

**THIRTY-FOURTH DAY - FEBRUARY 24, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 24, 2011

**PRAYER**

The prayer was offered by Pastor Paul Lillenas, Hickory Grove - St. Paul Lutheran Church, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators B. Harr and McCoy who were excused; and Senators Cornett, Janssen, Karpisek, Lautenbaugh, Nelson, Utter, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 613, line 24, strike "30" and insert "32".

Page 613, line 32, strike "four" and insert "seven".

The Journal for the thirty-second day was approved as corrected.

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 383.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 191.** Placed on Select File with amendment.  
ER37

- 1 1. On page 3, line 15, strike "subsection" and insert
- 2 "section"; and in line 19 strike "not".
- 3 2. On page 5, line 21, strike "subsection", show as
- 4 stricken, and insert "subdivision".

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 22.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, March 22, 2011 8:00 a.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Greg Adams, Chairperson

Health and Human Services

Room 1510

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

LB581 (cancel)

(Signed) Kathy Campbell, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 181A.** Title read. Considered.

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

**SELECT FILE**

**LEGISLATIVE BILL 114.** ER25, found on page 550, was adopted.

Senator Dubas withdrew her amendment, AM354, found on page 552.

Senator Dubas renewed her amendment, AM491, found on page 628.

The Dubas amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 243.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 62.** ER26, found on page 551, was adopted.

Senator Lathrop offered the following amendment:  
AM496

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 23-1111, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 23-1111 (1) The county officers in all counties shall
- 6 have the necessary clerks and assistants for such periods and at
- 7 such salaries as ~~they~~ the county officers may determine, subject to
- 8 budgetary approval by the county board. ~~with the approval of the~~
- 9 ~~county board, whose salaries shall be paid out of the general fund~~
- 10 ~~of the county.~~
- 11 (2) In carrying out its budget-making duties, a county
- 12 board shall not eliminate an office or unduly hinder a county
- 13 officer in the conduct of his or her statutory duties. If a
- 14 county officer challenges the county board's decision in court, the
- 15 county officer shall have the burden to prove such elimination or
- 16 hindrance by clear and convincing evidence.
- 17 Sec. 2. Original section 23-1111, Reissue Revised
- 18 Statutes of Nebraska, is repealed.

The Lathrop amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 36.** ER29, found on page 551, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 225.** Senator Campbell renewed her amendment, AM495, found on page 629.

The Campbell amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 274.** ER30, found on page 551, was adopted.

Senator Gloor renewed his amendment, AM472, found on page 628.

The Gloor amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 401.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** Senator Krist renewed his amendment, AM423, found on page 606.

The Krist amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 197.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** ER32, found on page 553, was adopted.

Senator Heidemann offered the following amendment:  
AM482

(Amendments to AM357)

- 1 1. On page 1, line 10, after "undress" insert "as it is
- 2 occurring"; and in line 11, after "video" insert ", photographic,
- 3 digital" and reinstate the last stricken comma.

The Heidemann amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 308.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 335.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 160.** Advanced to Enrollment and Review for Engrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 81.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Willie Schwartzkopf, a senior at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 171-pound division; and

WHEREAS, Willie Schwartzkopf defeated Grant Harrill of Boys Town High School 9-4 in the championship match; and

WHEREAS, the win gave Willie Schwartzkopf his second straight state title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Willie Schwartzkopf on winning the 2011 Class B State Wrestling Championship in the 171-pound division.

2. That a copy of this resolution be sent to Willie Schwartzkopf.

Laid over.

**LEGISLATIVE RESOLUTION 82.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Colton Adams, a freshman at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 112-pound division; and

WHEREAS, Colton Adams pinned Daniel Dominguez-Jimenez of O'Neill High School to win the championship match; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Colton Adams on winning the 2011 Class B State Wrestling Championship in the 112-pound division.

2. That a copy of this resolution be sent to Colton Adams.

Laid over.

**LEGISLATIVE RESOLUTION 83.** Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Tyler Nation, a junior at Scottsbluff High School, won the 2011 Class B State Wrestling Championship in the 135-pound division; and

WHEREAS, Tyler Nation defeated Kevin Smith of Central City High School 5-2 in the championship match; and

WHEREAS, the win gave Tyler Nation his second straight state title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Tyler Nation on winning the 2011 Class B State Wrestling Championship in the 135-pound division.

2. That a copy of this resolution be sent to Tyler Nation.

Laid over.

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 155.** Placed on General File.

**LEGISLATIVE BILL 248.** Placed on General File with amendment.  
AM272

- 1 1. On page 3, lines 20 through 24, strike the new matter;
- 2 and in line 21 after "grazing" insert ", pasture, forests, or
- 3 grassland to control weeds, pests, insects, and disease, prevent
- 4 wildland fires, manage watersheds, care for windbreaks, and conduct
- 5 scientific research".

**LEGISLATIVE BILL 38.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

### AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB159:  
AM470

- 1 1. On page 6, line 8, after "county" insert "; provided,
- 2 for any project located without the municipality or county, such
- 3 municipality or county shall find that a reasonable relationship
- 4 exists between such municipality or county and the project,
- 5 borrower, or other party or parties to the financing agreement, as
- 6 applicable".

**GENERAL FILE**

**LEGISLATIVE BILL 284.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 84.** Introduced by Campbell, 25.

WHEREAS, Steven W. Patras 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, Steven 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, Steven and his team of scout volunteers designed and constructed an arbor of volunteer cedar trees in Pioneers Park in Lincoln, Nebraska; and

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

WHEREAS, Steven, 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 Steven W. Patras on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Steven W. Patras.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

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

LB609  
 LB545  
 LB671  
 LB508  
 LB460

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

LB612  
 LB565  
 LB647  
 LB515

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

The Nebraska Retirement Systems Committee designates LB509 and LB382 as its priority bills.

**COMMITTEE REPORTS**

Business and Labor

**LEGISLATIVE BILL 261.** Placed on General File.**LEGISLATIVE BILL 262.** Placed on General File with amendment.  
AM163

- 1 1. Strike the original sections and insert the following
- 2 section:
- 3 Section 1. The following sections are outright repealed:
- 4 Sections 48-401, 48-402, 48-403, 48-404, 48-405, 48-406, 48-407,
- 5 48-408, 48-409, 48-410, 48-411, 48-412, 48-413, 48-414, 48-415,
- 6 48-416, 48-417, 48-419, 48-420, 48-421, 48-422, 48-423, 48-424,
- 7 48-425, 48-426, 48-427, 48-428, 48-429, 48-430, 48-431, 48-432,
- 8 48-433, 48-434, and 48-435, Reissue Revised Statutes of Nebraska.

(Signed) Steve Lathrop, Chairperson



**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 181A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 27.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 32.** Title read. Considered.

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

**LEGISLATIVE BILL 31.** Title read. Considered.

Committee AM206, found on page 518, 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 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 165.** Title read. Considered.

Committee AM316, found on page 528, was considered.

Senator Avery renewed his amendment, AM485, found on page 632, to the committee amendment.

**SENATOR GLOOR PRESIDING**

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 85.** Introduced by Pahls, 31; Christensen, 44; Gloor, 35; Langemeier, 23; Pankonin, 2; Pirsch, 4; Utter, 33.

**PURPOSE:** The purpose of this resolution is to study how the insurance laws of this state should be amended by the Legislature to respond to the provisions of the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), regarding establishment of health insurance exchanges by the states. The study committee should

review the development and final provisions of the legislative proposals for exchange implementation resulting from the activities by the State of Nebraska pursuant to its federal State Planning and Establishment Grant, as managed by the Department of Insurance, with the cooperation of and input from other affected state agencies. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **NOTICE OF COMMITTEE HEARING**

Executive Board

Room 2102

Thursday, March 3, 2011 12:00 p.m.

LB86  
LB270  
LB271

(Signed) John Wightman, Chairperson

### **ANNOUNCEMENT**

Senator Fischer designates LB84 as her priority bill.

### **AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB24:  
AM510

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 21-2024, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 21-2024 (1) Every corporation incorporated under the
- 5 Business Corporation Act shall have the purpose of engaging in any
- 6 lawful business unless a more limited purpose shall be set forth in
- 7 the articles of incorporation.

8 (2) A corporation engaging in a business subject to  
 9 regulation under another law of this state may incorporate under  
 10 the act only if permitted by, and subject to all limitations of,  
 11 such other law.

12 (3) Corporations shall not be organized under the act  
 13 to perform any personal services as specified in section 21-2202  
 14 except for personal services rendered by a designated broker as  
 15 defined in section 81-885.01.

16 (4) A designated broker as defined in section 81-885.01  
 17 may be organized as a corporation under the Business Corporation  
 18 Act or a professional corporation under the Nebraska Professional  
 19 Corporation Act.

20 Sec. 2. Section 21-2201, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 21-2201 Sections 21-2201 to 21-2222 and section 3 of this  
 1 act shall be known and may be cited as the Nebraska Professional  
 2 Corporation Act.

3 Sec. 3. A designated broker as defined in section  
 4 81-885.01 may be organized as a professional corporation under  
 5 the Nebraska Professional Corporation Act or as a corporation under  
 6 the Business Corporation Act.

7 2. On page 1, strike beginning with "the" in line 1  
 8 through line 3 and insert "real estate licensees; to amend sections  
 9 21-2024, 21-2201, 81-885.49, 81-885.51, 81-885.52, and 81-885.53,  
 10 Reissue Revised Statutes of Nebraska; to provide for incorporation  
 11 of designated brokers; to provide training".

12 3. On page 4, line 4, after "sections" insert "21-2024,  
 13 21-2201,".

14 4. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB558. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB284. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 30 seventh-grade students, teachers, and sponsor from Cedar Catholic School, Hartington; members of Leadership Sarpy; and a group from Wisconsin.

The Doctor of the Day was Dr. Maureen Rafiq from Omaha.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Friday, February 25, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature