

FIFTY-NINTH DAY - APRIL 11, 2012

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 2012

PRAYER

The prayer was offered by Reverend Chris Meier, Grace Evangelical Lutheran Church, West Point.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

MESSAGES FROM THE GOVERNOR

April 10, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 670e, 715, 750, 905, 905A, 959, 972, 1001, 1057, 1057A, 1058, 1114e, and 1115 were received in my office on April 4, 2012.

Engrossed Legislative Bills 398, 719, 721, 722, 729, 734, 737, 738, 740, 742, 743, 761e, 766, 768, 772, 779, 788, 795, 805, 819, 822, 823, 851, 865, 869, 880, 881, 896e, 897, 898, 899, 936e, 941, 997, 1005, 1026, 1030, 1035, 1038, 1042, 1049, 1051, 1054, 1054A, 1062, 1077, 1083e, 1087, 1087A, 1101e, 1106, 1116, 1121, 1122e, 1126, 1140, 1141, and 1148 were received in my office on April 4, 2012.

These bills were signed and delivered to the Secretary of State on April 10, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

April 10, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 830e, 872, 970, and 1080 were received in my office on April 5, 2012.

These bills were signed and delivered to the Secretary of State on April 10, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB806:
MO104

Becomes law notwithstanding the objections of the Governor.

RESOLUTIONS

LEGISLATIVE RESOLUTION 636. Introduced by Brasch, 16.

WHEREAS, Matthew Neiburg, son of Mark and Brenda Neiburg and a member of Troop 143, 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, Matthew 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.

Matthew's community service project involved replacing dead and storm-damaged trees with twenty new trees at the Immanuel Lutheran Church Orum in Blair, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew, 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, SECOND SESSION:

1. That the Legislature congratulates Matthew Neiburg on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Matthew Neiburg.

Laid over.

LEGISLATIVE RESOLUTION 637. Introduced by Brasch, 16.

WHEREAS, Jonathan Reno, son of Rayford and Carin Reno and a member of Troop 143, 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, Jonathan 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. Jonathan's community service project involved planning and building new storage shelves at the Blair Police Department to be used to store the department's evidence; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jonathan, 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, SECOND SESSION:

1. That the Legislature congratulates Jonathan Reno on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jonathan Reno.

Laid over.

COMMITTEE REPORT

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Thomas Pristow - Director, Division of Children and Family Services

Aye: 6 Bloomfield, Campbell, Cook, Gloor, Krist, Lambert. Nay: 1 Howard.
Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 625, 626, 627, and 629 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 625, 626, 627, and 629.

MOTION - Approve Appointment

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1463:

Board of Parole

R. L. (Bob) Boozer

Voting in the affirmative, 44:

Adams	Conrad	Hadley	Langemeier	Price
Ashford	Cook	Hansen	Larson	Schilz
Avery	Cornett	Harms	Lathrop	Schumacher
Bloomfield	Council	Harr, B.	Louden	Seiler
Brasch	Fischer	Heidemann	McCoy	Smith
Campbell	Flood	Janssen	Mello	Sullivan
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gloor	Krist	Pahls	Wightman
Coash	Haar, K.	Lambert	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Dubas	Howard	McGill	Nelson
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Excused and not voting, 1:

Lautenbaugh

The appointment was confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB14 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 14.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, 60-169, and 77-3903, Reissue Revised Statutes of Nebraska; to change fees received by registers of deeds, county clerks, clerks of the district court, and the Secretary of State; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

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, 39:

Adams	Conrad	Hadley	Lambert	Schilz
Ashford	Cook	Hansen	Lautenbaugh	Schumacher
Avery	Cornett	Harms	Louden	Seiler
Brasch	Council	Harr, B.	McGill	Smith
Campbell	Dubas	Heidemann	Mello	Sullivan
Carlson	Fulton	Howard	Nelson	Wallman
Christensen	Gloor	Karpisek	Nordquist	Wightman
Coash	Haar, K.	Krist	Price	

Voting in the negative, 9:

Bloomfield	Flood	Langemeier	McCoy	Pirsch
Fischer	Janssen	Larson	Pahls	

Present and not voting, 1:

Lathrop

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 599. With Emergency Clause.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-915, Reissue Revised Statutes of Nebraska, section 4-110, Revised Statutes Cumulative Supplement, 2010, and section 68-901, Revised Statutes Supplement, 2011; to change provisions relating to verification of lawful presence; to provide for coverage of certain children pursuant to the medical assistance program; to state findings; to provide duties for the Department of Health and Human Services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Louden	Wallman
Avery	Cornett	Harms	McGill	Wightman
Campbell	Council	Harr, B.	Mello	
Carlson	Dubas	Howard	Nordquist	
Christensen	Flood	Karpisek	Schumacher	
Coash	Gloor	Krist	Seiler	

Voting in the negative, 15:

Bloomfield	Fulton	Janssen	McCoy	Price
Brasch	Hansen	Lambert	Nelson	Schilz
Fischer	Heidemann	Langemeier	Pirsch	Smith

Present and not voting, 3:

Larson	Lautenbaugh	Pahls
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Adams	Conrad	Haar, K.	Lathrop	Sullivan
Ashford	Cook	Hadley	Louden	Wallman
Avery	Cornett	Harms	McGill	Wightman
Campbell	Council	Harr, B.	Mello	
Carlson	Dubas	Howard	Nordquist	
Christensen	Flood	Karpisek	Schumacher	
Coash	Gloor	Krist	Seiler	

Voting in the negative, 15:

Bloomfield	Fulton	Janssen	McCoy	Price
Brasch	Hansen	Lambert	Nelson	Schilz
Fischer	Heidemann	Langemeier	Pirsch	Smith

Present and not voting, 3:

Larson Lautenbaugh Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 599A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, section 158; to appropriate funds to aid in carrying out the provisions of Legislative Bill 599, One Hundred Second Legislature, Second Session, 2012; to change appropriations as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 34:

Adams	Conrad	Gloor	Krist	Pahls
Ashford	Cook	Haar, K.	Langemeier	Schumacher
Avery	Cornett	Hadley	Lathrop	Seiler
Campbell	Council	Harms	Louden	Sullivan
Carlson	Dubas	Harr, B.	McGill	Wallman
Christensen	Flood	Howard	Mello	Wightman
Coash	Fulton	Karpisek	Nordquist	

Voting in the negative, 9:

Bloomfield	Janssen	McCoy	Price	Smith
Hansen	Lambert	Pirsch	Schilz	

Present and not voting, 6:

Brasch	Heidemann	Lautenbaugh
Fischer	Larson	Nelson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 928. With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-448, Revised Statutes Cumulative Supplement, 2010; to provide for permits for hunting mountain lions; to provide for fees; to provide age requirements; to change provisions relating to special deer depredation seasons; to provide for donation of deer; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 928A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 928, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

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

emergency clause attached?' "

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1125. With Emergency Clause.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change a provision relating to occupation tax; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

Adams	Cook	Hansen	Larson	Pirsch
Ashford	Cornett	Harms	Lathrop	Price
Avery	Council	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Heidemann	Louden	Schumacher
Brasch	Fischer	Howard	McCoy	Seiler
Campbell	Flood	Janssen	McGill	Smith
Carlson	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Lambert	Nordquist	Wightman
Conrad	Hadley	Langemeier	Pahls	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1161 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1161. With Emergency Clause.

A BILL FOR AN ACT relating to oil pipelines; to amend section 57-1101, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, sections 2, 3, 5, and 6, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to change provisions relating to eminent domain; to change provisions of the Major Oil Pipeline Siting Act; to provide, change, and eliminate provisions relating to the review and evaluation of oil pipeline routes; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1161, One Hundred Second Legislature, Second Session, 2012; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Adams	Cook	Harr, B.	Lathrop	Price
Ashford	Cornett	Heidemann	Lautenbaugh	Schilz
Avery	Council	Howard	Louden	Schumacher
Bloomfield	Fischer	Janssen	McCoy	Seiler
Brasch	Fulton	Karpisek	McGill	Smith
Campbell	Gloor	Krist	Mello	Sullivan
Carlson	Hadley	Lambert	Nelson	Wallman
Christensen	Hansen	Langemeier	Nordquist	Wightman
Coash	Harms	Larson	Pirsch	

Voting in the negative, 5:

Conrad	Dubas	Flood	Haar, K.	Pahls
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Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB599.

(Signed) Tyson Larson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 14, 599, 599A, 928, 928A, 1125, and 1161.

RESOLUTIONS

LEGISLATIVE RESOLUTION 638. Introduced by Heidemann, 1; Cornett, 45; Lathrop, 12.

WHEREAS, the Nebraska State Fire School, jointly sponsored by the Nebraska State Volunteer Firefighters Association, the State Fire Marshal, the Nebraska Forest Service, a division of the University of Nebraska Institute of Agriculture and Natural Resources, and the Nebraska Emergency Management Agency, is celebrating its seventy-fifth anniversary in 2012; and

WHEREAS, since April of 1937, volunteer firefighters from across Nebraska have journeyed to Grand Island, Nebraska, to participate in the Nebraska State Fire School to obtain hands-on training and to receive modernized educational tactics; and

WHEREAS, the breadth and scope of what it means to be a volunteer firefighter has expanded, thereby requiring additional training; and

WHEREAS, because the roles and responsibilities of volunteer firefighters have evolved over the years, the Nebraska State Fire School, in addition to providing training in fire suppression, also provides training for emergency medical personnel, hazardous material responders, and search and rescue tactics; and

WHEREAS, the Nebraska State Fire School is believed to be the largest fire school in the United States which is produced by an all-volunteer committee whose members contribute a minimum of seven days during May of each year from their every day paid employment by taking vacation, personal leave, or time off without pay to lead the activities at the Nebraska State Fire School; and

WHEREAS, the Legislature has recognized the critical role the Nebraska State Fire School plays in educating and training Nebraska's firefighters and

volunteer emergency medical personnel by first adopting legislation in 1959 establishing the Nebraska State Fire School under Nebraska law; and

WHEREAS, annually over 1,200 volunteer firefighters and volunteer emergency medical personnel from across the State of Nebraska attend the Nebraska State Fire School in Grand Island, Nebraska.

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

1. That the Legislature congratulates the Nebraska State Fire School on its seventy-fifth anniversary and commends the organization for the work it does which benefits communities across Nebraska by providing state-of-the-art training and education to Nebraska's volunteer firefighters and volunteer emergency medical personnel.

2. That a copy of this resolution be sent to the Nebraska State Fire School.

Laid over.

LEGISLATIVE RESOLUTION 639. Introduced by Pirsch, 4.

WHEREAS, the Boys Town Cowboys won the 2012 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Cowboys defeated Wahoo High School 58-55 in the championship game to win the state title; and

WHEREAS, the Cowboys finished their outstanding season with a record of 27-1; 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, SECOND SESSION:

1. That the Legislature congratulates the Boys Town Cowboys on winning the 2012 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Cowboys and their head coach, Tom Krehbiel.

Laid over.

LEGISLATIVE RESOLUTION 640. Introduced by Pirsch, 4.

WHEREAS, the Millard North High School boys' basketball team had an outstanding season in 2011-12 and qualified for the 2012 Class A Boys' State Basketball Tournament; and

WHEREAS, the Millard North High School boys' basketball team displayed great skill and determination throughout their successful season; 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, SECOND SESSION:

1. That the Legislature congratulates the Millard North High School boys' basketball team on qualifying for the 2012 Class A Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Millard North High School boys' basketball team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 641. Introduced by Langemeier, 23.

WHEREAS, Rex Amack is retiring in 2012 from his position as director of the Game and Parks Commission; and

WHEREAS, Mr. Amack has been a valued employee with the Game and Parks Commission for nearly forty-five years and has held the position of director for twenty-four years, making him the longest-serving director in the history of the commission; and

WHEREAS, Mr. Amack has had numerous accomplishments during his tenure as director, including development of the Eugene T. Mahoney State Park, dedication of the Calamus State Fish Hatchery, development of the Smith Falls State Park, and a makeover of Ponca State Park; and

WHEREAS, Mr. Amack's skilled leadership and his stewardship of the state's fish, wildlife, parks, and outdoor recreation resources will be greatly missed.

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

1. That the Legislature congratulates Rex Amack on his retirement and thanks him for his service to the State of Nebraska.

2. That a copy of this resolution be sent to Rex Amack.

Laid over.

VISITOR

The Doctor of the Day was Dr. Jason Bospalec from Geneva.

ADJOURNMENT

At 2:10 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

