

**EIGHTEENTH DAY - JANUARY 31, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**

**EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 31, 2011

**PRAYER**

The prayer was offered by Pastor William Damberg, Beatrice Mennonite Church, Beatrice.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators B. Harr, Pankonin, and Smith who were excused; and Senators Campbell, Christensen, Heidemann, Langemeier, Nordquist, Pirsch, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 157.** Placed on Select File with amendment.  
ER6 is available in the Bill Room.

**LEGISLATIVE BILL 157A.** Placed on Select File.

**LEGISLATIVE BILL 134.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Business and Labor

Room 1524

Monday, February 7, 2011 1:30 p.m.

LB397  
LB482  
LB555  
LB564  
LB623  
LB624  
LB619  
LB664  
LR29CA

(Signed) Steve Lathrop, Chairperson

General Affairs

Room 1510

Monday, February 7, 2011 1:30 p.m.

LB524  
LB299  
LB490  
LB681

(Signed) Russ Karpisek, Chairperson

**MOTION - Approve Appointment**

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 387:

State Personnel Board  
Samuel Seever

Voting in the affirmative, 28:

Adams	Council	Howard	Louden	Schumacher
Ashford	Dubas	Janssen	McGill	Sullivan
Bloomfield	Fischer	Karpisek	Mello	Wallman
Brasch	Gloor	Krist	Nelson	Wightman
Carlson	Haar, K.	Larson	Pahls	
Conrad	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Avery	Cornett	Hadley	McCoy
Coash	Flood	Harms	Utter
Cook	Fulton	Lautenbaugh	

Excused and not voting, 10:

Campbell	Harr, B.	Langemeier	Pankonin	Price
Christensen	Heidemann	Nordquist	Pirsch	Smith

The appointment was confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 67.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 158.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 18.** ER2, found on page 348, was adopted.

Advanced to Enrollment and Review for Engrossment.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 52, 53, 54, 55, and 56 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 52, 53, 54, 55, and 56.

### GENERAL FILE

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on pages 396, 404, and 406, was renewed.

Senator Ashford offered the following amendment to the committee amendment:

AM184

(Amendments to Standing Committee amendments, AM14)

- 1 1. Insert the following amendment:
- 2 "3. On page 3, strike beginning with 'No' in line 14
- 3 through the period in line 15 and insert 'No registration fee shall
- 4 be required of a person who resides outside of the limits of the
- 5 extraterritorial zoning jurisdiction of the city until January 1,
- 6 2013. Until January 1, 2013, the city shall work with interested
- 7 parties to form a compromise plan regarding the assessment of such
- 8 fee to ensure that the users of the streets of such city contribute
- 9 to the maintenance of such streets.'".
- 10 2. Renumber the remaining amendments.

Senator Ashford withdrew his amendment.

Pending.

### **MOTION - Suspend Rules**

Senator Avery moved to suspend Rule 3, Sec. 14, to permit cancellation of the hearing for a gubernatorial appointment, on Wednesday, February 2, 2011, by the Government, Military and Veterans Affairs Committee.

The Avery motion to suspend the rules prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### **NOTICE OF COMMITTEE HEARING**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 2, 2011 1:30 p.m.

Dana Miller (cancel)

(Signed) Bill Avery, Chairperson

### **MOTION - Print in Journal**

Senator Cook filed the following motion to LB547:

MO5

Withdraw bill.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 65.** Introduced by Harms, 48; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Teresa Scanlan, who grew up in Gering, Nebraska, and graduated from Scottsbluff High School, was crowned Miss America 2011 at the Miss America Pageant held in Las Vegas, Nevada; and

WHEREAS, Teresa Scanlan is the first Miss Nebraska to be crowned Miss America; and

WHEREAS, Teresa Scanlan, as part of the many responsibilities of being Miss America, will serve as a goodwill ambassador for the Children's Miracle Network and will help to educate people about the risks of eating disorders; and

WHEREAS, the Legislature recognizes the achievements of the citizens of our state.

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

1. That the Legislature congratulates Teresa Scanlan on being crowned Miss America 2011.

2. That a copy of this resolution be sent to Teresa Scanlan.

Laid over.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE RESOLUTION 37.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

## Judiciary

**LEGISLATIVE BILL 302.** Placed on General File.

**LEGISLATIVE BILL 94.** Placed on General File with amendment.  
AM180

- 1 1. On page 6, line 2, after the period insert "The
- 2 department shall not include in the case file to be read any
- 3 information or documents that the department determines cannot be
- 4 released based upon state statute or federal statute, rule, or
- 5 regulation."; and in line 4 before the period insert "and are
- 6 aware that he, she, or they can review the child's file at any
- 7 time following finalization of the adoption upon making a written
- 8 request to the department".

**LEGISLATIVE BILL 13.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 7, 2011 1:30 p.m.

LB547 (cancel)

(Signed) Greg Adams, Chairperson

Agriculture

Room 2102

Tuesday, February 15, 2011 1:30 p.m.

LB473

Tuesday, February 22, 2011 1:30 p.m.

LB354

LB355

LB356

Tuesday, March 1, 2011 1:30 p.m.

LB459

LB698

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, February 8, 2011 1:30 p.m.

LB417  
LB121  
LB437  
LB546

Tuesday, February 15, 2011 1:30 p.m.

LB42  
LB55  
LB329  
LB190

(Signed) Amanda McGill, Chairperson

**VISITORS**

Visitor to the Chamber was Senator Richard Moore from Massachusetts.

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Tuesday, February 1, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

