

**ELEVENTH DAY - NOVEMBER 16, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SPECIAL SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, November 16, 2011

**PRAYER**

The prayer was offered by Senator Harms.

**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 Ashford and Pirsch who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 2.** Placed on Select File.

**LEGISLATIVE BILL 1.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**AMENDMENT - Print in Journal**

Senator Schumacher filed the following amendment to LB1:  
AM45

- 1 1. On page 2, lines 16 through 22, strike the new matter
- 2 and insert "except that for any major oil pipeline as defined
- 3 in section 5 of this act to be placed in operation in Nebraska
- 4 after the effective date of this act, prior to having the rights
- 5 provided under this section, any such person, company, corporation,
- 6 or association shall (1) apply for and receive an order granting
- 7 the application under the Major Oil Pipeline Siting Act and (2)

8 enter into an agreement with the State of Nebraska to allow the  
 9 state to lay, relay, operate, and maintain fiber optic cable in  
 10 the right-of-way or other interest in real estate acquired through  
 11 negotiations, eminent domain, or otherwise for the purposes of (a)  
 12 law enforcement interfaces related to the pipeline, (b) electric  
 13 load control and monitoring of pipeline facilities by public power  
 14 companies, (c) such primary or backup pipeline data transmission  
 15 as may be desired by the operator of the pipeline, and (d) data,  
 16 broadband, or Internet protocol communications over any unused  
 17 capacity of the fiber optic cable for (i) interconnection with  
 18 fiber optic cables crossing the pipeline, (ii) providing rural,  
 19 industrial, and community connectivity, or (iii) augmenting public  
 20 or private communications infrastructure of the state unless an  
 21 agency of the United States or court having proper jurisdiction  
 22 makes a final determination that the placement of such fiber optic  
 23 cable materially impairs the safety or operation of the pipeline or  
 1 materially impairs the speed of its deployment, is otherwise not  
 2 in the public interest or within the sovereign police power of the  
 3 state, or is preempted by the laws of the United States or treaties  
 4 thereof".

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 24. Introduced by Flood, 19.

WHEREAS, the Norfolk Lutheran High Northeast Eagles won the 2011 Class C-2 State Volleyball Championship, defeating the Ord Chanticleers in four sets; and

WHEREAS, this is the second consecutive state volleyball championship for the Eagles; and

WHEREAS, the Eagles championship team members are Annemarie Becker, Shelby Boche, Kelsey Dinkel, Kendra Dinkel, Elizabeth Gebhardt, Megan Gebhardt, Natalie Gubbels, Katrina Hughes, Hannah Knapp, Jessica Masters, Kelsey Sunderman, Morgan Sunderman, Mandi Uecker, and Jill Winkelbauer; 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 SPECIAL SESSION:

1. That the Legislature congratulates the Norfolk Lutheran High Northeast Eagles on winning the 2011 Class C-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Norfolk Lutheran High Northeast Eagles, their head coach, Kathy Gebhardt, and the assistant coaches, Carey Portwood and Nancy Boche.

Laid over.

**LEGISLATIVE RESOLUTION 25.** Introduced by Brasch, 16.

WHEREAS, Michael Landholm of West Point, Nebraska, was born June 14, 1999, to Kevin and Carie Landholm; and

WHEREAS, Michael was diagnosed with a brain tumor while attending first grade; and

WHEREAS, Michael fought a valiant fight against the brain tumor and in his short life was a source of infinite love and brilliant light for those who knew and loved him; and

WHEREAS, Michael represents all the children who suffer from life-threatening illnesses; and

WHEREAS, Michael passed away on November 11, 2011, at the age of twelve; and

WHEREAS, Michael will be remembered, missed, and honored for his fight; and

WHEREAS, Michael was survived by his parents, brother, and grandparents.

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

1. That the Legislature extends its heartfelt sympathy to the family of Michael Landholm and to the families of all children who have lost a courageous battle with a life-threatening illness.

2. That a copy of this resolution be sent to the family of Michael Landholm.

Laid over.

**LEGISLATIVE RESOLUTION 26.** Introduced by Larson, 40.

WHEREAS, the Crofton Warriors won the 2011 Class D Girls' State Cross Country Team Championship by a substantial margin; and

WHEREAS, the Crofton girls' cross country team won a state championship for the sixth consecutive year; 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 SPECIAL SESSION:

1. That the Legislature congratulates the Crofton Warriors on winning the 2011 Class D Girls' State Cross Country Team Championship.

2. That a copy of this resolution be sent to the Crofton girls' cross country team and their coaches, Jayne and Jason Arens.

Laid over.

**LEGISLATIVE RESOLUTION 27.** Introduced by Larson, 40.

WHEREAS, Austin Hamm of the Bloomfield Bees boys' cross country team won the 2011 Class D Boys' State Cross Country Meet; and

WHEREAS, Austin took first in the meet with a time of 16:27.3; and

WHEREAS, Austin competed in and placed at the Class D Boys' State Cross Country Meets in 2008, 2009, and 2010; 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 SPECIAL SESSION:

1. That the Legislature congratulates Austin Hamm on winning the 2011 Class D Boys' State Cross Country Meet.

2. That a copy of this resolution be sent to Austin Hamm.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 4.** Committee AM13, found on page 68 and considered on page 73, was renewed.

Senator Dubas withdrew her amendment, AM14, found on page 69 and considered on pages 73 and 77.

Senator Fulton withdrew his amendment, FA2, found on page 69.

Senator Lautenbaugh withdrew his amendments, AM16, AM17, AM18, AM19, AM20, AM21, AM22, AM23, AM24, AM25, AM26, AM27, AM28, AM29, AM30, AM31, and AM32, found on pages 78, 79, and 80.

Senator Mello withdrew his amendment, AM15, found on page 80.

Senator Flood renewed the Flood-Langemeier amendment, AM37, found on page 73, to the committee amendment.

The Flood-Langemeier amendment was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Senator Langemeier offered the following amendment to the committee amendment:

AM47

(Amendments to AM37)

1. On page 2, lines 8 and 9, strike "or operated".

The Langemeier amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Senator Langemeier withdrew his amendment, FA1, found on page 68.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 4A.** Title read. Considered.

Senator Flood offered the following amendment:

AM44

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated \$2,000,000 from
- 4 the General Fund for FY2011-12 and -0- from the General Fund for
- 5 FY2012-13 to the Department of Environmental Quality, for Program
- 6 513, to aid in carrying out the provisions of Legislative Bill 4,
- 7 One Hundred Second Legislature, First Special Session, 2011.

The Flood amendment was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

### **EASE**

The Legislature was at ease from 10:18 a.m. until 10:44 a.m.

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

Senator Dubas filed the following amendment to LB1:  
AM52 is available in the Bill Room.

### **MOTION - Print in Journal**

Senator Dubas filed the following motion to LB1A:

MO1

Indefinitely postpone.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 28.** Introduced by Council, 11; Adams, 24; Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Fulton, 29; K. Haar, 21; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

WHEREAS, Lela Nuna (Knox) Shanks was born September 16, 1927, in Oklahoma City, Oklahoma, to William Medford and Lila (Griggs) Knox; and

WHEREAS, Lela Shanks grew up in the all Black community of Green Pastures, Oklahoma, where a big part of her life was attending and working in the True Vine Baptist Church; and

WHEREAS, Lela Shanks began writing poetry and slogans in elementary school; and

WHEREAS, Lela Shanks' parents, recognizing her creative gift, gave her a hand printing press from which Lela published a one-page newspaper; and

WHEREAS, Lela Shanks joined the previously all-male publication staff of her high school newspaper as an editorial writer; and

WHEREAS, Lela Shanks graduated from Douglas High School in Oklahoma City in 1945 as its valedictorian; and

WHEREAS, Lela Shanks graduated magna cum laude from Lincoln University in Jefferson City, Missouri, in 1949, with a degree in journalism and later worked at the St. Louis News, the St. Louis Argus, and the Chicago Defender; and

WHEREAS, Lela Shanks and her husband, the late Hughes Shanks, moved to Lincoln, Nebraska, in 1965, where they campaigned for better and more pluralistic education in the Lincoln Public Schools, shaped national educational policy, and fostered the birth of multiculturalism in the schools; and

WHEREAS, Lela Shanks was known and admired locally and nationally as an activist, humanitarian, scholar, speaker, feminist, and author; and

WHEREAS, Lela Shanks devoted her life to making Nebraska and the world a fair, peaceful, and verdant place; and

WHEREAS, Lela Shanks died on October 24, 2011.

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

1. That the Legislature expresses its deep and sincere appreciation of Lela Nuna (Knox) Shanks for her dedication and service to the people of Nebraska.

2. That a copy of this resolution be sent to the family of Lela Nuna (Knox) Shanks as a token of the high regard the people of Nebraska have for her and her achievements with our heartfelt condolences.

Laid over.

**LEGISLATIVE RESOLUTION 29.** Introduced by Lambert, 2; Louden, 49; Price, 3; Smith, 14.

WHEREAS, the Papillion-La Vista South Titans, coached by Gwen Egbert, won the 2011 Class A State Volleyball Championship; and

WHEREAS, the Titans' 25-15, 25-11, 25-17 victories over Omaha Burke High School in the championship game capped a 37-0 season; and

WHEREAS, the victory gave the Titans their second state volleyball title and a 78-match winning streak; and

WHEREAS, the Titans have exemplified teamwork, sportsmanship, discipline, and determination; 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 SPECIAL SESSION:

1. That the Legislature congratulates the Papillion-La Vista South Titans on winning the 2011 Class A State Volleyball Championship.

2. That a copy of this resolution be sent to the Titans and their head coach, Gwen Egbert.

Laid over.

### ADJOURNMENT

At 10:45 a.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Thursday, November 17, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

