

THIRD DAY - NOVEMBER 3, 2011

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
FIRST SPECIAL SESSION**

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 3, 2011

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Cornett, Council, B. Harr, Lautenbaugh, and Pahls who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB3	Judiciary
LB4	Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

ANNOUNCEMENT

The First Caucus of the Nebraska Legislature met on Wednesday November 2nd to accept nominations and elect a new member for the vacated seat on Committee on Committees. The Caucus unanimously voted to elect Senator Kathy Campbell to that vacated seat.

COMMITTEE ON COMMITTEES REPORT

Committee on Committees reported the following committee assignments made as a result of the resignation of Senator Pankonin:

Senator Schumacher has been appointed to the Banking, Commerce and Insurance Committee and the Revenue Committee.

Senator Wallman has been appointed to the Government, Military and Veterans Affairs Committee.

Senator Lambert has been appointed to the General Affairs Committee, the Health and Human Services Committee, the Nebraska Retirement Systems Committee, and the Urban Affairs Committee.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Ashford has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORTS

Education

The Education 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.

Frederik Ohles - Nebraska Educational Telecommunications Commission

Aye: 5 Adams, Avery, Howard, Schilz, Sullivan. Nay: 0. Absent: 3 Cornett, Council, K. Haar. Present and not voting: 0.

The Education 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.

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

Aye: 5 Adams, Avery, Howard, Schilz, Sullivan. Nay: 0. Absent: 3 Cornett, Council, K. Haar. Present and not voting: 0.

The Education 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 Gong - Technical Advisory Committee for Statewide Assessment

Linda Poole - Technical Advisory Committee for Statewide Assessment

Richard Sawyer - Technical Advisory Committee for Statewide Assessment

Aye: 5 Adams, Avery, Howard, Schilz, Sullivan. Nay: 0. Absent: 3 Cornett, Council, K. Haar. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 5. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to pipelines; to adopt the Oil Pipeline Certificate of Authorization Act; and to declare an emergency.

LEGISLATIVE BILL 6. Introduced by Avery, 28.

A BILL FOR AN ACT relating to oil pipelines; to adopt the Oil Pipeline Indemnity Bond Act.

RESOLUTION

LEGISLATIVE RESOLUTION 8. Introduced by Loudon, 49; Conrad, 46; Hadley, 37; Hansen, 42; Harms, 48; Lambert, 2; Wallman, 30.

WHEREAS, the Legislature should be concerned about the closing of rural post offices throughout Nebraska; and

WHEREAS, the loss of rural post offices in Nebraska is detrimental to the rural communities of Nebraska; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of our society depend, in great measure, upon the access to communication and delivery services, including deliveries of medical and veterinarian supplies and critical household necessities, that post offices provide.

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

1. That the Legislature urges the United States Postal Service to reconsider its plan to close rural post offices in Nebraska.

2. That a copy of this resolution be sent to the Postmaster General of the United States Postal Service.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR8 was referred to the Reference Committee.

RESOLUTIONS**LEGISLATIVE RESOLUTION 9.** Introduced by Lambert, 2.

WHEREAS, Dustin J. Dunlap, son of Tim Dunlap and Janet Miller and a freshman at the University of Nebraska-Lincoln, has completed the requirements to attain the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement 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, Dustin Dunlap has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Dustin Dunlap served as assistant patrol leader, patrol leader, assistant senior patrol leader, senior patrol leader, and scribe. To achieve the rank of Eagle Scout, Dustin earned twenty-nine merit badges, eight more than the required twenty-one merit badges, and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Dustin Dunlap and six volunteers, under his direction, painted the parking lines, handicapped zones, and pedestrian walkways in the parking lot of VFW Post 2543 in Plattsmouth. The project was a gesture of gratitude to the VFW for the support it gives to scouting activities; and

WHEREAS, Dustin Dunlap chose his community service project to honor his grandfather Kenneth Dunlap, who earned a Purple Heart in World War II and was a member of VFW Post 2543. Dustin's focus on safety at VFW Post 2543 was prompted by concerns for others from his grandfather's era, with failing health and eyesight, who attend meetings at the VFW building.

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

1. That the Legislature congratulates Dustin Dunlap for the exemplary achievement of fulfilling the requirements for obtaining the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dustin Dunlap.

Laid over.

LEGISLATIVE RESOLUTION 10. Introduced by Nordquist, 7; Avery, 28; Conrad, 46; Cook, 13; Dubas, 34; Harms, 48; Howard, 9; Karpisek, 32; Lathrop, 12; McGill, 26; Mello, 5; Wallman, 30.

WHEREAS, the retirement security of Nebraskans is of paramount importance to members of the Legislature; and

WHEREAS, the budget recommendations of the Joint Select Committee on Deficit Reduction of the United States Congress may have a tremendous impact on the retirement security of Nebraska senior citizens; and

WHEREAS, Nebraska senior citizens depend upon Medicare and Social Security, safety net systems they have paid into throughout their working lives, to provide them a guarantee of basic health care and a modest income in retirement; and

WHEREAS, recommendations by the Joint Select Committee on Deficit Reduction to balance the federal budget with harmful cuts to Medicare and Social Security would weaken the retirement security of all Nebraskans, including participants in Nebraska's public retirement systems, such as state employees, judges, state patrol officers, and teachers.

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

1. That the Legislature opposes efforts to reduce the federal deficit by weakening the retirement security of Nebraskans.

2. That the Legislature urges the members of the Joint Select Committee on Deficit Reduction of the United States Congress to reject harmful cuts to Medicare and Social Security.

3. That a copy of this resolution be sent to all the members of the Joint Select Committee on Deficit Reduction of the United States Congress and all members of the Nebraska Congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR10 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 11. Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Harms, 48; Heidemann, 1; Howard, 9; Krist, 10; Lambert, 2; Lathrop, 12; Mello, 5; Nelson, 6; Price, 3; Schumacher, 22; Sullivan, 41; Wallman, 30.

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, Master at Arms Class I John Douangdara gave his life on August 6, 2011; and

WHEREAS, John was deployed on his third mission to Afghanistan in June 2011, with two deployments to Iraq earlier, as a lead dog handler for his unit, the Elite Team 6 of the Navy SEALs; and

WHEREAS, in response to a call for assistance, a Chinook helicopter (CH-47) carrying five aircrew, seventeen Navy SEALs, five naval special operations support personnel, three Air Force special tactics airmen, one military working dog, seven Afghan soldiers, and one interpreter was shot down by an insurgent rocket-propelled grenade in eastern Afghanistan, namely, Wardak Province, as the helicopter approached its combat landing zone. This was an immediate response force answering the call to duty; and

WHEREAS, this incident was the deadliest in the decade-long war in Afghanistan; and

WHEREAS, Master at Arms Class I John Douangdara served his nation with honor, and this resolution honors his service and sacrifice; and

WHEREAS, John left behind his parents, Phouthasith and Sengchanh Douangdara, and five siblings.

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 Master at Arms Class I John Douangdara and his family for our freedom. There is no price that will ever repay this soldier and his family for what John did out of love for God, country, family, and freedom for one and all.

2. That the Legislature extends its sympathy and gratitude to the loved ones of Master at Arms Class I John Douangdara. Indeed, "Freedom is Not Free." May his soul rest in peace and may God bless America.

Laid over.

ADJOURNMENT

At 11:24 a.m., on a motion by Senator Christensen, the Legislature adjourned until 11:00 a.m., Friday, November 4, 2011.

Patrick J. O'Donnell
Clerk of the Legislature