

FOURTH DAY - NOVEMBER 4, 2011

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
FIRST SPECIAL SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 4, 2011

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Carlson, Cook, Cornett, Council, Lautenbaugh, and McCoy who were excused.

CORRECTIONS FOR THE JOURNAL

Page 32, lines 24 and 31, strike "B." and insert "K.".

Page 33, line 9, strike "B." and insert "K.".

The Journal for the third day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB5	Natural Resources
LB6	Natural Resources
LR8	Government, Military and Veterans Affairs
LR10	Nebraska Retirement Systems

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Natural Resources

The Natural Resources 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.

Earl McNutt - Environmental Quality Council
 Vern Powers - Environmental Quality Council
 Ronald Sheppard - Environmental Quality Council

Aye: 5 Christensen, Dubas, Langemeier, Schilz, Smith. Nay: 0. Absent: 3
 Carlson, K. Haar, McCoy. Present and not voting: 0.

The Natural Resources 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.

Timothy Else - Nebraska Ethanol Board
 Steven Hanson - Nebraska Ethanol Board

Aye: 5 Christensen, Dubas, Langemeier, Schilz, Smith. Nay: 0. Absent: 3
 Carlson, K. Haar, McCoy. Present and not voting: 0.

The Natural Resources 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.

James Gohl - Nebraska Oil and Gas Conservation Commission

Aye: 5 Christensen, Dubas, Langemeier, Schilz, Smith. Nay: 0. Absent: 3
 Carlson, K. Haar, McCoy. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

Judiciary

The Judiciary 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.

Brian Wachman - Crime Victim's Reparations Committee

Aye: 5 Ashford, Coash, B. Harr, Larson, Lathrop. Nay: 0. Absent: 3
 Council, Lautenbaugh, McGill. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Tuesday, November 8, 2011 10:00 a.m.

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1525

Tuesday, November 8, 2011 1:00 p.m.

LB4

Room 1525

Wednesday, November 9, 2011 10:00 a.m.

LB5

LB6

(Signed) Chris Langemeier, Chairperson

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Audit Report of the Nebraska Lottery for the fiscal year ended June 30, 2011

Public Service Commission, Nebraska

2011 Annual Report on Telecommunications

Revenue, Department of

2011 Nebraska Lottery Annual Report and Resource Guide

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of November 3, 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

Amack, Angela K.

Kissel / E & S Associates, LLC

Bisio, John B.

Wal-Mart Stores, Inc. (Withdrawn 08/16/2011)

- Bresel, David
Civic Reform, Nebraskans for
- Carey, Daniel
National Rifle Association Institute for Legislative Action
- Coleman, Steven D.
Papillion - La Vista Public Schools (Withdrawn 07/05/2011)
- Fernandez, David
Altria Client Services Inc. and its Affiliates (Withdrawn 07/12/2011)
- Fritz, Teresa Stitcher
Alzheimer's Association of the Great Plains (Withdrawn 06/17/2011)
- Harding, William A.
Builders & Contractors, Inc., Associated
- Irsik, Ryan
Wal-Mart Stores, Inc.
- Jensen, Ronald L./Jensen Associates, Inc.
Johnson, DeMaris/The Johnson Group (Withdrawn 10/24/2011)
- Jones, Robert
TransCanada Corporation
- Katt, Peter W.
Mortgage Association, Nebraska
- Kerekes, John P.
American Petroleum Institute
- Kissel / E & S Associates, LLC
Genetic Counselors, Nebraska Association of
- Koops, Berend J.
Merck Sharp & Dohme Corp. and its Affiliates
- Kruse, Dacia D.
Omaha Chamber, Greater (Withdrawn 07/21/2011)
- Loontjer, Pat
Gambling with the Good Life (Withdrawn 06/17/2011)
- Moore, Scott S.
Omaha Chamber, Greater (Withdrawn 07/21/2011)
- Mueller Robak LLC
Nelnet, Inc.
State Troopers Association of Nebraska, Inc.
- O'Hara, Lindsay and Associates, Inc.
Chiropractic Strategies Group (Withdrawn 10/21/2011)
- Pappas, James E.
Bellevue Public Schools (Withdrawn 10/11/2011)
- Popken, Kent T.
Century Link (formerly Qwest Communications) (Withdrawn 10/25/2011)
- Quasius, Robert T., Sr.
Somos Republicans (Withdrawn 07/18/2011)
- Radcliffe, Walter H.- Radcliffe & Associates
Kissel / E & S Associates, LLC
State Troopers Association of Nebraska, Inc. (Withdrawn 07/28/2011)
- Reale, C. Anthony
Altria Client Services Inc. and its Affiliates (Withdrawn 07/12/2011)

Reynolds, Simera
 Mothers Against Drunk Driving, Nebraska (Withdrawn 07/29/2011)
 Whatley, Michael
 Consumer Energy Alliance
 Wintner, Jeffrey M.
 Altria Client Services Inc. and its Affiliates (Withdrawn 07/12/2011)
 Wolf, Jesse
 Education Association, Nebraska State (Withdrawn 08/10/2011)
 Young, Joseph
 Omaha Chamber, Greater

MOTIONS - Approve Appointments

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 32:

Nebraska Educational Telecommunications Commission
 Frederik Ohles

Voting in the affirmative, 40:

Adams	Flood	Heidemann	Lathrop	Price
Bloomfield	Fulton	Howard	Louden	Schilz
Campbell	Gloor	Janssen	McGill	Schumacher
Christensen	Haar, K.	Karpisek	Mello	Smith
Coash	Hadley	Krist	Nelson	Sullivan
Conrad	Hansen	Lambert	Nordquist	Utter
Dubas	Harms	Langemeier	Pahls	Wallman
Fischer	Harr, B.	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Avery	Brasch
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Excused and not voting, 6:

Carlson	Cornett	Lautenbaugh
Cook	Council	McCoy

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

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 32:

Board of Educational Lands and Funds
 Martin Demuth
 Glenn Wilson Jr.

Voting in the affirmative, 40:

Adams	Flood	Heidemann	Lathrop	Price
Bloomfield	Fulton	Howard	Louden	Schilz
Brasch	Gloor	Janssen	McGill	Schumacher
Campbell	Haar, K.	Karpisek	Mello	Smith
Christensen	Hadley	Krist	Nelson	Sullivan
Coash	Hansen	Lambert	Nordquist	Utter
Conrad	Harms	Langemeier	Pahls	Wallman
Fischer	Harr, B.	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Avery	Dubas
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Excused and not voting, 6:

Carlson	Cornett	Lautenbaugh
Cook	Council	McCoy

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 33:

Technical Advisory Committee for Statewide Assessment

Brian Gong

Linda Poole

Richard Sawyer

Voting in the affirmative, 40:

Adams	Fischer	Harr, B.	Lathrop	Price
Avery	Flood	Heidemann	Louden	Schilz
Bloomfield	Fulton	Howard	McGill	Schumacher
Brasch	Gloor	Karpisek	Mello	Smith
Christensen	Haar, K.	Krist	Nelson	Sullivan
Coash	Hadley	Lambert	Nordquist	Utter
Conrad	Hansen	Langemeier	Pahls	Wallman
Dubas	Harms	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Campbell	Janssen
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Excused and not voting, 6:

Carlson	Cornett	Lautenbaugh
Cook	Council	McCoy

The appointments were confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1524

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

LR10

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
General Affairs

The General Affairs 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.

William Austin - Nebraska Liquor Control Commission

Aye: 8 Bloomfield, Brasch, Coash, Karpisek, Krist, Lambert, Larson, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Steve Homan - Nebraska Arts Council
Louise Kent - Nebraska Arts Council
Robert Nefsky - Nebraska Arts Council

Aye: 8 Bloomfield, Brasch, Coash, Karpisek, Krist, Lambert, Larson, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 12. Introduced by Brasch, 16; Bloomfield, 17; K. Haar, 21; Hansen, 42; Heidemann, 1; Lambert, 2.

WHEREAS, in 2011, flooding along the Missouri River caused widespread and extensive damage to states bordering the river, including Nebraska; and

WHEREAS, the flood damaged and destroyed many businesses, causing huge economic losses and destroying many people's livelihoods; and

WHEREAS, a large part of the economic losses in Nebraska was felt by the agricultural sector of the state, as many acres along the river were touched by the flood waters, resulting in huge crop losses for many of Nebraska's farmers. One study estimated that the economic impact of the flood on the state's agricultural sector was close to \$189 million in lost economic output; and

WHEREAS, the flood also forced many Nebraskans to abandon their homes and property. The resulting displacement and loss had a profound impact, both economically and emotionally, on far too many Nebraskans; and

WHEREAS, in the face of this tragedy, countless individuals, including volunteers, emergency responders, and local, state, and federal officials, stepped forward to help their fellow Nebraskans and the state deal with the flood's effects. The outstanding effort of these individuals was, and continues to be, crucial to helping the state address its problems and move forward.

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

1. That the Legislature recognizes the extensive damage to both people and property caused by the 2011 flooding of the Missouri River and extends its sympathy to those who were affected.

2. That the Legislature extends its gratitude to the many volunteers, emergency responders, and other government officials who have helped to deal with the flood's effects.

3. That the Legislature encourages the Governor of Nebraska, Dave Heineman, the governors of the other states affected by the Missouri River flooding, the United States Army Corps of Engineers, the United States Congress, and the Federal Emergency Management Agency to continue their efforts to develop preemptive measures and other policies and practices that will help to avoid such a disaster from ever happening again.

4. That a copy of this resolution be sent to Governor Heineman, the governors of the other states affected by the Missouri River flooding, the United States Army Corps of Engineers, the Federal Emergency Management Agency, and each member of the Nebraska Congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR12 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 13. Introduced by Bloomfield, 17; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Fischer, 43; Hadley, 37; Hansen, 42; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lathrop, 12; Loudon, 49; Pirsch, 4.

WHEREAS, "Freedom is Not Free," and our members of the armed forces of the United States of America lead the way in bringing peace, democracy, and the joy of freedom around the world; and

WHEREAS, our young men and women of the armed forces swear to defend the United States of America against all evil; and

WHEREAS, our young men and women of the armed forces leave home, family, and employment behind and embark upon a journey for which they do not know if they will be reunited; and

WHEREAS, the bravery and dedication of our American military is above all measures a display of loyalty, perseverance, and commitment; and

WHEREAS, there are those who leave us way too early and return adorned with the flag of the United States of America - "Old Glory"; and

WHEREAS, such a young soldier has returned home to his loved ones having given the ultimate sacrifice - life - for our freedoms; and

WHEREAS, even as our men and women of the armed forces are serving around the world in the hope of a lasting peace and freedom for all, we suffer losses not on the battlefield, but still losses that deserve honor. Such is the case for Sergeant Joshua Jacob Mann, United States Army 1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, North Carolina. Sergeant Mann succumbed to heat-related circumstances on active duty on Saturday, July 30, 2011, and his passing is no less painful to his family, friends, and community; and

WHEREAS, Sergeant Mann received a number of commendations, including the Army Commendation Medal with one oak leaf cluster, the Meritorious Unit Commendation, the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal with one Campaign Star, the Non-Commissioned Officer Professional Development Ribbon, the Army Good Conduct Medal, the Expert Infantryman Badge, and the Parachutist Badge; and

WHEREAS, Sergeant Mann served his nation with honor, and this resolution honors his service and sacrifice; and

WHEREAS, Sergeant Mann leaves behind his wife, Rachel, parents David and Melanie, brother Ben Mann and Ben's wife, Melissa, brother Jacob Mann, grandparents Victor and Reba Mann, Dick and Judy Danielson, and in-laws Brad Wolff and Donna Wolff.

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

1. That the Legislature recognizes and honors the service and sacrifice made by Sergeant Joshua Jacob Mann and his family for our freedom. There is no price that will ever repay this soldier and his family for what Joshua did out of love of God, country, family, and freedom for one and all.

2. That the Legislature extends its sympathy and gratitude to the loved ones of Sergeant Joshua Jacob Mann. Indeed, "Freedom is Not Free." May his soul rest in peace and may God bless America.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Ashford, Bloomfield, Hadley, Hansen, and Howard asked unanimous consent to add their names as cointroducers to LR2. No objections. So ordered.

ADJOURNMENT

At 11:22 a.m., on a motion by Senator Nordquist, the Legislature adjourned until 9:00 a.m., Monday, November 7, 2011.

Patrick J. O'Donnell
Clerk of the Legislature