

EIGHTY-SIXTH DAY - MAY 25, 2011

LEGISLATIVE JOURNAL

**ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 25, 2011

PRAYER

The prayer was offered by Senator Christensen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 427. Placed on General File with amendment. AM1576 is available in the Bill Room.

(Signed) Tom Carlson, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 152, 667, and 667A.

(Signed) Scott Price

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 700. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts by the adoption of maps by reference; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist Lautenbaugh

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 701. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 85-103.01 and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska by the adoption of maps by reference; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist Lautenbaugh

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 702. With Emergency Clause.

A BILL FOR AN ACT relating to redistricting; to amend sections 79-311 and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education by the adoption of maps by reference; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Krist Lautenbaugh

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 LB397 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 397.

A BILL FOR AN ACT relating to labor; to amend sections 48-801, 48-801.01, 48-802, 48-804, 48-809, 48-811, 48-813, 48-816, 48-817, 48-818, 48-824, 48-838, 79-852, 79-2116, 81-1369, 81-1371, 81-1372, 81-1373, 81-1375, 81-1378, 81-1379, 81-1381, 81-1382, 81-1383, 81-1384, 81-1385, 81-1386, and 81-1387, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Industrial Relations Act and the State Employees Collective Bargaining Act; to provide and change collective-bargaining provisions; to provide for applicability of provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 48-811.02, 81-1374, 81-1380, 81-1389, and 81-1390, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed 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 LB400 with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 400.

A BILL FOR AN ACT relating to property tax; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2010; to change tax levy authority for natural resources districts and exceptions from levy limits as prescribed; and to repeal the original sections.

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, 47:

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

Voting in the negative, 1:

Christensen

Excused and not voting, 1:

Krist

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

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR259 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR259.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 700, 701, 702, 397, and 400.

SENATOR LANGEMEIER PRESIDING**MOTION - Override Veto on LB256**

Senator Karpisek renewed his motion, MO56, found on page 1785, that LB256 becomes law notwithstanding the objections of the Governor.

SENATOR FISCHER PRESIDING

Senator Harms moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

SPEAKER FLOOD PRESIDING

Senator Karpisek moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 21:

Campbell	Gloor	Karpisek	Mello	Wallman
Conrad	Haar, K.	Larson	Nordquist	
Cook	Hadley	Lathrop	Schilz	
Council	Harr, B.	Lautenbaugh	Schumacher	
Dubas	Howard	McGill	Sullivan	

Voting in the negative, 23:

Adams	Carlson	Hansen	Nelson	Smith
Ashford	Christensen	Harms	Pahls	Utter
Avery	Fischer	Heidemann	Pankonin	Wightman
Bloomfield	Flood	Langemeier	Pirsch	
Brasch	Fulton	McCoy	Price	

Present and not voting, 3:

Coash	Janssen	Louden
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Excused and not voting, 2:

Cornett	Krist
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 2011, at 2:12 p.m. were the following: LBs 700e, 701e, 702e, 397, and 400.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 352. Introduced by Wallman, 30; Cook, 13; Council, 11.

WHEREAS, on May 22, 2011, a massive tornado ripped through the city of Joplin, Missouri; and

WHEREAS, the tornado tore a path through the city that was six miles long and three-quarters of a mile wide. Winds from the storm reached close to two hundred miles per hour; and

WHEREAS, major parts of the city were leveled. Officials have estimated that two thousand buildings were damaged, and many churches, schools, businesses, and homes were destroyed; and

WHEREAS, more than one hundred twenty people were killed by the tornado, making it the single deadliest tornado in the United States since officials began keeping records. Hundreds more were injured; and

WHEREAS, the residents of Joplin have shown tremendous strength in pulling together to deal with this tragedy.

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

1. That the Legislature extends its sympathy and condolences to the residents of Joplin, Missouri, for their loss during this tragic storm.
2. That a copy of this resolution be sent to the city council of Joplin, Missouri.

Laid over.

LEGISLATIVE RESOLUTION 353. Introduced by Bloomfield, 17.

WHEREAS, Carroll, Nebraska, located in Wayne County, was settled in October 1886, when the Northeast Nebraska Railroad Company constructed twenty-one miles of track northeast connecting Wayne to Randolph; and

WHEREAS, a railroad manager chose the site of Carroll because of its proximity to Deer Creek; and

WHEREAS, Carroll was originally named Manning after J.R. Manning, an early settler. Later, the site was renamed after Charles Carroll, signer of the Declaration of Independence; and

WHEREAS, Carroll experienced its peak population between 1916 and 1920, when there were more than 30 businesses and a population of more than 500 located in Carroll; and

WHEREAS, there are currently 238 people living in Carroll who are proudly preparing for their 125th anniversary celebration; and

WHEREAS, Carroll is planning a three-day celebration of its 125th anniversary, which will be held July 1 to July 3, 2011.

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

1. That the Legislature congratulates the village of Carroll, Nebraska, on its 125th anniversary.
2. That a copy of this resolution be sent to the Carroll Village Board.

Laid over.

LEGISLATIVE RESOLUTION 354. Introduced by Bloomfield, 17.

WHEREAS, Marcile Thomas has announced her retirement as the administrator of the Providence Medical Center; and

WHEREAS, Marcile Thomas was employed at the Wayne Hospital in June of 1965 and has served as administrator at Providence Medical Center since 1977; and

WHEREAS, Marcile Thomas is a veteran of more than forty years in the health care field; and

WHEREAS, Marcile Thomas spearheaded many hospital projects, including the addition of a doctor's clinic, a therapy wing, an education wing, a wellness center, a 10,000-square-foot outpatient addition, the physical therapy outreach clinic in Laurel, and the creation of the MRI room at Providence Medical Center; and

WHEREAS, Marcile Thomas recently finalized the plans for another \$3.5 million addition that will include a new physical therapy wing, complete with a wellness center; and

WHEREAS, Providence Medical Center is a quality health care facility with excellent health care workers and physicians due in large part to the leadership, determination, and dedication of Marcile Thomas.

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

1. That the Legislature congratulates Marcile Thomas on her retirement as the administrator of the Providence Medical Center after more than forty years in the health care field.
2. That a copy of this resolution be sent to Marcile Thomas.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Smith, 14; Cornett, 45; Pankonin, 2; Price, 3.

WHEREAS, the Papillion-La Vista South High School baseball team won the 2011 Class A State Baseball Championship; and

WHEREAS, the Papillion-La Vista South Titans defeated Millard West to achieve back-to-back championship seasons; and

WHEREAS, for eight years, head coach Bill Lynam has served as a mentor and a leader for Titan team members; 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 SESSION:

1. That the Legislature congratulates the Papillion-La Vista South High School baseball team on winning the 2011 Class A State Baseball Championship.
2. That head coach Bill Lynam be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the team.
3. That a copy of this resolution be sent to the Titans baseball team and their coach, Bill Lynam.

Laid over.

MOTION - Override Veto on LB200

Senator Council renewed her motion, MO57, found on page 1785, that LB200 becomes law notwithstanding the objections of the Governor

Senator Council moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Council requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 20:

Adams	Carlson	Council	Harr, B.	McGill
Ashford	Coash	Dubas	Howard	Mello
Avery	Conrad	Haar, K.	Karpisek	Nordquist
Campbell	Cook	Hadley	Lathrop	Wallman

Voting in the negative, 19:

Bloomfield	Hansen	Larson	Pankonin	Smith
Fischer	Harms	Louden	Price	Utter
Flood	Heidemann	McCoy	Schilz	Wightman
Fulton	Janssen	Nelson	Schumacher	

Present and not voting, 5:

Brasch	Christensen	Gloor	Pirsch	Sullivan
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Excused and not voting, 5:

Cornett	Krist	Langemeier	Lautenbaugh	Pahls
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORT

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.

Helen Abbott Feller - State Racing Commission

Aye: 7 Senators Bloomfield, Brasch, Coash, Karpisek, Larson, McGill, Schumacher. Nay: 0. Absent: 1 Senator Krist. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

COMMUNICATION

May 25, 2011

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB256, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

COMMUNICATION

May 25, 2011

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB200 and LB200A, and consistent with our rules, I am delivering the bills for filing in the forms prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

PRESIDENT SHEEHY PRESIDING**RESOLUTIONS****LEGISLATIVE RESOLUTION 141.** Read. Considered.

LR141 was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 204. Read. Considered.

LR204 was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 141 and 204.

VISITORS

Visitors to the Chamber were Heather and Stephanie Campbell from Tucson, Arizona and Susie Campbell from Lincoln; and Senator Wightman's wife, brother, and sister-in-law, Jan Wightman from Lexington and Rod and Marla Wightman from West Virginia.

ADJOURNMENT

At 4:41 p.m., on a motion by Senator Price, the Legislature adjourned until 11:00 a.m., Thursday, May 26, 2011.

Patrick J. O'Donnell
Clerk of the Legislature