

TWENTY-FIFTH DAY - FEBRUARY 9, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 2011

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senators B. Harr, Karpisek, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Thursday, February 17, 2011 1:30 p.m.

Dana Miller - State Emergency Response Commission

Friday, February 25, 2011 1:30 p.m.

LR2CA

LB597

LB344

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator McCoy filed the following amendment to LB19:
AM118

- 1 1. On page 10, line 18, strike "detectable"; in line 19
2 strike the first comma and insert "as listed in subdivisions (i)
3 through (viii) of this subdivision, including" and after the first
4 occurrence of "isomers" insert an underscored comma; in line 20
5 strike "section" and insert "subdivision"; and in line 24 strike
6 "subsection" and insert "subdivision".
7 2. On page 11, line 4, strike "(a)" and insert "(i)"; in
8 line 14 strike "(b)" and insert "(ii)"; in line 20 strike "(c)" and
9 insert "(iii)"; and in line 23 after "group" insert an underscored
10 comma.
11 3. On page 12, line 1, strike "(d)" and insert "(iv)";
12 in line 4 after "group" insert an underscored comma; in line
13 5 strike the comma and insert "and"; in line 7 strike "(e)"
14 and insert "(v)"; in line 8 strike "naphthyideneindene" and
15 insert "naphthylideneindene"; in line 10 after "group" insert
16 an underscored comma; in line 11 strike the comma and insert "and";
17 in line 13 strike "(f)" and insert "(vi)"; in line 16 after "group"
18 insert an underscored comma; in line 17 strike the comma and insert
19 "and"; in line 19 strike "(g)" and insert "(vii)"; in line 22 after
20 "group" insert an underscored comma; and in line 24 strike "(h)"
21 and insert "(viii)".
22 4. On page 13, line 2, after "group" insert an
23 underscored comma.

ANNOUNCEMENT

The Chair announced today is Senator Smith's birthday.

GENERAL FILE

LEGISLATIVE BILL 383. Senator Loudon renewed his amendment, AM288, found on page 482.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 9 nays, and 12 not voting.

Senator Loudon moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Loudon requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Council	Louden	Nelson	Pahls	Wallman
Howard	Mello	Nordquist	Sullivan	

Voting in the negative, 35:

Adams	Christensen	Fulton	Janssen	Pirsch
Ashford	Coash	Gloor	Krist	Price
Avery	Cook	Haar, K.	Langemeier	Schilz
Bloomfield	Cornett	Hadley	Larson	Schumacher
Brasch	Dubas	Hansen	Lautenbaugh	Smith
Campbell	Fischer	Harms	McCoy	Utter
Carlson	Flood	Heidemann	McGill	Wightman

Present and not voting, 1:

Lathrop

Excused and not voting, 4:

Conrad	Harr, B.	Karpisek	Pankonin
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The Louden amendment lost with 9 ayes, 35 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM252, found on page 484.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator Council moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Cook	Howard	Louden	Nelson	Sullivan
Council	Karpisek	Mello	Nordquist	Wallman

Voting in the negative, 36:

Adams	Coash	Hadley	Larson	Schumacher
Ashford	Cornett	Hansen	Lautenbaugh	Smith
Avery	Dubas	Harms	McCoy	Utter
Bloomfield	Fischer	Harr, B.	Pahls	Wightman
Brasch	Flood	Heidemann	Pankonin	
Campbell	Fulton	Janssen	Pirsch	
Carlson	Gloor	Krist	Price	
Christensen	Haar, K.	Langemeier	Schilz	

Present and not voting, 2:

Lathrop McGill

Excused and not voting, 1:

Conrad

The Council amendment lost with 10 ayes, 36 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 8 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Print in Journal

Senator Schilz filed the following motion to LB692:

MO11

Withdraw bill.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, February 16, 2011 1:30 p.m.

LB50

LB323

LB209

Thursday, February 17, 2011 1:30 p.m.

LB162
 LB457
 LB363
 LB405
 LB519

Wednesday, February 23, 2011 1:30 p.m.

LB65
 LB432
 LB362
 LB253
 LB360

Thursday, February 24, 2011 1:30 p.m.

LB627
 LB682
 LB642
 LB489
 LB426

Friday, February 25, 2011 1:30 p.m.

LB83
 LB99
 LB297
 LB608
 LB666

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

LB400
 LB620
 LB632

Thursday, March 3, 2011 1:30 p.m.

LB439
 LR9CA
 LB428
 LB441

Friday, March 4, 2011 1:30 p.m.

LB436
LB590
LB40
LB570

Wednesday, March 9, 2011 1:30 p.m.

LB359
LB385
LB358
LB603

Thursday, March 10, 2011 1:30 p.m.

LB560
LB82
LB252
LR46CA

Wednesday, March 16, 2011 1:30 p.m.

LB559
LB561
LB357
LB695

(Signed) Abbie Cornett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 410A. Introduced by Utter, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 410, One Hundred Second Legislature, First Session, 2011.

COMMITTEE REPORTS

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy Weander - Board of Public Roads Classifications and Standards

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications 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.

E.J. Militti Jr. - State Highway Commission

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 164. Placed on General File with amendment. AM286

- 1 1. On page 2, line 6, after "object" insert "that, in
- 2 combination with the transporting vehicle, is".

LEGISLATIVE BILL 257. Placed on General File with amendment. AM58

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 86-144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-144 ~~(1)~~ In (1)(a) Except as provided in subdivision
- 5 (b) of this subsection, in an exchange in which local competition
- 6 does not exist, telecommunications companies shall file rate lists
- 7 which, for all telecommunications service except for basic local
- 8 exchange rates, shall be effective after ten days' notice to the
- 9 commission.
- 10 (b) Notwithstanding any other provision of Chapter 86,
- 11 a telecommunications company shall not be required to file rate
- 12 lists, tariffs, or contracts for any telecommunications service,
- 13 including local exchange and interexchange services, provided as
- 14 a business service. Upon written notice to the commission, a
- 15 telecommunications company may withdraw any rate list, tariff, or
- 16 contract not required to be filed under this subdivision if the
- 17 telecommunications company posts the rates, terms, and conditions
- 18 of its telecommunications service on the company's web site.

19 (2) In an exchange in which local competition does
 20 not exist, basic local exchange rates may be increased by a
 21 telecommunications company only after ninety days' notice to all
 22 affected subscribers. Such notice of increase shall include (a) the
 23 reasons for the rate increase, (b) a description of the affected
 1 telecommunications service, (c) an explanation of the right of the
 2 subscriber to petition the commission for a public hearing on the
 3 rate increase, (d) a list of exchanges which are affected by the
 4 proposed rate increase, and (e) the dates, times, and places for
 5 the public informational meetings required by this section.

6 (3) A telecommunications company which proposes to
 7 increase its basic local exchange rates shall hold at least one
 8 public informational meeting in each public service commissioner
 9 district as established by section 75-101.01 in which there is an
 10 exchange affected by the proposed rate increase.

11 2. Renumber the remaining section and correct the
 12 repealer accordingly.

(Signed) Deb Fischer, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Larson, 40.

WHEREAS, David Earl Burbach has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest honor in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, David has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, David's community service project consisted of painting bleachers and refurbishing a bathroom complex at a village recreation field in Hartington, Nebraska. David showed leadership skills while carrying out this project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, David, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates David Earl Burbach on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to David Earl Burbach.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 334. Committee AM102, found on page 399 and considered on page 474, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 25. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 26. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Senator Pahls renewed his amendment, AM194, found on page 432.

The Pahls amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 77. Title read. Considered.

Committee AM76, found on page 400, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Pahls renewed his amendment, AM193, found on page 432.

The Pahls amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Committee AM123, found on page 404, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Pending.

MOTION - Withdraw LB638

Senator Karpisek renewed his motion, MO10, found on page 473, to withdraw LB638.

The Karpisek motion to withdraw the bill prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB427. No objections. So ordered.

VISITORS

Visitors to the Chamber were 34 high school students and teachers from Elkhorn; Senator Utter's son, Mark Utter, from West Point; 25 students, teachers, and sponsor from Hartington; and 18 fourth-grade students, teacher, and sponsors from Immanuel Lutheran School, Columbus.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 2011.

Patrick J. O'Donnell
Clerk of the Legislature