

FIFTEENTH DAY - JANUARY 26, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 2012

PRAYER

The prayer was offered by Reverend Marta Wheeler, Giltner United Methodist Church, Phillips and Giltner.

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 Senators Conrad and Sullivan who were excused; and Senators Campbell, Lautenbaugh, Loudon, Price, Wallman, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 459. Placed on Select File with amendment.
ER149

- 1 1. On page 1, strike beginning with "provide" in line 1
- 2 through "of" in line 3 and insert "prohibit defining or assigning
- 3 a legal status for".

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 942. Placed on General File.

(Signed) Rich Pahls, Chairperson

Education

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 801. Placed on General File.

LEGISLATIVE BILL 841. Placed on General File.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Thursday, February 2, 2012 1:30 p.m.

- LB928
- LB1081
- LB1163

Room 1525

Friday, February 3, 2012 1:30 p.m.

- LB1087

Room 1525

Wednesday, February 8, 2012 1:30 p.m.

- LB732
- LB857

Room 1525

Thursday, February 9, 2012 1:30 p.m.

- LB796

Room 1525

Wednesday, February 15, 2012 1:30 p.m.

- LB950
- LB1125

Room 1525

Thursday, February 16, 2012 1:30 p.m.

LB845
LB1161

Room 1525

Wednesday, February 22, 2012 1:30 p.m.

LB756
LB1044

(Signed) Chris Langemeier, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 383.** Introduced by Flood, 19.

WHEREAS, on May 4, 2011, President Barack Obama submitted to the United States Senate the nomination of Nebraska Supreme Court Judge John M. Gerrard to the United States District Court for the District of Nebraska; and

WHEREAS, at Judge Gerrard's confirmation hearing before the United States Senate Judiciary Committee, both of Nebraska's United States Senators, Sen. Ben Nelson and Sen. Mike Johanns, spoke in favor of his nomination; and

WHEREAS, on January 23, 2011, the United States Senate voted 74-16 to confirm Judge Gerrard to be United States District Judge for the District of Nebraska; and

WHEREAS, Judge Gerrard is a native of Schuyler, Nebraska, and received a Bachelor of Science degree from Nebraska Wesleyan University, a Masters of Public Administration from the University of Arizona, and his law degree from Pacific McGeorge School of Law; and

WHEREAS, Judge Gerrard has served as a private attorney, a city attorney, and as counsel to several public schools in Nebraska while engaged in the general practice of law in Norfolk from 1981 through 1995; and

WHEREAS, Judge Gerrard was appointed by Governor Ben Nelson to the Nebraska Supreme Court in 1995, the youngest person ever appointed to the state supreme court bench; and

WHEREAS, Judge Gerrard has received numerous honors and awards in connection with his public service on the Nebraska Supreme Court, including the Nebraska State Bar Foundation's Legal Pioneer Award for leading initiatives promoting racial and ethnic fairness in 2009, the Nebraska Judicial System's Distinguished Judge for Improvement of Judicial System Award in 2006, the Nebraska College of Law Black Students Association's, Outstanding Community Leader Award for

contributions to legal diversity in 2005, and Nebraska Wesleyan University's Alumni Achievement Award in 1999; and

WHEREAS, Judge Gerrard has tirelessly served on Nebraska Supreme Court committees, including the Minority and Justice Committee and Interpreter Advisory Committee; and

WHEREAS, Judge Gerrard has been active and involved in the community, through Big Brothers/Big Sisters of Northeast Nebraska, City Impact, Lincoln People's City Mission, Lincoln Youth Track Club, Meals on Wheels, the Robert Van Pelt American Inns of Court, and the Southeast Nebraska Fellowship of Christian Athletes; and

WHEREAS, Judge Gerrard enjoys presentations to the public, particularly to high school and college groups, that educate others and demystify the justice system; and

WHEREAS, Judge Gerrard is a respected jurist and legal scholar and the author of more than 480 opinions for the Nebraska Supreme Court.

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

1. That the Nebraska Legislature congratulates Judge John M. Gerrard on his confirmation as United States District Judge for the District of Nebraska and his outstanding career on the Nebraska Supreme Court.

2. That a copy of this resolution be sent to Judge John M. Gerrard.

Laid over.

MOTION - Approve Appointment

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 304:

Game and Parks Commission
Ron Stave

Voting in the affirmative, 32:

Adams	Council	Hansen	McCoy	Schilz
Avery	Dubas	Harr, B.	McGill	Schumacher
Bloomfield	Fischer	Heidemann	Mello	Seiler
Carlson	Flood	Howard	Nelson	Smith
Christensen	Fulton	Karpisek	Nordquist	
Cook	Haar, K.	Krist	Pahls	
Cornett	Hadley	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Coash	Harms	Lambert	Larson
Brasch	Gloor	Janssen	Langemeier	

Excused and not voting, 8:

Campbell	Lautenbaugh	Price	Wallman
Conrad	Louden	Sullivan	Wightman

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 19CA. Committee AM866, found on page 907, First Session, 2011, and considered on page 348, was renewed.

SPEAKER FLOOD PRESIDING

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

Committee AM928, found on page 931, First Session, 2011, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Committee AM965, found on page 956, First Session, 2011, was considered.

PRESIDENT SHEEHY PRESIDING

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

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

Room 1510

Tuesday, February 7, 2012 1:30 p.m.

LB1115

LB1137

LB1121

Room 1510

Tuesday, February 14, 2012 1:30 p.m.

LB1126

LB1132

LB1001

LR376CA

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 384. Introduced by Christensen, 44; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lambert, 2; Langemeier, 23; Larson, 40; Lathrop, 12; Louden, 49; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Wallman, 30; Wightman, 36.

WHEREAS, Carol Stitt served as the executive director of the State Foster Care Review Board for twenty-nine years; and

WHEREAS, during Carol Stitt's tenure as executive director she fought to improve the lives of the families and children in the foster care system; and

WHEREAS, Carol Stitt developed the nation's first statewide independent tracking system of children in out-of-home care, did judicial and guardian ad litem training, and conducted numerous special research projects, including a study of the relationship between child abuse and the adult prison population.

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

1. That the Legislature thanks Carol Stitt for her twenty-nine years of extensive service as executive director of the State Foster Care Review Board.

2. That a copy of this resolution be sent to Carol Stitt.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 276. Title read. Considered.

Pending.

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LR40CA:
AM1611

(Amendments to AM886)

- 1 1. On page 1, line 9, after the period insert "This
- 2 section shall not be construed to modify any provision of law
- 3 relating to Article XV, section 4, Article XV, section 5, Article
- 4 XV, section 6, or Article XV, section 7, of this constitution.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Brasch asked unanimous consent to add her name as cointroducer to LB986. No objections. So ordered.

VISITORS

Visitors to the Chamber were John Ravenscroft from Valentine; Jack Hosking from Omaha; Erv Eisenmenger from West Point; Sarah, Teddy, Claire, Victor, and Isaac Fanta from Creighton.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Friday, January 27, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

