

TWENTY-SIXTH DAY - FEBRUARY 10, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 10, 2011

PRAYER

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

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 Christensen, Heidemann, Lathrop, Lautenbaugh, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, February 28, 2011 1:30 p.m.

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

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

LB414

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 51 - University of Nebraska System

Room 1003

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

Agency 31 - Military Department
Agency 33 - Game and Parks Commission
Agency 29 - Natural Resources, Department of
Agency 72 - Economic Development, Department of

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

Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 23 - Labor, Department of
Agency 87 - Accountability and Disclosure Commission
Agency 65 - Administrative Services, Department of

LB491

Room 1524

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

Agency 71 - Nebraska Energy Office
Agency 18 - Agriculture, Department of
Agency 52 - State Fair Board
Agency 84 - Environmental Quality, Department of

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

LB450

Agency 5 - Supreme Court
Agency 15 - Parole, Nebraska Board of
Agency 94 - Public Advocacy, Commission on

Room 1003

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

Agency 24 - Motor Vehicles, Department of
Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 17 - Aeronautics, Department of
Agency 27 - Roads, Department of

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

Agency 7 - Governor
 Agency 8 - Lieutenant Governor
 Agency 9 - Secretary of State
 Agency 10 - Auditor of Public Accounts
 Agency 11 - Attorney General
 Agency 12 - State Treasurer
 Agency 14 - Public Service Commission
 Agency 3 - Legislative Council

Room 1524

Monday, March 14, 2011 1:30 p.m.

LB93
 LB464

Agency 25 - Health And Human Services
 Agency 25 Department of Health and Human Services - Operations
 Agency 25 Department of Health and Human Services - Division of
 Children and Family Services
 Agency 25 Department of Health and Human Services - Division of Public
 Health
 Agency 25 Department of Health and Human Services - Division of
 Veterans Homes

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

LB325

Agency 25 - Health And Human Services
 Agency 25 Department of Health and Human Services - Division of
 Behavioral Health
 Agency 25 Department of Health and Human Services - Division of
 Medicaid and Long-Term Care
 Agency 25 Department of Health and Human Services - Division of
 Developmental Disabilities

(Signed) Lavon Heidemann, Chairperson

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Roger Bradford "Brad" von Gillern - Nebraska Accountability and Disclosure Commission

Aye: 8 Senators Avery, Brasch, Janssen, Karpisek, Pahls, Price, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

MOTION - Withdraw LB692

Senator Schilz renewed his motion, MO11, found on page 492, to withdraw LB692.

The Schilz motion to withdraw the bill prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 59. ER3, found on page 349, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 135. Senator Langemeier renewed his amendment, AM56, found on page 345.

Senator Langemeier withdrew his amendment.

Senator Smith renewed his amendment, AM61, found on page 372.

The Smith amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Senator Langemeier requested a machine vote on the advancement of the bill.

Senator Smith moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Smith requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Adams	Carlson	Gloor	Janssen	Schilz
Ashford	Coash	Haar, K.	Karpisek	Schumacher
Avery	Cook	Hadley	Larson	Smith
Bloomfield	Cornett	Hansen	Louden	Sullivan
Brasch	Council	Harr, B.	Nelson	Wallman
Campbell	Fischer	Howard	Pankonin	Wightman

Voting in the negative, 6:

Flood	Langemeier	Nordquist
Krist	McCoy	Pahls

Present and not voting, 9:

Christensen	Fulton	Lathrop	Pirsch	Utter
Dubas	Harms	Mello	Price	

Excused and not voting, 4:

Conrad	Heidemann	Lautenbaugh	McGill
--------	-----------	-------------	--------

Advanced to Enrollment and Review for Engrossment with 30 ayes, 6 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 170. ER5, found on page 367, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 19. ER4, found on page 367, was adopted.

Senator McCoy withdrew his amendment, AM118, found on page 490.

Senator McCoy offered the following amendment:

AM311

- 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; and in line 24
- 5 strike "subsection" and insert "subdivision".
- 6 2. On page 11, line 4, strike "(a)" and insert "(i)"; in
- 7 line 14 strike "(b)" and insert "(ii)"; in line 20 strike "(c)" and
- 8 insert "(iii)"; and in line 23 after "group" insert an underscored
- 9 comma.
- 10 3. On page 12, line 1, strike "(d)" and insert "(iv)";
- 11 in line 4 after "group" insert an underscored comma; in line

12 5 strike the comma and insert "and"; in line 7 strike "(e)"
 13 and insert "(v)"; in line 8 strike "naphthydeneindene" and
 14 insert "naphthylideneindene"; in line 10 after "group" insert
 15 an underscored comma; in line 11 strike the comma and insert "and";
 16 in line 13 strike "(f)" and insert "(vi)"; in line 16 after "group"
 17 insert an underscored comma; in line 17 strike the comma and insert
 18 "and"; in line 19 strike "(g)" and insert "(vii)"; in line 22 after
 19 "group" insert an underscored comma; and in line 24 strike "(h)"
 20 and insert "(viii)".
 21 4. On page 13, line 2, after "group" insert an
 22 underscored comma.

The McCoy amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157. ER6, found on page 409, was adopted.

Senator Flood withdrew his amendments, AM110 and AM111, found on page 374.

Senator Coash renewed his amendment, AM215, found on page 457.

The Coash amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157A. Senator Coash renewed his amendment, AM216, found on page 459.

SPEAKER FLOOD PRESIDING

The Coash amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 134. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 211. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 154. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 208. ER7, found on page 430, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 72. ER9, found on page 437, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 28. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 29. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 30. ER10, found on page 437, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 46. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 68. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 111. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 163. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 163A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 241. ER13, found on page 469, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 47. ER12, found on page 469, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 212. ER14, found on page 479, was adopted.

Senator Fischer renewed her amendment, AM285, found on page 482.

The Fischer amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 23. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 74. ER15, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 75. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 76. ER16, found on page 479, was adopted.

Advanced to Enrollment and Review for Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR37.

GENERAL FILE

LEGISLATIVE BILL 181. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM81, found on page 437, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 302. Senator Ashford offered the following motion: MO12

Unanimous consent to bracket until June 5, 2011.

No objections. So ordered.

LEGISLATIVE BILL 94. Title read. Considered.

Committee AM180, found on page 414, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Price, 3; Cornett, 45; Langemeier, 23; McCoy, 39; Mello, 5; Smith, 14.

WHEREAS, the Papillion-La Vista South Titans won the 2010 Class A State Volleyball Championship, the school's first state title in volleyball; and

WHEREAS, the Titans finished the season with an undefeated record of 41-0, making the Titans the first undefeated state champion in Class A since 1972; and

WHEREAS, the Titans were also named the 2010 Powerade Fab 50 ESPN RISE national champions, the first such award for any high school team in the State of Nebraska; and

WHEREAS, Coach Gwen Egbert did a tremendous job of guiding the team throughout the season; and

WHEREAS, team members Kadie Rolfzen, Lauren Poulicek, Megan Stroyek, Amber Rolfzen, Kirsten Hudgens, Nicole Edgar, Kelly Hunter, Lillian Schonewise, Kylee Meinzer, Whitney Kostal, Bailey Vance, Rachel Nelson, and Katie Kurtz displayed hard work and dedication throughout their outstanding season; and

WHEREAS, Amber Rolfzen was named Gatorade State Player of the Year, ESPN RISE sophomore co-player of the year, and an ESPN RISE second-team All-American; and

WHEREAS, Kadie Rolfzen was named ESPN RISE sophomore co-player of the year and an ESPN RISE second-team All-American; and

WHEREAS, Lillian Schonewise was named an ESPN RISE Top 25 senior and an ESPN RISE first-team All-American.

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

1. That the Legislature congratulates the Papillion-La Vista South Titans on their outstanding volleyball season.

2. That a copy of this resolution be sent to the Titans and their coach, Gwen Egbert.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

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

LB200 (rehearing)

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

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

LB590 (cancel)

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

LB590 (reschedule)

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

LB400 (cancel)

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

LB400 (reschedule)

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 383. Placed on Select File.

LEGISLATIVE BILL 334. Placed on Select File with amendment.
ER19

- 1 1. On page 1, line 10, strike "and"; and in line 12 after
- 2 "Nebraska" insert "; and to declare an emergency".

LEGISLATIVE BILL 25. Placed on Select File with amendment.
ER20

- 1 1. On page 1, line 5, after "Statutes" insert
- 2 "Cumulative".
- 3 2. On page 2, line 5, after "76-2415" insert "and section
- 4 2 of this act"; in line 10 strike "(a)" and insert "(1)"; in line

5 12 strike "(b)" and insert "(2)"; and in line 13 strike "(c)" and
6 insert "(3)".

LEGISLATIVE BILL 26. Placed on Select File.

LEGISLATIVE BILL 78. Placed on Select File with amendment.
ER22

- 1 1. On page 1, line 4, strike "and" and after "sections"
- 2 insert "; and to declare an emergency".
- 3 2. On page 4, line 2, strike "constitutions" and insert
- 4 "constitution".

LEGISLATIVE BILL 77. Placed on Select File with amendment.
ER21

- 1 1. On page 1, line 5, strike "and" and after "sections"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 303. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 210. Placed on General File.

(Signed) Abbie Cornett, Chairperson

MESSAGE FROM THE GOVERNOR

February 10, 2011

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18e, 67, and 158 were received in my office on February 4, 2011.

These bills were signed and delivered to the Secretary of State on February 10, 2011.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 24. Title read. Considered.

SPEAKER FLOOD PRESIDING**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 256. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 347. Title read. Considered.

Committee AM75, found on page 427, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 462. Title read. Considered.

Committee AM156, found on page 427, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 98. Title read. Considered.

Pending.

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed two Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB108:
AM308

(Amendments to Standing Committee amendments, AM223)

- 1 1. Insert the following new amendment:
- 2 2. On page 2, lines 4 and 6, strike "vegetative" and
- 3 insert "trees and woody".

VISITORS

Visitors to the Chamber were Dr. Krystal Larson from Richmond, Virginia; and Kathy, Kate, and Caroline Radosta from Bellevue and Kaddy Madsen from Denmark.

The Doctor of the Day was Dr. Gwen Zhou from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Friday, February 11, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

