

SEVENTY-SEVENTH DAY - MAY 10, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 10, 2011

PRAYER

The prayer was offered by Senator Carlson.

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 Loudon who was excused; and Senators Ashford, Coash, Lautenbaugh, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 256. Placed on Final Reading.
ST38

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 4 has been struck and "horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska, and section 2-1201, Revised Statutes Cumulative Supplement, 2010; to change the terms of certain members of the State Racing Commission; to allow licensees to contract with other licensees to conduct live race meetings as prescribed; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 628. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 490. Placed on Select File with amendment.
ER129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-601, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 9-601 Sections 9-601 to 9-653 and section 3 of this act
- 6 shall be known and may be cited as the Nebraska County and City
- 7 Lottery Act.
- 8 Sec. 2. Section 9-603, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 9-603 For purposes of the Nebraska County and City
- 11 Lottery Act, the definitions found in sections 9-603.02 to 9-618
- 12 and section 3 of this act shall be used.
- 13 Sec. 3. Activation, with regard to lottery equipment,
- 14 means initiating the selection of winning numbers.
- 15 Sec. 4. Section 9-607, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 9-607 (1) Lottery shall mean a gambling scheme in which:
- 18 (a) The players pay or agree to pay something of value
- 19 for an opportunity to win;
- 20 (b) Winning opportunities are represented by tickets;
- 21 (c) Winners are solely determined by one of the following
- 22 two methods:
- 23 (i) By a random drawing of tickets differentiated by
- 1 sequential enumeration from a receptacle by hand whereby each
- 2 ticket has an equal chance of being chosen in the drawing; or
- 3 (ii) By use of a game known as keno in which a player
- 4 selects up to twenty numbers from a total of eighty numbers on a
- 5 paper ticket and a computer, other electronic selection device, or
- 6 electrically operated blower machine which is not player-activated
- 7 randomly selects up to twenty numbers from the same pool of
- 8 eighty numbers and the winning players are determined by the
- 9 correct matching of the numbers on the paper ticket selected by
- 10 the players with the numbers randomly selected by the computer,
- 11 other electronic selection device, or electrically operated blower
- 12 machine, except that (A) no keno game shall permit or require
- 13 player ~~access or~~ activation of lottery equipment and (B) the random
- 14 selection of numbers by the computer, other electronic selection
- 15 device, or electrically operated blower machine shall not occur
- 16 within five minutes of the completion of the previous selection of
- 17 random numbers; and
- 18 (d) The holders of the winning paper tickets are to
- 19 receive cash or prizes redeemable for cash. Selection of a winner
- 20 or winners shall be predicated solely on chance.
- 21 (2) Lottery shall not include:

22 (a) Any gambling scheme which uses any mechanical gaming
23 device, computer gaming device, electronic gaming device, or video
24 gaming device which has the capability of awarding something of
25 value, free games redeemable for something of value, or tickets or
26 stubs redeemable for something of value;

27 (b) Any activity authorized or regulated under the
1 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
2 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
3 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
4 article 12; or

5 (c) Any activity prohibited under Chapter 28, article 11.

6 (3) Notwithstanding the requirement in subdivision
7 (1)(c)(ii) of this section that a player select up to twenty
8 numbers, a player may select more than twenty numbers on a paper
9 ticket when a top or bottom, left or right, edge, or way ticket
10 is played. For a top or bottom ticket, the player shall select
11 all numbers from one through forty or all numbers from forty-one
12 through eighty. For a left or right ticket, the player shall select
13 all numbers ending in one through five or all numbers ending in
14 six through zero. For an edge ticket, the player shall select all
15 of the numbers comprising the outside edge of the ticket. For a way
16 ticket, the player shall select a combination of groups of numbers
17 in multiple ways on a single ticket.

18 (4) A county, city, or village conducting a keno lottery
19 shall designate the method of winning number selection to be used
20 in the lottery and submit such designation in writing to the
21 department prior to conducting a keno lottery. Only those methods
22 of winning number selection described in subdivision (1)(c)(ii) of
23 this section shall be permitted, and the method of winning number
24 selection initially utilized may only be changed once during that
25 business day as set forth in the designation. A county, city, or
26 village shall not change the method or methods of winning number
27 selection filed with the department or allow it to be changed
1 once such initial designation has been made unless (a) otherwise
2 authorized in writing by the department based upon a written
3 request from the county, city, or village or (b) an emergency
4 arises in which case a ball draw method of number selection would
5 be switched to a number selection by a random number generator.
6 An emergency situation shall be reported by the county, city,
7 or village to the department within twenty-four hours of its
8 occurrence.

9 Sec. 5. Original sections 9-601, 9-603, and 9-607,
10 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Room 1507

Tuesday, May 17, 2011 9:30 a.m.

Timothy M. Schulz - Nebraska Accountability and Disclosure Commission

(Signed) Bill Avery, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, and 196.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,126 and 49-14,140, Reissue Revised Statutes of Nebraska; to provide for payment of hearing costs by violators in certain cases as prescribed; to provide for placement of proceeds; 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	Lathrop	Price
Avery	Council	Harms	McCoy	Schilz
Bloomfield	Dubas	Harr, B.	McGill	Schumacher
Brasch	Fischer	Heidemann	Mello	Smith
Campbell	Flood	Howard	Nelson	Sullivan
Carlson	Fulton	Karpisek	Nordquist	Utter
Christensen	Gloor	Krist	Pahls	Wallman
Conrad	Haar, K.	Langemeier	Pankonin	
Cook	Hadley	Larson	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 5:

Ashford Coash Lautenbaugh Louden Wightman

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

LEGISLATIVE BILL 404.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 2-5422, 13-2709, 58-711, 81-1201.11, 81-1277, 81-12,104, 81-12,135, and 81-3605, Reissue Revised Statutes of Nebraska, and section 81-1205, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to certain reports; 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:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ashford Coash Lautenbaugh Louden Wightman

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

SELECT FILE

LEGISLATIVE BILL 684. ER104, found on page 1387, was adopted.

Senator Schilz renewed his amendment, AM1421, found on page 1490.

SENATOR LANGEMEIER PRESIDING

Senator Schilz withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 684A. Advanced to Enrollment and Review for Engrossment.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 673. ER127, found on page 1447, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 226. ER126, found on page 1447, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 667. Title read. Considered.

Committee AM162, found on page 1480, 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 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SPEAKER FLOOD PRESIDING**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 176 and 404.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB590:
AM1418

(Amendments to Final Reading copy)

- 1 1. On page 58, line 25, after "69-2703" insert "and
- 2 pursuant to section 11 of this act".

Senator Cornett filed the following amendment to LB642:
AM1401

(Amendments to Standing Committee amendments, AM493)

- 1 1. On page 1, strike beginning with "The" in line 7
- 2 through the underscored period in line 11 and insert
- 3 "(a) The department may contract with a person to recruit
- 4 to the state new retailers that will generate sales taxable
- 5 pursuant to section 77-2703 if the Governor determines the contract
- 6 to be in the best interest of the state. The contract shall not
- 7 be subject to the requirements of sections 73-201 to 73-204 and
- 8 73-504.

- 9 (b) The Governor's determination that a contract is in
- 10 the best interest of the state shall be based on the new state
- 11 sales tax revenue that would be generated as a result of the
- 12 business activity of the new retailers recruited to the state.
- 13 The contract and all supporting information shall be confidential
- 14 except for the names of the parties to the contract, the locations
- 15 of their places of business, the amounts of increased employment
- 16 and investment made by the parties to the contract, and information
- 17 required to be reported under subdivision (2)(e) of this section.

- 18 (c) A contract entered into under this section may
- 19 provide for the payment of an incentive that is a percentage of
- 20 the new state sales tax revenue generated. The department shall
- 21 verify and audit all incentives paid pursuant to this subsection.
- 22 A person that receives an incentive under this subsection is not
- 1 entitled to sales tax refunds under the Nebraska Advantage Act,
- 2 the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska
- 3 Advantage Research and Development Act, and the Nebraska Advantage
- 4 Rural Development Act with regard to the same sales transactions.

- 5 (d) A new retailer recruited under this subsection
- 6 shall be subject to all reporting, audit, enforcement, and
- 7 confidentiality provisions of the Nebraska Revenue Act of 1967
- 8 that are applicable to other retailers in the state. The state may
- 9 not contractually waive this requirement. In the event an incentive
- 10 was paid under this subsection on taxes subsequently determined to
- 11 have been paid in error, a purchaser may seek a refund from the
- 12 retailer. If the retailer files a claim for a refund of taxes paid
- 13 in error, the amount of the refund shall be reduced by the amount
- 14 of the incentive paid for the period of the refund claim.

- 15 (e) The Tax Commissioner shall submit an annual report
- 16 to the Legislature no later than July 15 each year regarding total

17 state sales tax revenue generated pursuant to this subsection. The
 18 report shall include:

19 (i) A listing of the contracts which have been signed
 20 during the previous calendar year;

21 (ii) A listing of the contracts which are still in
 22 effect;

23 (iii) The identities of the parties to each contract;

24 (iv) The locations of the places of business of the
 25 parties to each contract;

26 (v) Total taxable sales occurring in this state as a
 27 result of the contracts authorized by this subsection;

1 (vi) Total state sales tax revenue generated by the total
 2 taxable sales referred to in subdivision (2)(e)(v) of this section;
 3 and

4 (vii) Total incentives paid pursuant to each contract.";
 5 and in line 15 before the period insert "; and in line 24 after
 6 "to" insert "subsection (1) of".

Senator Utter filed the following amendment to LB357:
 AM1430

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

3 Section 1. Section 77-2701.02, Reissue Revised Statutes
 4 of Nebraska, is amended to read:

5 77-2701.02 Pursuant to section 77-2715.01:

6 (1) Until July 1, 1998, the rate of the sales tax levied
 7 pursuant to section 77-2703 shall be five percent;

8 (2) Commencing July 1, 1998, and until July 1, 1999, the
 9 rate of the sales tax levied pursuant to section 77-2703 shall be
 10 four and one-half percent;

11 (3) Commencing July 1, 1999, and until the start of the
 12 first calendar quarter after July 20, 2002, the rate of the sales
 13 tax levied pursuant to section 77-2703 shall be five percent;~~and~~

14 (4) Commencing on the start of the first calendar quarter
 15 after July 20, 2002, and until October 1, 2011, the rate of the
 16 sales tax levied pursuant to section 77-2703 shall be five and
 17 one-half percent; ~~and-~~

18 (5) Commencing October 1, 2011, the rate of the sales tax
 19 levied pursuant to section 77-2703 shall be six percent.

20 Sec. 2. Section 77-27,132, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 77-27,132 (1) There is hereby created a fund to be
 23 designated the Revenue Distribution Fund which shall be set apart
 1 and maintained by the Tax Commissioner. Revenue not required to be
 2 credited to the General Fund or any other specified fund may be
 3 credited to the Revenue Distribution Fund. Credits and refunds of
 4 such revenue shall be paid from the Revenue Distribution Fund. The
 5 balance of the amount credited, after credits and refunds, shall be
 6 allocated as provided by the statutes creating such revenue.

7 (2) The Tax Commissioner shall pay to a depository bank
 8 designated by the State Treasurer all amounts collected under the
 9 Nebraska Revenue Act of 1967. The Tax Commissioner shall present
 10 to the State Treasurer bank receipts showing amounts so deposited
 11 in the bank, and of the amounts so deposited the State Treasurer
 12 shall

13 (a) ~~Credit credit~~ to the Highway Trust Fund all of the
 14 proceeds of the sales and use taxes derived from the sale or
 15 lease for periods of more than thirty-one days of motor vehicles,
 16 trailers, and semitrailers, except that the proceeds equal to any
 17 sales tax rate provided for in section 77-2701.02 that is in excess
 18 of five percent derived from the sale or lease for periods of more
 19 than thirty-one days of motor vehicles, trailers, and semitrailers
 20 shall be credited to the Highway Allocation Fund; ~~and-~~

21 (b) For transactions occurring on or after October 1,
 22 2011, credit the proceeds of the sales and use taxes derived from
 23 transactions other than those listed in subdivision (2)(a) of this
 24 section from a sales tax rate of one-half of one percent to the
 25 Property Tax Credit Cash Fund.

26 The balance of all amounts collected under the Nebraska
 27 Revenue Act of 1967 shall be credited to the General Fund.

1 Sec. 3. Original sections 77-2701.02 and 77-27,132,
 2 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 213. Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Cook, 13; Council, 11; Flood, 19; Fulton, 29; B. Harr, 8; Howard, 9; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Mello, 5; Nelson, 6; Pirsch, 4; Smith, 14.

WHEREAS, the Rev. John P. Schlegel, S.J., is concluding an eleven-year tenure as president of Creighton University, a Jesuit Catholic institution of higher education located in Omaha, Nebraska, that enrolls more than seven thousand six hundred students, thirty-eight percent of whom are native Nebraskans; and

WHEREAS, Fr. Schlegel led Creighton University through a period of historic growth built on academic excellence, life-enhancing research, community involvement, spiritual formation, philanthropic support, and the promotion of justice; and

WHEREAS, Fr. Schlegel mindfully directed that development to complement the planned renaissance of the downtown area of Omaha, Nebraska, including the development of the riverfront recreational and athletic corridor, which is vital to the enjoyment and prosperity of the citizens of Nebraska and Nebraska tourism; and

WHEREAS, Fr. Schlegel has worked tirelessly to create a university that is a good neighbor to the metropolitan and residential areas in proximity to campus and has led Creighton University in its service to the community; and

WHEREAS, Fr. Schlegel has been a champion of medical and academic research and has greatly enhanced the research opportunities at Creighton University, attracting national scientific and technical talent to the state; and

WHEREAS, Fr. Schlegel has served the State of Nebraska through his participation on numerous governance and advisory boards in the arts, business, education, and not-for-profit areas, providing his expertise, business acumen, and ethical and moral guidance; and

WHEREAS, Fr. Schlegel's contributions will have a lasting positive impact on the State of Nebraska for years to come.

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

1. That the Legislature recognizes the Rev. John P. Schlegel, S.J., for his distinguished service to the Creighton University community and the State of Nebraska and thanks him for his many contributions and achievements which will positively impact Nebraskans now and into the future.

2. That a copy of this resolution be sent to Rev. John P. Schlegel, S.J.

Laid over.

LEGISLATIVE RESOLUTION 214. Introduced by Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine issues surrounding graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement. The issues addressed by this interim study shall include, but not be limited to:

(1) Examination of the impact of graffiti-related crimes throughout the state;

(2) Examination of current tools available to Nebraska municipalities to address graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement;

(3) Examination of offenses in the Nebraska Criminal Code that relate to graffiti, vandalism, the sale of spray paint or markers, and destruction of property, including a review of current penalties and possible enhanced penalties; and

(4) A comparative study of tools, programs, and funding available to municipalities for graffiti abatement as well as criminal offenses addressing graffiti, vandalism, the sale of spray paint or markers, and destruction of property in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 215. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Mello, 5; Pankonin, 2.

PURPOSE: The purpose of this interim study is to examine issues related to defined benefit plans of political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 216. Introduced by Smith, 14; Ashford, 20; Lathrop, 12; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study public employee contracts entered into pursuant to collective bargaining and benefits for public officials. For purposes of this resolution, public employee has the same meaning as in section 49-1442, and public official has the same meaning as in section 49-1443. The study shall include the following:

(1) An examination of benefits, including wages, pension, retirement, and health insurance benefits;

(2) An examination of employee and employer contributions to pension, retirement, and health insurance plans;

(3) An examination of minimum and mandatory retirement age and purchase of service provisions; and

(4) An examination of the total costs associated with benefit packages.

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

1. That the Business and Labor Committee and the Nebraska Retirement Systems 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 217. Introduced by Cornett, 45; Fischer, 43.

PURPOSE: The purpose of this resolution is to examine issues pertaining to creating a regional transportation commission or authority for purposes of helping to fund political subdivisions' transportation infrastructure projects.

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

1. That the Revenue Committee and the 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SENATOR CARLSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 675. Title read. Considered.

Committee AM1380, found on page 1480, 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 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 521. Title read. Considered.

Committee AM1100, found on page 1433, was considered.

SPEAKER FLOOD PRESIDING

SENATOR CARLSON PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 2011, at 10:42 a.m. were the following: LBs 176 and 404.

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

RESOLUTION

LEGISLATIVE RESOLUTION 218. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; K. Haar, 21; McCoy, 39; Schilz, 47; Smith, 14; Avery, 28; Fischer, 43; Fulton, 29; Harms, 48; B. Harr, 8; Larson, 40; Mello, 5.

PURPOSE: To study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska. The water management activities in Nebraska are of critical importance and must be addressed to achieve and maintain economic viability, social and environmental health, safety, welfare, and sustainability of our water resources. The study shall include, but not be limited to:

(1) An examination of current Nebraska statutes relating to water use in Nebraska;

(2) An examination of the overall funding needs for water management activities in Nebraska, including an analysis of the resources needed to provide sufficient research and technical data, modeling, and studies to decision makers;

(3) An examination of LB 962 (2004), which put into statute proactive components of integrated management of surface water and ground water and the necessary funding to continue implementation and enforcement of the bill's policies;

(4) An examination of the State of Nebraska's obligations related to water management under interstate compacts or agreements and the necessary funding needs to satisfy those obligations; and

(5) An identification of all potential sources of funding to establish a dedicated source for water management activities in Nebraska.

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

1. That the Water Sustainability Funding Task Force be created and administered by the Natural Resources Committee of the Legislature and chaired by the Natural Resources Committee chairperson to conduct an interim study to carry out the purposes of this resolution.

2. That the chairperson of the Natural Resources Committee of the Legislature shall appoint members to the Water Sustainability Funding Task Force. Such members shall include:

- (a) The chairperson of the Agriculture Committee of the Legislature;
- (b) The chairperson of the Revenue Committee of the Legislature;
- (c) The members of the Natural Resources Committee of the Legislature;
- (d) The Director of Natural Resources;
- (e) A representative from the office of the Attorney General;
- (f) The executive director of the Nebraska Environmental Trust;
- (g) A representative of the Game and Parks Commission;
- (h) Representatives from natural resources districts, public power, municipalities, agricultural groups for every identifiable commodity, parks and recreation interests, environmental, hunting and fishing, and

conservationist interests, and irrigators representing Nebraska's river basins with an equal balance between surface water and ground water users; and

(i) Other members as the chairperson of the Natural Resources Committee deems appropriate.

3. That the Water Sustainability Funding Task Force may create rules of procedure that allow decisions to be based on a consensus decision-making process in which a settlement or solution is determined by all participants through identifying and exploring all parties' interests and assembling a package agreement that satisfies these interests to the greatest extent possible.

4. That the Water Sustainability Funding Task Force shall discuss the issues described in this resolution and such related issues as it deems appropriate, shall identify options for resolution of such issues, and shall make funding policy recommendations to the Legislature and Governor no later than December 1, 2011.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 42 fourth-grade students from Shoemaker Elementary, Grand Island.

RECESS

At 11:56 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 Loudon, Pirsch, and Wightman who were excused; and Senators Heidemann, Larson, and Nelson who were excused until they arrive.

RESOLUTION**LEGISLATIVE RESOLUTION 219.** Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study insurance coverage of services to treat individuals with autism. The committee may determine the extent of coverage currently available in Nebraska, the need for greater coverage, the ways in which the current coverage could be broadened, and any costs incurred by the State of Nebraska if treatment is limited because of the prohibitive cost or lack of coverage. The committee may review how other states regulate reimbursement of treatment services for individuals with autism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 521. Senator Council offered the following amendment to the committee amendment:

AM1437

(Amendments to Standing Committee amendments, AM1100)

- 1 1. On page 1, lines 10 and 11, strike "in the same room
- 2 with the patient".

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

Senator Council requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 9:

Ashford	Campbell	Cook	Haar, K.	McGill
Avery	Conrad	Council	Karpisek	

Voting in the negative, 34:

Adams	Dubas	Harms	McCoy	Schilz
Bloomfield	Fischer	Howard	Mello	Schumacher
Brasch	Flood	Krist	Nelson	Smith
Carlson	Fulton	Langemeier	Nordquist	Sullivan
Christensen	Gloor	Larson	Pahls	Utter
Coash	Hadley	Lathrop	Pankonin	Wallman
Cornett	Hansen	Lautenbaugh	Price	

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

The Council amendment lost with 9 ayes, 34 nays, and 6 excused and not voting.

The Chair declared the call raised.

Committee AM1100, found on page 1433 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 9 nays, 1 present and not voting, and 6 excused and not voting.

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

Voting in the affirmative, 34:

Adams	Dubas	Harms	McCoy	Schilz
Bloomfield	Fischer	Karpisek	Mello	Schumacher
Brasch	Flood	Krist	Nelson	Smith
Carlson	Fulton	Langemeier	Nordquist	Sullivan
Christensen	Gloor	Larson	Pahls	Utter
Coash	Hadley	Lathrop	Pankonin	Wallman
Cornett	Hansen	Lautenbaugh	Price	

Voting in the negative, 9:

Ashford	Campbell	Cook	Haar, K.	McGill
Avery	Conrad	Council	Howard	

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, and 6 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 220.** Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to the imposition of occupation taxes by local governments. The issues addressed by this study shall include, but not be limited to, determining:

- (1) The nature or classification of such taxes;
- (2) The subject or subjects of such taxes;
- (3) The measure or measures of such taxes;
- (4) The rate or rates of such taxes and whether statutory tax rate limitations exist;
- (5) The taxpayers subject to such taxes; and
- (6) Constitutional limitations on the imposition of such taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 221. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to Nebraska's property tax homestead exemption program. The issues addressed by this study shall include, but not be limited to:

- (1) Whether the minimum age of a "qualified claimant" should be increased above sixty-five years of age;
- (2) Whether reimbursements for homestead exemptions paid to tax-levying political subdivisions from the state's General Fund should be capped;
- (3) Whether the homestead exemption program's household income limitation brackets should be changed;
- (4) Whether the homestead exemption program's assessed value limitation should be changed; and
- (5) Whether the homestead exemption program's definition of "maximum value" should be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 222. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to changing individual and corporate income tax rate brackets and annually adjusting those income tax rate brackets upward for inflation, including, but not limited to, the following issues:

(1) Whether the procedure for making such upward inflation adjustments should be the procedure set forth in section 151 of the Internal Revenue Code of 1986, as amended; and

(2) Whether a de minimis threshold for making such upward inflation adjustments should be established for some or all income tax rate brackets in order to prevent having to make numerous small changes to the income tax rate brackets each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 223. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to examine issues pertaining to Nebraska's special capital gains income tax deduction and the extraordinary dividend income tax deduction, examine issues pertaining to codification of the economic substance doctrine, and examine issues pertaining to transactions governed by section 338 of the Internal Revenue Code of 1986, as amended, including, but not limited to, the following issues:

(1) Whether the special capital gains income tax deduction and the extraordinary dividend income tax deduction authorized by sections 77-2715.08 and 77-2715.09 should be changed or eliminated;

(2) Whether the economic substance doctrine - as codified in section 7701(o) of the Internal Revenue Code of 1986, as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) - should be codified in Nebraska's statutes for purposes of state income taxation; and

(3) Whether the Department of Revenue has encountered problems with transactions governed by section 338 of the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 224. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding energy financing contracts (EFCs), also known as energy savings performance contracts. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the statutory authority granted to state agencies and political subdivisions to enter into EFCs in sections 66-1062 to 66-1066;

(2) A review of the use of EFCs by state agencies and political subdivisions since 1998; and

(3) An examination of the potential cost savings available to state agencies and political subdivisions through EFCs as compared to other available energy conservation financing mechanisms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 225. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) lighting systems. This study shall include an examination of potential funding sources for municipalities to convert their existing street lighting systems to LED lighting systems, as well as potential economic, environmental, and public-power ratepayer benefits of converting to LED lighting.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 226. Introduced by Hadley, 37; Sullivan, 41.

PURPOSE: The purpose of this interim study is to examine the feasibility of the State of Nebraska implementing a pilot program to incentivize individuals to move to rural counties which have experienced population loss according to the most recent federal decennial census.

This interim study shall attempt to produce a workable proposal to incentivize individuals to move to rural counties which have experienced population loss. This study shall include, but not be limited to, the impact of waiving tax liabilities for such individuals, funding mechanisms to alleviate the student debt of students moving into rural counties, and the examination of eligibility requirements pursuant to such an incentive.

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Hadley, 37.

PURPOSE: The purpose of this interim study is to examine whether the State of Nebraska should adopt a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code. The interim study shall determine whether a comprehensive plumbing code, if adopted, should be enforced by local or state inspectors or by a state inspection system. The interim study report should include a recommendation as to whether any jurisdiction should be allowed to continue to adopt a local plumbing code if the jurisdiction adopts a local plumbing code that meets the minimum requirements specified by the comprehensive plumbing code. This interim study should include a review of the costs of administrative changes necessary to implement and enforce any recommended changes to the current system of plumbing code enforcement in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 228. Introduced by Hadley, 37.

PURPOSE: The purpose of this interim study is to examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney (YRTC) in order to determine the number and frequency of attacks on staff personnel by youth that have been placed in the facilities. Analysis of the severity of the injuries caused by such attacks should be included within the scope of the study.

This interim study shall attempt to determine whether there has been an increase in the number of attacks and severity of injuries to staff personnel caused by youth placed in these facilities since control of the facilities was transferred from the Department of Correctional Services to the Department of Health and Human Services.

This interim study shall consider whether staff of the YRTC, who are currently employees of the Department of Health and Human Services, should be provided with the same statutory protections and benefits as if they were employed by the Department of Correctional Services.

The interim study should include recommendations for improving staff safety and the prevention of attacks on staff members by youth that have been placed in such facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Hadley, 37.

PURPOSE: The purpose of this interim study is to examine the feasibility of requiring all law enforcement personnel to complete continuing education courses on an annual basis in order to carry out their duties with greater skill and effectiveness. Further, it is the purpose of this interim study to determine whether law enforcement personnel that have been designated to assist in investigations involving alleged child abuse and neglect situations should be required to annually complete continuing education courses that

stress the knowledge and skills necessary to protect children at risk of abuse and neglect.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 289. Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Redistricting

LEGISLATIVE BILL 699. Placed on General File.

(Signed) Chris Langemeier, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB589:
AM1408 is available in the Bill Room.

Senator Flood filed the following amendment to LB617:
AM1443

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. On or after the effective date of this act,
- 4 when legislation is enacted requiring the adoption and promulgation
- 5 of rules and regulations by an agency, such agency shall adopt
- 6 and promulgate such rules and regulations within one year after
- 7 the public hearing required under subsection (2) of section 84-907.
- 8 Such time shall not include the time necessary for submission
- 9 of the rules and regulations to the Attorney General pursuant to
- 10 section 84-905.01 or submission of the rules and regulations to
- 11 the Governor pursuant to section 84-908. Any agency which does
- 12 not adopt and promulgate such rules and regulations as required by
- 13 this section shall submit a written explanation to the Executive
- 14 Board of the Legislative Council and the standing committee of the

15 Legislature which has subject matter jurisdiction over the issue
 16 involved in the legislation, stating the reasons why it has not
 17 adopted such rules and regulations as required by this section,
 18 the date by which the agency expects to adopt such rules and
 19 regulations, and any suggested statutory changes that may enable
 20 the agency to adopt such rules and regulations.

21 The changes made to the Administrative Procedure Act
 22 by this legislative bill shall not affect the validity or
 23 effectiveness of a rule or regulation adopted prior to the
 1 effective date of this act.

2 Sec. 2. Section 84-907, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 84-907 (1) No rule or regulation shall be adopted,
 5 amended, or repealed by any agency except after public hearing
 6 on the question of adopting, amending, or repealing such rule or
 7 regulation. Notice of such hearing shall be given at least thirty
 8 days prior thereto to the Secretary of State and by publication
 9 in a newspaper having general circulation in the state. All such
 10 hearings shall be open to the public.

11 (2) The public hearing on a rule or regulation that
 12 is required to be adopted, amended, or repealed based upon a
 13 legislative bill shall be held within twelve months after the
 14 effective or operative date of the legislative bill. If there
 15 is more than one applicable effective or operative date, the
 16 twelve-month period shall be calculated using the latest date. In
 17 addition to the requirements of section 84-906.01, draft copies
 18 or working copies of all rules and regulations to be adopted,
 19 amended, or repealed by any agency shall be available to the
 20 public in the office of the Secretary of State at the time of
 21 giving notice. The notice shall include: ~~(1)~~(a) A declaration of
 22 availability of such draft or work copies for public examination;
 23 ~~(2)~~(b) a short explanation of the purpose of the proposed rule or
 24 regulation or the reason for the amendment or repeal of the rule
 25 or regulation; and ~~(3)~~(c) a description, including an estimated
 26 quantification, of the fiscal impact on state agencies, political
 27 subdivisions, and persons being regulated or an explanation of
 1 where the description of the fiscal impact may be inspected and
 2 obtained. No person may challenge the validity of any rule or
 3 regulation, the adoption, amendment, or repeal of any rule or
 4 regulation, or any determination of the applicability of any rule
 5 or regulation on the basis of the explanation or description
 6 provided pursuant to subdivisions ~~(2)~~ and ~~(3)~~(b) and (c) of this
 7 section-subsection.

8 (3) Any agency adopting, amending, or repealing a rule or
 9 regulation may make written application to the Governor who may,
 10 upon receipt of a written showing of good cause, waive the notice
 11 of public hearing. For purposes of this ~~section~~, subsection, good
 12 cause shall include, but not be limited to, a showing by the agency
 13 that:

14 (a) Compliance with the ~~public notice~~ requirements of
 15 this section would result in extreme hardship on the citizens of
 16 this state;

17 (b) An emergency exists which must be remedied
 18 immediately; or

19 (c) A timely filing or publication of notice of a public
 20 hearing or the public hearing was prevented by some unforeseeable
 21 event beyond the immediate control of the agency and that the
 22 parties affected have not and will not suffer material injury as a
 23 result of the agency's action.

24 (4) Whenever public notice is waived, the agency shall,
 25 so far as practicable, give notice to the public of the proposed
 26 rule or regulation change and of the rule or regulation as finally
 27 adopted or changed.

1 Sec. 3. Section 84-907.09, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 84-907.09 Whenever an agency proposes to adopt, amend,
 4 or repeal a rule or regulation, (1) at least thirty days before
 5 the public hearing, when notice of a proposed rule or regulation
 6 is sent out, or (2) at the same time the agency applies to the
 7 Governor for a waiver of the notice of public hearing under section
 8 84-907, the agency shall provide to the Governor for review (a) a
 9 description of the proposed rule or regulation and the entity or
 10 entities it will impact, (b) an explanation of the necessity of
 11 the proposed rule or regulation, including the identification of
 12 the ~~authorizing statute or specific legislative bill if applicable,~~
 13 or the authorizing statute when there is no legislative bill
 14 applicable, (c) a statement that the proposed rule or regulation
 15 is consistent with legislative intent, (d) a statement indicating
 16 whether the proposed rule or regulation is the result of a state
 17 mandate on a local governmental subdivision and if the mandate
 18 is funded, (e) a statement indicating if the proposed rule or
 19 regulation is the result of a federal mandate on state government
 20 or on a local governmental subdivision and if the mandate is
 21 funded, (f) a description, including an estimated quantification,
 22 of the fiscal impact on state agencies, political subdivisions, and
 23 regulated persons, (g) a statement that the agency will solicit
 24 public comment on the proposed rule or regulation before the public
 25 hearing, and (h) a statement indicating whether or not the agency
 26 has utilized the negotiated rulemaking process as provided for in
 27 the Negotiated Rulemaking Act with respect to the proposed rule or
 1 regulation.

2 Sec. 4. On or before July 1 of each year, each agency
 3 shall provide to the Legislative Performance Audit Committee a
 4 status report on all rules and regulations pending before the
 5 agency which have not been adopted and promulgated. If an
 6 additional appropriation was made with respect to legislation
 7 enacted to provide funding for or additional staff to implement a
 8 program for which rules and regulations are required to be adopted,

9 the status report shall include what the funding has been used for
10 and what functions the staff have been performing while such rules
11 and regulations are pending. The format of the report shall be
12 established by the committee no later than June 1, 2011, and shall
13 be updated thereafter.

14 Sec. 5. Section 84-920, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 84-920 Sections 84-901 to 84-920 and sections 1 and 4
17 of this act shall be known and may be cited as the Administrative
18 Procedure Act.

19 Sec. 6. Original sections 84-907, 84-907.09, and 84-920,
20 Reissue 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.

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.

Bryan Tuma - Nebraska Liquor Control Commission

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

(Signed) Russ Karpisek, Chairperson

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 LB575 with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to education; to amend section 79-318, Revised Statutes Cumulative Supplement, 2010, and section 9-812, Revised Statutes Cumulative Supplement, 2010, as amended by section 1, Legislative Bill 333, One Hundred Second Legislature, First Session, 2011; to adopt the Interstate Compact on Educational Opportunity for Military Children; to define terms; to provide powers and duties for the State Department of Education and the State Board of Education; to create a council; to designate a compact commissioner; to allocate money in the

Education Innovation Fund for the compact; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

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 575A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, One Hundred Second Legislature, First Session, 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Harr, B.	Janssen	Pirsch
Heidemann	Louden	Wightman

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

SPEAKER FLOOD PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 575 and 575A.

VISITORS

Visitors to the Chamber were 50 fourth-grade students, teachers, and sponsors from Standing Bear, Omaha; 49 third- through sixth-grade students and sponsors from Adams Central, Hastings; and 60 fourth-grade students, teachers, and sponsors from Longfellow Elementary, Hastings.

ADJOURNMENT

At 3:35 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, May 11, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

