

FIFTY-SIXTH DAY - APRIL 8, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 2010

PRAYER

The prayer was offered by Father Thomas Dunavan, St. Mary's Catholic Church in St. Mary's and St. Andrew Catholic Church in Tecumseh.

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 Nordquist who was excused; and Senators Cornett, Flood, Gay, Howard, Krist, Mello, Pahls, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

WITHDRAW - Amendment to LB420

Senator Hadley withdrew his amendment, AM1528, found on page 1182, to LB420.

MOTION - Return LB420 to Select File

Senator Hadley moved to return LB420 to Select File for his specific amendment, AM2479, found on page 1328.

The Hadley motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 420. The Hadley specific amendment, AM2479, found on page 1328, was renewed.

SENATOR ROBERT PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Hadley specific amendment was adopted with 31 ayes, 9 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 563. Placed on Final Reading.

ST9103

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

1. On page 1, the matter beginning with "adopt" in line 1 through line 2 and all amendments thereto have been struck and "amend sections 77-2711 and 77-27,119, Reissue Revised Statutes of Nebraska, and section 48-2115, Revised Statutes Supplement, 2009; to adopt the Employee Classification Act; to provide funding for enforcement; to allow the Department of Revenue to disclose information to the Department of Labor as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 563A. Placed on Final Reading.

LEGISLATIVE BILL 594. Placed on Final Reading.

ST9102

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

1. In the E & R amendments, ER8220:
 - a. On page 17, line 24, "28-327.01," has been inserted after the third comma; and
 - b. On page 18, line 4, "to require information regarding certain service agencies to be made available on the Internet;" has been inserted after the first semicolon.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 999. Placed on Select File with amendment.

ER8238

- 1 1. In the Campbell amendment, AM2503, on page 2, line 5,
- 2 strike "1395" and insert "1395dd".
- 3 2. On page 1, strike beginning with "hospitals" in line
- 4 1 through line 4 and insert "health care; to amend section 71-401,

- 5 Reissue Revised Statutes of Nebraska; to state findings; to provide
- 6 for a moratorium on new hospital licenses as prescribed; to provide
- 7 for a study of health care as prescribed; to harmonize provisions;
- 8 to repeal the original section; and to declare an emergency."

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1020. Title read. Considered.

Committee AM2512, found on page 1342, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Lathrop offered the following amendment to the committee amendment:

FA77

Amend AM2512

On page 13, line 10, insert "seventy" after "seven".

The Lathrop amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 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.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 771. ER8237, found on page 1338, was adopted.

Senator Langemeier renewed the Flood amendment, AM2504, found on page 1337.

The Flood 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 779. ER8221, found on page 1228, was adopted.

Senator Coash renewed his amendment, AM2324, found on page 1070.

Senator Coash withdrew his amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 554. Introduced by Pirsch, 4.

WHEREAS, Millard North High School earned a number of awards at the String Olympics festival held at the University of Nebraska at Omaha on March 27, 2010; and

WHEREAS, the Millard North High School orchestra was named Most Outstanding in Division III for high schools; and

WHEREAS, a number of Millard North High School students earned medals for their musical performances, including Yasmeen Bora, Peter Xu, Tim Grady, Cindy Liu, Jessica Lu, Maggie Williams, Jesse Mu, Marisa Varghese, Shannon Reeves, Emily Wheeler, Megan Palmer, Clara Edwards, Claire Jauken, Brianna Lile, Michael Janning, Kristen Gjesdahl, Alex Elfering, Tyhler Roth, and Sri Narayanan; and

WHEREAS, Mrs. Debbie Martinez did an outstanding job as director of the Millard North High School orchestra.

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

1. That the Legislature congratulates the Millard North High School orchestra, the individual medalists, and Mrs. Debbie Martinez for their accomplishments at the String Olympics festival.

2. That a copy of this resolution be sent to Millard North High School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Janssen, Karpisek, Pahls, Price, and Sullivan asked unanimous consent to add their names as cointroducers to LR538. No objections. So ordered.

VISITORS

Visitors to the Chamber were FFA members from Kimball; FFA members from Alliance; 22 fourth-grade students from Hayward Elementary, Nebraska City; John Allen from Lincoln; 77 fourth-grade students, teachers, and sponsors from Dodge Elementary, Grand Island; 50 fourth-grade students and teachers from Mockingbird Elementary, Omaha; Mary Delimont and Gordon Blaser from Columbus; and members of Washington County Leadership from Washington County.

RECESS

At 11:50 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 Senator Nordquist who was excused; and Senators Flood, Karpisek, Lautenbaugh, and White who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 931. Placed on Final Reading.

ST9106

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

1. In the E & R amendments, ER8224:

a. On page 12, line 8; and page 17, line 12, "77-2230" has been struck and "76-2230" inserted; and

b. On page 13, line 2, the first stricken comma has been reinstated.

LEGISLATIVE BILL 987. Placed on Final Reading.

LEGISLATIVE BILL 987A. Placed on Final Reading.

LEGISLATIVE BILL 1014. Placed on Final Reading.

ST9104

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

1. In the Haar amendment, AM2508, on page 2, line 15, "; or" has been struck and an underscored period inserted.

2. In the E & R amendments, ER8222, on page 1, line 8, "to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon.

(Signed) Jeremy Nordquist, Chairperson

SELECT FILE

LEGISLATIVE BILL 779. Senator Heidemann withdrew his amendment, AM2510, found on page 1351.

Senator Heidemann offered the following amendment:

AM2523

(Amendments to E & R amendments, ER8221)

- 1 1. On page 5, line 27, strike "any" and insert "
- 2 (a) Any".
- 3 2. On page 6, line 7, after the semicolon insert "and";
- 4 and after line 7 insert the following new subdivision:

5 "(b) Any racetrack enclosure licensed by the State Racing
 6 Commission in which initial occupancy occurs on or after July 1,
 7 2010, including concession areas, parking facilities, and onsite
 8 administrative offices connected with operating the racetrack;".

Senator Christensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Mello requested a record vote on the Heidemann amendment.

Voting in the affirmative, 32:

Ashford	Cornett	Howard	McCoy	Stuthman
Avery	Gay	Janssen	McGill	Sullivan
Campbell	Giese	Karpisek	Mello	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar	Lathrop	Pankonin	
Coash	Hadley	Lautenbaugh	Rogert	
Conrad	Heidemann	Louden	Schilz	

Voting in the negative, 4:

Council	Dierks	Hansen	Harms
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Present and not voting, 11:

Adams	Fischer	Nelson	Utter
Cook	Fulton	Pirsch	White
Dubas	Krist	Price	

Excused and not voting, 2:

Flood	Nordquist
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The Heidemann amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Senator Lathrop offered the following amendment:

AM2526

(Amendments to E & R amendments, ER8221)

- 1 1. On page 5, line 1, after "dollars" insert "from the
- 2 fund"; and in line 2 after "Revenue" insert "Enforcement Fund" and
- 3 after "2010," insert "or as soon thereafter as practicable".
- 4 2. On page 6, line 2, strike "or recreation" and before
- 5 "seating" insert "permanent".
- 6 3. On page 7, strike beginning with "local" in line 13
- 7 through "bonds" in line 17 and insert "city, village, or county";
- 8 in line 22, after "subdivision" insert "or its governing body"

9 and after "has" insert "(1)"; in line 23 strike "or has" and
 10 insert ", (2)"; in line 24 after "equip" insert ", or (3) adopted
 11 a resolution authorizing the political subdivision to pursue a
 12 general obligation bond issue to acquire, construct, improve, or
 13 equip"; and in line 26 after "shall" insert "only".

14 4. On page 8, strike beginning with "If" in line 2
 15 through line 7; and in line 21 after "project" insert ", including
 16 a copy of any operating agreement or lease with substantial users
 17 of the facility".

18 5. On page 9, line 23, after "approved" insert ",
 19 except that an approval of an application submitted because of
 20 the requirement in subdivision (3) of section 9 of this act is
 21 a temporary approval. If the general obligation bond issue is
 22 subsequently approved by the voters of the political subdivision,
 1 the approval by the board becomes permanent. If the general
 2 obligation bond issue is not approved by such voters, the temporary
 3 approval shall become void.".

4 6. On page 11, line 20, after "the" insert "(i)"; in line
 5 22 strike "and" and insert ", (ii)"; and in line 24 strike "and"
 6 and insert ", and (iii)".

7 7. On page 12, line 11, strike "seventy-five" and insert
 8 "fifty"; and in line 12 strike "for any one approved project".

9 8. On page 13, line 2, strike "may" and insert "shall";
 10 and strike beginning with the second "and" in line 7 through
 11 "project" in line 8.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Lathrop offered the following amendment:
 AM2517

(Amendments to E & R amendments, ER8221)

- 1 1. On page 12, strike beginning with "Local" in line 25
- 2 through "Financing" in line 26 and insert "General".

SENATOR LANGEMEIER PRESIDING

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Janssen 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 Lathrop amendment lost with 2 ayes, 28 nays, 11 present and not voting, and 8 excused and not voting.

Senator Lathrop offered the following amendment:

AM2528

(Amendments to E & R amendments, ER8221)

1 1. Insert the following new section:

2 Sec. 18. Section 77-5601, Revised Statutes Cumulative
3 Supplement, 2008, as amended by section 58, Legislative Bill 3, One
4 Hundred First Legislature, First Special Session, 2009, is amended
5 to read:

6 77-5601 (1) From August 1, 2004, through October 31,
7 2004, there shall be conducted a tax amnesty program with regard
8 to taxes due and owing that have not been reported to the
9 Department of Revenue. Any person applying for tax amnesty shall
10 pay all unreported taxes that were due on or before April 1,
11 2004. Any person that applies for tax amnesty and is accepted
12 by the Tax Commissioner shall have any penalties and interest
13 waived on unreported and delinquent taxes notwithstanding any other
14 provisions of law to the contrary.

15 (2) To be eligible for the tax amnesty provided by this
16 section, the person shall apply for amnesty within the amnesty
17 period, file a return for each taxable period for which the amnesty
18 is requested by December 31, 2004, if no return has been filed, and
19 pay in full all taxes for which amnesty is sought with the return
20 or within thirty days after the application if a return was filed
21 prior to the amnesty period. Tax amnesty shall not be available for
22 any person that is under civil or criminal audit, investigation, or
1 prosecution for unreported or delinquent taxes by this state or the
2 United States Government on or before April 16, 2004.

3 (3) The department shall not seek civil or criminal
4 prosecution against any person for any taxable period for which
5 amnesty has been granted. The Tax Commissioner shall develop forms
6 for applying for the tax amnesty program, develop procedures for
7 qualification for tax amnesty, and conduct a public awareness
8 campaign publicizing the program.

9 (4) If a person elects to participate in the amnesty
10 program, the election shall constitute an express and irrevocable
11 relinquishment of all administrative and judicial rights to
12 challenge the imposition of the tax or its amount. Nothing in this
13 section shall prohibit the department from adjusting a return as a
14 result of any state or federal audit.

15 (5)(a) Except for any local option sales tax collected
16 and returned to the appropriate municipality and any motor vehicle
17 fuel, diesel fuel, and compressed fuel taxes, which shall be
18 deposited in the Highway Trust Fund or Highway Allocation Fund
19 as provided by law, no less than eighty percent of all revenue
20 received pursuant to the tax amnesty program shall be deposited
21 in the General Fund; ten percent, not to exceed five hundred
22 thousand dollars, shall be deposited in the Department of Revenue
23 Enforcement Fund; and ten percent, not to exceed five hundred
24 thousand dollars, shall be deposited in the Department of Revenue

25 Enforcement Technology Fund. Any amount that would otherwise be
26 deposited in the Department of Revenue Enforcement Fund or the
27 Department of Revenue Enforcement Technology Fund that is in excess
1 of the five-hundred-thousand-dollar limitation shall be deposited
2 in the General Fund.

3 (b) For fiscal year 2005-06, all proceeds in the
4 Department of Revenue Enforcement Fund shall be appropriated to
5 the department for purposes of employing investigators, agents, and
6 auditors and otherwise increasing personnel for enforcement of the
7 Nebraska Revenue Act of 1967. For fiscal year 2005-06, all proceeds
8 in the Department of Revenue Enforcement Technology Fund shall be
9 appropriated to the department for the purposes of acquiring lists,
10 software, programming, computer equipment, and other technological
11 methods for enforcing the act.

12 (c) For fiscal years after fiscal year 2005-06, twenty
13 percent of all proceeds received during the previous calendar year
14 due to the efforts of auditors and investigators hired pursuant to
15 subdivision (5)(b) of this section, not to exceed seven hundred
16 fifty thousand dollars, shall be deposited in the Department of
17 Revenue Enforcement Fund for purposes of employing investigators
18 and auditors or continuing such employment for purposes of
19 increasing enforcement of the act.

20 (6)(a) The department shall prepare a report by April
21 1, 2005, and by February 1 of each year thereafter detailing the
22 results of the tax amnesty program and the subsequent enforcement
23 efforts. For the report due April 1, 2005, the report shall include
24 (i) the amount of revenue obtained as a result of the tax amnesty
25 program broken down by tax program, (ii) the amount obtained
26 from in-state taxpayers and from out-of-state taxpayers, and (iii)
27 the amount obtained from individual taxpayers and from business
1 enterprises.

2 (b) For reports due in subsequent years, the report
3 shall include (i) the number of personnel hired for purposes
4 of subdivision (5)(b) of this section and their duties, (ii) a
5 description of lists, software, programming, computer equipment,
6 and other technological methods acquired pursuant to such
7 subdivision and the purposes of each, and (iii) the amount
8 of new revenue obtained as a result of the new personnel and
9 acquisitions during the prior calendar year, broken down into the
10 same categories as described in subdivision (6)(a) of this section.

11 (7) The Department of Revenue Enforcement Fund and the
12 Department of Revenue Enforcement Technology Fund are created.
13 Transfers may be made from the Department of Revenue Enforcement
14 Fund to the General Fund at the direction of the Legislature. The
15 Department of Revenue Enforcement Fund may receive transfers from
16 the Local Civic, Cultural, and Convention Center Financing Fund at
17 the direction of the Legislature for the purpose of administering
18 the Sports Arena Facility Financing Assistance Act. Any money
19 in the Department of Revenue Enforcement Fund and the Department

20 of Revenue Enforcement Technology Fund available for investment
 21 shall be invested by the state investment officer pursuant to
 22 the Nebraska Capital Expansion Act and the Nebraska State Funds
 23 Investment Act. The Department of Revenue Enforcement Technology
 24 Fund shall terminate on July 1, 2006. Any unobligated money in the
 25 fund at that time shall be deposited in the General Fund.

26 (8) For purposes of this section, taxes mean any taxes
 27 collected by the department, including, but not limited to state
 1 and local sales and use taxes, individual and corporate income
 2 taxes, financial institutions deposit taxes, motor vehicle fuel,
 3 diesel fuel, and compressed fuel taxes, cigarette taxes, transfer
 4 taxes, and charitable gaming taxes.

5 2. On page 4, line 17, before "The" insert "(1)"; and
 6 strike the new matter in line 27 and insert "Transfers may be made
 7 from the fund to the Department of Revenue Enforcement Fund at the
 8 direction of the Legislature.

9 (2) On July 1, 2010, or as soon thereafter as is
 10 administratively possible the State Treasurer shall transfer
 11 seventy-nine thousand three hundred dollars from the Local Civic,
 12 Cultural, and Convention Center Financing Fund to the Department
 13 of Revenue Enforcement Fund.

14 (3) It is the intent of the Legislature that on July
 15 1, 2011, or as soon thereafter as is administratively possible
 16 the State Treasurer shall transfer forty-two thousand nine hundred
 17 dollars from the Local Civic, Cultural, and Convention Center
 18 Financing Fund to the Department of Revenue Enforcement Fund."

19 3. On page 5, strike lines 1 through 4.

20 4. Renumber remaining sections and correct the repealer
 21 accordingly.

The Lathrop 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 779A. Senator Lathrop offered the following
 amendment:

AM2529

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

3 Section 1. There is hereby appropriated (1) \$79,300
 4 from the Department of Revenue Enforcement Fund for FY2010-11 and
 5 (2) \$42,900 from the Department of Revenue Enforcement Fund for
 6 FY2011-12 to the Department of Revenue, for Program 102, to aid in
 7 carrying out the provisions of Legislative Bill 779, One Hundred
 8 First Legislature, Second Session, 2010.

9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$19,500 for FY2010-11 or \$31,100 for FY2011-12.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 420. Placed on Final Reading Third.

ST9107

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

1. The Hadley amendment, AM2479, has been incorporated into the Second Final Reading Copy.

LEGISLATIVE BILL 771. Placed on Final Reading.

ST9105

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

1. In the E & R amendments, ER8237:

a. On page 2, line 2, "section" has been inserted after the comma; and

b. On page 5, line 22, the semicolon has been struck and an underscored colon inserted; and in line 24 the colon has been struck and an underscored semicolon inserted.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1020. Placed on Select File with amendment.

ER8239 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Executive Board

LEGISLATIVE RESOLUTION 542. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

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.

Diane Muelleman - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Campbell 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 FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to law enforcement; to amend sections 2-32,101, 69-2403, 69-2427, 69-2431, and 69-2433, Reissue Revised Statutes of Nebraska, and sections 18-1703 and 28-1212.04, Revised Statutes Supplement, 2009; to authorize natural resources districts to employ law enforcement personnel or private security services; to change city and village powers regarding registration of handguns; to change prohibitions regarding the discharge of firearms in certain cities, villages, and counties; to exempt permitholders under the Concealed Handgun Permit Act and peace officers from the requirement to obtain a certificate to purchase a handgun; to provide a duty for the Nebraska State Patrol under the act; to change requirements for a permit to carry a concealed handgun; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nelson	Wallman
Coash	Giese	Krist	Pankonin	White
Conrad	Gloor	Langemeier	Pirsch	Wightman
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Gay	Nordquist
Flood	Heidemann	Pahls

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

LEGISLATIVE BILL 1109. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,105.01, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Innovation and High Wage Employment Act; to provide for the lapse of the balance in the Microenterprise Development Cash Fund to the General Fund; 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	Dierks	Harms	Louden	Schilz
Ashford	Dubas	Heidemann	McCoy	Stuthman
Avery	Fischer	Howard	McGill	Sullivan
Campbell	Fulton	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	
Council	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Coash

Excused and not voting, 5:

Christensen Flood Gay Nordquist 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.

LEGISLATIVE BILL 1109A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1109, One Hundred First Legislature, Second Session, 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, 43:

Adams	Dierks	Harms	Louden	Schilz
Ashford	Dubas	Heidemann	McCoy	Stuthman
Avery	Fischer	Howard	McGill	Sullivan
Campbell	Fulton	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	
Council	Hansen	Lautenbaugh	Regert	

Voting in the negative, 0.

Present and not voting, 1:

Coash

Excused and not voting, 5:

Christensen Flood Gay Nordquist 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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB801 with 40 ayes, 3 nays, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-301, 87-303, 87-303.02, 87-303.03, and 87-306, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Supplement, 2009; to change provisions relating to the Uniform Deceptive Trade Practices 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	Council	Hansen	Lautenbaugh	Rogert
Ashford	Dierks	Harms	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Stuthman
Campbell	Fischer	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Coash	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 5:

Christensen	Flood	Gay	Nordquist	Pahls
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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 842.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures in cases of death occurring during apprehension or custody; 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, 39:

Adams	Dubas	Heidemann	Louden	Rogert
Avery	Fischer	Howard	McCoy	Schilz
Campbell	Giese	Janssen	McGill	Stuthman
Carlson	Gloor	Karpisek	Mello	Sullivan
Coash	Haar	Krist	Nelson	Utter
Cook	Hadley	Langemeier	Pankonin	Wallman
Cornett	Hansen	Lathrop	Pirsch	Wightman
Dierks	Harms	Lautenbaugh	Price	

Voting in the negative, 4:

Ashford	Conrad	Council	White
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Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

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 LB849 with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 849. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1901, 38-1902, 38-1908, 38-1918, 38-2605, 38-2617, 38-2841, 68-906, 68-1017, 68-1017.01, 68-1070, 70-1603, 70-1605, 71-401, 71-403, 71-415, 71-516.04, 71-1559, 71-1796, 71-4604.01, 71-7447, 71-8403, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223, and 83-1224, Reissue Revised Statutes of Nebraska, and sections 38-2826, 38-2850, 38-2867, 38-2869, and 83-1217, Revised Statutes Supplement, 2009; to change provisions relating to the Medical Radiography Practice Act, and the practices of optometry and pharmacy; to adopt federal law for purposes of the Medical Assistance Act and the Supplemental Nutrition Assistance Program; to remove and change references to Supplemental Nutrition Assistance Program coupons and benefits; to change provisions relating to notice of discontinuation of utility service; to require licensure of children's day health services; to provide requirements for staff training for purposes of the Alzheimer's Special Care Disclosure Act; to change provisions relating to fees and funds of the Public Service Commission; to change provisions relating to requests for access to medical records; to change notification requirements for child support claims against income tax

refunds; to change provisions relating to developmental disability services; to change provisions relating to hearing officers of the Division of Developmental Disabilities; to create and eliminate funds; to repeal a termination date relating to the Nebraska Center for Nursing Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 71-17,100, 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, 43:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Coash	Gloor	Krist	Pankonin	White
Conrad	Haar	Langemeier	Pirsch	Wightman
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 862.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008, and section 46-739.01, Revised Statutes Supplement, 2009; to change provisions relating to river-flow enhancement bonds; to change provisions relating to an occupation tax as prescribed; to provide exceptions to approval requirements for transfers of certified water uses or irrigated acres or participation in certain incentive programs; 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:

Adams	Cornett	Hadley	Langemeier	Pirsch
Ashford	Council	Hansen	Lathrop	Price
Avery	Dierks	Harms	Lautenbaugh	Rogert
Campbell	Dubas	Heidemann	McCoy	Schilz
Carlson	Fischer	Howard	McGill	Sullivan
Coash	Giese	Janssen	Mello	Utter
Conrad	Gloor	Karpisek	Nelson	Wallman
Cook	Haar	Krist	Pankonin	Wightman

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 1:

White

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

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 LB877 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 877. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.04, 77-701, 77-1363, 77-1502, 77-1507, 77-3517, 77-5007, 77-5013, 77-5016, 77-5018, and 77-5019, Reissue Revised Statutes of Nebraska; to authorize appeals by the Tax Commissioner and Property Tax Administrator as prescribed; to change provisions relating to soil surveys; to change provisions relating to descriptions of property for property tax purposes; to change provisions relating to homestead exemptions; to change powers and duties of the Tax Equalization and Review Commission; 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	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Coash	Gloor	Krist	Pankonin	White
Conrad	Haar	Langemeier	Pirsch	Wightman
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Regot	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 945.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2008, and section 60-601, Revised Statutes Supplement, 2009; to prohibit using a handheld wireless communication device as prescribed while operating a motor vehicle; to provide exceptions; to provide penalties; 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, 38:

Adams	Dubas	Howard	McCoy	Schilz
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Giese	Karpisek	Mello	Sullivan
Campbell	Gloor	Krist	Nelson	Utter
Carlson	Haar	Langemeier	Pankonin	White
Conrad	Hadley	Lathrop	Pirsch	Wightman
Cornett	Harms	Lautenbaugh	Price	
Dierks	Heidemann	Louden	Regot	

Voting in the negative, 2:

Coash Hansen

Present and not voting, 3:

Cook Council Wallman

Excused and not voting, 6:

Christensen Fulton Nordquist
Flood Gay Pahls

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 LB950 with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 950. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2315.01, 23-2319.02, 24-701.01, 24-710.07, 79-902, 79-910.01, 79-915, 79-920, 79-947.01, 79-951, 79-978, 79-990, 81-2016, 81-2027.03, 84-1310.01, 84-1311.03, 84-1314, 84-1321.01, 84-1323.01, and 84-1504, Reissue Revised Statutes of Nebraska, sections 23-2309.01 and 23-2310.05, Revised Statutes Cumulative Supplement, 2008, and sections 23-2306, 23-2308.01, 84-1307, and 84-1309.02, Revised Statutes Supplement, 2009; to change provisions relating to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act regarding participation eligibility, uses of funds, disability eligibility, state contributions, and retirement system options; to redefine terms; 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1010. With Emergency Clause.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2009; to provide procedures for the use of eminent domain for trails; to provide a duty for the Revisor of Statutes; 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	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.

LEGISLATIVE BILL 1094.

A BILL FOR AN ACT relating to consumer protection; to amend section 84-907.03, Revised Statutes Supplement, 2009; to adopt the Nonrecourse Civil Litigation Act; to provide powers and duties for the Secretary of State; 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

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

LEGISLATIVE BILL 1094A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, One Hundred First Legislature, Second Session, 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

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

MOTION - Recommit LB510 to Committee

Senator Council renewed her motion, MO97, found on page 1262, to recommit LB510 to Judiciary Committee.

The Council motion to recommit to committee failed with 6 ayes, 23 nays, 12 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2207 and 83-184, Reissue Revised Statutes of Nebraska, and section 81-1835, Revised Statutes Supplement, 2009; to require assessments on convictions and affirmations upon appeal; to provide funding for compensation of victims of crime and for rehabilitation of certain offenders as prescribed; to create funds; 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, 38:

Ashford	Dierks	Harms	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Giese	Janssen	Nelson	Wallman
Coash	Gloor	Karpisek	Pankonin	White
Conrad	Haar	Krist	Pirsch	Wightman
Cook	Hadley	Langemeier	Price	
Cornett	Hansen	Lathrop	Rogert	

Voting in the negative, 1:

Council

Present and not voting, 2:

Adams Louden

Excused and not voting, 8:

Christensen	Fulton	McCoy	Pahls
Flood	Gay	Nordquist	Stuthman

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

LEGISLATIVE BILL 510A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred First Legislature, Second Session, 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, 40:

Adams	Cornett	Hansen	Lathrop	Price
Ashford	Dierks	Harms	Lautenbaugh	Rogert
Avery	Dubas	Heidemann	Louden	Schilz
Campbell	Fischer	Howard	McGill	Sullivan
Carlson	Giese	Janssen	Mello	Utter
Coash	Gloor	Karpisek	Nelson	Wallman
Conrad	Haar	Krist	Pankonin	White
Cook	Hadley	Langemeier	Pirsch	Wightman

Voting in the negative, 1:

Council

Excused and not voting, 8:

Christensen	Fulton	McCoy	Pahls
Flood	Gay	Nordquist	Stuthman

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

RESOLUTION

LEGISLATIVE RESOLUTION 555. Introduced by Krist, 10; Ashford, 20; Council, 11; Howard, 9; Lautenbaugh, 18; Mello, 5; Nelson, 6; Pirsch, 4; White, 8.

WHEREAS, the Honorable Chuck W. Sigerson, Jr., was a three-term representative of District 7 on the Omaha City Council, originally elected in 2001 and reelected in 2005 and 2009; and

WHEREAS, Chuck and his wife, Elizabeth, have two children, Andrew and Anthea, along with six grandchildren; and

WHEREAS, Chuck and his family moved to Omaha in 1969 while he was serving as an active duty member of the United States Air Force. While serving during the Vietnam War, Chuck had previously been stationed at Whiteman Air Force Base in Missouri, Chateauroux Air Station in France, and Royal Air Force Mildenhall in England. He finished his military service as the Noncommissioned Officer in Charge of Personnel at the University of Nebraska at Omaha; and

WHEREAS, Chuck graduated from the University of Nebraska at Omaha in 1971; and

WHEREAS, Chuck is a recently retired State Farm Insurance agent who served as the primary agent for many District 7 families for thirty-four years; and

WHEREAS, Chuck has been a member of American Legion Post 1 for the past forty years. He also is a life member of the Disabled American Veterans and a member of AMVETS; and

WHEREAS, Chuck actively participated in his community in a variety of ways over the years, including service as chairman of the Mid-America Council of the Boy Scouts of America, merit badge counselor for citizenship in the Boy Scouts of America, president of the American Diabetes Association of Nebraska, and president of the Floyd Rogers Diabetic Foundation, and he was also a member of Rotary Club and Cosmopolitan International; and

WHEREAS, Chuck is proud to be a Nebraskan and felt privileged to serve the citizens of northwest Omaha as a member of the Omaha City Council; and

WHEREAS, during his tenure on the Omaha City Council, Chuck represented his constituents in an outstanding and nonpartisan manner for the betterment of Omaha.

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

1. That the Legislature extends its appreciation to the Honorable Chuck W. Sigerson, Jr., for his many years of service to a grateful city, state, and nation.

2. That a copy of this resolution be sent to the Honorable Chuck W. Sigerson, Jr.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LR539. No objections. So ordered.

EASE

The Legislature was at ease from 5:47 p.m. until 6:15 p.m.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 779. Placed on Final Reading.

ST9108

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

1. In the Lathrop amendment, AM2526:

a. On page 1, line 15, the comma has been struck and "and" inserted; and

b. On page 2, line 3, the first period has been struck.

2. In the E & R amendments, ER8221:

a. On page 15, lines 14 and 23, "and" has been struck;

b. On page 15, lines 17 and 25, ", and section 77-5601, Revised Statutes Cumulative Supplement, 2008, as amended by section 58, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009" has been inserted after "2009"; and

c. On page 16, line 1, "transfer" has been struck and "provide for transfers of" inserted.

LEGISLATIVE BILL 779A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB1103:
AM2533

(Amendments to E & R amendments, ER8229)

- 1 1. On page 1, line 14, after "child" insert ", and which
2 causes the premature termination of the pregnancy".
- 3 2. On page 4, line 8, after "when" insert "it has been
4 determined, by the physician performing or inducing the abortion
5 or by another physician upon whose determination that physician
6 relies, that".
- 7 3. On page 5, line 8, strike ", and".
- 8 4. On page 6, line 11, after "years" insert "during which
9 this section was in effect".
- 10 5. On page 8, line 5, before "any" insert "by".

VISITORS

Visitors to the Chamber were 27 fourth-grade students from Grant Elementary, Norfolk; and FFA members from Elgin.

ADJOURNMENT

At 6:16 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Friday, April 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

