

**SEVENTEENTH DAY - JANUARY 28, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 28, 2011

**PRAYER**

The prayer was offered by Senator McCoy.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Conrad, Price, and Utter who were excused; and Senators Christensen, Flood, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 331.** Placed on General File.

**LEGISLATIVE BILL 332.** Placed on General File.

**LEGISLATIVE BILL 334.** Placed on General File with amendment.  
AM102

- 1 1. Insert the following new section:
- 2 Sec. 12. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Greg Adams, Chairperson

## Banking, Commerce and Insurance

**LEGISLATIVE BILL 25.** Placed on General File.

**LEGISLATIVE BILL 26.** Placed on General File.

**LEGISLATIVE BILL 78.** Placed on General File.

**LEGISLATIVE BILL 77.** Placed on General File with amendment.  
AM76

- 1 1. On page 19, line 7, strike "2006,", show as stricken,
- 2 and insert "2011".

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

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

Wayne Camara - Technical Advisory Committee for Statewide Assessment  
 Dallas Watkins - Technical Advisory Committee for Statewide Assessment  
 Gary Bieganski - Board of Trustees of the Nebraska State Colleges  
 Carter Peterson - Board of Trustees of the Nebraska State Colleges  
 Darlene Starman - Nebraska Educational Telecommunications Commission  
 Charles Ward - Board of Educational Lands and Funds

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

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

LB295

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

Frank Landis - Nebraska Railway Council  
 Ralph Holzfaster - Nebraska Railway Council  
 John Rebensdorf - Nebraska Railway Council  
 Gary Rasmussen - Nebraska Railway Council

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

LeRoy Gerrard - Board of Public Roads Classifications and Standards

(Signed) Deb Fischer, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 63.** Introduced by Flood, 19.

WHEREAS, Joseph Albert Roberts 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, Joe 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, Joe organized a letter and wet wipe drive for American servicemen. Through his collection efforts of cash and wet wipes, he sent more than 150 wet wipes and more than 1,000 letters to our Marines serving in Afghanistan; and

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

WHEREAS, Joe, 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 Joseph Albert Roberts on achieving the rank of Eagle Scout.

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

Laid over.

**LEGISLATIVE RESOLUTION 64.** Introduced by Smith, 14.

WHEREAS, Derek Ruffner 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, Derek 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, Derek's community service project consisted of landscaping the entrance area of the La Vista Falls Golf Course. Derek designed the area, bought the landscaping blocks, built a wall, and planted a tree and perennial flowers; and

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

WHEREAS, Derek, 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 Derek Ruffner on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Derek Ruffner.

Laid over.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 27, 2011, 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

Amack, Angela K.

O'Hara, Lindsay & Associates, Inc.

Bedke, Eric J.

ABATE of Nebraska, Inc.

Cale, Grant Morgan

Bristol-Myers Squibb Co.

Epps, Susan

American Red Cross

Goff, Duane

ABATE of Nebraska, Inc.

Hovorka, Duane A.

Wildlife Federation, Nebraska

Hundt, Tyanne

Tax Research Council, Inc., Nebraska

Husch Blackwell, LLP

Asurion Services, Inc.

KVC Behavioral Healthcare Nebraska, Inc.

Kelley and Jerram, P.C.

Daily Record

Koellner, Gregory Mikell  
 ABATE of Nebraska, Inc.

Luebbe, Lori  
 Soybean Association, Nebraska

Mach, Coby  
 Lincoln Independent Business Association (LIBA)

O'Hara, Lindsay and Associates, Inc.  
 City of Omaha, Mayor

Pedersen, Tim  
 ABATE of Nebraska, Inc.

Pollock, Andy  
 Eckerd Youth Alternatives, Inc.

Propes, Margaret  
 Sunovion

Rogert, Kent  
 Cutshall & Nowka

Shafer, Kenn  
 ABATE of Nebraska, Inc.

Sobotta, Russell  
 Sanofi-Aventis Group (Aventis, Inc.)

Sommerich, Christopher D.  
 Humanities Council, Nebraska

Welsch, Mark E.  
 GASP-Group to Alleviate Smoking Pollution

## REPORTS

The following reports were received by the Legislature:

### **Aeronautics, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Education, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Environmental Quality, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Game and Parks Commission**

2010 Recreation Road Report

### **Health and Human Services, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

### **Revenue, Nebraska Department of**

Report of Examination of State of Nebraska Auditor of Public Accounts for the Fiscal Year ended June 30, 2009

### **Roads, Nebraska Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**State College System, Nebraska**

Chief Negotiator's Reports of the State Employee Collective Bargaining Act for 2011-2013

**State Patrol, Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**University of Nebraska**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**Veterans' Affairs, Department of**

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**MOTION - Withdraw LB592**

Senator Carlson renewed his motion, MO4, found on page 387, to withdraw LB592.

The Carlson motion to withdraw the bill prevailed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

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

Pending.

**COMMITTEE REPORTS**

Nebraska Retirement Systems

**LEGISLATIVE BILL 303.** Placed on General File.

**LEGISLATIVE BILL 474.** Placed on General File with amendment. AM123

- 1 1. On page 3, line 20; page 7, line 12; page 9, line 9;
- 2 page 11, line 7; page 14, line 23; page 17, line 14; page 19, line
- 3 24; page 22, line 16; page 25, line 5; page 30, line 12; page 32,
- 4 line 21; and page 35, line 1, after the underscored period insert
- 5 "The Auditor of Public Accounts may prepare a review of such report

6 pursuant to section 84-304.02 but is not required to do so."  
 7 2. On page 5, line 1; page 8, line 17; page 10, line 15;  
 8 page 12, line 13; page 16, line 5; page 18, line 20; page 21, line  
 9 6; page 23, line 23; page 26, line 12; page 31, line 19; page 34,  
 10 line 6; and page 36, line 8, after the period insert "The Auditor  
 11 of Public Accounts may prepare a review of such report pursuant to  
 12 section 84-304.02 but is not required to do so.".

(Signed) Jeremy Nordquist, Chairperson

## NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

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

LB237 (cancel)

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

LB237 (reschedule)

(Signed) Kathy Campbell, Chairperson

Executive Board

Room 2102

Friday, February 4, 2011 12:00 p.m.

LR5CA  
 LR44CA  
 LB576

Thursday, February 10, 2011 12:00 p.m.

LB611  
 LB617

Thursday, February 17, 2011 12:00 p.m.

LB604  
 LR30  
 LR47

(Signed) John Wightman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on page 396 and in this day's Journal, was renewed.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR GLOOR PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 38, 41, 42, 43, 48, 49, and 50 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 38, 41, 42, 43, 48, 49, and 50.

**SENATOR GLOOR PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 81.** Committee AM14, found on page 333 and considered on page 396 and in this day's Journal, was renewed.

Pending.

**NOTICE OF COMMITTEE HEARING**

Appropriations

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

Room Change Request  
Room 1524 (cancel)  
Room 1003 (reschedule)

(Signed) Lavon Heidemann, Chairperson



**COMMITTEE REPORT**

## 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.

Mark McColley - Nebraska Ethanol Board

Michael Thede - Nebraska Ethanol Board

Aye: 8 Senators Carlson, Christensen, Dubas, K. Haar, Langemeier, McCoy, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator McCoy asked unanimous consent to add his name as cointroducer to LB326. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB293. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Lavonne Hornik, June Wilhelm, Linda Vogel, and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 31, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

