

**TWENTY-FIRST DAY - FEBRUARY 3, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 3, 2011

**PRAYER**

The prayer was offered by Senator Coash.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Council and Krist who were excused; and Senators Cornett, Heidemann, Karpisek, and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 43.** Placed on General File.

**LEGISLATIVE BILL 410.** Placed on General File with amendment.  
AM197

- 1 1. Strike original section 21.
- 2 2. On page 8, after line 22, insert the following new
- 3 subsection:
- 4 "(4) An applicant for registration as an appraisal
- 5 management company in this state shall furnish to the board,
- 6 at the time of making application, a surety bond in the amount
- 7 of twenty-five thousand dollars. The surety bond required under
- 8 this subsection shall be issued by a bonding company or insurance
- 9 company authorized to do business in this state, and a copy of the
- 10 bond shall be filed with the board. The bond shall be in favor
- 11 of the state for the benefit of any person who is damaged by any
- 12 violation of the Nebraska Appraisal Management Company Registration
- 13 Act. The bond shall also be in favor of any person damaged by such

14 a violation. Any person claiming against the bond for a violation  
 15 of the act may maintain an action at law against the appraisal  
 16 management company and against the surety. The aggregate liability  
 17 of the surety to all persons damaged by a violation of the act  
 18 by an appraisal management company shall not exceed the amount of  
 19 the bond. The bond shall be maintained until one year after the  
 20 date that the appraisal management company ceases operation in this  
 21 state."; and in line 23 strike "(4)" and insert "(5)".

22 3. On page 10, strike beginning with "(1)" in line 3  
 23 through line 11 and insert "The board shall charge and collect fees  
 1 for its services under the Nebraska Appraisal Management Company  
 2 Registration Act as follows: (1) An application fee of no more than  
 3 three hundred fifty dollars; (2) an initial registration fee of  
 4 no more than two thousand dollars; (3) a renewal registration fee  
 5 of no more than one thousand five hundred dollars; and (4) a late  
 6 renewal fee of twenty-five dollars for each month or portion of a  
 7 month the fee is late.".

8 4. On page 11, line 9, strike "or"; in line 15 after  
 9 "revoked" insert "; or

10 (3) Knowingly prohibit an appraiser from including within  
 11 the body of an appraisal report that is submitted by the appraiser  
 12 to the appraisal management company or its assignee the fee that  
 13 the appraiser was paid by the appraisal management company for  
 14 the performance of the appraisal report"; and in line 23, after  
 15 "licensure" insert "in this state".

16 5. On page 13, line 7, after "(1)" insert "Each appraisal  
 17 management company registered in this state, except in cases  
 18 of noncompliance with the conditions of the engagement, shall  
 19 make payment of fees to an appraiser for the completion of an  
 20 appraisal or valuation assignment within sixty days after the  
 21 date on which the appraiser transmits or otherwise provides the  
 22 completed appraisal report or valuation assignment to the appraisal  
 23 management company or its assignee.

24 (2); in line 18 strike "(2)" and insert "(3)"; in line  
 25 23 strike "(1)" and insert "(2)"; and in line 25 strike "(3)" and  
 26 insert "(4)".

27 6. On page 14, line 1, strike "(2)" and insert "(3)";  
 1 in line 4 strike "(4)" and insert "(5)" and in line 18, after  
 2 "dollars" insert "for a first offense and not more than ten  
 3 thousand dollars for a second or subsequent offense".

4 7. On page 17, strike beginning with "For" in line 12  
 5 through line 14.

6 8. On page 21, strike beginning with "section" in line 17  
 7 through "and" in line 18.

8 9. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

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

LB544 (cancel)

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

LB544 (reschedule)

(Signed) Greg Adams, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 66.** Introduced by Hadley, 37.

WHEREAS, Sherry Morrow received the Friend of Kearney Award for 2010 and the Leadership Kearney Distinguished Alumni Award at the Kearney Area Chamber of Commerce's 92nd annual banquet; and

WHEREAS, the awards reflect Sherry Morrow's dedication and service to the Kearney community through her numerous volunteer efforts at various local events; and

WHEREAS, the Legislature should recognize the outstanding community service of Nebraska residents.

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

1. That the Legislature congratulates Sherry Morrow for receiving the Friend of Kearney Award for 2010 and the Leadership Kearney Distinguished Alumni Award.

2. That the Legislature commends Sherry Morrow for her outstanding community service.

3. That a copy of this resolution be sent to Sherry Morrow.

Laid over.

**ANNOUNCEMENT**

Senator Hansen designates LB181 as his priority bill.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Conrad 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 - Print in Journal**

Senator Pahls filed the following motion to LB435:

MO7

Withdraw bill.

**GENERAL FILE**

**LEGISLATIVE BILL 20.** Senator Ashford renewed his motion, MO6, found on page 429, to bracket until June 1, 2011.

**SENATOR FISCHER PRESIDING****SPEAKER FLOOD PRESIDING**

Senator Ashford withdrew his motion to bracket.

Senator Ashford offered the following motion:

MO8

Recommit to Judiciary Committee.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 7 nays, and 14 not voting.

The Ashford motion to recommit to committee failed with 15 ayes, 24 nays, 4 present and not voting, and 6 excused and not voting.

Senator Lathrop renewed his amendment, FA4, found on page 429, to the committee amendment.

Pending.

**COMMITTEE REPORTS**

## Agriculture

**LEGISLATIVE BILL 108.** Placed on General File with amendment.  
AM223

- 1 1. Strike original sections 2 and 3.

**LEGISLATIVE BILL 114.** Placed on General File with amendment.  
AM199

- 1 1. On page 2, line 1, after "(1)" insert "It is the
- 2 intent of the Legislature to provide for an identity standard for
- 3 packaged food products labeled as honey in order to aid consumer
- 4 information and to protect the integrity of the honey industry in
- 5 Nebraska.

6     (2)"; in line 8 strike "(2)" and insert "(3)"; and strike  
 7 lines 12 through 16 and insert  
 8     "(4) A violation of subsection (3) of this section shall  
 9 constitute a deceptive trade practice under the Uniform Deceptive  
 10 Trade Practices Act and shall be subject to any remedies or  
 11 penalties available for a violation under the act.".

**LEGISLATIVE BILL 181.** Placed on General File with amendment.  
 AM81

- 1     1. On page 2, strike lines 22 through 25 and insert:
- 2     "(b) A surcharge of not more than twenty dollars, as  
 3 established by the brand committee, may be charged to cover travel  
 4 expenses incurred by the brand inspector per inspection location  
 5 when performing brand inspections. The surcharge shall be collected  
 6 by the brand inspector and paid by the person requesting the  
 7 inspection or the person required by law to have the inspection.".
- 8     2. On page 3, strike lines 1 and 2.

(Signed) Tom Carlson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 72.** Placed on Select File with amendment.  
 ER9

- 1     1. On page 32, line 19, strike "(a)"; in line 20 after
- 2     "under" insert "(a)"; and in line 24 strike "under".

**LEGISLATIVE BILL 28.** Placed on Select File.

**LEGISLATIVE BILL 29.** Placed on Select File.

**LEGISLATIVE BILL 30.** Placed on Select File with amendment.  
 ER10

- 1     1. On page 1, line 3, after the semicolon insert "to
- 2     change and provide references to federal law;".

(Signed) Tyson Larson, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Friday, February 11, 2011   1:30 p.m.

Martin Fattig - Nebraska Rural Health Advisory Commission  
 Zachary Frey - Nebraska Rural Health Advisory Commission  
 Sharon Vandegrift - Nebraska Rural Health Advisory Commission  
 Diane Jackson - State Board of Health

Roger Reamer - State Board of Health  
 Susan Staab - Foster Care Review Board

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB443  
 LB577  
 LB337  
 LB425

(Signed) Bill Avery, Chairperson

Appropriations

Room 1003

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

Agency 45 - Barber Examiners, Board of  
 Agency 30 - Electrical Board, State  
 Agency 74 - Power Review Board, Nebraska  
 Agency 41 - State Real Estate Commission  
 Agency 53 - Real Property Appraiser Board  
 Agency 63 - Public Accountancy, Nebraska Board of  
 Agency 36 - Racing Commission, Nebraska State  
 Agency 58 - Board of Engineers and Architects  
 Agency 59 - Board of Geologists  
 Agency 62 - Land Surveyors, State Board of Examiners For  
 Agency 66 - Abstracters Board of Examiners  
 Agency 73 - Landscape Architects, State Board of

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

Agency 57 - Oil and Gas Conservation Commission, Nebraska  
 Agency 18 - Agriculture, Department of  
 Agency 39 - Brand Committee, Nebraska  
 Agency 56 - Wheat Board, Nebraska  
 Agency 60 - Ethanol Board, Nebraska  
 Agency 61 - Dairy Industry Development Board, Nebraska  
 Agency 86 - Dry Bean Commission  
 Agency 88 - Corn Development, Utilization and Marketing Board  
 Agency 92 - Grain Sorghum Board, Nebraska

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

Agency 16 - Revenue, Department of  
 Agency 93 - Tax Equalization and Review Commission  
 Agency 54 - Historical Society, Nebraska State

Room 1524

Tuesday, February 22, 2011 1:30 p.m.

LB485

Agency 13 - Education, Department of  
 Agency 32 - Educational Lands and Funds, Board of  
 Agency 34 - Library Commission, Nebraska  
 Agency 69 - Arts Council, Nebraska

Room 1003

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

Agency 64 - State Patrol, Nebraska  
 Agency 21 - State Fire Marshal  
 Agency 35 - Liquor Control Commission, Nebraska  
 Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
 Justice  
 Agency 46 - Correctional Services, Department of

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

LB282

Agency 81 - Commission for the Blind and Visually Impaired  
 Agency 67 - Equal Opportunity Commission  
 Agency 68 - Latino-American Commission  
 Agency 70 - Foster Care Review Board, State  
 Agency 76 - Indian Commission, Nebraska  
 Agency 82 - Commission for the Deaf and Hard of Hearing

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

Agency 28 - Veterans' Affairs, Department of  
 Agency 37 - Workers' Compensation Court  
 Agency 75 - Investment Council, Nebraska  
 Agency 77 - Industrial Relations, Commission of  
 Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Lavon Heidemann, Chairperson

**AMENDMENT - Print in Journal**

Senator Sullivan filed the following amendment to LB629:  
AM238

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Hazardous Liquid Pipeline Reclamation and
- 5 Recovery Act.
- 6 Sec. 2. For purposes of the Hazardous Liquid Pipeline
- 7 Reclamation and Recovery Act:
- 8 (1) Hazardous liquid means petroleum, including crude oil
- 9 or any fraction of crude oil;
- 10 (2) Pipeline carrier means a person that engages in
- 11 owning, operating, or managing a pipeline or part of a pipeline for
- 12 the transportation of hazardous liquid;
- 13 (3) Reclamation means the restoration of the areas
- 14 through which the pipeline is constructed to the general condition
- 15 and contour that existed prior to the construction; and
- 16 (4) Recovery means any emergency response, containment,
- 17 cleanup, removal, treatment, and monitoring necessary as a result
- 18 of a discharge or leak of hazardous liquid from the pipeline.
- 19 Sec. 3. The purpose of the Hazardous Liquid Pipeline
- 20 Reclamation and Recovery Act is to ensure that a pipeline carrier
- 21 which constructs or operates a pipeline through this state for
- 22 the transportation of hazardous liquid is financially responsible
- 23 for costs relating to reclamation and recovery for construction,
- 1 operation, and management of the pipeline in this state and is
- 2 liable for damages as prescribed in the act.
- 3 Sec. 4. (1) A pipeline carrier owning, operating, or
- 4 managing a pipeline or part of a pipeline for the transportation
- 5 of a hazardous liquid in this state shall be held liable for all
- 6 damages that arise out of or are caused by the discharge or leaking
- 7 of any hazardous liquid from the pipeline.
- 8 (2) A pipeline carrier owning, operating, or managing
- 9 a pipeline or part of a pipeline for the transportation of a
- 10 hazardous liquid in this state shall be responsible for reclamation
- 11 necessary as a result of constructing or operating the pipeline
- 12 and for the immediate cleanup of any discharge or leaking of any
- 13 hazardous liquid from the pipeline.
- 14 (3) Damages shall include costs of recovery and
- 15 reclamation, economic losses resulting from destruction of or
- 16 injury to real or personal property and natural resources,
- 17 rehabilitation of habitat or wildlife, costs related to assessing
- 18 and valuing the destruction, injury, or other loss, and attorney's
- 19 fees and costs for collecting such damages.
- 20 Sec. 5. Nothing in the Hazardous Liquid Pipeline
- 21 Reclamation and Recovery Act prohibits a county board, city
- 22 council, or village board from pursuing damages for the maintenance



23 and repair of roads, bridges, or other infrastructure related to  
 24 the construction, maintenance, or operation of a pipeline by a  
 25 pipeline carrier who is subject to the act.

26 Sec. 6. If any section in this act or any part of any  
 27 section is declared invalid or unconstitutional, the declaration  
 1 shall not affect the validity or constitutionality of the remaining  
 2 portions.

3 Sec. 7. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.

### **MOTION - Print in Journal**

Senator Christensen filed the following motion to LB511:

MO9

Withdraw bill.

### **GENERAL FILE**

**LEGISLATIVE BILL 20.** Senator Lathrop withdrew his amendment, FA4, found on page 429 and considered in this day's Journal.

Committee AM64, found on page 359 and considered on page 428, as amended, was renewed.

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

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB386. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Mike Feeken from St. Paul and Derek Bargmann from Pender.

The Doctor of the Day was Dr. Randall Goldfish from Ord.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Friday, February 4, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature