

**FORTY-FIRST DAY - MARCH 7, 2011**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SECOND LEGISLATURE**  
**FIRST SESSION**  
**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 7, 2011

**PRAYER**

The prayer was offered by Senator Fulton.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Pankonin and Wightman who were excused; and Senator Karpisek who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 387.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENTS**

Senator Price designates LB575 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB90 as its priority bill.

**MOTIONS - Approve Appointments**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 705:

State Energy Office  
Ginger S. Willson, Director

Voting in the affirmative, 41:

Adams	Cornett	Hansen	Louden	Schumacher
Ashford	Council	Harms	McCoy	Smith
Avery	Dubas	Heidemann	McGill	Sullivan
Bloomfield	Fischer	Howard	Mello	Utter
Brasch	Flood	Krist	Nordquist	Wallman
Campbell	Fulton	Langemeier	Pahls	
Christensen	Gloor	Larson	Pirsch	
Coash	Haar, K.	Lathrop	Price	
Conrad	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Carlson	Cook	Harr, B.	Janssen	Nelson
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Excused and not voting, 3:

Karpisek	Pankonin	Wightman
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The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 705:

Game and Parks Commission  
Mark Pinkerton

Voting in the affirmative, 40:

Adams	Cook	Hansen	Lathrop	Pirsch
Avery	Dubas	Harms	Lautenbaugh	Price
Brasch	Fischer	Harr, B.	Louden	Schilz
Campbell	Flood	Heidemann	McCoy	Schumacher
Carlson	Fulton	Howard	McGill	Smith
Christensen	Gloor	Krist	Mello	Sullivan
Coash	Haar, K.	Langemeier	Nordquist	Utter
Conrad	Hadley	Larson	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Cornett	Janssen
Bloomfield	Council	Nelson

Excused and not voting, 3:

Karpisek	Pankonin	Wightman
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 210A.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 81, 82, 83, and 84 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 81, 82, 83, and 84.

**MOTION - Return LB62 to Select File**

Senator Dubas renewed her motion, found on page 742, to return LB62 to Select File for her specific amendment, AM611, found on page 700.

The Dubas motion to return failed with 7 ayes, 33 nays, 7 present and not voting, and 2 excused and not voting.

**WITHDRAW - Amendment to LB62**

Senator Sullivan withdrew her amendment, FA7, found on page 751, to LB62.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 62.**

A BILL FOR AN ACT relating to counties; to amend 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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Adams	Cornett	Hadley	Langemeier	Nordquist
Avery	Council	Hansen	Larson	Pahls
Bloomfield	Dubas	Harms	Lathrop	Pirsch
Brasch	Fischer	Heidemann	Lautenbaugh	Price
Campbell	Flood	Howard	Louden	Schilz
Carlson	Fulton	Janssen	McCoy	Schumacher
Christensen	Gloor	Karpisek	McGill	Smith
Coash	Haar, K.	Krist	Mello	Utter

Voting in the negative, 5:

Ashford	Conrad	Cook	Harr, B.	Sullivan
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Present and not voting, 2:

Nelson	Wallman
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Excused and not voting, 2:

Pankonin	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 47.** Read. Considered.

LR47 was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB62.

**GENERAL FILE**

**LEGISLATIVE BILL 389.** Title read. Considered.

Committee AM516, found on page 665, was considered.

Pending.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR47.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 210A.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 101.** Introduced by Gloor, 35; Dubas, 34.

WHEREAS, the Grand Island Senior High School wrestling team won the 2011 Class A State Wrestling Championship, the school's third straight team championship; and

WHEREAS, the Grand Island Senior High School wrestling team scored 228.5 points to win the state championship; and

WHEREAS, the Grand Island Senior High School wrestling team had thirteen state tournament qualifiers and eleven individual medalists, including four individual state champions; 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 Grand Island Senior High School wrestling team on winning the 2011 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and their coach, Mike Schadwinkel.

Laid over.

**LEGISLATIVE RESOLUTION 102.** Introduced by Redistricting Committee: Langemeier, 23, Chairperson; Avery, 28; Conrad, 46; Dubas, 34; Fischer, 43; Lautenbaugh, 18; Mello, 5; Nelson, 6; Schilz, 47.

WHEREAS, redistricting of the various election districts will be considered during this legislative session as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created the Redistricting Committee to administer the 2011 redistricting process; and

WHEREAS, the Redistricting Committee adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2011 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. Population data from the 2010 United States Census will be used for purposes of redistricting.

2. District boundaries established by the Legislature during the 2011 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. If adherence to county lines causes a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with such principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under

which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2011:

**UNITED STATES HOUSE OF REPRESENTATIVES**

(a) Three single member districts.

(b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.

(c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

**LEGISLATURE**

(a) Forty-nine single member districts.

(b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.

(c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.

(d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

**NEBRASKA SUPREME COURT**

(a) Six single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**BOARD OF REGENTS**

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**PUBLIC SERVICE COMMISSION**

(a) Five single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**STATE BOARD OF EDUCATION**

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

Laid over.

**LEGISLATIVE RESOLUTION 103.** Introduced by Pahls, 31.

WHEREAS, Jack Pape, a seventeen-year-old Boy Scout from Troop 374 in Omaha, Nebraska, will be awarded the prestigious American Spirit Award in Washington, D.C., on March 25, 2011; and

WHEREAS, the American Spirit Award recognizes individuals who demonstrate extraordinary skill, professionalism, and a spirit of excellence in a challenging situation; and

WHEREAS, Jack Pape will receive the American Spirit Award because of his courageous actions in the face of tragedies. On June 11, 2008, Jack provided first aid to individuals who were injured when a tornado ripped through the Little Sioux Scout Ranch. In 2009, Jack, while on vacation with his parents, provided CPR to a young boy who had been pulled from a swimming pool; and

WHEREAS, the Legislature recognizes the outstanding 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 recognizes Jack Pape for his heroic actions and congratulates him on receiving the American Spirit Award.

2. That a copy of this resolution be sent to Jack Pape.

Laid over.

**LEGISLATIVE RESOLUTION 104.** Introduced by B. Harr, 8; Krist, 10; Nelson, 6.

WHEREAS, the Omaha Creighton Prep swimming team won the 2011 Boys' State Swimming Championship; and

WHEREAS, the team scored an all-time state championship record of 411 points; and

WHEREAS, the win gives the Omaha Creighton Prep swimming team its fifth consecutive state championship; and

WHEREAS, Coach Tom Beck and the team's assistant coaches, Harlan Groff, Dr. Larry Raynor, and Terri Haller, did a tremendous job of guiding the team during the season; and

WHEREAS, the Omaha Creighton Prep swimming team includes the following members: James Ahlgren, Michael Bauwens, Nicholas Bauwens, Nicholas Bohlim, David Carlson, Christopher Chavez, Francis Ciummo, Carter Deras, Lucas Fedde, Robert Gasnick, Zachariah Andre Gober, Earl Greene IV, Gavin Hagar, Andrew Hansen, Stephen Hansen, Miles Hector, Zachary Jacobsen, Justin Kozol, Clarence Landen IV, Sean Lawson, Robert Leddy, Erik Lindholm, Connor Magee, Matthew Magee, Matthew Medara, Patrick Militti, John Moritz, Alexander Penrice, William Raynor, Jude Sakowski, Karl Schaenzer, William Schuermann, Johnnie Shaw III,

Augustus Slavik, Joseph Sobetski, Paul Stratman, Chadwick Wiley, and Andre Wilt; 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 Omaha Creighton Prep swimming team on winning the 2011 Boys' State Swimming Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep swimming team and their coach, Tom Beck.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR102 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR102	Redistricting

(Signed) John Wightman, Chairperson  
Executive Board

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 7, 2011, at 11:05 a.m. was the following: LB62.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Print in Journal**

Senator Krist filed the following motion to LB51:

MO17

Indefinitely postpone.

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB315:  
AM673

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 21-2024, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 21-2024 (1) Every corporation incorporated under the  
6 Business Corporation Act shall have the purpose of engaging in any  
7 lawful business unless a more limited purpose shall be set forth in  
8 the articles of incorporation.  
9 (2) A corporation engaging in a business subject to  
10 regulation under another law of this state may incorporate under  
11 the act only if permitted by, and subject to all limitations of,  
12 such other law.  
13 (3) Corporations shall not be organized under the act  
14 to perform any personal services as specified in section 21-2202  
15 except for personal services rendered by a designated broker as  
16 defined in section 81-885.01.  
17 (4) A designated broker as defined in section 81-885.01  
18 may be organized as a corporation under the Business Corporation  
19 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  
23 act shall be known and may be cited as the Nebraska Professional  
1 Corporation Act.  
2 Sec. 3. A designated broker as defined in section  
3 81-885.01 may be organized as a professional corporation under  
4 the Nebraska Professional Corporation Act.  
5 Sec. 4. Original sections 21-2024 and 21-2201, Reissue  
6 Revised Statutes of Nebraska, are repealed.  
7 Sec. 5. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Tuesday, March 15, 2011 1:00 p.m.

Frank Peak - Community Corrections Council  
Jeffrey Davis - Community Corrections Council  
Thomas Dorwart - Community Corrections Council

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

David Sankey - Nebraska State Patrol

(Signed) Bill Avery, Chairperson

Business and Labor

Room 2102

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

Robert Kirkpatrick - Boiler Safety Code Advisory Board

Steven Bley - Boiler Safety Code Advisory Board

Thomas Phipps - Boiler Safety Code Advisory Board

LB141

LB272

LB348

LB291

LB585

LB586

(Signed) Steve Lathrop, Chairperson

**ANNOUNCEMENTS**

The Business and Labor Committee designates LB397 as its priority bill.

Senator McGill designates LB524 as her priority bill.

**VISITORS**

Visitors to the Chamber were 54 fourth-grade students and teachers from Joslyn Elementary, Omaha.

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Council, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

