

THIRTY-SEVENTH DAY - MARCH 1, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 2011

PRAYER

The prayer was offered by Senator Carlson.

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 Cook who was excused; and Senators Gloor, Heidemann, Karpisek, Larson, Lautenbaugh, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 165. Placed on Select File with amendment.
ER39

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through line 6 and insert "section 86-704, Reissue Revised Statutes
- 3 of Nebraska; to change municipal occupation tax provisions; and to
- 4 repeal the original section."

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Harms filed the following amendment to LB543:
AM573

- 1 1. On page 4, strike lines 11 through 17.

RESOLUTION**LEGISLATIVE RESOLUTION 88.** Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic High School girls' bowling team won the state championship for Class C at the 2011 Nebraska High School Bowling Federation State Tournament; and

WHEREAS, team members Hannah Baldacci, Ashley Crismore, Daira Gentrup, Myla Graae, Jenna McCleary, Beth Reed, and Emily Tomjack displayed great determination, skill, perseverance, and sportsmanship throughout the team's championship season; and

WHEREAS, Head Coach Rick Graae and Assistant Coach Roger Reed did a tremendous job of guiding the team to the state championship; 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 the Norfolk Catholic High School girls' bowling team on winning the state championship for Class C at the 2011 Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the Norfolk Catholic High School girls' bowling team and their coaches.

Laid over.

ANNOUNCEMENT

Senator Ashford designates LB357 as his priority bill.

ANNOUNCEMENT

The Chair announced today is Senator Fischer's and Senator Sullivan's birthdays.

GENERAL FILE**LEGISLATIVE BILL 22.** Title read. Considered.

Senator McCoy offered the following amendment:
AM539

- 1 1. On page 2, strike beginning with the underscored
- 2 period in line 14 through "(d)" in line 20 and insert ";
- 3 (e)".
- 4 2. On page 3, line 2, strike "(e)" and insert "(d)"; in
- 5 line 6 strike "(f)" and insert "(e)"; in line 9 after the semicolon
- 6 insert "and"; in line 10 strike "(g) Citizens" and insert "(f) A
- 7 majority of the citizens"; and strike beginning with "A" in line 12
- 8 through line 19.

SENATOR SULLIVAN PRESIDING**SENATOR LANGEMEIER PRESIDING**

The McCoy amendment was adopted with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

Senator K. Haar offered the following amendment:

AM582

- 1 1. On page 4, line 9, strike "or to coverage" and insert
- 2 an underscored comma; and in line 10 before the period insert ", or
- 3 for an abortion that is performed because of an incidence of rape
- 4 or incest".

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 210A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, One Hundred Second Legislature, First Session, 2011.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, March 9, 2011 1:30 p.m.

LB603 (cancel)

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

LB603 (reschedule)

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

LB357 (cancel)

Wednesday, March 9, 2011 1:30 p.m.

LB357 (reschedule)

(Signed) Abbie Cornett, Chairperson

Agriculture

Room 2102

Thursday, March 17, 2011 1:00 p.m.

Lowell Minert - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 89. Introduced by Campbell, 25.

WHEREAS, Brianna Brass, a senior at Lincoln East High School, has been named one of the top youth volunteers in Nebraska for 2011 in the 16th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 29,000 young people across the country who participated in this year's program, Brianna Brass has achieved an extraordinary honor in being named a Distinguished Finalist in 2011; and

WHEREAS, Brianna Brass recruited volunteers to help meet her goal of making and donating 56 handmade blankets to a home for abused and neglected children and organized drives to donate more than 200 stuffed animals and nearly 1,400 books for the children at CEDARS Home for Children; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Brianna Brass represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Brianna Brass on being named a 2011 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes her leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Brianna Brass.

Laid over.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 81. Placed on Final Reading.

ST9

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

1. In the Cornett amendment, AM198, on page 4, lines 20 and 26, "tax" has been struck, shown as stricken, and "fee" inserted; and in line 23 "taxes" has been struck, shown as stricken, and "fees" inserted.

2. In the E & R amendments, ER8, on page 1, line 10, "taxes" has been struck and "fees" inserted.

LEGISLATIVE BILL 159. Placed on Final Reading.

LEGISLATIVE BILL 164. Placed on Final Reading.

LEGISLATIVE BILL 181A. Placed on Final Reading.

LEGISLATIVE BILL 191. Placed on Final Reading.

LEGISLATIVE BILL 210. Placed on Final Reading.

LEGISLATIVE BILL 228. Placed on Final Reading.

LEGISLATIVE BILL 257. Placed on Final Reading.

LEGISLATIVE BILL 278. Placed on Final Reading.

LEGISLATIVE BILL 281. Placed on Final Reading.

LEGISLATIVE BILL 314. Placed on Final Reading.

LEGISLATIVE BILL 333. Placed on Final Reading.

ST8

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

1. In the E & R amendments, ER33, on page 26, lines 4 and 15, "79-810," has been struck; and in line 19 "a certification fund and fees," has been struck.

LEGISLATIVE BILL 368. Placed on Final Reading.

LEGISLATIVE BILL 399. Placed on Final Reading.

LEGISLATIVE BILL 471. Placed on Final Reading.

ST10

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

1. On page 1, line 2, "and" has been struck and ", 18-2709," inserted and "and 18-2717," has been inserted after the comma; in line 3 "expand" has been struck and "redefine terms; to expand and change restrictions on appropriations from" inserted.

LEGISLATIVE BILL 556. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

SPEAKER FLOOD PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 77, 78, and 79 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 77, 78, and 79.

GENERAL FILE

LEGISLATIVE BILL 22. The K. Haar amendment, AM582, found in this day's Journal, was renewed.

SENATOR LANGEMEIER PRESIDING

Senator K. Haar moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 12:

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|----------|----------|----------|----------|
| Avery | Haar, K. | Howard | Pankonin |
| Campbell | Hansen | Karpisek | Wallman |
| Conrad | Harms | McGill | Wightman |

Voting in the negative, 28:

| | | | | |
|-------------|---------|-------------|-----------|------------|
| Adams | Cornett | Krist | Mello | Schilz |
| Bloomfield | Fischer | Langemeier | Nelson | Schumacher |
| Brasch | Flood | Larson | Nordquist | Smith |
| Carlson | Fulton | Lautenbaugh | Pahls | Utter |
| Christensen | Gloor | Louden | Pirsch | |
| Coash | Janssen | McCoy | Price | |

Present and not voting, 5:

| | | | | |
|---------|-------|----------|---------|----------|
| Council | Dubas | Harr, B. | Lathrop | Sullivan |
|---------|-------|----------|---------|----------|

Excused and not voting, 4:

| | | | |
|---------|------|--------|-----------|
| Ashford | Cook | Hadley | Heidemann |
|---------|------|--------|-----------|

The K. Haar amendment lost with 12 ayes, 28 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Conrad offered the following amendment:

FA6

Add new section:

Based on the findings in section 2, it is the purpose of the Mandate Opt Out and Insurance Coverage Clarification Act, to affirmatively require qualified health insurance plans to cover preventative reproductive health services, including, but not limited to, contraception.

Pending.

NOTICE OF COMMITTEE HEARING

Nebraska Retirement Systems

Room 1525

Tuesday, March 15, 2011 12:10 p.m.

Nebraska Investment Council Annual Report

Nebraska Public Employees Retirement Systems Annual Report

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 90. Introduced by Fulton, 29; Hansen, 42; Larson, 40; Loudon, 49.

WHEREAS, Danny Woodhead, from North Platte, Nebraska, finished his football career at North Platte High School in 2003 as the Nebraska Class A leading rusher and the Nebraska Class A all-time leading rusher with 4,891 career yards; and

WHEREAS, Danny Woodhead graduated from Chadron State College after setting the NCAA record for rushing yards with 7,962 yards; and

WHEREAS, Danny Woodhead won two consecutive Harlon Hill Trophies, the highest achievement award in NCAA Division II football, while attending Chadron State College; and

WHEREAS, Danny Woodhead continued to distinguish himself after signing with the New England Patriots of the National Football League, posting the second best performance on the team in rushing yards during games in the 2010 season; and

WHEREAS, the Legislature recognizes the outstanding achievements 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 Danny Woodhead on his outstanding achievements at all levels of competition in football.

2. That a copy of this resolution be sent to Danny Woodhead and the mayor of his hometown of North Platte, Marc Kaschke.

Laid over.

LEGISLATIVE RESOLUTION 91. Introduced by Avery, 28.

WHEREAS, Logan Molina won the 2011 Class A State Wrestling Championship in the 171-pound division; and

WHEREAS, Logan Molina, a senior at Lincoln High School, defeated Kevin Real, of Papillion-La Vista High School, with a 26-11 technical fall to win the state championship; and

WHEREAS, Logan Molina's victory in the state championship came at the end of an undefeated season; and

WHEREAS, the Legislature should recognize 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 Logan Molina on winning the 2011 Class A State Wrestling Championship in the 171-pound division.
2. That a copy of this resolution be sent to Logan Molina.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Avery, 28.

WHEREAS, Chase White won the 2011 Class A State Wrestling Championship in the 160-pound division; and

WHEREAS, Chase White, a senior at Lincoln High School, defeated Connor McMillin, of Millard North High School, with a 17-4 major decision to win the state championship; and

WHEREAS, Chase White's victory in the state championship came at the end of an undefeated season in which he broke the state record of 427 takedowns in a single season; and

WHEREAS, the Legislature should recognize 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 Chase White on winning the 2011 Class A State Wrestling Championship in the 160-pound division.
2. That a copy of this resolution be sent to Chase White.

Laid over.

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB237:
AM581

- 1 1. On page 2, line 14, after the period insert "No state
- 2 funding shall be used to implement or operate the prescription drug
- 3 monitoring system provided for in this section.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Fulton asked unanimous consent to add his name as cointroducer to LB50. No objections. So ordered.

Senators Bloomfield and Brasch asked unanimous consent to add their names as cointroducers to LB521. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Human Resource Association of the Midlands from across the state; Tyler Wellman from Syracuse, Josiah Hood from Bellevue, Jessica Hansen from Dorchester, Jenna Woitaszewshi from Wood River, and Curtis Reynolds from Tri-County; 11 fourth-grade students and teacher from St. Paul Lutheran School, Beatrice; 6 students from the University of Nebraska Medical Center, Omaha; and 75 fourth-grade students and teachers from Wake Robin Elementary, Bellevue.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

