (kiosks)			\$36,820		\$0
Totals:		109 FTE	\$6,985,855	68 FTE	\$3,000,000
General Fund			\$4,103,562		\$1,650,000
Federal Fund			\$2,882,293		\$1,350,000

April 11, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 862e; however, I am returning LB 862Ae with certain line-item reductions.

LB 862Ae appropriates \$367,505 of General Funds and \$18,755 of Cash Funds in FY 2012-2013 and the same amounts in FY 2013-2014 to finance a two percent salary increase starting July 1, 2012, for judges of the Supreme, Appellate, District, Juvenile, County, and Workers' Compensation Courts.

During floor debate on LB 862e, Senator Coash, the sponsor of LB 862e, noted that ". . . vacancy savings as a result of the turnover, over the past year, will cover this . . . it is covered in the current budget of the Supreme Court. These salary increases will be covered over the first year. Going forward certainly it's an increased expense for the state." My review of the current accounting reports of the Supreme Court confirm Senator Coash's explanation of LB 862e.

On June 30, 2011, over \$1.2 million General Fund appropriations to the Supreme Court for judges' salaries and benefits remained unspent and were carried over into the current 2011-2013 budget biennium. Based upon March 31, 2012, accounting reports, it is now estimated that these unspent General Fund appropriations will grow to over \$2.3 million by the end of the current FY 2011-2012, and will be more than enough to finance the \$367,505 additional General Fund cost of LB 862e in FY 2012-2013. Furthermore, the Supreme Court possess the ability to shift appropriation, as needed, from one salary program to another, providing the Court an additional tool to fund the salary increase.

As a result, additional General Fund appropriations are not needed by the Supreme Court from the Legislature to increase judges' salaries on July 1, 2012. I have line-item reduced the additional \$367,505 of General Fund appropriations for FY 2012-2013 in the current budget biennium. It is unnecessary.

I have not line-item reduced the increase in salary limitations necessary for the increases in judges' salaries and have not reduced the second year \$367,505 General Fund appropriation in FY 2013-2014 for the continuing cost of this salary increase.

The Workers' Compensation Court salary and benefit appropriations are not excessive and have not been line-item reduced.

For these reasons, I urge you to sustain my line-item reductions to LB 862e.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 357 without my signature and with my objections.

LB 357 authorizes local governments to enact a 33% increase in the local option sales tax. I take exception with arguments of proponents that this legislation is about nothing more than local government control. Local control is a value that I cherish; however, LB 357 is a state authorization of a sales tax increase.

State law authorizes cities to tax. State law authorizes how much cities are allowed to tax. LB 357 authorizes cities to tax up to 33% more in sales tax than they already are imposing. That is an excessive burden upon Nebraskans at this time in our current economy.

LB 357 is stated to have protections because residents of a local community would have the right to vote on this tax increase. Current law already requires cities to conduct a public vote in order to add any local option sales tax. Thus, the bill offers no new safeguard in that respect.

LB 357 is stated to have protections because the bill purportedly limits the use of new proceeds from the sales tax increase. On this issue, the bill is flawed in several respects.

First, the definitions in the bill leave large loopholes for uses of any new tax proceeds. The bill appears to require new taxes to be spent primarily on "public infrastructure projects" but these are defined very broadly to mean almost any public project. The specific definition in the bill "includes, but is not limited to" a long list of spending authorities; therefore, the list is illustrative but not definitive.

Next, for the City of Lincoln, local officials argue that LB 357 authorizes up to 15% of the new tax increase to be used for operating expenses or to lower

property taxes. The plain language of the bill, however, does not allow for those uses. Instead, the bill authorizes the expenditure of up to 15% of the proceeds from the sales tax increase to be expended on private infrastructure projects. Either the bill is defectively drafted or it improperly authorizes the expenditure of public funds for private purposes.

Proponents have also made a point to note that the new tax increases authorized in this bill will terminate after 10 years. There is, however, no termination date for some of these new tax dollars whenever they are used to finance certain interlocal or joint public agency agreements or when the new tax dollars are pledged for the payment of any bonds or refunding bonds.

Also, while LB 357 deals primarily with increasing local option sales taxes, it also authorizes a city to issue bonds "for any municipal purpose" without a separate vote of the people and to pay off the bonds with the increased sales taxes or with a dedicated portion of the property tax levy.

Finally, the bill states that the non-earmarked sales tax increase proceeds can be used solely for public infrastructure or economic development purposes. However, cities may easily create a shell game with these funds by shifting existing expenditures made for public infrastructure to other operating expenditures and using the new sales tax increase funds to cover or replace their existing costs. LB 357 simply allows a city to substitute these funds for any existing expenditure made on public infrastructure and use the freed up funds for any other spending.

No matter how this bill is viewed, it is clearly a new state law authorization for local governments to tax our citizens more than they are being taxed now.

Above the building in which we are privileged to work each day as public servants, stands a statue of The Sower. We often say that he is "sowing the seeds of prosperity" over our beloved State.

Prosperity does not happen by accident. Working together, throughout the past eight years, we have purposefully and methodically labored to lower the tax burden and to modernize our approach toward a shared vision of long-term economic vitality. This bill will damage Nebraska's competitiveness in national rankings which do take into consideration local taxes as well as state taxes when assessing our total tax burden. The large new tax increase authorized by LB 357 will only make Nebraska's ranking worse.

For these reasons, I respectfully urge you to sustain my veto of LB 357.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 1020 and 1020A without my signature and with my objections.

LB 1020 would authorize the use of Education Innovation Funds for grants to establish school-based health centers. The lottery proceeds of this Fund are constitutionally limited to use for education purposes. The establishment of health center facilities, even if located at or near a school, is for health care and not education. LB 1020 expands the scope of use for these funds beyond education.

School districts are currently allowed to operate school-based health centers in cooperation with sponsoring facilities within their communities. As local support is an essential component for the sustainability of these facilities, it should remain a local responsibility to establish and fund them.

For these reasons, I urge you to sustain my veto of LB 1020 and LB 1020A.

Sincerely,
(Signed) Dave Heineman
Governor

April 13, 2012

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 599 and LB 599A without my signature and with my objections.

The issue presented by LB 599 is not the importance of prenatal care to the development of a child. We all agree that expectant mothers should seek out and utilized prenatal care as the benefits of such care are without question. Most Nebraskans pay for prenatal care themselves. Nothing in current law prohibits health centers, hospitals, clinics, private donors, or other benefactors across the state from assisting those in need of care, regardless of their immigration status.

The issue presented by LB 599 is whether or not over \$2.5 million in tax dollars from hard-working Nebraskans should be used each year to pay for prenatal services for women who broke the immigration laws, became pregnant, and are in Nebraska at the time of their pregnancies. This issue should not be confused with providing prenatal services to low-income women who are citizens or are otherwise lawfully present in Nebraska. Taxpayers already fund these services through the Medicaid program for women up to 185 percent of the federal poverty level.

Many Nebraskans are working overtime or working a second job to support their family. These are the families that work hard, follow the rules, and exhibit the virtue of self reliance that make our state great. They are to be commended and we must be mindful that they are watching how elected officials spend their hard-earned dollars.

If a hard-working, law-abiding family is one dollar above 185 percent of the federal poverty level, the mother will not be eligible for prenatal care through the Medicaid program. Yet, LB 599 would utilize that family's state and federal tax dollars to provide free prenatal care to illegal immigrants who are knowingly and willingly breaking both the immigration and employment laws. This is wrong and fundamentally unfair.

Another concern with this legislation is that it will result in Nebraska becoming a sanctuary for illegal immigrants. Nebraska would become the only state in the Midwest providing these taxpayer-funded benefits to illegal immigrants. None of our neighboring states of Iowa, Missouri, Kansas, Colorado, Wyoming, or South Dakota are providing these taxpayer-funded benefits to illegal immigrants. The federal rules, 42 C.F.R. 457.320, for the Children's Health Insurance Program (CHIP) prohibit a state from imposing a durational residency requirement on applicants for benefits. An illegal immigrant from any bordering city or town could establish residency in Nebraska in the morning and apply for benefits provided under LB 599 in the afternoon.

Further objections to the bill arise from its defective provisions that will lead to unintended consequences. First, subsection (2) of section 4 states, that this new benefit:

"shall be implemented through the creation of a separate program as allowed under Title XXI of the federal Social Security Act, as amended, and 42 C.F.R. 457.10, solely for the unborn children of mothers who are ineligible for coverage under [the Medicaid program]."

This provision is an improper delegation of legislative power to the federal government. If, in the future, the federal government changes the criteria for eligibility, the program created by LB 599 will change, which would be an unlawful delegation of legislative power in violation of Article III, Section 1 of the Nebraska Constitution.

Also, the same subsection requires that the new benefits meet the requirements of 42 C.F.R. 457.10, which includes by reference a list of benefits that are to be provided under a separate child health program. Those benefits include "prenatal care *and pre-pregnancy family planning services and supplies*." While subsection (3) of LB 599 may be intended to limit the benefits authorized in subsection (2), the plain language of the bill does not allow for such a limitation.

The proponents of LB 599 would lead you to believe that it is a pro-life bill. I disagree. I am pro-life and I am proud of my record as Governor on pro-life issues.

Earlier in the session, this Legislature voted to adopt an amendment to other legislation, LB 540, to prohibit taxpayer dollars from being used to support any medical provider that performs or promotes elective abortions. LB 599 contains no similar restriction on using taxpayer dollars to pay vendors that perform or promote abortions.

I have grave concerns about this bill incorporating a federal law mandate to provide pre-pregnancy family planning services and supplies without there being any restriction that would prevent such funding from ending up in the hands of entities such as Planned Parenthood, or other doctors, hospitals, and clinics that perform and promote abortions.

I oppose providing taxpayer benefits to illegal immigrants. I oppose providing taxpayer funding to vendors that perform or promote abortions.

For these reasons, I respectfully urge you to sustain my vetoes of LB 599 and LB 599A.

Sincerely,
(Signed) Dave Heineman
Governor

April 16, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 793, 793A, 979, and 1082e were received in my office on April 10, 2012.

These bills were signed and delivered to the Secretary of State on April 16, 2012.

Sincerely,

(Signed) Dave Heineman
Governor

April 17, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14, 928e, 928Ae, 1125e, and 1161e were received in my office on April 11, 2012.

These bills were signed and delivered to the Secretary of State on April 17, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

REPORT

The following report was received by the Legislature:

Commission on Law Enforcement and Criminal Justice, Nebraska
Traffic Stop Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 17, 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

Borgeson, Robert A.
United Transportation Union
Cutshall & Nowka
Friends of Nebraska Racing, Inc.
Kevil, G. Bruce
Builders & Contractors, Inc., Associated

RESOLUTION**LEGISLATIVE RESOLUTION 631.** Read. Considered.

LR631 was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

MOTION - Approve Appointment

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1526:

Division of Children and Family Services
Thomas Pristow, Director

Voting in the affirmative, 34:

Adams	Cook	Harms	Lautenbaugh	Schumacher
Avery	Fischer	Heidemann	McCoy	Seiler
Bloomfield	Flood	Krist	McGill	Smith
Brasch	Fulton	Lambert	Nelson	Sullivan
Campbell	Gloor	Langemeier	Pahls	Wallman
Carlson	Hadley	Larson	Pirsch	Wightman
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 5:

Conrad	Council	Howard	Karpisek	Louden
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Present and not voting, 10:

Ashford	Cornett	Haar, K.	Janssen	Nordquist
Christensen	Dubas	Harr, B.	Mello	Price

The appointment was confirmed with 34 ayes, 5 nays, and 10 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 807. With Emergency Clause.

A BILL FOR AN ACT relating to firearms; to amend sections 29-820, 69-2435, 69-2436, 69-2439, and 69-2443, Reissue Revised Statutes of Nebraska, and section 69-2433, Revised Statutes Supplement, 2011; to change provisions relating to the disposition of firearms seized or held by a law enforcement agency; to change application requirements for concealed handgun permits as prescribed; to change provisions relating to revocation

of concealed handgun permits for certain violations; 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, 48:

Adams	Cook	Harms	Lathrop	Price
Ashford	Cornett	Harr, B.	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	Louden	Schumacher
Bloomfield	Fischer	Howard	McCoy	Seiler
Brasch	Flood	Janssen	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Carlson	Gloor	Krist	Nelson	Wallman
Christensen	Haar, K.	Lambert	Nordquist	Wightman
Coash	Hadley	Langemeier	Pahls	
Conrad	Hansen	Larson	Pirsch	

Voting in the negative, 1:

Council

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB807.

SPEAKER FLOOD PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR631.

MOTION - Override Veto on LB806

Senator Lautenbaugh renewed his motion, MO104, found on page 1524, that LB806 becomes law notwithstanding the objections of the Governor.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 28:

Ashford	Dubas	Janssen	Louden	Schumacher
Campbell	Gloor	Karpisek	McGill	Seiler
Conrad	Haar, K.	Krist	Mello	Sullivan
Cook	Hadley	Langemeier	Nordquist	Wallman
Cornett	Harr, B.	Larson	Pahls	
Council	Howard	Lathrop	Schilz	

Voting in the negative, 20:

Adams	Carlson	Flood	Heidemann	Pirsch
Avery	Christensen	Fulton	Lambert	Price
Bloomfield	Coash	Hansen	McCoy	Smith
Brasch	Fischer	Harms	Nelson	Wightman

Present and not voting, 1:

Lautenbaugh

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB806

Senator Lautenbaugh offered the following motion to LB806:
MO110

Reconsider the vote on the motion that the bill becomes law notwithstanding the objections of the Governor.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 29:

Ashford	Dubas	Janssen	Lautenbaugh	Schilz
Campbell	Gloor	Karpisek	Louden	Schumacher
Conrad	Haar, K.	Krist	McGill	Seiler
Cook	Hadley	Langemeier	Mello	Sullivan
Cornett	Harr, B.	Larson	Nordquist	Wallman
Council	Howard	Lathrop	Pahls	

Voting in the negative, 20:

Adams	Carlson	Flood	Heidemann	Pirsch
Avery	Christensen	Fulton	Lambert	Price
Bloomfield	Coash	Hansen	McCoy	Smith
Brasch	Fischer	Harms	Nelson	Wightman

Not voting, 0.

The Lautenbaugh motion to reconsider failed with 29 ayes, 20 nays, and 0 not voting.

The Chair declared the call raised.

MOTION - Override Veto on LB357

Senator Ashford offered the following motion to LB357:

MO109

Becomes law notwithstanding the objections of the Governor.

SENATOR LANGEMEIER PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2012, at 9:40 a.m. was the following: LB807e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 642. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, David Van Metre has been selected as a 2012 inductee into the Nebraska High School Sports Hall of Fame due to his generous contribution, which includes new weight training and cardiovascular equipment to seven high schools and eleven middle schools in the Omaha Public School district and to the North and South Omaha Boys and Girls Clubs; and

WHEREAS, the Nebraska High School Sports Hall of Fame Foundation is a nonprofit organization that was started in June 1992. The mission of the organization is to recognize exceptional athletic achievement as well as significant contributions made to high school sports in Nebraska; and

WHEREAS, induction may include coaches, administrators, officials, community members, and student athletes in order to acknowledge the

potential impact a support system and leadership role may provide within the arena of high school sports; and

WHEREAS, David Van Metre's contributions to community and youth athletics have also been recognized through being named the Nebraska Baseball Coaches Association Man of the Year and the University of Nebraska at Omaha Maverick Club Man of the Year; and

WHEREAS, David Van Metre's countless contributions to Omaha Public Schools have been recognized through his induction into the Central High School Hall of Fame and Omaha Public Schools Hall of Fame, as well as receiving a Benson High Centennial Award and being named a South High Packer Great; and

WHEREAS, David Van Metre has consistently promoted community and philanthropic initiatives to assist Omaha Public Schools in promoting opportunity and equality through excellence in high school athletics in the Omaha metropolitan area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates David Van Metre on his induction into the Nebraska High School Sports Hall of Fame and thanks him for his ongoing contributions to high school athletics.

2. That a copy of this resolution be sent to David Van Metre and to the South Omaha Neighborhood Alliance.

Laid over.

LEGISLATIVE RESOLUTION 643. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, the South Omaha Neighborhood Alliance (SONA) recently named the recipients of its 2012 Project of Merit Award and 2012 Volunteer of the Year Award; and

WHEREAS, these awards are annually presented to recognize service and contributions to the South Omaha community; and

WHEREAS, the winner of the SONA 2012 Project of Merit Award is the Hanscom Park Dog Park, in recognition of the newly created, community-inspired dog park that was recently built in historic Hanscom Park. This community collaboration among the Hanscom Park Neighborhood Association, the city of Omaha, the philanthropic community, and South Omaha residents provided an avenue for community action to address an ongoing need for South Omaha pet owners while revitalizing an existing community park; and

WHEREAS, the winner of the SONA 2012 Volunteer of the Year Award is Oscar Duran, in recognition of his dedication to the Deer Park Neighborhood Association through the creation of the Cultivating Community Leaders program, which engages and educates South Omaha's youth through service learning and community and neighborhood development projects; and

WHEREAS, the SONA 2012 Project of Merit Award and 2012 Volunteer of the Year Award will be presented at the annual South Omaha Neighborhood Alliance banquet on June 7, 2012, at the Salvation Army Kroc Center in South Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hanscom Park Dog Park on receiving the SONA 2012 Project of Merit Award and Oscar Duran on receiving the SONA 2012 Volunteer of the Year Award.

2. That a copy of this resolution be sent to the Hanscom Park Neighborhood Association and Oscar Duran.

Laid over.

LEGISLATIVE RESOLUTION 644. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Brasch, 16; Fischer, 43; Hadley, 37; Loudon, 49; Pirsch, 4; Schumacher, 22.

PURPOSE: To examine alternative sources of county revenue if the inheritance tax is repealed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

2012 Resolution calling for an Interim Study

LR644	Interim study to examine alternative sources of county revenue if the inheritance tax is repealed	Revenue
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(Signed) John Wightman, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were former Senator Marian Price from Lincoln; 70 fourth-grade students, teachers, and sponsors from West Dodge Station Elementary, Elkhorn; Bonnie and Jack Fitzgerald from Omaha; and 50

fourth-grade students and teachers from Hillrise Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Conrad and Janssen who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 18, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 807e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Override Veto on LB357

Senator Ashford renewed his motion, MO109, found in this day's Journal, that LB357 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Adams	Conrad	Hadley	Larson	Pahls
Ashford	Cook	Harms	Lathrop	Schilz
Avery	Cornett	Harr, B.	Lautenbaugh	Schumacher
Campbell	Council	Howard	Louden	Sullivan
Carlson	Flood	Krist	McGill	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman

Voting in the negative, 17:

Bloomfield	Fischer	Janssen	Nelson	Smith
Brasch	Fulton	Karpisek	Pirsch	
Christensen	Hansen	Langemeier	Price	
Dubas	Heidemann	McCoy	Seiler	

Present and not voting, 2:

Gloor	Mello
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

COMMUNICATION

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB357 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB357, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 357, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Mike Flood
President of the Legislature

MOTION - Override Veto on LB1020

Senator Nordquist offered the following motion to LB1020:
MO107

Becomes law notwithstanding the objections of the Governor.

Senator Nordquist moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 27:

Ashford	Dubas	Karpisek	McGill	Smith
Campbell	Fulton	Krist	Mello	Sullivan
Coash	Gloor	Langemeier	Nordquist	Wallman
Conrad	Haar, K.	Larson	Pirsch	
Cook	Harr, B.	Lathrop	Schumacher	
Cornett	Howard	Lautenbaugh	Seiler	

Voting in the negative, 21:

Adams	Christensen	Harms	McCoy	Wightman
Avery	Fischer	Heidemann	Nelson	
Bloomfield	Flood	Janssen	Pahls	
Brasch	Hadley	Lambert	Price	
Carlson	Hansen	Louden	Schilz	

Present and not voting, 1:

Council

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Reconsider Action on LB1020

Senator Council offered the following motion to LB1020:
MO114

Reconsider the vote on the motion that the bill becomes law notwithstanding the objections of the Governor.

SENATOR LANGEMEIER PRESIDING**SPEAKER FLOOD PRESIDING**

Senator Council moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Council requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 27:

Ashford	Council	Howard	McGill	Smith
Campbell	Dubas	Karpisek	Mello	Sullivan
Coash	Fulton	Krist	Nordquist	Wallman
Conrad	Gloor	Larson	Pirsch	
Cook	Haar, K.	Lathrop	Schumacher	
Cornett	Harr, B.	Lautenbaugh	Seiler	

Voting in the negative, 22:

Adams	Christensen	Harms	Louden	Schilz
Avery	Fischer	Heidemann	McCoy	Wightman
Bloomfield	Flood	Janssen	Nelson	
Brasch	Hadley	Lambert	Pahls	
Carlson	Hansen	Langemeier	Price	

Not voting, 0.

The Council motion to reconsider failed with 27 ayes, 22 nays, and 0 not voting.

The Chair declared the call raised.

MOTION - Override Veto on LB599

Senator Campbell offered the following motion to LB599:
MO105

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Adams	Coash	Flood	Howard	Mello
Ashford	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Krist	Schumacher
Campbell	Cornett	Hadley	Lathrop	Sullivan
Carlson	Council	Harms	Louden	Wallman
Christensen	Dubas	Harr, B.	McGill	Wightman

Voting in the negative, 16:

Bloomfield	Hansen	Langemeier	Pirsch
Brasch	Heidemann	Larson	Price
Fischer	Janssen	McCoy	Seiler
Fulton	Lambert	Nelson	Smith

Present and not voting, 3:

Lautenbaugh	Pahls	Schilz
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB599A

Senator Campbell offered the following motion to LB599A:
MO106

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Lautenbaugh	Wallman
Avery	Cornett	Harms	Louden	Wightman
Campbell	Council	Harr, B.	McGill	
Carlson	Dubas	Howard	Mello	
Christensen	Flood	Karpisek	Nordquist	
Coash	Gloor	Krist	Schumacher	

Voting in the negative, 14:

Bloomfield	Hansen	Langemeier	Pahls	Schilz
Brasch	Janssen	Larson	Pirsch	Seiler
Fischer	Lambert	McCoy	Price	

Present and not voting, 4:

Fulton	Heidemann	Nelson	Smith
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

PRESIDENT SHEEHY PRESIDING

COMMUNICATIONS

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB806 and LB806A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB1020 and LB1020Ae, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol

Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB599 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB599, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 599, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATIONS

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB599Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB599Ae, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 599Ae, having been returned by the Governor with his

objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 18th day of April 2012.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATION

April 18, 2012

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB862Ae for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

RESOLUTIONS

LEGISLATIVE RESOLUTION 636. Read. Considered.

LEGISLATIVE RESOLUTION 637. Read. Considered.

LEGISLATIVE RESOLUTION 638. Read. Considered.

LEGISLATIVE RESOLUTION 639. Read. Considered.

LEGISLATIVE RESOLUTION 640. Read. Considered.

LEGISLATIVE RESOLUTION 641. Read. Considered.

LRs 636, 637, 638, 639, 640, and 641 were adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 630, 632, 633, 634, and 635 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 630, 632, 633, 634, 635, 636, 637, 638, 639, 640, and 641.

PRESIDENT SHEEHY PRESIDING

MOTION - Suspend Rules

Senator Mello offered the following motion to LR642:
MO112

Suspend the rules, Rule 4, Section 6, to permit consideration of LR642.

The Mello motion to suspend the rules prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 642. Read. Considered.

LR642 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Senator Mello offered the following motion to LR643:
MO113

Suspend the rules, Rule 4, Section 6, to permit consideration of LR643.

The Mello motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 643. Read. Considered.

LR643 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 642 and 643.

MOTION - Presentation of Service Awards

Senator Pahls moved that we proceed to the presentation of the Legislative service awards.

The motion prevailed.

MOTION - Disposition of Bills

Senator Cornett moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Fischer moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Printing of Journal, Session Laws, and Indexes

Senator Loudon moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

MOTION - Delivery of Journal and Session Laws

Senator Howard moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Heidemann moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were 12 students and teachers from UNL School of Journalism, Lincoln; and 100 fourth-grade students, teachers, and sponsors from Field Club Elementary, Omaha.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

MOTION - Adjourn Sine Die

Senator Langemeier moved that the One Hundred Second Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:39 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

