

**THIRD DAY - NOVEMBER 6, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SPECIAL SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, November 6, 2009

**PRAYER**

The prayer was offered by Senator Hansen.

**ROLL CALL**

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

The roll was called and all members were present except Senator Christensen who was excused; and Senator Cornett who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**COMMITTEE REPORTS****Education**

The Education 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.

M. Jane Keller - Board of Educational Lands and Funds

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0.  
Absent: 2 Senators Cornett, Haar.

The Education 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.

Kenneth Bird - Nebraska Educational Telecommunications Commission

Phillip Dudley Jr. - Nebraska Educational Telecommunications Commission

J. Richard Shoemaker - Nebraska Educational Telecommunications Commission

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0.  
Absent: 2 Senators Cornett, Haar.

The Education 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.

William "Scott" Wilson - Coordinating Commission for Postsecondary Education

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0.  
Absent: 2 Senators Cornett, Haar.

(Signed) Greg Adams, Chairperson

Natural Resources

The Natural Resources 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.

Rick Morehouse - Nebraska Power Review Board  
Michael Siedschlag - Nebraska Power Review Board

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0.  
Absent: 2 Senators Fischer, Haar.

The Natural Resources 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.

Michelle Bucklin - Environmental Quality Council  
Joe Citta Jr. - Environmental Quality Council  
Mark Czaplewski - Environmental Quality Council  
Rodney Gangwish - Environmental Quality Council  
Robert Hall - Environmental Quality Council  
Lance Hedquist - Environmental Quality Council  
Mark Whitehead - Environmental Quality Council  
Ethel Williams - Environmental Quality Council  
Alden Zuhlke - Environmental Quality Council

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0.  
Absent: 2 Senators Fischer, Haar.

The Natural Resources 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.

Thomas Sonntag - Nebraska Oil and Gas Conservation Commission

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0.  
Absent: 2 Senators Fischer, Haar.

(Signed) Chris Langemeier, Chairperson

Business and Labor

The Business and Labor 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.

Kurt Eberspacher - Boiler Safety Code Advisory Board  
Robert Kirkpatrick - Boiler Safety Code Advisory Board

Aye: 7 Senators Carlson, Council, Lathrop, McGill, Schilz, Wallman, White. Nay: 0. Absent: 0.

(Signed) Steve Lathrop, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 1507

Monday, November 9, 2009 1:30 p.m.

LB11

(Signed) Tom Carlson, Chairperson

Business and Labor

Room 2102

Monday, November 9, 2009 9:30 a.m.

LB8

(Signed) Steve Lathrop, Chairperson

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR4 was referred to the Reference Committee.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of November 5, 2009, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
Nebraska Film Association  
Surgical Technologists, Association of  
Angus, Mary E.  
ARC of Nebraska (Withdrawn 10/26/2009)  
Baker, R.J.  
Elkhorn Valley Economic Development Council (Withdrawn 06/11/2009)  
Benjamin, Melody  
Cattlemen, Inc., Nebraska  
Burson, Kathleen  
PRIDE-Omaha, Inc. (Withdrawn 07/08/2009)  
Ellis, Karen M.  
Embarq Corp. (Withdrawn 08/07/2009)  
Engle, Erin  
State Farm Insurance Companies (Withdrawn 10/29/2009)  
Grotrian, James  
Omaha Chamber of Commerce, Greater (Withdrawn 10/29/2009)  
Hack, Mace A.  
Nature Conservancy, The  
Jensen, Ronald L./Jensen Associates, Inc.  
Liberty Healthcare Corporation (Withdrawn 10/30/2009)  
Kelley and Jerram, P.C.  
Metro Area Transit (Withdrawn 06/18/2009)  
Omaha Airport Authority (Withdrawn 06/22/2009)  
Kelley Governmental Relations, LLC  
Metro Area Transit  
Omaha Airport Authority  
Kelley, Michael  
Kelley Governmental Relations, LLC  
Kelley, Sean  
Kelley Governmental Relations, LLC  
Kierstead, Roberta  
Planned Parenthood of Nebraska & Council Bluffs (Withdrawn 05/15/2009)  
Kruse, Larry D.  
Glaxo Smith Kline (Withdrawn 08/28/2009)  
Kutak Rock LLP  
Recycle Rewards, Inc. (Withdrawn 07/13/2009)  
Lamb, Amy  
Occupational Therapy Association, Nebraska (Withdrawn 07/23/2009)  
Lemon, Greg  
Tax Research Council, Inc., Nebraska (Withdrawn 06/09/2009)  
Lightner, Patricia

HSBC GR Corp. (Withdrawn 06/12/2009)  
 Maddali, Anita  
 Mexican American Legal Defense and Educational Fund (MALDEF)  
 (Withdrawn 08/13/2009)  
 Marvin, Mike  
 Public Employees, AFSCME Local 61, Nebraska Association of  
 (Withdrawn 10/30/2009)  
 Mauk, Daniel S.  
 Norfolk Area Chamber of Commerce (Withdrawn 05/29/2009)  
 McDonald, Vicki  
 Center For People In Need  
 Moul, Maxine  
 Endow Nebraska (Withdrawn 07/02/2009)  
 Pearce, Denise K.  
 City of Lincoln (Withdrawn 06/10/2009)  
 Prouty, Nathan Kent  
 Pharmaceutical Research and Manufacturers of America  
 Radcliffe, Walter H. of Radcliffe & Associates  
 ALLTEL Communications (Withdrawn 10/23/2009)  
 Ruth Mueller Robak LLC  
 Money Services Roundtable, The (Withdrawn 06/22/2009)  
 Schmit Industries, Inc.  
 Moylan, James (Withdrawn 06/23/2009)  
 Setzepfandt, Scott  
 HLR Service Corporation (Withdrawn 07/28/2009)

## REPORTS

The following reports were received by the Legislature:

**Parole, Board of**  
 Annual Report  
**Treasurer, State**  
 2008-2009 Mutual Finance Organization Report

## BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 13.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, section 77-2701.35, Revised Statutes Cumulative Supplement, 2008, and section 77-2701, Revised Statutes Supplement, 2009; to impose a state sales and use tax on certain transactions in calendar year 2010; to harmonize provisions; to provide and operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 14.** Introduced by Loudon, 49; Carlson, 38; Dubas, 34; Hansen, 42; Stuthman, 22; Sullivan, 41.

A BILL FOR AN ACT relating to brands; to amend section 54-197, Reissue Revised Statutes of Nebraska; to prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund; to repeal the original section; and to declare an emergency.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 6.** Introduced by Stuthman, 22.

WHEREAS, Joseph "Big Joe" Siedlik was raised in the ethnic neighborhoods of South Omaha, where his Polish roots influenced his interest in many kinds of polka music; and

WHEREAS, Big Joe's interest in polka music led him to Columbus, Nebraska, in 1965, where he broadcast the sounds of Polish, Czech, and German polkas over the radio waves on the Big Joe Polka Show and soon after was on the air across central and eastern Nebraska; and

WHEREAS, after twenty-five years of radio broadcasts, Big Joe moved to television, where to this day the Big Joe Polka Show is viewed by polka lovers of all ages; and

WHEREAS, Big Joe was recently given recognition by the Polka Lovers of America for his fifty-plus years of promoting polka music across America.

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

1. That the Legislature congratulates Joseph "Big Joe" Siedlik for his lifetime of achievement and thanks him for his contributions to and promotion of various ethnic cultures throughout the State of Nebraska.

2. That a copy of this resolution be sent to Joseph "Big Joe" Siedlik.

Laid over.

**LEGISLATIVE RESOLUTION 7.** Introduced by Campbell, 25.

WHEREAS, Joseph Beran, of Lincoln, Nebraska, 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 rank 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, Joseph 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. For his Eagle Scout community service project, Joseph collected over sixty sacks of back-to-school supplies for neglected, abused, and low-income children in southeast Nebraska served by CEDARS Home for Children; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Joseph was awarded the rank of Eagle Scout on July 12, 2009, thereby joining 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 FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Joseph Beran on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Joseph Beran.

Laid over.

### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 15.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised Statutes Cumulative Supplement, 2008, sections 90-510 and 90-511, Revised Statutes Supplement, 2009, and Laws 2009, LB 545A, section 1; to rename the Property Tax Credit Act and a fund; to change the property tax credit; to provide property tax relief; to change appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 16.** Introduced by Haar, 21.

A BILL FOR AN ACT relating to economic development; to amend sections 2-5424, 81-12,105.01, and 81-12,128, Reissue Revised Statutes of Nebraska; to prohibit the lapse of certain funds; to prohibit reductions to General Funds; to repeal the original sections; and to declare an emergency.

### **COMMITTEE REPORTS**

#### Transportation and Telecommunications

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

Monty W. Fredrickson, Director - Department of Roads  
 Jeffrey Scherer - Motor Vehicle Industry Licensing Board  
 Donna Wanitschke - State Highway Commission

Aye: 7 Senators Campbell, Fischer, Gay, Hadley, Janssen, Loudon, Stuthman. Nay: 0. Absent: 1 Senator Lautenbaugh.

(Signed) Deb Fischer, Chairperson

## 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.

David Gardels - Nebraska Arts Council  
 Joanne Medlock - Nebraska Arts Council  
 Stephanie Metz O'Keefe - Nebraska Arts Council  
 Sandra Schroeder - Nebraska Arts Council

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.  
 Nay: 0. Absent: 0.

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.

Tom Ourada - State Electrical Board

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.  
 Nay: 0. Absent: 0.

(Signed) Russ Karpisek, Chairperson

**EASE**

The Legislature was at ease from 9:21 a.m. until 10:04 a.m.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

| <b>LB/LR</b> | <b>Committee</b>                          |
|--------------|---|
| LB13         | Revenue                                   |
| LB14         | Agriculture                               |
| LB15         | Revenue                                   |
| LB16         | Appropriations                            |
| LR4          | Government, Military and Veterans Affairs |

(Signed) John Wightman, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 1507

Monday, November 9, 2009 1:30 p.m.

LB14

(Signed) Tom Carlson, Chairperson

Revenue

Room 1113

Monday, November 9, 2009 11:00 a.m.

LB13

LB15

(Signed) Abbie Cornett, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Giese asked unanimous consent to add his name as cointroducer to LB14. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Tyson Larson from O'Neill.

The Doctor of the Day was Dr. Randy Kohl from Firth.

**ADJOURNMENT**

At 10:04 a.m., on a motion by Senator Giese, the Legislature adjourned until 9:00 a.m., Monday, November 9, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

