

**TWELFTH DAY - NOVEMBER 17, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SPECIAL SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, November 17, 2011

**PRAYER**

The prayer was offered by Senator Coash.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Krist who was excused; and Senators Ashford, Cornett, Flood, B. Harr, Karpisek, Lautenbaugh, Pahls, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 4.** Placed on Select File with amendment.  
ER1

- 1 1. On page 1, strike beginning with "section" in line
- 2 1 through line 7 and insert "sections 73-307 and 73-507, Reissue
- 3 Revised Statutes of Nebraska; to state findings and intent; to
- 4 provide powers and duties for the Department of Environmental
- 5 Quality and the Governor relating to supplemental environmental
- 6 impact statements; to provide for applicability of statutes; to
- 7 harmonize provisions; to repeal the original sections; and to
- 8 declare an emergency."

**LEGISLATIVE BILL 4A.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 30.** Introduced by Langemeier, 23.

WHEREAS, the Howells Lady Bobcats won the 2011 Class D-2 State Volleyball Championship; and

WHEREAS, the Lady Bobcats defeated the Bertrand Lady Vikings in straight sets, 25-18, 25-22, and 25-20, to win the championship; and

WHEREAS, the Lady Bobcats ended their season with a 29-4 record; 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 Howells Lady Bobcats on winning the 2011 Class D-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Lady Bobcats and their coach, Sarah Edwards.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 2.** Senator Wightman renewed his amendment, AM40, found on page 85.

The Wightman amendment was adopted with 38 ayes, 0 nays, 2 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1.** Senator K. Haar withdrew his amendment, AM41, found on page 85.

Senator Schumacher withdrew his amendment, AM45, found on page 87.

Senator Dubas withdrew her amendment, AM52, found on page 91.

Senator Dubas offered the following amendment:  
AM55 is available in the Bill Room.

Senator Schumacher offered the following amendment to the Dubas amendment:  
AM57

(Amendments to AM55)

- 1 1. On page 1, lines 19 through 23, strike the new matter
- 2 and insert "except that for any pipeline which is larger than
- 3 six inches in inside diameter and which is to be constructed in
- 4 the State of Nebraska after the effective date of this act for

5 the transportation of petroleum, or petroleum components, products,  
6 or wastes, including crude oil or any fraction of crude oil,  
7 within, through, or across the State of Nebraska, but not including  
8 in-field and gathering lines, prior to having the rights provided  
9 under this section, any such person, company, corporation, or  
10 association shall (1) apply for and receive an order approving the  
11 application under the Major Oil Pipeline Siting Act if applicable  
12 and (2) permit, subject to rules and regulations of the Public  
13 Service Commission, the State of Nebraska to lay, relay, operate,  
14 and maintain fiber optic cable in the right-of-way or other  
15 interest in real estate acquired after the effective date of  
16 this act through negotiations, eminent domain, or otherwise for  
17 the purposes of (a) law enforcement interfaces and surveillance  
18 related to the protection of the pipeline and related property,  
19 (b) electric load control and monitoring of pipeline facilities  
20 by the public power utility which provides electric power to the  
21 pipeline facilities, (c) such primary or backup pipeline data  
22 transmission as may be desired from time-to-time by the operator of  
1 the pipeline, and (d) over any excess capacity of the fiber optic  
2 cable, (i) data, broadband, or Internet protocol communications,  
3 (ii) interconnection with fiber optic cables crossing the pipeline,  
4 (iii) providing rural, industrial, and community connectivity, or  
5 (iv) augmenting public or private communications infrastructure of  
6 the state unless an agency of the United States or the Public  
7 Service Commission determines that the placement of such fiber  
8 optic cable would materially impair the safety or operation of the  
9 pipeline or would materially impair the speed of its deployment  
10 or a court having proper jurisdiction finds the requirements of  
11 subdivision (2) of this section are not within the sovereign police  
12 power of the state, are preempted by the laws of the United States  
13 or treaties thereof, or impair interstate commerce. The Public  
14 Service Commission may adopt and promulgate rules and regulations  
15 to carry out its duties under this section".  
16 2. On page 2, line 1, strike the new matter.

The Schumacher amendment lost with 2 ayes, 27 nays, 16 present and not voting, and 4 excused and not voting.

Senator K. Haar offered the following amendment to the Dubas amendment:  
AM54

(Amendments to AM55)

- 1 1. On page 10, line 22, strike "and"; in line 25 strike
- 2 the period and insert "; and"; and after line 25 insert the
- 3 following new subdivision:
- 4 "(i) Whether the route traverses any portion of an
- 5 avoidance zone unless the applicant shows under the circumstances
- 6 there is no reasonable alternative. For purposes of this section,
- 7 avoidance zone means a geographical area in Nebraska within
- 8 Ecoregion IV, subecoregion 44, as described by the United States

9 Environmental Protection Agency in document EPA 822-B-01-013  
 10 (December 2001)."

## SENATOR COASH PRESIDING

### PRESIDENT SHEEHY PRESIDING

Senator K. Haar withdrew his amendment.

Senator Avery offered the following amendment to the Dubas amendment:  
 AM58

(Amendments to AM55)

- 1 1. Insert the following new section:
- 2 Sec. 14. A pipeline carrier shall not withhold any  
 3 documents or records relating to a major oil pipeline from the  
 4 public unless the documents or records are of the type that can  
 5 be withheld by a public entity under section 84-712.05 or unless  
 6 federal law provides otherwise.
- 7 2. On page 2, line 4, strike "13" and insert "14".
- 8 3. Renumber the remaining sections accordingly.

Senator Avery withdrew his amendment.

The Dubas amendment, AM55, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 1A.** Title read. Considered.

Senator Dubas renewed her motion, MO1, found on page 91, to indefinitely postpone.

The Dubas motion to indefinitely postpone prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

### AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB4:  
 AM53

(Amendments to AM37)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 81-1701, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 81-1701 The purpose of ~~sections 81-1701 to 81-1721~~ the  
 5 Nebraska Consultants' Competitive Negotiation Act is to provide  
 6 managerial control over competitive negotiations by the state for

- 7 acquisition of professional architectural, engineering, landscape  
 8 architecture, or land surveying services. The act does not apply to  
 9 contracts under section 3 of this act.  
 10 2. On page 3, line 15, after the first "to" insert "the  
 11 Nebraska Consultants' Competitive Negotiation Act of".  
 12 3. On page 6, line 3, strike "and 73-507" and insert "  
 13 73-507, and 81-1701".  
 14 4. Renumber the remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 31.** Introduced by Mello, 5; Nordquist, 7.

WHEREAS, Duane Brooks recently completed his 2011 term as president of the South Omaha Neighborhood Alliance; and

WHEREAS, Mr. Brooks has selflessly served as president of the South Omaha Neighborhood Alliance from January 2008 through December 2011 and as vice-president from January 2005 through December 2007; and

WHEREAS, under Mr. Brooks' thoughtful leadership, the South Omaha Neighborhood Alliance has served as a catalyst in encouraging neighborhood involvement through the South Omaha Development Project, the South 24th Street Tree of Life Project, the redevelopment of the Dorothy Patach Natural Environmental Area, Santa Claus at the Southeast Precinct, and National Night Out events; and

WHEREAS, due to Mr. Brooks' dedication to volunteerism, the South Omaha Neighborhood Alliance now participates regularly in graffiti abatement events, neighborhood cleanups, citizen patrols, and community celebrations that aim to foster better neighborhood relations with the Omaha Police Department; and

WHEREAS, as a longtime South Omahan, Mr. Brooks has worked tirelessly to not only organize and foster the Karen Western Neighborhood Association, but also to support the Neighborhood Center in their effort to strengthen all Omaha neighborhood associations; and

WHEREAS, Mr. Brooks has consistently prioritized fostering civic and neighborhood engagement, maintaining open dialogue among South Omaha community organizations, encouraging support for more youth programs and activities, and promoting a new level of mutual respect among neighbors of all backgrounds.

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

1. That the Legislature thanks Duane Brooks for his years of service to the South Omaha Neighborhood Alliance, the Karen Western Neighborhood Association, and the people of South Omaha.

2. That a copy of this resolution be sent to Duane Brooks.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB1. No objections. So ordered.

**ADJOURNMENT**

At 11:21 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Friday, November 18, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature