

**THIRTY-FIFTH DAY - FEBRUARY 25, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 25, 2011

**PRAYER**

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

**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 Carlson and B. Harr who were excused; and Senators Coash, Conrad, Cornett, Pankonin, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 36.** Placed on Final Reading.

**LEGISLATIVE BILL 61.** Placed on Final Reading.

**LEGISLATIVE BILL 62.** Placed on Final Reading.

ST6

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "sections" in line 1 through line 6 has been struck and "section 23-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to clerks and assistants of county officers; to prohibit the county board from eliminating or unduly hindering a county officer; to provide a standard of proof; and to repeal the original section." inserted.

**LEGISLATIVE BILL 114.** Placed on Final Reading.

**LEGISLATIVE BILL 160.** Placed on Final Reading.

**LEGISLATIVE BILL 179.** Placed on Final Reading.  
ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "section 38-2851" has been struck and "sections 38-2851 and 38-2854" inserted; and in line 6 "and pharmacist interns" has been inserted after "licensure".

**LEGISLATIVE BILL 197.** Placed on Final Reading.

**LEGISLATIVE BILL 225.** Placed on Final Reading.

**LEGISLATIVE BILL 243.** Placed on Final Reading.

**LEGISLATIVE BILL 274.** Placed on Final Reading.

**LEGISLATIVE BILL 308.** Placed on Final Reading.

**LEGISLATIVE BILL 335.** Placed on Final Reading.

**LEGISLATIVE BILL 401.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 284.** Placed on Select File.

**LEGISLATIVE BILL 27.** Placed on Select File.

**LEGISLATIVE BILL 32.** Placed on Select File.

**LEGISLATIVE BILL 31.** Placed on Select File with amendment.  
ER38

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 5 and insert "section 46-240.01, Reissue Revised
- 3 Statutes of Nebraska; to change provisions relating to supplemental
- 4 agricultural appropriations; and to repeal the original section."

(Signed) Tyson Larson, Chairperson

### MESSAGES FROM THE GOVERNOR

February 23, 2011

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Robert Engles, 1809 Courthouse Avenue, Auburn, NE 68305

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 23, 2011

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

David Wacker, 907 N. Webster Ave., Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## **REPORT**

The following report was received by the Legislature:

**Dairy Industry Licensing Board, Nebraska**  
Annual Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 24, 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

O'Hara, Lindsay and Associates, Inc.  
Chiropractic Strategies Group  
Service Providers, Nebraska Association of  
Radcliffe, Walter H. of Radcliffe & Associates  
Ryan, LLC  
Rogert, Kent  
Jensen, Ronald/Jensen & Associates

**MOTION - Withdraw LB581**

Senator K. Haar renewed his motion, MO15, found on page 632, to withdraw LB581.

The K. Haar motion to withdraw the bill prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 165.** Committee AM316, found on page 528 and considered on page 643, was renewed.

Senator Avery renewed his amendment, AM485, found on page 632 and considered on page 643, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

Senator Brasch moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Brasch requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Adams	Fischer	Howard	Louden	Price
Ashford	Flood	Janssen	McCoy	Schilz
Bloomfield	Hadley	Karpisek	Nordquist	Smith
Brasch	Hansen	Langemeier	Pahls	Sullivan
Christensen	Harms	Larson	Pankonin	Utter
Cornett	Heidemann	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 16:

Avery	Cook	Gloor	Mello
Campbell	Council	Haar, K.	Nelson
Coash	Dubas	Lathrop	Schumacher
Conrad	Fulton	McGill	Wallman

Present and not voting, 1:

Krist

Excused and not voting, 2:

Carlson          Harr, B.

The motion to cease debate prevailed with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

The Avery amendment lost with 10 ayes, 29 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 442.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 307.** Indefinitely postponed.

(Signed) Jeremy Nordquist, Chairperson

## Urban Affairs

**LEGISLATIVE BILL 121.** Placed on General File.

**LEGISLATIVE BILL 190.** Placed on General File with amendment.  
AM376

- 1 1. Strike original sections 3 and 4.
- 2 2. On page 2, line 11, after "in" insert "subsection (1)
- 3 of".
- 4 3. On page 3, lines 8 and 11, strike "six" and insert
- 5 "seven"; strike beginning with the comma in line 13 through "large"
- 6 in line 14; and in line 17 strike "and the outside member".
- 7 4. Amend the repealer and renumber the remaining sections
- 8 accordingly.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB333:  
AM497

(Amendments to E & R amendments, ER33)

- 1 1. Strike section 6.
- 2 2. On page 6, line 13, strike "and" and after "(vii)"
- 3 insert "the next one hundred twenty-three thousand four hundred
- 4 sixty-eight dollars shall be used by the department to employ
- 5 persons to investigate and prosecute alleged violations as provided
- 6 in section 79-868; and (viii)".
- 7 3. On page 7, line 9, strike "and" and after "(vii)"
- 8 insert "the next one hundred twenty-three thousand four hundred
- 9 sixty-eight dollars shall be used by the department to employ
- 10 persons to investigate and prosecute alleged violations as provided
- 11 in section 79-868; and (viii)".
- 12 4. On page 8, line 8, strike "and"; and in line 9 after
- 13 "(vi)" insert "the next allocation shall be used by the department
- 14 to employ persons to investigate and prosecute alleged violations
- 15 as provided in section 79-868 in an aggregated amount up to the
- 16 amount used in the prior fiscal year for such purposes increased
- 17 by the basic allowable growth rate pursuant to section 79-1025; and
- 18 (vii)".
- 19 5. Amend the repealer and renumber the remaining sections
- 20 accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 165.** Senator Pahls offered the following amendment to the committee amendment:

AM520

(Amendments to Standing Committee amendments, AM316)

- 1 1. Insert the following new section:
- 2 Section 1. Section 86-157, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-157 Whenever any municipality or any other local
- 5 governmental entity imposes upon a telecommunications company any
- 6 tax or fee as described in section 86-704, (1) such tax or
- 7 fee shall, insofar as practicable, be billed pro rata to the
- 8 telecommunications company's customers receiving telecommunications
- 9 service within the territorial limits of such municipality or other
- 10 local governmental entity and (2) such tax shall be displayed
- 11 separately from any other charge on the bill or invoice sent to the
- 12 telecommunications company's customers.
- 13 2. On page 4, strike beginning with "section" in line 24
- 14 through "is" in line 25 and insert "sections 86-157 and 86-704,
- 15 Reissue Revised Statutes of Nebraska, are".
- 16 3. Renumber the remaining sections accordingly.

Senator Pahls withdrew and refiled his amendment, AM520.

Senator Avery offered the following amendment to the committee amendment:

AM527

(Amendments to Standing Committee amendments, AM316)

- 1 1. Strike section 3.
- 2 2. On page 2, strike beginning with "be" in line 19
- 3 through "77-2703.04" in line 21 and insert "not be imposed on the
- 4 receipts from the sale of telecommunication equipment".

**SENATOR SULLIVAN PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 73 and 76 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 73 and 76.

**COMMITTEE REPORT**

Health and Human Services

**LEGISLATIVE BILL 663.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Engles, Robert - Board of Trustees of the Nebraska State Colleges -  
Education

Wacker, David - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**UNANIMOUS CONSENT - Add Cointroducers**

Senator McCoy asked unanimous consent to add his name as cointroducer to LR85. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB99 and LB284. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB221. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Nebraska Library Association volunteers from across the state; and members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Riley Eckmann from Omaha.



**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Monday, February 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

